

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 13, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 13, 2021 at 9:00 A.M. and 9:30 A.M. Vice 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: William McMullen. 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 April 8, 2021. Vice 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 was present.

**REGULAR AGENDA**

Moved by Loeffelholz and seconded by Lynch to approve the March 23, 2021 Board meeting minutes. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

Sheriff Neil Miller, Lieutenant Robert Tubbs, Rebecca Sobieszky and Tracy Smalley were present for the Proclamation of the National Public Safety Telecommunicators Week. Commissioner Higgins read the proclamation and Vice Chairman Klein presented the proclamation and thanked those who serve Buffalo County. Moved by Higgins and seconded by Morrow to proclaim the week of April 11, 2021 through April 17, 2021 as "National Public Safety Telecommunicators Week" in Buffalo County with the following Resolution 2021-19. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch and Klein. Absent: McMullen. Motion declared carried.

**RESOLUTION 2021-19**

**PROCLAMATION**

**Naming of the Week April 11, 2021 through April 17, 2021 as "National Public Safety  
Telecommunicators Week" in Buffalo County**

WHEREAS, every day, dedicated public safety telecommunicators serve the people of Buffalo County by answering their requests for emergency assistance and dispatching the appropriate law enforcement, fire, or emergency medical personnel as quickly as possible; and

WHEREAS, the professional public safety telecommunicator is that vital link between the citizens who call 9-1-1 and the law enforcement, fire and emergency personnel who may save their life or property in an emergency; and

WHEREAS, the safety of Buffalo County's first responders depends on the quality and accuracy of information obtained by professional public safety telecommunicators and delivered via radio, telephone and computers services; and

WHEREAS, the critical functions performed by professional public safety telecommunicators also include those related to highway safety, road maintenance, public utilities and other services that affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time, so we rely on the vigilance and preparedness of these individuals 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Buffalo County enjoys the highest standards of public health and safety, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

Moved by Higgins and seconded by Loeffelholz to approve Resolution 2021-20 to support the Second Amendment to the U.S. Constitution and Article 1 Section 1-1 of the Nebraska Constitution. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

**RESOLUTION 2021-20**

WHEREAS, the 2<sup>nd</sup> Amendment to the Constitution of the United States provides that "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." and

WHEREAS, Article 1 Section 1-1 of the Nebraska Constitution also provides the right to keep and bear arms, specifically "for security or defense of self, family, home, and others and for lawful common defense, hunting, recreational use, and all of other lawful purposes" and also provides that such rights shall not be infringed; and

WHEREAS, The United States Supreme Court affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditional lawful purposes, such as self-defense within the home and,

WHEREAS, the Buffalo County Board of Commissioners took an oath to support and defend the United States and Nebraska Constitutions; and

WHEREAS, it is the desire of the Buffalo County Board of Commissioners to declare their support of the Second Amendment to the United States Constitution and Article 1 Section 1-1 of the Nebraska Constitution.

NOW, THEREFORE BE IT RESOLVED that the Buffalo County Board of Commissioners hereby declare that we support the rights and liberties of all Buffalo County citizens guaranteed by the United States and Nebraska Constitutions.

Moved by Morrow and seconded by Lynch to ratify the following March 26, 2021 and April 9, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

#### MARCH 26, 2021 PAYROLL

<b>GENERAL FUND</b>			
NET PAYROLL			265,794.64
AMERICAN FAMILY LIFE	I	PREMIUMS	1,037.63
RETIREMENT PLANS AMERITAS	R	EMPE RET	44,816.60
BUFFALO CO TREASURER	I	PREMIUMS	112,312.00
FIRST CONCORD	E	FLEX FUNDS	4,526.74
FIRST NATIONAL BANK	T	FEDERAL TAXES	89,689.76
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISH	402.00
MADISON NATIONAL	I	PREMIUMS	997.07
MADISON NATIONAL	I	LT DISABILITY	299.86
MASSMUTUAL	R	DEFERRED COMP	1,175.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,105.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,183.21
PROFESSIONAL CHOICE RECOVERY	E	GRANISH	169.94
STATE OF NE	T	STATE TAXES	14,942.22
VISION SERVICE PLAN	E	EMPE VSP EYE	839.35
<b>ROAD FUND</b>			
NET PAYROLL			55,739.67
AMERICAN FAMILY LIFE	I	PREMIUMS	907.19
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,937.77
BUFFALO CO TREASURER	I	PREMIUMS	2,567.00
CREDIT MANAGEMENT SERVICES	E	GARNISH	218.52
FIRST CONCORD	E	FLEX FUNDS	677.42
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,941.30
MADISON NATIONAL	I	PREMIUMS	161.21
MADISON NATIONAL	I	LT DISABILITY	107.59
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	242.00
PRINCIPAL	E	DENTAL	930.96
STATE OF NE	T	STATE TAXES	2,585.17
VISION SERVICE PLAN	E	EMPE VSP EYE	205.46
<b>WEED FUND</b>			
NET PAYROLL			4,916.98
RETIREMENT PLANS AMERITAS	R	EMPE RET	777.30
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,586.39
MADISON NATIONAL	I	LT DISABILITY	3.44
PRINCIPAL	E	DENTAL	61.00
STATE OF NE	T	STATE TAXES	251.69

