

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 14, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, June 14, 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, Sherry Morrow and Ivan Klein. Absent: Bill Maendele. 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 June 9, 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. County Attorney Shawn Eatherton, Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Kari Fisk were present.

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the May 24, 2022 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to ratify the following June 3, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: Maendele. Motion declared carried.

GENERAL FUND			
NET PAYROLL			285,501.07
AMERICAN FAMILY LIFE	I	PREMIUMS	1,238.45
RETIREMENT PLANS AMERITAS	R	EMPE RET	48,365.27
BUFFALO CO TREASURER	I	PREMIUMS	121,797.50
CREDIT MANAGEMENT SERVICES, INC.	E	GARNISHMENT	193.49
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	5,301.68
FIRST NATIONAL BANK	T	FEDERAL TAXES	96,951.86
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,069.33
MADISON NATIONAL	I	LT DISABILITY	297.33
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,895.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,388.00
STATE OF NE	T	STATE TAXES	16,298.20
VISION SERVICE PLAN	E	EMPE VSP EYE	848.15
ROAD FUND			
NET PAYROLL			55,232.78
AMERICAN FAMILY LIFE	I	PREMIUMS	996.79
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,472.38
BUFFALO CO TREASURER	I	PREMIUMS	2,701.50
FIRST CONCORD	E	FLEX FUNDS	697.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	15,915.01
MADISON NATIONAL	I	PREMIUMS	140.96
MADISON NATIONAL	I	LT DISABILITY	96.24
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	871.12
STATE OF NE	T	STATE TAXES	2,375.82
VISION SERVICE PLAN	E	EMPE VSP EYE	222.88
WEED FUND			
NET PAYROLL			5,061.08
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

Chairman Klein read into the record and presented a Resolution of Commendation for Candra Michel. Moved by Morrow and seconded by Higgins to approve the following Resolution 2022-23. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Absent: Maendele. Motion declared carried.

RESOLUTION 2022-23

RESOLUTION OF COMMENDATION

WHEREAS, Candra Michel began her employment as Motor Vehicle Clerk with the Assessor's Office on August 1st, 1979 and

WHEREAS, Candra has now served Buffalo County for 44 years

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Candra be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for 44 years.

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

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

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

Moved by Loeffelholz and seconded by Lynch to accept the April 2022 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Following discussion and review of the County Sheriff's report, it was moved by Lynch and seconded by Higgins to approve the Special Designated Liquor License application filed by The Village 1919 for an event to be held on July 2, 2022. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Absent: Maendele. Motion declared carried.

Following discussion and review of the County Sheriff's report, it was moved by Kouba and seconded by Loeffelholz to approve the Special Designated Liquor License applications filed by 2KRD2 Inc. DBA Axes Gibbon for events to be held on July 9, July 16, July 23, July 30, August 6 and August 13, 2022. Upon roll call vote, the following Board members voted "Aye": Kouba, Loeffelholz, Higgins, Morrow and Klein. Abstain: Lynch. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Manager application for Brandon Garrels in connection with the liquor license for Fort Kearney Trading Post Inc., located at 1730 Highway 10, Gibbon, Nebraska. Brandon Garrels was present to answer any questions. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Higgins and seconded by Kouba to enter into Executive Session at 9:16 A.M. for an Inter-department transfer request. In addition to the Board members responding to roll call, County Attorney Eatherton, Deputy County Attorney Fisk, Clerk of the District Court Sharon Mauler and County Surveyor Trenton Snow were present. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to move out of Executive Session at 9:21 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

ZONING

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

Chairman Klein opened the public hearing at 9:22 A.M. for a special use permit to install two signs for tax parcel 620207030. Deputy County Attorney Hoffmeister reviewed the application and Brandon Garrels was present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:28 A.M. Moved by Lynch and seconded by Higgins to approve Special Use Permit application for Emily Lipker, of Tri City Sign, on behalf of Mark and Peggy Garrels, to install two signs for tax parcel 620207030, described as Rouse Second Administrative Subdivision, Lot 1, Buffalo County, Nebraska and tax parcel 620207010, described as Rouse Fourth Administrative Subdivision, Lot 1, Buffalo County, Nebraska, all situated in Section One (1), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2022-24. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Absent: Maendele. Motion declared carried.

RESOLUTION 2022-24

WHEREAS, Emily Lipker, of Tri City Sign, on behalf of Mark and Peggy Garrels, last shown on deeds of record as Mark L.B. Garrels and Peggy E. Garrels and also as Mark L.B. Garrels and Peggy E. Garrels, Co-Trustees of the Mark L.B. Garrels and Peggy E. Garrels Revocable Trust dated September 18, 2014, has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of March 16, 2022, was filed with the Zoning Administrator on April 1, 2022, to install signage on the following legal descriptions:

Lot 1, Rouse Second Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska.

