

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 12, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 12, 2022 at 9:00 A.M. and 9:30 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, 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 web site, and the bulletin boards located outside the County Clerk’s office and County Board Room on April 7, 2022. 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. Deputy County Attorney Andrew Hoffmeister was present.

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the minutes from March 22, 2022 with the following correction. The roll call vote regarding CHI Health-Good Samaritan permissive exemption needs to be changed to: the following Board members voted “Aye”: Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Abstain: Maendele. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Lieutenant Robert Tubbs, Dispatchers Janell Patton and Tracey Smalley were present for the Proclamation of the National Public Safety Telecommunicators Week. Chairman Klein read the proclamation and thanked those who serve Buffalo County. Moved by Higgins and seconded by Morrow to proclaim the week of April 10, 2022 through April 16, 2022 as “National Public Safety Telecommunicators Week” in Buffalo County with the following Resolution 2022-08. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2022-08

PROCLAMATION

Name the Week April 10, 2022 through April 16, 2022 as “National Public Safety Telecommunicators Week” in Buffalo County

WHEREAS, every day, dedicated public safety telecommunicators serve the people of Buffalo County by answering their requests for emergency assistance and dispatching the appropriate law enforcement, fire, or emergency medical personnel as quickly as possible; and

WHEREAS, the professional public safety telecommunicator is that vital link between the citizens who call 9-1-1 and the law enforcement, fire and emergency personnel who may save their life or property in an emergency; and

WHEREAS, the safety of Buffalo County’s first responders depends on the quality and accuracy of information obtained by professional public safety telecommunicators and delivered via radio, telephone and computers services; and

WHEREAS, the critical functions performed by professional public safety telecommunicators also include those related to highway safety, road maintenance, public utilities and other services that affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time, so we rely on the vigilance and preparedness of these individuals 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Buffalo County enjoys the highest standards of public health and safety, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

Moved by Higgins and seconded by Kouba to ratify the following March 25, 2022 and April 8, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

MARCH 25, 2022 PAYROLL

GENERAL FUND			
NET PAYROLL			282,335.28
AMERICAN FAMILY LIFE	I	PREMIUMS	1,238.45
RETIREMENT PLANS AMERITAS	R	EMPE RET	48,107.33
BUFFALO CO TREASURER	I	PREMIUMS	125,921.50
CREDIT MANAGEMENT	E	GARNISHMENT	169.94

EMPOWER RETIREMENT	R	DEFERRED COMP	1,125.00
GENERAL FUND CONTINUED			
FIRST CONCORD	E	FLEX FUNDS	4,952.10
FIRST NATIONAL BANK	T	FEDERAL TAXES	95,177.14
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,055.73
MADISON NATIONAL	I	LT DISABILITY	295.09
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
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	3,495.31
STATE OF NE	T	STATE TAXES	15,824.39
VISION SERVICE PLAN	E	EMPE VSP EYE	889.63
ROAD FUND			
NET PAYROLL			54,669.80
AMERICAN FAMILY LIFE	I	PREMIUMS	1,031.99
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,716.38
BUFFALO CO TREASURER	I	PREMIUMS	2,970.00
FIRST CONCORD	E	FLEX FUNDS	697.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,021.82
MADISON NATIONAL	I	PREMIUMS	161.64
MADISON NATIONAL	I	LT DISABILITY	100.59
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	901.48
STATE OF NE	T	STATE TAXES	2,421.71
VISION SERVICE PLAN	E	EMPE VSP EYE	233.64
WEED FUND			
NET PAYROLL			5,061.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	800.66
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,623.80
MADISON NATIONAL	I	LT DISABILITY	3.55
PRINCIPAL	E	DENTAL	61.00
STATE OF NE	T	STATE TAXES	254.12