#### APRIL 9, 2021 PAYROLL

<b>GENERAL FUND</b>			
NET PAYROLL			268,013.34
AMERICAN FAMILY LIFE	I	PREMIUMS	1,037.63
RETIREMENT PLANS AMERITAS	R	EMPE RET	45,268.16
BUFFALO CO TREASURER	I	PREMIUMS	113,888.00

FIRST CONCORD	E	FLEX FUNDS	4,896.74
FIRST NATIONAL BANK	T	FEDERAL TAXES	90,943.47
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISH	402.00
MADISON NATIONAL	I	PREMIUMS	1,007.70
MADISON NATIONAL	I	LT DISABILITY	295.87
MASSMUTUAL	R	DEFERRED COMP	1,175.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,855.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,183.44
PROFESSIONAL CHOICE RECOVERY	E	GARNISH	169.94
STATE OF NE	T	STATE TAXES	15,114.42
VISION SERVICE PLAN	E	EMPE VSP EYE	846.83
<b>ROAD FUND</b>			
NET PAYROLL			53,728.76
AMERICAN FAMILY LIFE	I	PREMIUMS	907.19
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,612.20
BUFFALO CO TREASURER	I	PREMIUMS	2,567.00
CREDIT MANAGEMENT SERVICES	E	GARNISHMENT	218.52
FIRST CONCORD	E	FLEX FUNDS	677.42
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,131.90
MADISON NATIONAL	I	PREMIUMS	161.10
MADISON NATIONAL	I	LT DISABILITY	107.53
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	242.00
PRINCIPAL	E	DENTAL	930.88
STATE OF NE	T	STATE TAXES	2,420.07
VISION SERVICE PLAN	E	EMPE VSP EYE	205.22
<b>WEED DEPARTMENT</b>			
NET PAYROLL			4,917.02
RETIREMENT PLANS AMERITAS	R	EMPE RET	777.30
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,586.39
MADISON NATIONAL	I	LT DISABILITY	3.44
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	251.69

Moved by Lynch and seconded by Higgins to accept the Clerk of the District Court March 2021 Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to accept the Buffalo County Treasurer March 2021 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the following Resolution 2021-21 to instruct County Treasurer Jean Sidwell to issue Tax Sale Certificates in the name of the County. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: McMullen. Motion declared carried.

#### **RESOLUTION 2021-21**

**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 Sale Certificates in the name of the County, and

**WHEREAS**, the following list of legal descriptions have either delinquent taxes for the years 2014, 2015, 2016, 2017, OR 2018, 2019 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 2014, 2015 ,2016, 2017, 2018, 2019 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Loeffelholz and seconded by Higgins to approve the following tax refund request submitted by County Treasurer Jean Sidwell for Kearney Machine LLC in the amount of \$2,134.30 for parcel number 310001128. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Sheriff Neil Miller was present for the following agenda items.

After discussion and review of the County Sheriff's report, it was moved by Morrow and seconded by Lynch to approve the Special Designated Liquor License application filed by The Village 19 for an event to be held on May 29, 2021. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

After discussion it was moved by Higgins and seconded by Kouba to authorize Sheriff Neil Miller to sign the eight month renewal Advanced Correctional Healthcare Agreement of the Provision of Inmate Health Services. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

The Request for Proposal (RFP) to locate, tie out and provide GPS observation data and coordinates on section corners was opened on March 23, 2021. Zoning Administrator Dennise Daniels and the Geographic Information System (GIS) Committee reviewed all the proposals. Moved by Loeffelholz and seconded by Morrow to award the bid from the project team of Buffalo Surveying Corporation and Jorgensen Surveying for the section corners project and to authorize Vice Chairman Klein to sign the contract. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch and Klein. Absent: McMullen. Motion declared carried.

