

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 12, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 12, 2024 at 9:00 A.M. and 9:45 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 March 7, 2024. Chairperson Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Lynch and seconded by Kouba to approve the February 27, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to ratify the following March 8, 2024 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

MARCH 8, 2024 PAYROLL

GENERAL FUND			
NET PAYROLL			365,517.22
AMERICAN FAMILY LIFE	I	PREMIUMS	1,439.02
RETIREMENT PLANS AMERITAS	R	EMPE RET	65,129.32
BUFFALO CO TREASURER	I	PREMIUMS	163,568.55
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,715.88
FIRST NATIONAL BANK	T	FEDERAL TAXES	130,223.79
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,219.19
MADISON NATIONAL	I	LT DISABILITY	306.11
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,860.03
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,449.50
NE CHILD SUPPORT	E	CHILD SUPPORT	945.00
STATE OF NE	T	STATE TAXES	21,143.55
VISION SERVICE PLAN	E	EMPE VSP EYE	1,234.26
ROAD FUND			
NET PAYROLL			66,413.85
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,554.25
BUFFALO CO TREASURER	I	PREMIUMS	4,382.69
FIRST CONCORD	E	FLEX FUNDS	999.57
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,981.05
MADISON NATIONAL	I	PREMIUMS	167.51
MADISON NATIONAL	I	LT DISABILITY	114.78
METLIFE	E	DENTAL	953.57
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,886.76
VISION SERVICE PLAN	E	EMPE VSP EYE	309.33
WEED FUND			
NET PAYROLL			5,474.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	870.45
BUFFALO CO TREASURER	I	PREMIUMS	320.65
FIRST CONCORD	E	FLEX FUNDS	104.16
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,714.88
MADISON NATIONAL	I	LT DISABILITY	3.81
METLIFE	E	DENTAL	56.94
STATE OF NE	T	STATE TAXES	263.88

VISION SERVICE PLAN	E	EMPE VSP EYE	4.81
---------------------	---	--------------	------

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

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

Moved by Morrow and seconded by Lynch to approve the addition of pledged collateral in the amount of \$150,000.00 for the Buffalo County Treasurer at FirsTier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the addition of pledged collateral in the amount of \$8,974,695.33 for the Buffalo County Treasurer at First National Bank Omaha. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Maendele to approve the release of pledged collateral in the amount of \$150,000.00 for the Buffalo County Treasurer at FirsTier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

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

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

Moved by Morrow and seconded by Lynch to accept the resignation of Michaela Lewis from the Kearney Park and Rec Advisory Board. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Josiah Davis arrived at 9:05 A.M.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for March 15, 2024. Miller & Associates Consulting Engineers P.C. sent a post card invitation to their 23rd Annual Golf Tournament on May 24, 2024 located at Awarii Dunes Golf Course with a formal invitation to follow. Gabe & Wes Pearson: Sent an invitation to their graduation held on May 11, 2024 at Harmon Park Activity center. LowerLoup Natural Resource District (NRD) sent a letter summarizing the Water Quantity Management for areas 18 and 20 and also requests the completion of cost-share application back to the NRD for approval prior to flowmeter purchases/installation. Nebraska Intergovernmental Risk Management Association (NIRMA) sent an informational poster and agenda for the Spotlight Seminar Series Scheduled for April 2024. Buffalo County Public Defender sent a letter regarding Corey A. Burns who was recently hired by Buffalo County as well as another legal assistant and as a result the Buffalo County Public Defender's office is now fully staffed. Chairperson Klein called on each Board member present for committee reports and recommendations.

ZONING

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

Chairperson Klein opened the public hearing at 9:20 A.M. for a Preliminary Plat Application filed by Mitch Humphrey, Registered Land Surveyor on behalf Eric C.D. Roubicek and Heather Roubicek. This property is for a Preliminary Subdivision to known as "Roubicek Subdivision". This property is located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Deputy County Attorney Andrew Hoffmeister presented the application to the Board. Eric C.D. Roubicek and Heather Roubicek were present to answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:26 A.M. Moved by Morrow and seconded by Higgins to approve the Application for Preliminary Subdivision, "Roubicek Subdivision", located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2024-07. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2024-07

WHEREAS, on August 16, 2018, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to Eric C.D. Roubicek and Heather Roubicek, a proposed subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission, that have been forwarded to this Board, and reviewed by this Board, and

WHEREAS, on September 11, 2018, The Buffalo County Board of Commissioners, after public hearing, considered approval of the preliminary plat, and later, this Board approved the proposed preliminary plat, under Resolution 2018-38, with the following relaxations:

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66' (Section 4.03 Subdivision),
 2. Relaxation of the width of street to be 66' (Section 4.03 Subdivision)
 3. Relaxation of access from public street or road (Section 4.13 (Subdivision)
 4. Set back of 50' from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution).
- , and

WHEREAS, on June 17, 2021, The Buffalo County Planning Commission, after a public hearing, forwarded proposed code amendments of The Buffalo County Zoning and Subdivision Regulations, regarding clarification and requirements of accesses, to The Buffalo County Board of Commissioners. On July 13, 2021, The Buffalo County Board of Commissioners, by simple majority, approved the amendments, as presented, under Resolution 2021-43. These code amendments caused the proposed subdivision, to not be in compliance with the amended zoning/subdivision code resolutions, and

WHEREAS, on, or around, September 11, 2023, The Buffalo County Zoning Office received an Application for Final Plat for "Roubicek Subdivision", filed by Mitch Humphrey, Registered Land Surveyor, for the same tract of land, and

WHEREAS, on, or around October 10, 2023, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Final Plat, known as "Roubicek Subdivision" because as of October 10, 2023, the subdivision, as proposed, was no longer compliant under zoning and subdivisions, then, in effect. Thereafter the Board, by simple majority, voted in favor of The Buffalo County Zoning Administrator's recommendation of denial, and

WHEREAS, on December 14, 2023, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Relaxation of Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road,
 2. Relaxation of Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street,
 3. Relaxation of Buffalo County Subdivision Regulations, Section 2.35, defining a street,
 4. Relaxation of Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road.
- , and

WHEREAS, on February 15, 2024, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to the proposed subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed Roubicek Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16), West of the Sixth Principal Meridian, Buffalo County, Nebraska.

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

ROAD DEPARTMENT

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

Moved by Higgins and seconded by Lynch to accept the low bids of Paulsen Inc. for Zones 1 through 8: Ed Broadfoot & Sons Sand & Gravel Inc. for Zone 9; Mid Nebraska Aggregate Inc. for Zones 10 through 14 and Zones 16 through 26 and Southwest Gravel Products for Zone 15. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Project No. C10 (1431) Sweetwater Avenue South 11th Street. No bids were submitted at this time.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:33 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Maendele and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for American National Red Cross for a 1999 Cargo Trailer. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Community Action Partnership of Mid-Nebraska for a 2019 Kia Optima, a 2019 Ford Fusion and a 2022 Chevy Equinox. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Chairperson Klein opened the Permissive Exemption hearing for Educationquest Foundation at 9:35 A.M. that was extended from the February 27, 2024 Meeting. Moved by Morrow and seconded by Kouba to approve the Educationquest Foundation Permissive Exemption Application for parcel 310003004 as presented and as determined by the County Board to meet the statutory rules as required for exemption status. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Moved by Maendele and seconded by Higgins to approve Tax List Corrections numbered 5011 through 5035 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:38 A.M. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

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

Chairperson Klein asked if there was anything else to come before the Board at 9:39 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 26, 2024.

ATTEST:

Ivan H. Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)