

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 13, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 13, 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. 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 February 8, 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 Maendele and seconded by Kouba to approve the January 23, 2024 Board meeting minutes with an Amendment that adds Bill Maendele's attendance the quarterly jail inspection. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following January 26, 2024 and February 9, 2024 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.

**JANUARY 26, 2024 PAYROLL**

<b><u>GENERAL FUND</u></b>			
NET PAYROLL			347,457.80
AMERICAN FAMILY LIFE	I	PREMIUMS	1,468.93
RETIREMENT PLANS AMERITAS	R	EMPE RET	61,206.99
BUFFALO CO TREASURER	I	PREMIUMS	155,972.71
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,139.06
FIRST NATIONAL BANK	T	FEDERAL TAXES	116,176.65
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,087.88
MADISON NATIONAL	I	LT DISABILITY	289.54
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,607.25
NATIONWIDE RETIREMENT	R	DEFERRED COMP	412.50
NE CHILD SUPPORT	E	CHILD SUPPORT	945.00
STATE OF NE	T	STATE TAXES	19,348.65
VISION SERVICE PLAN	E	EMPE VSP EYE	1,142.07
<b><u>ROAD FUND</u></b>			
NET PAYROLL			89,230.37
AMERICAN FAMILY LIFE	I	PREMIUMS	780.82
RETIREMENT PLANS AMERITAS	R	EMPE RET	14,192.32
BUFFALO CO TREASURER	I	PREMIUMS	4,285.53
FIRST CONCORD	E	FLEX FUNDS	999.57
FIRST NATIONAL BANK	T	FEDERAL TAXES	28,709.41
MADISON NATIONAL	I	PREMIUMS	182.38
MADISON NATIONAL	I	LT DISABILITY	120.29
METLIFE	E	DENTAL	968.25
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	4,768.06
VISION SERVICE PLAN	E	EMPE VSP EYE	314.24
<b><u>WEED FUND</u></b>			
NET PAYROLL			5,474.65
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	3.82
METLIFE	E	DENTAL	56.97

STATE OF NE	T	STATE TAXES	263.88
VISION SERVICE PLAN	E	EMPE VSP EYE	4.81

**FEBRUARY 9, 2024 PAYROLL**

<b>GENERAL FUND</b>			
NET PAYROLL			331,207.66
AMERICAN FAMILY LIFE	I	PREMIUMS	1,439.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	58,305.29
BUFFALO CO TREASURER	I	PREMIUMS	158,169.11
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,660.88
FIRST NATIONAL BANK	T	FEDERAL TAXES	109,074.43
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,144.71
MADISON NATIONAL	I	LT DISABILITY	293.11
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,692.56
NATIONWIDE RETIREMENT	R	DEFERRED COMP	499.50
NE CHILD SUPPORT	E	CHILD SUPPORT	945.00
STATE OF NE	T	STATE TAXES	17,979.34
VISION SERVICE PLAN	E	EMPE VSP EYE	1,182.40
<b>ROAD FUND</b>			
NET PAYROLL			63,452.92
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,092.72
BUFFALO CO TREASURER	I	PREMIUMS	4,203.49
FIRST CONCORD	E	FLEX FUNDS	999.57
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,080.93
MADISON NATIONAL	I	PREMIUMS	167.51
MADISON NATIONAL	I	LT DISABILITY	114.78
METLIFE	E	DENTAL	927.90
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,748.24
VISION SERVICE PLAN	E	EMPE VSP EYE	299.68
<b>WEED FUND</b>			
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

Daniel Lynch read into the record and passed a Resolution of Commendation for Susan Everett. Moved by Lynch and seconded by Maendele to approve the following Resolution 2024-03. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

**RESOLUTION 2024-03**

WHEREAS, Susan Everett began her employment as a Dispatcher with the Buffalo County Sheriff's Office on August 1, 1981 and

WHEREAS, Susan has now served Buffalo County for 42 years

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Susan be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for 42 years as a Dispatcher.