AND

Lot 1, Rouse Fourth Administrative Subdivision, and administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. hereinafter referred to as the "subject properties".

WHEREAS, on May 19, 2022, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 6-0 vote with three absences and no abstentions, voted to forward this application to the County Commissioners, and

WHEREAS, on June 14, 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 Plan with Proposed Location of Sign.
3. Proposed Signage Description.

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 properties abut on the west side of Keystone Road, formerly known as Nebraska State Highway No. 10, which is a county-maintained road.
- Signage will be placed no closer to Keystone Road, formerly known as Nebraska State Highway No. 10, right-of-way than 14 feet, as required 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 applicants' 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

Chairman Klein reviewed the correspondence sent from National Association of Counties (NACo) asking to register a voting delegate for the NACo Annual Conference and Business Meeting that is on July 21-24, 2022.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:30 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. Absent: Maendele. 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 Kouba to approve the permissive exemption waiver requests from The World Theatre, Christians for Christian Education, Inc. DBA Faith Christian School and University of Nebraska at Kearney and authorize Assessor Skinner to consider the Permission Exemptions. A public hearing will be held at the next Board meeting on June 28, 2022. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve Tax List Correction numbered 4879-4880 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Valuation Change submitted by County Assessor Skinner for M J & Janis K Shultz on parcel number 620377000. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for M J and Janis K Shultz on parcel number 620379000. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Lynch and seconded by Morrow to approve the Valuation Change submitted by County Assessor Skinner for Dennis E. Woitaszewski on parcel number 720136600. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz and Klein. Absent: Maendele. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve the Valuation Change submitted by County Assessor Skinner for National Audubon Society, Inc. on parcel number 720146250. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for Nancy and Randy Gullion on parcel number 620296010. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Higgins and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for Roy and Gaylene Helms on parcel number 620346281. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Catholic High School of Kearney for a 1978 TMC MC8 Bus, 1997 Prevost Bus, 2002 Bluebird Bus, 2008 Chev Suburban, 2009 Chev Suburban, 2011 Chev Suburban, 2013 GMC Yukon XL, 2014 Royal Enclosed Trailer, and a 2016 Chev Suburban. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska for a 2018 Buick Encore, 2019 GMC Acadia, 2019 Dodge Grand Caravan and a 2022 Jeep Renegade. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Lynch, Morrow and Klein. Abstain: Kouba. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for New Life Assembly for a 1981 GMC Suburban, 1990 Homemade Pickup Box Trailer, 1995 Ford Club Wagon, 1996 Ford El Dorado Bus, 2003 International 47 Passenger Bus, 2006 Royal Enclosed Trailer, 2008 H&H Enclosed Trailer, 2014 Sharp Enclosed Trailer, 2015 Ford Transit Wagon, 2017 Ford Transit Wagon and a 2020 Dodge. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Morrow to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska for a 1999 Dodge Caravan, 1999 GMC Sierra Pickup, 2001 Dodge Intrepid, 2002 Chevy Malibu, 2003 Pontiac Montana, 2004 Carry On Utility, 2004 Ford Freestar, 2004 Chevy G3500, 2007 Droyal Enclosed, 2008 Chrysler Town & Country, 2009 Chevy Cobalt, (2) 2009 Chevy C3500, 2009 Chevy K2500, (2)

2009 Chevy Colorado, 2010 Dodge Caravan, 2010 Ford Transit Connect, 2010 Hyundai Santa Fe, 2011 Hyundai Sonata, (2) 2011 Doltle Trailer, 2011 Chevy Malibu, 2011 Chevy K2500, 2011 Ford Ranger, 2013 Ford Explorer, 2013 Mazda MX6, 2014 Sharp Enclosed, 2015 Chevy Malibu, 2015 Hyundai Sonata, 2015 International, 2017 International, (2) 2017 Chevy Equinox, 2018 Dodge Journey, 2019 Ford Fusion, 2019 Kia Optima and a 2022 Chevy Equinox. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Lynch and Klein. Abstain: Kouba. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Prairie View Gardens for a 2014 Buck Dandy Flatbed Trailer. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Good Samaritan Society- St. John's for a 2021 Chrysler Wagon. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for First Baptist Church of Kearney for a 2020 Ford Truck. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Morrow and Klein. Absent: Maendele. 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 9:52 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

REGULAR AGENDA

Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for the jail food service. Sheriff Neil Miller and Deputy Dan Schleusener were present for the bid opening. Bids were submitted from Consolidated Correctional Food Service and Summit and are on file in the Clerk's office for public viewing. Sheriff Miller and staff will review the bids and come back with recommendations at the June 28, 2022 Board meeting.

