

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 8, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 8, 2023 at 9:00 A.M. and 9:30 A.M. Chairperson Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk’s office and County Board Room on August 3, 2023. Chairperson Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. Deputy County Attorney Andrew Hoffmeister was present.

REGULAR AGENDA

Moved by Higgins and seconded by Loeffelholz to approve the July 25, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following July 28, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			317,856.50
AMERICAN FAMILY LIFE	I	PREMIUMS	1,277.09
RETIREMENT PLANS AMERITAS	R	EMPE RET	52,729.75
BUFFALO CO TREASURER	I	PREMIUMS	131,878.00
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,150.00
FIRST CONCORD	E	FLEX FUNDS	5,286.34
FIRST NATIONAL BANK	T	FEDERAL TAXES	106,568.18
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,140.28
MADISON NATIONAL	I	LT DISABILITY	284.25
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	385.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,522.19
STATE OF NE	T	STATE TAXES	18,316.09
VISION SERVICE PLAN	E	EMPE VSP EYE	938.56
<u>ROAD FUND</u>			
NETPAYROLL			62,527.94
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANSAMERITAS	R	EMPE RET	9,545.36
BUFFALO CO TREASURER	I	PREMIUMS	3,646.00
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,218.91
MADISON NATIONAL	I	PREMIUMS	204.32
MADISON NATIONAL	I	LT DISABILITY	114.05
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,050.93
STATE OF NE	T	STATE TAXES	2,810.02
VISION SERVICE PLAN	E	EMPE VSP EYE	245.17
<u>WEED FUND</u>			
NET PAYROLL			5,344.66
RETIREMENT PLANS AMERITAS	R	EMPE RET	840.87
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,696.82
MADISON NATIONAL	I	LT DISABILITY	3.69
PRINCIPAL	E	DENTAL	61.00
STATE OF NE	T	STATE TAXES	269.62

Moved by Morrow and seconded by Maendele to accept the Buffalo County Treasurer July 2023 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Morrow to accept the Clerk of the District Court July 2023 Report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Moved by Lynch and seconded by Morrow to accept the June 2023 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to accept the Buffalo County Veteran Service Quarterly Reports ending 03/31/2023 and 06/30/2023. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Buffalo County Chief Deputy Sheriff Dan Schleusener was present for the presentation of the Sheriff's Distress Warrant report. Moved by Maendele and seconded by Kouba to accept the Buffalo County Sheriff's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to authorize Chairperson Klein to sign 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, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Maendele to approve of the Application for Depository of County Monies with Bruning Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Moved by Maendele and seconded by Lynch to authorize County Treasurer Brenda Rohrich to invest County Funds to Bruning Bank. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Morrow to authorize Chairperson Klein to sign the American Rescue Plan Act (ARPA) of 2021 Grant Contract with Community Action Partnership of Mid-Nebraska. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Lynch, Maendele and Klein. Absent: Kouba. Motion declared carried.

Moved by Higgins and seconded by Kouba to reappoint Rich White and Larry Hardesty to the Board of Adjustment for a three-year term effective immediately. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to reappoint Randy Vest, Marc Vacek, and Loye Wolfe to The Planning and Zoning Commission for a three-year term effective immediately. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

After discussion of the Vision Service Plan (VSP) premium increase and enhanced coverage was moved by Maendele and seconded by Kouba to approve of VSP premium increase and enhanced coverage. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Higgins and seconded by Maendele to approve the Special Designated Liquor License application filed by B&B Research and Investments LLC; Trade Name: Village 1919, DBA: The Village for an events to be held at "The Farm" located at 51460 100th Road Shelton, NE 68876 on September 2, 2023. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Loeffelholz to approve the Special Designated Liquor License application filed by The Wandering Well for an events to be held at "Knobel Barn" located at 3070 Odessa Rd. Kearney, NE 68845 on September 9, 2023. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Chairperson Klein reviewed the following correspondence. Eakes Office Solutions sent a letter about changes to their charge account terms and conditions. City of Kearney sent a letter regarding Amendments to Blight & Standard Study / Redevelopment Plan for Areas #2 & #8 for "Younes Redevelopment Project" and "2023 Younes Expansion Project". Kearney Area Chamber of Commerce sent an invitation to their Team 2.0 workshop for effective leadership for first Line Managers and Supervisors. City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for August 18, 2023. Chairperson Klein called on each Board member present for committee reports and recommendations.