## **ZONING**

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

Vice Chairman Klein opened the public hearing at 9:25 A.M. for an Administrative Subdivision filed by Mitch Humphrey, licensed land surveyor, on behalf of Galen Killion and Debra D. Killion, to be known as "Killion Administrative Subdivision," situated in part of the Northeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to review the application and answer questions. No one else addressed the Board and Vice Chairman Klein closed the hearing at 9:28 A.M. Moved by Higgins and seconded by Lynch to approve the Administrative Subdivision with the following Resolution 2021-22. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Absent: McMullen. Motion declared carried.

## **RESOLUTION 2021-22**

WHEREAS, Galen Killion and Debra D. Killion, hereinafter referred to as "applicants" filed for an Administrative Subdivision to be known as "Killion 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 April 13, 2021, this Board conducted a public hearing now and finds:

1. The proposed "Killion Administrative Subdivision" is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The size of the parcels of real estate, owned by the subdividing entity, and any remnant property not subdivided that amounts to roughly 19 acres, after subdividing, complies with the minimum lot size of this zoning district. The remnant property owned by the subdividing entity, is comprised of other lands in Part of the Northeast Quarter of the Northeast Quarter Section Twenty Seven (27), Township Nine (9) North, Range Seventeen (17), West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.
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. Eagle Road is a county-maintained open public road that abuts the proposed subdivision to the east. The width of this road, after dedication, complies with the minimum width standards required by the Buffalo County Subdivision Resolution.
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 "Killion Administrative Subdivision", an administrative subdivision being Part of the Northeast Quarter of the Northeast Quarter of Section Twenty Seven (27), Township Nine (9) North, Range Seventeen (17), West of the 6<sup>th</sup> P.M., 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.

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

## **BOARD OF EQUALIZATION**

Vice Chairman Klein called the Board of Equalization to order in open session. County Assessor Ethel Skinner and County Treasurer Jean Sidwell were present.

Vice Chairman Klein opened the scheduled Permissive Exemption Hearings. No one addressed the Board and Vice Chairman Klein closed the hearing at 9:31 A.M. Moved by Higgins and seconded by Kouba to approve the application filed by Tri-City Village on

parcel numbers 605425010 and 605425000 as 100% exempt for tax year 2021. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve Tax List Corrections numbered 4764 through 4771 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Higgins and seconded by Lynch to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid-Nebraska for a 2019 Ford Fusion and a 2019 Kia Optima. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Absent: McMullen. 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 9:35 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

## **REGULAR AGENDA**

South Central Economic Development District (SCEDD) Executive Director Sharon Hueftle was present to give updated reports and filed the annual newsletter.

After discussion regarding Covid-19 policies, it was moved by Higgins and seconded by Kouba to approve the American Rescue Plan Family First Coronavirus Response Act (FFCRA) with the following Resolution 2021-23. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

## **RESOLUTION 2021-23**

WHEREAS, Buffalo County has previously implemented procedures to provide for Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave as required by the Family First Coronavirus Response Act ("FFCRA"); and

WHEREAS, Buffalo County has previously implemented procedures to provide for paid sick leave for employees not covered by the Family First Coronavirus Response Act; and

WHEREAS, the mandatory emergency paid sick leave provisions within the Family First Coronavirus Response Act expired on December 31, 2020 and were replaced by an option to voluntarily extend these forms of paid leave under the Coronavirus Response and Relief Supplemental Appropriations Act; and

WHEREAS, Buffalo County voluntarily extended said protections through March 31, 2021; and

WHEREAS, the American Rescue Plan Act of 2021 ("ARPA") made certain modifications to the provisions of the FFCRA; and

WHEREAS, Buffalo County recognizes that, due to the nature of the Covid-19 pandemic policies and procedures must remain flexible and adaptable to changing circumstances, public health needs, and local, state, and federal regulations.

WHEREAS, Buffalo County wishes to extend these provisions and certain modifications on a voluntary basis to eligible employees through June 30, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS THAT:

Prior policies implemented under the Family First Coronavirus Response Act and the Counties supplemental procedures for employees not covered by the FFCRA shall be extended through June 30, 2021.

BE IT FURTHER RESOLVED THAT:

This extension shall be handled retroactively to April 1, 2021.

BE IT FURTHER RESOLVED THAT:

Pursuant to the American Rescue Plan Act each employee's Covid leave allotment shall be reset effective April 1, 2021. Eligibility shall remain unmodified except as required by the ARPA. Expanded eligibility includes, but is not limited to, getting a COVID-19 vaccine, recovering from adverse reactions to the vaccine, awaiting results of diagnosis or testing, or other reasons set forth in the ARPA.