APRIL 8, 2022 PAYROLL

GENERAL FUND			
NET PAYROLL			283,004.02
AMERICAN FAMILY LIFE	I	PREMIUMS	1,198.53
RETIREMENT PLANS AMERITAS	R	EMPE RET	48,356.32
BUFFALO CO TREASURER	I	PREMIUMS	125,373.50
CREDIT MANAGEMENT	E	GARNISHMENT	183.54
EMPOWER RETIREMENT	R	DEFERRED COMP	1,125.00
FIRST CONCORD	E	FLEX FUNDS	5,356.68
FIRST NATIONAL BANK	T	FEDERAL TAXES	96,413.31
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,118.95
MADISON NATIONAL	I	LT DISABILITY	294.76
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
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	3,479.25
STATE OF NE	T	STATE TAXES	16,087.02
VISION SERVICE PLAN	E	EMPE VSP EYE	874.41
ROAD FUND			
NET PAYROLL			53,493.23
AMERICAN FAMILY LIFE	I	PREMIUMS	1,031.99
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,551.32
BUFFALO CO TREASURER	I	PREMIUMS	3,121.50
FIRST CONCORD	E	FLEX FUNDS	697.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	15,563.92

ROAD FUND CONTINUED			
MADISON NATIONAL	I	PREMIUMS	206.47
MADISON NATIONAL	I	LT DISABILITY	100.78
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	915.64
STATE OF NE	T	STATE TAXES	2,321.10
VISION SERVICE PLAN	E	EMPE VSP EYE	233.38
WEED FUND			
NET PAYROLL			5,061.09
RETIREMENT PLANS AMERITAS	R	EMPE RET	800.66
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,623.80
MADISON NATIONAL	I	LT DISABILITY	3.54
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	254.12

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

ROAD FUND			
STATE OF NE-MOTOR FUELS	T	FUELS TAX	1,705.00

Moved by Morrow and seconded by Kouba to accept the Clerk of the District Court March 2022 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to accept the Buffalo County Treasurer March 2022 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Buffalo County Treasurer Jean Sidwell was present to discuss the accommodation of taxpayers for the 2021 first half tax delinquency date and the closing of the Courthouse on the April 29, 2022 Arbor Day holiday. This topic was not on the Agenda, so this will be placed on the April 26, 2022 Agenda for a formal decision.

Moved by Loeffelholz and seconded by Kouba to approve the following Resolution 2022-09 to instruct County Treasurer Jean Sidwell to issue Tax Sale Certificates in the name of the County. The list of legal descriptions mentioned in the Resolution are on file with the Buffalo County Clerk for public viewing. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-09

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Commissioners, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2016, 2017, 2018, 2019, 2020 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2016, 2017, 2018, 2019, 2020 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Higgins and seconded by Loeffelholz to approve the following tax refund request submitted by County Treasurer Jean Sidwell for Ivan Hanks in the amount of \$25.56 for parcel number 628375000. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Deputy County Andrew Hoffmeister and Board Commissioner Sherry Morrow reviewed the American Rescue Plan Act (ARPA) of 2021 Grant Contract with the City of Gibbon. After discussion it was moved by Maendele and seconded by Higgins to authorize Chairman Klein to approve the following Resolution 2022-10. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-10

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 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(s) 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 City of Gibbon to assist that city in the construction, improvement, expansion, improved surveillance and security, and renovation to its' municipal water and sewage system(s), to help with the payment of that system because the City of Gibbon 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 City of Gibbon yield efficiencies in time and process in the development and implementation of the City's 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 City of Gibbon for the financial assistance to the City for the construction, improvements, expansion, improved surveillance and security, and renovation to its municipal water and sewage system(s) for the duration of the Agreement, and to take all necessary steps required to complete this Agreement.