ZONING

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

Chairperson Klein opened the public hearing at 9:17 A.M. for an Administrative Subdivision filed by Mitch Humphrey, Registered Land Surveyor, on behalf of Harold D. Hubbard and Darla A. Hubbard, to be known as "Fausch Administrative Subdivision". This property is located in part of the Southeast Quarter of the Southwest Quarter of Section Thirty-Two (32), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:19 A.M. Moved by Maendele and seconded by Loeffelholz to approve the Administrative Subdivision to be known as "Fausch Administrative Subdivision with the following Resolution 2023-40. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-40

WHEREAS, Mitch Humphrey, licensed land surveyor, on behalf of Harold D. Hubbard and Darla A. Hubbard, hereinafter referred to as "applicants", has filed for an Administrative Subdivision to be known as "Fausch Administrative Subdivision", with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on August 8, 2023, this Board conducted a public hearing now and finds:

1. The proposed "Fausch Administrative Subdivision" is in the Agriculture (AG) Zoning District for Buffalo County, Nebraska.
2. The remaining portion of the subdivided tract, presently owned by Harold D. Hubbard and Darla A. Hubbard, referred to as Parcel ID 460074000, and situated in the part of the Southwest Quarter in Section Thirty-Two (32), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, complies with the minimum lot size of this zoning district; any remnant property not subdivided and owned by Harold D. Hubbard and Darla A. Hubbard, amounts to roughly 157 acres.
3. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02, together with other provisions applicable, thereto.
4. 115th Road is a county-maintained, open public road and it abuts the subdivision on its south side. The width of 115th Road meets this county's minimum width standards.
5. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title as concerns Buffalo County's interests based upon the title search documents delivered to that office by applicant.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of "Fausch Administrative Subdivision", an administrative subdivision being located in part of the Southeast Quarter of the Southwest Quarter of Section Thirty-Two (32), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Zoning Administrator Daniels presented a Special Use Permit Compliance Report, for the special use permit, issued under Resolution 2022-49. No one addressed the Board. After discussion, it was moved by Loeffelholz and seconded by Lynch to authorize Zoning Administrator Daniels to proceed with scheduling a public hearing regarding a review of the Special Use Permit issued under Resolution 2022-49 with said hearing to be held September 12, 2023 at 9:15 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Motion declared carried.

Chairperson Klein called for a 10 minute recess at 9:20 A.M. and returning at 9:30 A.M. County Attorney Shawn Eatherton arrived at 9:20A.M.

Moved by Maendele and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 9:31 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

BOARD OF EQUALIZATION

Chairperson Klein called the Board of Equalization to order in open session. County Assessor Roy Meusch was present.

County Assessor Meusch presented the 3 Year Plan of Assessment for Buffalo County and filed the report with the County Clerk. Moved by Loeffelholz and seconded by Kouba to accept the 3 Year Plan of Assessment for Buffalo County. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

County Assessor Meusch presented the 2023 Cemetery Report and filed the report with the County Clerk. Moved by Maendele and seconded by Kouba to accept the 2023 Cemetery Report and filed the reports with the County Clerk. 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 Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Grace Fellowship Inc. for a 2000 Flatbed Utility Trailer, a 2003 Chevy C2500 Pickup, a 2004 Ford F250 Pickup, a 2009 HHCT Enclosed Trailer and a 2015 HHCT Enclosed Trailer. Upon roll call vote, the following Board members voted “Aye”: Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for American Red Cross for a 2000 Trailer Pace. Upon roll call vote, the following Board members voted “Aye”: Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:42 A.M. Upon roll call vote, the following Board members voted “Aye”: Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

ROAD DEPARTMENT

Assistant Highway Superintendent, Cory Jensen was present for the following agenda items.

Moved by Maendele and seconded by Kouba to set bid date of Tuesday, September 12, 2023 at 9:45 A.M. for the Project No. C10 (1006) Gibbon Road for clay. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Deputy County Attorney Hoffmeister presented the road improvement agreement with Casey’s General Stores to the Board. No one else addressed the Board. After discussion it was moved by Loeffelholz and seconded by Kouba to approve the proposed for road improvements, with contracting party not allowed to enter road right of way until performance and cash bonds are submitted to the County Clerk’s Office. Upon roll call vote, the following Board members voted “Aye”: Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Klein called for Citizen’s Forum, Chief Deputy Sheriff Schleusener thanked the Board for their attendance to the Law Enforcement Appreciation Banquet. Tom McCoy thanked the Board for their support with the Veterans Service Committee.

Chairperson Klein asked if there was anything else to come before the Board at 9:55 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, August 22, 2023.

ATTEST:

Ivan H. Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)