

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 12, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 12, 2023 at 9:00 A.M. and 9:15 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 web site, and the bulletin boards located outside the County Clerk's office and County Board Room on December 7, 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 Lynch to approve the November 28, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Kouba and seconded by Higgins to amend the November 14, 2023 minutes with the following correction. The sentence "Moved by Kouba and seconded by Lynch to approve MetLife as the new dental carrier for Buffalo County" to be changed to "Moved by Kouba and seconded by Lynch to approve MetLife as presented by Kevin Casey with Holmes Murphy as the new dental carrier for Buffalo County". Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Higgins to ratify the following December 1, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Loeffelholz, Kouba, Lynch, Maendele and Klein. Motion declared carried.

DECEMBER 1, 2023

GENERAL FUND			
NET PAYROLL			347,335.51
AMERICAN FAMILY LIFE	I	PREMIUMS	1,256.48
RETIREMENT PLANS AMERITAS	R	EMPE RET	61,557.10
BUFFALO CO TREASURER	I	PREMIUMS	135,420.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	5,374.50
FIRST NATIONAL BANK	T	FEDERAL TAXES	120,395.35
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,094.90
MADISON NATIONAL	I	LT DISABILITY	287.78
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	425.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,510.92
STATE OF NE	T	STATE TAXES	21,063.99
VISION SERVICE PLAN	E	EMPE VSP EYE	1,049.40
ROAD FUND			
NET PAYROLL			66,231.81
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,494.83
BUFFALO CO TREASURER	I	PREMIUMS	4,079.50
FIRST CONCORD	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,499.24
MADISON NATIONAL	I	PREMIUMS	202.89
MADISON NATIONAL	I	LT DISABILITY	125.30
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,141.84
STATE OF NE	T	STATE TAXES	3,044.86
VISION SERVICE PLAN	E	EMPE VSP EYE	303.87
WEED FUND			
NET PAYROLL			5,460.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	859.32
BUFFALO CO TREASURER	I	PREMIUMS	281.00

FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,740.71
MADISON NATIONAL	I	LT DISABILITY	3.81
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	279.44

Moved by Maendele and seconded by Kouba to approve the early claim submitted by the County Clerk, for Oak Creek Engineering using American Rescue Plan Act 2021 Funds in the amount of \$86,088.60. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Chairperson Klein read into the record and passed a Resolution of Commendation for MaryAnn Thompson. Moved by Maendele and seconded by Kouba to approve the following Resolution 2023-59. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-59

WHEREAS, Mary Ann Thompson began her employment as a clerk with the Assessor's Office on August 1, 1978 and

WHEREAS, Mary Ann Thompson has now served Buffalo County for 45 years

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Mary Ann Thompson be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for 45 years as an employee of the Assessor's Office.

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

Moved by Morrow and seconded by Lynch to accept the Clerk of District Court November 2023 Fee Report. 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 Loeffelholz to accept the Buffalo County Treasurer November 2023 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 Lynch and seconded by Higgins to accept the October 2023 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Loeffelholz, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Kearney Visitors Bureau Director, Roger Jasnoch was present to discuss the Kearney Visitors Bureau Audit. No one else addressed the Board. Moved by Higgins and seconded by Kouba to approve the Kearney Visitors Bureau Audit Report for 2023 as prepared by KSO CPA's and Advisors. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Kouba and seconded by Lynch to reappoint Brad Kernick, Tammy Jackson and Tim Mannlein to The Kearney Visitors Bureau for a three-year term effective immediately. Upon roll call vote, the following Board members voted "Aye": Kouba, Lynch, Higgins, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

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

Buffalo County Juvenile Services Administrator Doug Kramer was present for the following agenda item to answer any questions. After discussion, it was moved by Morrow and seconded by Loeffelholz to authorize Chairperson Klein to sign the Memorandum of Understanding between Buffalo and Sherman Counties for Juvenile Services Aid Program and authorize County Juvenile Services Administrator Kramer to submit the Community Based Juvenile Services Aid (CB) Grant program application. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Buffalo County Sheriff Miller was present for discussion regarding Building Entry Agreement for Unite Public Networks for State of Nebraska. No one else addressed the Board. Moved by Loeffelholz and seconded by Lynch to approve Building Entry Agreement for Unite Public Networks for State of Nebraska. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