ZONING

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

Chairman Klein opened the public hearing at 9:19 A.M. for a special use permit to operate a landscaping business. Jon Sullivan was present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:23 A.M. Moved by Higgins and seconded by Maendele to approve Special Use Permit application for Jon Sullivan, President of Firefly Landscaping, Inc. to operate a landscaping business, for property located at 14310 11th Road, Elm Creek, Nebraska, 68836, described as Part of the Southwest Quarter of the Southwest Quarter of Section Five (5), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2022-11. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-11

WHEREAS, Jon Sullivan, applicant, President of Firefly Landscaping Inc., filed for a Special Use Permit, on August 29, 2017, located at 14310 11th Road, Elm Creek, Nebraska, 68836, with the Buffalo County Clerk and/or Zoning Administrator, to construct an office building and storage of equipment, to be situated on the following legal description:

A tract of land being part of the Southwest Quarter of the Southwest Quarter of Section Five (5), Township Eight (8) North, Range Seventeen (17) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of the Southwest Quarter of Section (5) and assuming the West line of the Southwest Quarter of said Section Five (5) as bearing North 00 degrees 14 minutes 27 seconds East and all bearings contained herein are relative thereto; thence North 00 degrees 14 minutes 27 seconds East and on the West line of said Southwest Quarter a distance of 658.00 feet; thence North 62 degrees 52 minutes East a distance of 295.0 feet; thence North 88 degrees 33 minutes East a distance of 447.0 feet; thence North 37 degrees 41 minutes East a distance of 104.0 feet; thence North 67 degrees 05 minutes East a distance of 83.0 feet; thence South 62 degrees 45 minutes East a distance of 173.0 feet; thence South 28 degrees 34 minutes East a distance of 190.0 feet; thence South 48 degrees 13 minutes East a distance of 150.0 feet; thence South 64 degrees 10 minutes 21 seconds East a distance of 139.1 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter of said Section Five (5), said point also being 491.0 feet northerly from the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section Five (5); thence South 00 degrees 03 minutes 58 seconds West and on the East line of the Southwest Quarter of the Southwest Quarter of said Section Five (5) a distance of 491.0 feet to the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section Five (5); thence South 89 degrees 06 minutes 16 seconds West and on the South line of the Southwest Quarter of the Southwest Quarter of said Section Five (5) a distance of 1,333.48 feet to the place of beginning.

hereinafter referred to as the "subject property".

WHEREAS, on September 21, 2017, The Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 6-0 vote, with 3 absent voted to forward this application to the County Commissioners, and

WHEREAS, on October 10, 2017, the Buffalo County Board of Commissioners held a public hearing on the Special Use Permit, and

WHEREAS, The Buffalo County Board of Commissioners by a majority vote of its members, approved the applicant's requested Special Use Permit subject to the following, under Resolution 2017-50:

1. Applicant will add a 24' x 40' addition on to the west side of an existing building.
2. 911 street address of facility shall be placed on a sign along with a phone number of party to contact in event of emergency to be located along 11th Road.

3. Construction shall commence within 120 days of the date of issuance, thereof, and shall be completed with two years of the date of issuance.
4. All rules and regulations shall be in compliance with State and Federal regulations.

and,

WHEREAS, on or about December 10, 2021, the Zoning Administrator was contacted by the applicant requesting approval to construct an office structure, as allowed under Resolution 2017-50, and

WHEREAS, on or about December 14, 2021 and on or about February 14, 2022, the Zoning Administrator notified the applicant that, since the construction, approved under Resolution #2017-50, did not commence construction of the requested structures within 120 days from the date of issuance of the 2017 permit and that a new Special Use Permit Application would need to be completed and resubmitted. Further, the applicant was notified that any commencement of construction at the stated location was to cease, and

WHEREAS, Jon Sullivan, applicant, President of Firefly Landscaping Inc., has filed for a Special Use Permit, located at 14310 11th Road, Elm Creek, Nebraska, 68836, with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, one application was filed February 15, 2022, to operate a landscaping business, to be situated on the subject property, and

WHEREAS, on March 17, 2022, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote with one absent, voted to forward this application to the County Commissioners with a favorable recommendation, and

WHEREAS, on April 12, 2022, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, three exhibits were attached to the application:

1. The application of the Special Use Permit.
2. Site Plans.
3. Existing Parking Plans.

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 11th Road to the North and Amherst Road to the East. It has adequate public access without need of additional public works services.
 - 911 (Address) Signage shall be placed at the entrance.
 - The applicant will use an existing structure/shop for the storage of landscaping materials.
 - As part of the Special Use Permit Application Process, two additional structures and/or structural alterations will be permitted: a (32' x 40') addition to an existing storage structure and a new 40' x 80' office structure.
- and,