BE IT FURTHER RESOLVED THAT:

The County also recognizes the modifications made by the ARPA to existing reasons for Emergency Paid Sick Leave ("EPSL") and Emergency Family Medical Leave ("EFML") and adopts and incorporates those rules and regulations into our policies as required by law.

BE IT FURTHER RESOLVED THAT:

Supervisors should review employees prior use of sick leave from January 1, 2021 through the adoption of this resolution and should adjust times credited as sick leave which should now be Covid leave if the absences were for the purposes of getting a Covid-19 vaccine or recovering from adverse reactions to the vaccine.

BE IT FURTHER RESOLVED THAT:

Supervisors should review employees prior use of sick leave from April 1, 2021 through the adoption of this resolution and should adjust times credited as sick leave which should now be Covid leave if the absences now qualify under expanded reasons for EPSL or EFML or for employees who had previously exhausted Covid leave.

BE IT FURTHER RESOLVED THAT:

This may be further extended upon action of the Board or may be superseded or replaced by applicable state or federal law without further action of the Board.

Moved by Higgins and seconded by Lynch to approve the vaccination incentive policy with the following Resolution 2021-24. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Morrow and Klein. Voting "Nay": Loeffelholz. Absent: McMullen. Motion declared carried.

#### **RESOLUTION 2021-24**

WHEREAS, COVID-19 has had a significant impact on Buffalo County and its employees; and,

WHEREAS, illnesses, absences, and quarantine related to COVID-19 have had significant impacts on Buffalo County and its employees; and,

WHEREAS, vaccination against COVID-19 may reduce or prevent illnesses, absences, and/or need to quarantine amongst vaccinated employees; and,

WHEREAS, some employees have already received said vaccines; and,

WHEREAS, some employees may become eligible in the future; and,

WHEREAS, vaccination may reduce absences, illnesses, and need for quarantine of employees as a result of COVID-19, which in turn benefits Buffalo County; and,

WHEREAS, Buffalo County recognizes that, as of now, not all employees may be eligible for said vaccination but employees may become eligible in the future; and,

WHEREAS, Buffalo County wishes to encourage eligible employees to receive their vaccinations to protect against COVID-19 or for having previously been vaccinated against COVID-19 by providing a de minimis incentive.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS THAT:

All employees who provide proof they have completed a course of vaccination against Covid-19 shall be issued four (4) hours of additional vacation time.

BE IT FURTHER RESOLVED THAT:

This vacation time shall be credited to said employees on the date they provide proof of completing their course of vaccination. Employees having already completed their course of vaccination and wishing to claim this additional vacation time shall request said time no later than April 30, 2021. Employees completing their course of vaccination after April 13, 2021 shall make their request within 30 days of completing their course of vaccination. Employees must have been active employees at the time they completed their course of vaccination and must remain employees on the date they request said vacation leave.

BE IT FURTHER RESOLVED THAT:

Time off to receive a vaccination or to recover from adverse reactions to a vaccination should be resolved under the County's sick leave policies or applicable provisions of other state and federal regulations and is not impacted by this policy.

BE IT FURTHER RESOLVED THAT:

Employee vacation accrual caps will be extended by 4 hours through December 31, 2021 for all employees, whether or not they request this additional vacation time.

BE IT FURTHER RESOLVED THAT:

Employees may claim this additional vacation time for vaccines received through November 30, 2021.

BE IT FURTHER RESOLVED THAT:

Employees requesting said credit must complete a request form which is available from their supervisor or the Clerk's office.

BE IT FURTHER RESOLVED THAT:

This de minimis incentive is voluntary. Employees are not required to request this additional vacation time if they wish their vaccination status to remain private or do not wish to otherwise request the additional time. Employees not wishing to request this credit for any reason, or no reason at all, do not need to take any action. Supervisors and department heads may not ask employees whether or not they intend to request this vacation time and may not require or pressure employees to request this de minimis incentive.

BE IT FURTHER RESOLVED THAT:

If an employee believes they may be ineligible to receive a vaccination before November 30, 2021, and therefore this may have impacted eligibility for this incentive; and if they believe they are entitled to remedies or protections available under the ADA, GINA,

Title VII or any other applicable federal rule, right, or regulation, they may (but are not required to) request a reasonable accommodation from the ADA coordinator.

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

After discussion it was moved by Loeffelholz and seconded by Lynch to ratify Chairman McMullen's signature with Campspot for the placement of a park fee collection system at the Buffalo County Recreation Area-Ravenna Lake. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Lynch and seconded by Morrow to approve the following Resolution 2021-25 to authorize a petty cash fund to be operated by the Facilities OMP Department. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

#### **RESOLUTION 2021-25**

We, the Buffalo County Board of Commissioners, authorize a petty cash fund to be operated by the Facilities OMP Department in the amount of \$2,500.00.