The Board decision on Christmas Holiday closing hours was delayed later in the meeting.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for December 15, 2023. Buffalo County Public Defender delivered a letter in regards to an attorney shortage in the Public Defender's office due to Melissa Wentling accepting a position with Adams County Public Defenders. Nebraska Intergovernmental Risk Management Association (NIRMA) sent a letter acknowledging the receipt of the Recommitment Resolution adopted by the County on November 28, 2023, and announced that this action makes Buffalo County eligible for a recommitment dividend in the amount of \$11,494.00. NIRMA also sent a season's greetings card with a 2024 calendar. Buffalo County Community Partners sent a letter showing their new look and invite the Board to invest in ways to impact the community's ability to thrive, using innovation. Nebraska Department of Transportation (NDOT) sent a letter in regards to Project STP-183-3(122), CN61673 Ansley South Buffalo and Custer County Cultural Resource Evaluation using funds from the Federal Highway Administration (FHWA). A copy was sent to John Maul at the Highway Department. NDOT sent an email regarding the broadband initial proposal volume 2 comment period. They are requesting feedback ensure access for all Nebraskans to reliable broadband.

The Board discussed the Christmas Holiday closing hours. Moved by Maendele and seconded by Kouba to close the Buffalo County Offices on December 22, 2023 at 1:00 P.M. (if enacted, a Presidential Executive Order will take precedent) and reopen the County Offices on December 26, 2023 at 8:00 A.M. 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 recess the regular meeting of the Board of Commissioners at 9:36 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 was present.

Moved by Loeffelholz and seconded by Lynch to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for RYDE Transit – Community Action Partnership of Mid-Nebraska for two 2008 Chevy Uplanders, three 2010 Dodge Grand Caravans, two 2010 Ford Cutaways, two 2010 Ford Expedition, a 2012 Chevy Crew Cab, a 2014 Chevy G2500, a 2014 Dodge Grand Caravan, a 2014 Ford Cutaway, a 2016 Ford Cutaway, a 2017 Ford E450 Cutaway, a 2017 Chevrolet Express Van, a 2018 Dodge Caravan, 2021 Ford Cutaway, a 2022 Chrysler Voyager LX and a 2022 Ford E450 Cutaway. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Crane River Theater Company, Inc. for two 2015 Sharp Enclosed Trailers, a 2021 Sharp Enclosed Trailer, a 2022 Big T Bumper Pull 10' and a 2022 Big T Bumper Pull 18'. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, 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 The Evangelical Lutheran Good Samaritan Society Home Health for a 2010 Ford Fusion 4 Door Sedan. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Kouba and seconded by Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for South Central Behavioral Services, Inc. for a 2015 Toyota Rav and a 2017 Braun Wagon. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for The Salvation Army for a 2006 Chevy Express Van G30, 2024 Subaru Outback Outback Wagon CVT and a 2023 Ford Transit 148 Transit 350 Wagon. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele and Klein. Abstain: Morrow. 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 Sonshine World for a 2010 Ford Econoline Van E350, a 2013 Ford Econoline Van and a 2015 Ford Transit Wagon. 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 adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:41 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the discussion on the final acceptance construction of a LPA Federal-aid transportation project NDOR Project Description: Poole South. Moved by Loeffelholz and seconded by Lynch to authorize Chairperson Klein to sign the final acceptance construction of a LPA Federal-aid transportation project NDOR Project Description: Poole South with the following Resolution 2021-15A & 2021-49A. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2021-15A & 2021-49A

Whereas: Buffalo County and State entered into an LPA Program Agreement for State to assist County in the development and construction of an LPA Federal-aid transportation project;

Whereas: The project construction has been tentatively accepted and the State, on LPA's behalf, has recommended that the project is ready for final acceptance;

Whereas: The LPA Program Agreement requires the county to review and formally approve State's recommendation that the project is ready for final acceptance;

Whereas: County has reviewed the State's recommendation and agrees that the project has been constructed according to the plans, specifications and any change order(s) and that the construction is ready for final acceptance;

Whereas: County believes that the traffic control and permanent signs on the project are appropriate, have been properly placed and are acceptable to the County.

Be It Resolved by the County Board of Buffalo County that:

The Chair, Ivan Klein, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the County's final acceptance of the project construction.

The permanent signing and traffic control on the project are appropriate, have been properly placed and are acceptable to County. The County hereby accepts maintenance of the project and agrees to meet all environmental and other commitments related to the project.

NDOR Project Number: BRO-7467(1)

NDOR Control Number: 42844

NDOR Project Description: Poole South

REGULAR AGENDA

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

Moved by Morrow and seconded by Lynch to enter into Executive Session at 9:54 A.M. and began at 10:05 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, Buffalo County Sheriff Miller, Facilities Director Stephen Gaasch, County Attorney Shawn Eatherton and Board Administrator Lynn Martin were present. 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 Maendele to move out of Executive Session at 10:18 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

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 10:24 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, December 26, 2023.

ATTEST:

Ivan H. Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)