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 applicants' requested Special Use Permit, subject however to the following:

1. The use is the subject property is designated as a landscaping operation to be conducted, along with minimal retail sales.
2. 911 (Address) Signage shall be placed at the entrance.
3. As described on the Special Use Permit, which is incorporated into this Resolution by this reference, two additional structures and/or alterations to existing structures are permitted, to-wit: a (32' x 40') addition to an existing storage structure and a new 40' x 80' office structure.
4. Construction shall commence within 120 days from the date of Board approval of the Special Use Permit, and construction activity shall be completed within two years of the date of Board adoption.
5. All rules and regulations shall be 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.

Chairman Klein opened the public hearing at 9:23 A.M. for a Code Amendment to Buffalo County Zoning Regulations, to add and define “butchering facilities”, renumbered, to Section 3.3112, AND to add butchering facilities, handling less than 2,500 animal equivalent units per year, as defined in Section 6.4 to: Section 5.62 (Industrial District) as a Permitted Principle Use, to Section 5.54 (Commercial District) as a Permitted Special Use, and to Section 5.14 (Agriculture District) as a Permitted Special Use AND adding butchering facilities handling 2,500 or more animal equivalent units per year, as defined in Section 6.4, to Section 5.64 (Industrial District) as a Permitted Special Use. Deputy County Attorney Andrew Hoffmeister reviewed the proposed amendment and James Winchester addressed the Board. Chairman Klein closed the public hearing at 9:36 A.M. Moved by Maendele and seconded by Loeffelholz to approve the Code Amendment to add and define “butchering facilities” with Resolution 2022-12. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-12

WHEREAS, on March 17, 2022, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to Buffalo County’s Zoning Regulations to add and define “butchering facilities”, to Section 3.3112, after renumbering, and adding butchering facilities handling less than 2,500 animal equivalent units per year, as defined in Section 6.4, to Section 5.62 (Industrial District) as a Permitted Principle Use, to Section 5.54 (Commercial District) as a Permitted Special Use, and to Section 5.14 (Agriculture District) as a Permitted Special Use AND adding butchering facilities handling 2,500 or more animal equivalent units per year, as defined in Section 6.4, to Section 5.64 (Industrial District) as a Permitted Special Use. That Commission voted unanimously to recommend that this Board adopt the proposed amendment, and

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

WHEREAS, on April 12, 2022, this Board conducted a public hearing concerning proposed amendments to Buffalo County’s Zoning Regulations and no parties appeared to oppose such proposed amendment,

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

Add as a broad definition (Section 3.3112, renumbered):

“Butchering Facility. A Butchering Facility is any land, building, place, and/or establishment in which animals are slaughtered, eviscerated, and/or animal flesh is prepared for consumption of the owner of the animal and/or the sale to the public of butchering produce with sales conducted at the Butchering Facility. A Butchering Facility shall be served by an on-site sewage treatment system. The disposal of waste from the facility shall include a plan that shall include, but is not necessarily limited to, the disposal of all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, and bones. A Butchering Facility does not include land, a building, and/or a place that slaughters animal(s) or processes meat for the owner of the animal(s) on the premises of the owner of the animal(s) when the meat derived from the process is returned to the owner of the animal(s).”

Add as a Use-By-Right to Section 5.62, Industrial (I) District:

Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.4.

Add by Special Use Permit to Section 5.64, Industrial (I) District:

Butchering facility handling 2,500 or more Animal Equivalent Units per year as defined in Section 6.4.

Add by Special Use Permit to Section 5.54, Commercial (C) District:

Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.4.

Add by Special Use Permit to Section 5.14 Agriculture (AG) District:

Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.4.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the following agenda item. After discussion and review by Deputy County Attorney Andrew Hoffmeister, it was moved by Kouba and seconded by Morrow to authorize Chairman Klein to sign the contract regarding the road improvement project which is approximately 300 feet of 97th Street extended east from its’ intersection with Antelope Road with Jason Potter and Riley Potter. Upon roll call vote, the following Board members voted "Aye": Kouba, Morrow, Higgins, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to recess the regular meeting of the Board of Commissioners at 9:46 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, 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.

