

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 29, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 29, 2024 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. Due to the weather emergency, the meeting did not convene until Friday, March 29, 2024. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Daniel Lynch, Ronald Loeffelholz, 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 21, 2024. Due to weather notice was published on NTV News and the Buffalo County Website on March 26, 2024 that the meeting was postponed until March 29, 2024 at 9:00 A.M. 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 Josiah Davis was present.

REGULAR AGENDA

Moved by Higgins and seconded by Maendele to approve the March 12, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Lynch, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to ratify the following March 22, 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.

Chairperson Klein read into the record and presented the Amherst Boys Basketball team with an Achievement Award for being Nebraska State Champions. Due to a scheduling change the Shelton Boys Basketball team achievement award will be delayed until the next board meeting on April 9, 2024.

Commissioner Maendele read into the record Employee Recognitions for the following County Employees: Heavy Equipment Operator Bob Shafto for 25 years of service, Weed Superintendent Brett Stubbs for 15 years of service and Head Custodian Laura Herman for 10 years of service.

Transportation Director Charles McGraw from the Community Action Partnership of Mid Nebraska was present to review the funding matches required for the operations RYDE Transit-Community Action Partnership of Mid Nebraska. Moved by Morrow and seconded by Lynch to approve the Local Funding Match with the following Resolution 2024-08 for RYDE Transit Public Transportation. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele, and Klein. Motion declared carried.

RESOLUTION 2024-08

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

WHEREAS, the RYDE Transit-Community Action Partnership of Mid Nebraska desires to apply for said funds to provide public transport in (transit system's service area).

NOW THEREFORE, BE IT RESOLVED; the Buffalo County Board of Commissioners hereby instructs the RYDE Transport to apply for said funds.

Said funds are to be used for the RYDE Transit transportation operations in the FY 2024-2025 Application for Public Transportation Assistance.

After discussion, it was determined that the Funds transfer agenda item was not necessary this month.

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

Moved by Morrow and seconded by Higgins to approve the appointment of Joseph H. Cipov to the Advisory Board of Park and Recreation Commission. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Lynch, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to authorize Register of Deeds to release dormant copy accounts to the General Fund. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to authorize Chairperson Klein to sign a contract with Holiday Inn for the Employee Holiday party. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

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

County Attorney Shawn Eatherton arrived at 9:11 A.M.

County Attorney Eatherton was present for the discussion of the Lancaster County Juvenile Detention services agreement. Moved by Loeffelholz and seconded by Morrow to approve and authorize Chairperson Klein to sign the Lancaster County Juvenile Detention services agreement. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Election Commissioner, Lisa Poff was present for the discussion of the InTech Software Solutions, Inc aka "Modus" election software agreement. Moved by Maendele and seconded by Higgins to approve and authorize Chairperson Klein's signature on the InTech Software Solutions, Inc aka "Modus" election software agreement. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Buffalo County Treasurer Brenda Rohrich was present for the following agenda items. Moved by Morrow and seconded by Higgins to approve the following Resolution 2024-09 to instruct County Treasurer Rohrich, 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's office. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2024-09

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 Sales Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2018, 2019, 2020, 2021, 2022 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 2018, 2019, 2020, 2021, 2022 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Morrow and seconded by Lynch to approve the tax refund request on parcel 310002037 Tillotson Enterprised. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Chairperson Klein reviewed the following correspondence. Nebraska Department of Transportation (NDOT): sent 3 letters and summaries (one to the Board, one to Road and one to the Clerk) regarding NDOT Project: STP-NH-10-2(125) Kearney East Bridges; CN42890. Construction is tentatively scheduled to begin in late spring 2025 and be completed in the fall of 2025. Greys Harbor County, Washington sent a pamphlet announcing a new job position for a County Administrator and are inviting applications for the position. Nebraska Department of Transportation (NDOT) sent an email for a request for review and comment under section 106 of the National Historic Preservation act. Included was an attachment memo for Project Name: Kearney East, Project No.: STP-30-4 (167) Control No.: 42969. This email was also sent to Highway Superintendent John Maul.