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

Chairperson Klein read into the record Employee Recognitions for the following County Employees: Corrections Officer Julian Magana for 1 year of service. Patrol Operator Rogers Smith for 1 year of service. Truck Driver/Operator Bob Nelson for 1 year of service. Corrections Officer Dustin Westerbeck for 15 years of service and Sheriff's Captain Robert Anderson for 45 years of service.

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

Brad Slaughter of Northland a division of First National of Nebraska Company was present and available for questions. After discussion it was moved by Morrow and seconded by Lynch to authorize the purchase or cancellation of all or portion of the County's GO Refunding Bonds, Taxable Series 2020 with Resolution 2024-04. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

#### **RESOLUTION 2024-04**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUFFALO IN THE STATE OF NEBRASKA AUTHORIZING THE PURCHASE AND CANCELLATION OF ALL OR A PORTION OF THE COUNTY'S OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2020, IN SUCH AMOUNTS, FROM SUCH MATURITIES AND AT SUCH PRICES AS SHALL BE DETERMINED BY THE AUTHORIZED OFFICIALS OF THE COUNTY AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUFFALO IN THE STATE OF NEBRASKA AS FOLLOWS:**

**Section 1.** The County of Buffalo in the State of Nebraska (the "**County**") previously issued its General Obligation Refunding Bonds, Taxable Series 2020, dated August 26, 2020, in the original aggregate principal amount of \$19,000,000 (the "**Series 2020 Bonds**"), of which \$13,085,000 in aggregate principal amount are presently outstanding. The County issued the Series 2020 Bonds pursuant to a resolution (the "**Series 2020 Resolution**") duly passed and adopted by the County's Board of Commissioners (the "**Board**") to advance refund and defease on a taxable basis the County's then-outstanding General Obligation Refunding Bonds, Series 2016, dated September 13, 2016 (the "**Prior Bonds**"), and (b) pay the costs of issuing the Series 2020 Bonds. The County issued the Prior Bonds pursuant to a resolution duly passed and adopted by the Board to refund and redeem the County's General Obligation Refunding Bonds, Series 2011, dated October 13, 2011 (the "**Series 2011 Bonds**"), which were issued to advance refund the County's General Obligation Bonds, Series 2008, dated November 20, 2008 (the "**Series 2008 Bonds**"), and which were issued by the County following authorization by the required majority of the qualified voters of the County voting at an election held by the County on March 11, 2008, to pay the costs of constructing and equipping a new justice center for the County.

**Section 2.** The Board authorizes the purchase of all or a portion of the Series 2020 Bonds at a purchase price to be negotiated between the County and any Series 2020 Bondholder, plus accrued interest on such principal amount being purchased to the date of purchase (the "**Purchase Price**"). The principal amount of such Series 2020 Bonds and maturities thereof to be purchased (the "**Purchased Bonds**") shall be determined by the Chairperson of the Board, the Vice Chairperson of the Board, the County Clerk or the County Treasurer (each, including any person authorized to act on his or her behalf, an "**Authorized Officer**"). Such determinations shall be set forth in a certificate of such Authorized Officer. On the date the Purchased Bonds are so purchased (the "**Purchase Date**"), such Purchased Bonds shall be canceled, and the interest thereon shall cease.

**Section 3.** On the Purchase Date, the Purchase Price of the Purchased Bonds shall be paid upon presentation and surrender thereof at the corporate trust office of BOKF, National Association, Lincoln, Nebraska, as registrar and paying agent for the Series 2020 Bonds (the "**Registrar**"), or such other paying agent as may be determined by an Authorized Officer.

**Section 4.** Upon receipt of this Resolution, and in consultation with the County and Bond Counsel, the Registrar is instructed to file a Voluntary Notice of Potential Tender Offer with the Municipal Securities Rulemaking Board through its EMMA portal.