County Sheriff Miller was present for discussion regarding the appointment of an elected official to be on the Sheriff Merit Commission. Moved by Lynch and seconded by Higgins to reappoint Buffalo County Public Defender Jeff Wirth. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Absent: Maendele. Motion declared carried.

County Clerk Giffin and Sheriff Miller discussed the current approval process for the Special Designated Liquor Licenses (SDL). Clerk Giffin indicated that the approval sometimes needs to be submitted for as much as seven weeks in advance of the event. After discussion, it was moved by Loeffelholz and seconded by Higgins to continue with the current approval process unless one incident per vendor is submitted too late to make the deadline with the Nebraska Liquor Control Commission. The County Clerk then has the authority to forward the request to the County Sheriff and if it meets with his approval the Clerk is authorized to sign the application. The Clerk is further instructed to place this approval on the next Agenda for ratification by the Board. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Morrow and Klein. "Nay": Lynch. Absent: Maendele. Motion declared carried.

Emergency Manager Darrin Lewis presented an overview of the process of reviewing the bids that were opened on April 12, 2022 for the replacement and upgrade of the outdoor siren controlling system. Moved by Morrow and seconded by Lynch to accept the bid from American Signal Corporation in the amount of \$279,899.20 for the outdoor siren controlling system and for the addition of the automatic activation National weather service polygon. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: Maendele. Motion declared carried.

Facility Director Steve Gaasch and Aaron Erickson from Beckenhauer Construction reviewed the contract change order request in the amount of \$8,349.00 for the 610 Central Project. Further discussion followed about the possibility of expediting the process for small changes in this project. This subject will be addressed further at the next meeting to determine the dollar amount to be approved and designate that official. After discussion, it was moved by Morrow and seconded by Lynch to approve the Change Order Request. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: Maendele. Motion declared carried.

Moved by Higgins and seconded by Lynch to set an auction date of July 30, 2022 at 10:00 A.M. for the sale of Buffalo County owned surplus property. Auction will be held by Bramer Auction & Realty at Buffalo County property address of 1406 1st Avenue, Kearney, Nebraska and Facility Director will make the arrangements. (Commissioner Morrow excused herself at 10:30 A.M.) Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz and Klein. Absent: Maendele and Morrow. Motion declared carried.

After discussion, it was moved by Loeffelholz and seconded by Higgins to ratify the June 1, 2010 fifty-year lease Agreement entered into among the Village of Elm Creek, Township of Elm Creek, and Buffalo County with the following Resolution 2022-25.

(Commissioner Morrow returned to the meeting at 10:35 A.M.) Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Maendele. Motion declared carried.

RESOLUTION 2022-25

WHEREAS, on or about June 1, 2010, the Village of Elm Creek, Township of Elm Creek, and County of Buffalo, State of Nebraska, entered into a 50-year lease agreement for the following property, hereinafter simply referred to as the "subject property", to-wit:

Commencing at a point on the northeast corner of Block One (1) in Armstrong's Addition to the Village of Elm Creek, Buffalo County, Nebraska, running north 10 feet, thence west 125 feet, thence south 50 feet, thence east along the north line of said Block 1 in Armstrong's Addition, to the place of beginning, and

WHEREAS, by previous election processes, townships were dissolved and Buffalo County by law acquired assets of the townships, which would include the subject property, and

WHEREAS, the original lease was signed by the then Buffalo County Highway Superintendent and now legal counsel for Buffalo County desires that this Board formally ratify the acts of the county officials involved.

NOW THEREFORE, BE IT RESOLVED THAT BUFFALO COUNTY, NEBRASKA, ACTING BY AND THROUGH THE BUFFALO COUNTY BOARD OF COUNTY COMMISSIONERS ratifies the June 1, 2010, 50-year lease entered into among the Village of Elm Creek, Township of Elm Creek, and Buffalo County the same as if this Board had approved the contract as and when it was originally signed by the county officials involved.

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

Moved by Higgins and seconded by Lynch to enter into Executive Session at 10:41 A.M. regarding personnel issues and a performance plan request. In addition to the Board members responding to roll call, County Attorney Eatherton, Deputy County Attorney Hoffmeister and Deputy County Attorney Fisk were present. (Deputy County Attorney Hoffmeister excused himself at 10:56 A.M. and Commissioner Morrow excused herself at 11:40 A.M.) Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz and Klein. Absent: Maendele and Morrow. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to move out of Executive Session at 11:41 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch and Klein. Absent: Maendele and Morrow. Motion declared carried.

Moved by Lynch and seconded by Kouba to authorize Deputy County Attorney Fisk to meet with an employee regarding a performance plan. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz and Klein. Absent: Maendele and Morrow. Motion declared carried.

Chairman Klein called for Citizen's forum and no one was present.

Chairman Klein asked if there was anything else to come before the Board at 11:43 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, June 28 2022.