ZONING

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

Chairperson Klein opened the public hearing at 9:22 A.M. for an Administrative Subdivision filed by Mitch Humphrey, Licensed Land Surveyor, on behalf of Jil Hallie John, Trustee, of the Jil Hallie John Living Trust, for an Administrative Subdivision, to be known as "J John Administrative Subdivision." This property is located in part of Government Lot Three and Part of Government Lot Four in Section Eleven (11), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Kearney resident Andy Spracklen spoke in favor. 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 Administrative Subdivision with the following Resolution 2024-10. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2024-10

WHEREAS, Mitch Humphrey, licensed land surveyor, on behalf of Jil Hallie John, Trustee of the Jil Hallie John Living Trust, hereinafter referred to as “applicant”, has filed for an Administrative Subdivision to be known as “J John 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 March 29, 2024, this Board conducted a public hearing now and finds:

1. The proposed “J John Administrative Subdivision” is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The tract, presently owned by Jil Hallie John, Trustee of the Jil Hallie John Living Trust, referred to as Parcel 520000032, and situated in Part of Government Lot Three and Part of Government Lot Four, in Section Eleven (11), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, has no remnant.
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. Evergreen Road is a county-maintained, open public road and it abuts the subdivision on its east side. The width of Evergreen 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 “J John Administrative Subdivision”, an administrative subdivision being located in Part of Government Lot Three and Part of Government Lot Four, in Section Eleven (11), Township Eight (8) North, Range Seventeen (17) 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 Summary Report of Denial for Proposed Final Plat. Chairperson Klein opened discussion for Craig Bennett, of Miller and Associates, Consulting Engineers, P.C., on behalf of Benjamin G. Hirschfeld and Christie Hirschfeld and Harry W. Whitley III and Correne E. Whitley who commented on the Summary Report of the application for Final Plat for “Amity Hills Subdivision”, located in part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. No one else addressed the Board. Moved by Loeffelholz and seconded by Higgins to deny the proposed Final Plat for “Amity Hills Subdivision”, and, further, recommended if the applicants wish to move forward with proposed, noncompliant plat, then the request will need to be submitted, in writing, to The Buffalo County Board of Adjustment. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared denied.

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

BOARD OF EQUALIZATION

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

Chairperson Klein opened the public hearing at 9:33 A.M. for a public hearing for Motor Vehicle Tax exemption application submitted by Press on Ministry. Teri Wilson of Press on Ministry was present to answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:35 A.M. Moved by Lynch and seconded by Loeffelholz to approve the Motor Vehicle Tax exemption application submitted by Press on Ministry for a 2017 Kia Sport Utility. 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 Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Grace Fellowship for a 2004 Ford Econoline Commercial Cutaway and a 2008 Ford Econoline Commercial Cutaway. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to approve the permissive exemption waiver request for the Nebraska Aids Project and authorize Assessor Meusch to consider the Permissive Exemption with a public hearing. 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 approve the permissive exemption waiver request for the Two Rivers Public Health and authorize Assessor Meusch to consider the Permissive Exemption with a public hearing. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Maendele, Morrow and Klein. Abstain: Lynch. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:40 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

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

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted Extension parking lot addition bids. No bids were submitted for Extension parking lot addition.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted 321 Building remodel bids. 321 Building remodel bids were submitted by the following companies: Integrity Construction, LLC and Young Electric. Facilities Director Gaasch will review the bids and come back with recommendations at the next meeting on April 9, 2024.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted Impound lot improvements bids. Impound lot improvements bids were submitted by the following companies: B&S Concrete. Facilities Director Gaasch will review the bids and come back with recommendations at the next meeting on April 9, 2024.

County Attorney Shawn Eatherton left at 9:51 A.M.

Commissioner Maendele left at 9:52 A.M.

Moved by Lynch and seconded by Loeffelholz to set a bid date of Tuesday, April 23, 2024 for Courthouse Addition and the Extension Building Addition. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

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

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 10:03 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, April 9, 2024.

ATTEST:

Ivan Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)