**Section 5.** The Board authorizes and approves of the following in connection with the purchase and cancellation of the Purchased Bonds:

- (a) the use and distribution of one or more invitations to tender, pricing notices and any other documents relating to such purchase and cancellation;
- (b) the execution and delivery of one or more dealer manager agreements with Northland Securities, Inc., serving as dealer manager under such agreements, in form and substance acceptable to the Authorized Officers, or each individually; and
- (c) the engagement of Globix Corporation ("**Globix**") to assist in the procedures relating to the purchase and cancellation of the Purchased Bonds and the execution and delivery by the Authorized Officers, or each individually, of any documents relating to the engagement of Globix.

**Section 6.** Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Board (a) authorizes and directs the Authorized Officers and all other officers, employees and agents of the County to carry out, or cause to be carried out, and to perform such obligations of the County and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution and the purchase and cancellation of the Purchased Bonds, including, without limitation and whenever applicable, the execution and delivery thereof and of all other related documents, instruments,

certificates, and opinions; and (b) directs, authorizes and delegates to each of the Authorized Officers, the right, power, and authority to exercise such officers' own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by any Authorized Officer or by any other officer, officers, agent, or agents of the County of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the County's and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the County and the authorization, approval, and ratification by the County of the documents, instruments, certifications, and opinions so executed and the action so taken.

**Section 7.** The purchase and cancellation of the Purchased Bonds authorized by this Resolution is subject to the prior issuance by the County of its General Obligation Refunding Bonds, Series 2024 (the "**Refunding Bonds**"). Notwithstanding anything to the contrary herein, the Board may set forth additional requirements and authorizations in the bond resolution authorizing the Refunding Bonds, which are intended to supplement, not contravene, any provisions herein.

**Section 8.** This Resolution shall be in full force and take effect from and after its passage as provided by law; provided, that this Resolution shall have no force and effect if the Refunding Bonds are not issued within one year of the date hereof.

Deputy County Attorney Andrew Hoffmeister arrived at 9:10 A.M.

Brad Slaughter of Northland was present and available for questions. After discussion it was moved by Morrow and seconded by Lynch to authorize the issuance of GO Refunding Bonds, Series 2024 in one or more series in and amount not to exceed \$13,500,000.00 with Resolution 2024-05. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

### **RESOLUTION 2024-05**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUFFALO IN THE STATE OF NEBRASKA AUTHORIZING THE ISSUANCE BY THE COUNTY OF ITS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2024, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,500,000, TO PURCHASE AND CANCEL CERTAIN OUTSTANDING BONDS OF THE COUNTY; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE AGGREGATE PRINCIPAL AMOUNT OF EACH SERIES OF BONDS ISSUED AND RELATED MATURITY DATES OF THE BONDS, THE INTEREST RATES, THE REDEMPTION PROVISIONS, AND OTHER TERMS RELATING TO THE BONDS, TO SELL THE BONDS ON BEHALF OF THE COUNTY AND EXECUTE ALL NECESSARY CONTRACTS AND AGREEMENTS RELATING THERETO, AND TO DESIGNATE A REGISTRAR AND PAYING AGENT WITH RESPECT TO THE BONDS, ALL AS PROVIDED AND SUBJECT TO THE TERMS HEREIN; PRESCRIBING THE FORM OF THE BONDS; IMPOSING AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE COUNTY, TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND THE INTEREST ON SUCH BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; ADOPTING CERTAIN POST-ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

Document/ Articles I-VIII filed with the Clerk's Office.

Ron Loeffelholz stepped out at 9:16 A.M. and returned at 9:20 A.M.