Chairman Klein opened the hearing for Nebraska Art Museum Collection permissive exemption application at 9:47 A.M. Executive Director Nicole Herden with the Museum of Nebraska Art and Attorney Coy Clark with Jacobson Orr Lindstrom & Holbrook PC LLO was present for the following agenda item. No one else addressed the Board and Chairman Klein closed the hearing at 9:49 A.M. Moved by Maendele and seconded by Higgins to approve the application filed by Nebraska Art Museum Collection on Parcel number 610179000 as 100% exempt. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve Tax List Corrections numbered 4862 through 4876 submitted by County Assessor Skinner. 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 approve the Valuation Change submitted by County Assessor Skinner for Donald W. III and Paris J. Parsons on parcel number 560402114. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for Randall L. and Debra K. Alexander on parcel number 520168056. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for RK Development, LLC on parcel number 560602080. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for 1st Church of God on parcel number 600130300. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid-Nebraska for a 2019 Ford Fusion and a 2019 Kia Optima. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Crane River Theater Company, Inc. for a 2022 Big Tex Flatbed, 2022 Big Tex Dump Trailer and a 2021 Sharp Cargo Trailer. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

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

REGULAR AGENDA

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 application filed by The Village 1919 for the events to be held on May 7, May 21 and May 28, 2022. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Danielle Schroeder with 3D Bar & Grill was present for the following agenda item. Following discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Higgins to approve the Special Designated Liquor License application filed by Danielle Schroeder, DBA 3D Bar & Grill for an event to be held on May 28, 2022. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Maendele to approve the reconstruction of the building for Fort Kearney Trading Post Inc. liquor license. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for the replacement and upgrade of the outdoor siren controlling system. Sheriff Neil Miller and Emergency Manager Darrin Lewis were present for the bid opening. Bids were submitted from Acoustic Technology, Inc. (ATI Systems), Motorola Solutions, Inc., American Signal Corporation, and Federal Signal and they are on file in the Clerk's office for public viewing. Sheriff Miller and Emergency Manager Lewis will review the bids and come back with recommendations at a later date.

Chairman Klein called on each Board member present for committee reports and recommendations.

Chairman Klein reviewed the following correspondence. Merchant McIntyre Associates sent a letter regarding unprecedented federal funding in Washington, D.C. Old Town Kearney Association sent notice of the \$30.00 annual dues. The Regional Planning Commission sent a letter regarding Hall County readopting their zoning resolution with a number of proposed changes. Nebraska Department of Revenue sent the 2022 Reports and Opinions of the Property Tax Administrator. Village of Shelton sent a notice of meetings on April 13 and April 14, 2022 regarding the proposed Redevelopment Plan for Lots one through eight of Andrews Subdivision to the Village of Shelton. Kearney Area Chamber of Commerce (KACC) sent communication and their Livability issue regarding successes that the Chamber has had over this past year. Lauren Brandt, Kearney City Clerk sent an email noting Marta Moorman's letter of resignation from the City's Advisory Board of Park & Recreation. City of Kearney Planning Commission sent their agenda for proposed changes in zoning.

Chairman Klein called for Citizen's forum and Sheriff Neil Miller presented updated reports on the legislative bills that would affect County issues. No one else was present to address the Board.

Moved by Loeffelholz and seconded by Kouba to enter into Executive Session at 10:32 A.M. to protect the public interest, security needs and a strategy session with concerns to property valuation protests. In addition to the Board members responding to roll call, Board Administrator Lynn Martin, County Clerk Janice Giffin and Deputy County Attorney Andrew Hoffmeister were present. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Kouba to move out of Executive Session at 11:12 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Chairman Klein asked if there was anything else to come before the Board at 11:13 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, April 26, 2022.

ATTEST:

Ivan Klein, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)