After discussion it was moved by Higgins and seconded by Kouba to approve the lease agreement with Department of Health and Human Services Lease Agreement #65991825 Addendum #5. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Commissioner Maendele presented the welcome videos for the promotional CGI Digital Video Tour of Buffalo County. Decision was postponed to allow for edits.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding Annual TIF Report Required by Section 18-2117.02 Of LB 874. Nebraska Intergovernmental Risk Management Association (NIRMA) sent a letter regarding 2023 Annual Report which is included with the letter. Susan Everett sent a thank you card to the Commissioners thanking them for all they do for the county. Chairperson Klein called on each Board member present for committee reports and recommendations.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:37 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 Catholic High School Kearney for a 2022 Ford Expedition Max XLT 4X4. 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 Kouba to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for CHI Good Samaritan for a 1994 Chevy ½ Ton Pickup, a 1999 Ford Cutaway Van, a 2000 Chevy ½ Ton Pickup, a 2001 Dodge Ram Pickup, a 2002 Ford Cutaway Van, a 2003 Ford Ambulance, a 2003 Ford Bus, a 2003 Pontiac Montana Van, a 2005 Chevy ¾ Ton Pickup, a 2007 Ford Explorer, a 2008 Buick Lacrosse, a 2008 Ford Ambulance, a 2010 Chevy Ambulance, a 2011 Chevy Express Van, a 2012 McCoy Miller Ambulance, a 2013 Chevy Ambulance, a 2014 GMC Caravan, a 2015 Chevy Ambulance, a 2018 Chevy Express Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Abstain: Maendele. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz 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 2024 Chevrolet Silverado. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to approve Tax List Corrections numbered 5009 through 5010 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

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

## **REGULAR AGENDA**

On January 23, 2024 the Board of Commissioners conducted a public hearing for the road vacation petition that was received by the Board on October 24, 2023 referred to as a portion of 39th Road between Odessa Road and Eagle Road. After discussion it was moved by Loeffelholz and seconded by Morrow to vacate a portion of 39th Road between Odessa Road and Eagle Road and legal description in Resolution 2023-54, initiated by Board action with the following Resolution 2024-06. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

## **RESOLUTION 2024-06**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

A 66 foot public road (39<sup>th</sup> Road) running east and west from the East Right of Way Line of Odessa Road to the West Right of Way Line of Eagle Road, abutting part of the South Half of the Southwest Quarter and part of the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska and abutting part of the North half of the Northwest Quarter and part of the North Half of the Northeast Quarter of Section 34, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2023-54 that set January 23, 2024, at 9:30 o'clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2023-54 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on January 23, 2024, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held January 23, 2024, the Board set February 13, 2024, the first public hearing following the public hearing, as date for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records concerning the creation of the subject public road reflect that this road was created by action of this Board on or about March 18, 1884, as evidenced in County Board Book 2, Page 214. It was opened by petition of adjoining landowners.
5. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way.
6. No public purpose would be served to keep the subject public road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road, a 66 foot public road (39<sup>th</sup> Road) running east and west from the East Right of Way Line of Odessa Road to the West Right of Way Line of Eagle Road, abutting part of the South Half of the Southwest Quarter and part of the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska and abutting part of the North half of the Northwest Quarter and part of the North Half of the Northeast Quarter of Section 34, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road as immediately above described shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

1. Part of the South Half of the Southwest Quarter and part of the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska
2. Part of the North half of the Northwest Quarter and part of the North Half of the Northeast Quarter of Section 34, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of February 13, 2024.

### **ROAD DEPARTMENT**

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

Moved by Lynch and seconded by Morrow to set a bid date of Tuesday, March 12, 2024 for Project No. C10 (1431) Sweetwater Avenue South 11<sup>th</sup> Street. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to change the weekly hour schedule at the Highway Department from five (5) eight (8) hour days to four (4) ten (10) hour days beginning March 4, 2024 through November 8, 2024 returning to five (5) eight (8) hour days on Monday, November 11, 2024. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

### **REGULAR AGENDA**

Chairperson Klein called for Citizen's forum, Dan McKeon of Amherst introduced himself to the Board as a District 41 candidate for 2024 election. Tom McCoy Chairperson of the Veteran's Service Committee expressed his appreciation to the Board and spoke in favor of Veteran's Service Officer Matthew Starkey.

Moved by Higgins and seconded by Lynch to enter into Executive Session at 9:56 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, Buffalo County Attorney Eatherton and Facilities Director Stephen Gaasch were present. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to move out of Executive Session at 10:05 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Klein asked if there was anything else to come before the Board at 10:05 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, February 27, 2024.

ATTEST:

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Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

\_\_\_\_\_  
Heather A. Christensen  
Buffalo County Clerk

(SEAL)