Moved by Morrow and seconded by Loeffelholz to approve the early claims submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: McMullen. Motion declared carried.

<b><u>GENERAL FUND</u></b>			
BUFFALO CO BOARD OF COMMISSIONERS	RE	PETTY CASH	2,500.00
BUFFALO CO CLERK	RE	PETTY CASH	5,500.00
BUFFALO CO SHERIFF	RE	PETTY CASH	2,000.00
BUFFALO CO FACILITIES	AP	PETTY CASH	2,500.00
<b><u>ROAD FUND</u></b>			
STATE OF NE	T	FUELS TAX	3,544.00

Deputy County Attorney Andrew Hoffmeister and David Carr with Central Platte Natural Resources Commission were present to review and answer any questions on the request from Central Platte Natural Resources Commission. Moved by Loeffelholz and seconded by Higgins to authorize Vice Chairman Klein to sign the Interlocal Agreement with Central Platte Natural Resources Commission (CPNRD) with Resolution 2021-26. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

#### **RESOLUTION 2021-26**

WHEREAS Central Platte Natural Resources District, hereinafter simply referred to as "District", desires to have an easement to re-construct and/or re-build the now existing raised public viewing walkways for viewing by the public of the Platte River all as part of the Recreational Trail Program, as administered in the State of Nebraska by the Nebraska Game and Parks Commission. This raised viewing walkway is located to the east of Lowell Road and to the north of Elm Island Road. The District acquired this land in 1995. It is described in Warranty Deed filed in Roll 95 Page 8108, Buffalo County Register of Deeds, and

WHEREAS, District believes that part of the existing and rebuilt raised public viewing walkway is and may be in the future situated on lands owned by Buffalo County, hereinafter simply referred to as "County". The land affected by this walkway might be within the road right of way for Lowell Road, a north to south county maintained, which is a non-sectional line public road, that is a laid out and publicly used public road located in Section Twelve (12), Township Eight (8) North, Range Fourteen (14) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, all as described in deed filed with Buffalo County Register of Deeds on March 10, 1959, in Deed Book 170, Page 298 and mentioned, partially mentioned in the deed to the District described in the previous paragraph, and

WHEREAS, it would be in the best interests of the District and County to enter into an agreement to memorialize the existence and continued existence of the public walkway and set out conditions and responsibilities for its rebuilding, operation, and maintenance, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses construction, continued maintenance, and liability issues, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself and Central Platte Natural Resources District and this Board authorizes its Chairperson to sign this agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of such Interlocal agreement.

FURTHER RESOLVED, that the Interlocal Agreement authorized by this Resolution may be filed against the real estate described in Roll 95 Page 8108, Buffalo County Register of Deeds, which said legal description set out in full in the Interlocal Agreement.

FURTHER RESOLVED, that no zoning permit is required for this reconstruction

After some discussion on the lost Corner Section fees, the Board referred further discussion to the GIS Committee. No action was taken at this time.

The Board discussed the purchase of property and reviewed the Resolution prepared by Deputy County Attorney Andrew Hoffmeister in order to record the purchase of the property described as Lots 8, 9, 10, 11, 12 and 13 Last Addition, City of Kearney, Buffalo County. Moved by Morrow and seconded by Lynch to ratify signing the agreement of the purchase with the following Resolution 2021-27 and authorized the Chairman to close the transaction. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2021-27**

WHEREAS, this Board has been negotiating the purchase of the following described real estate, hereinafter referred to as "subject property":

Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13), Last Additional, a Subdivision to the City of Kearney, Buffalo County, Nebraska, and

WHEREAS, on or about April 1, 2021, realtor for Black Hills Natural Gas, LLC, A Nebraska Limited Liability Company, prepared a Commercial Purchase Agreement for the sale of the subject property for the price of One Million Five Hundred Thousand (\$1,500,000.00) DOLLARS with William C. McMullen, Chairperson of the Buffalo County Board, on behalf of Buffalo County, signing this agreement and posting \$10,000.00 earnest money, and

WHEREAS, as required by law, this property was appraised and this price is comparable to the value stated in the appraisal, and

WHEREAS, this Board desires to ratify the actions of Mr. McMullen and proceed to close on the purchase of the subject property all as set forth in the Commercial Purchase Agreement contract, with the Board desiring that an earlier date of closing be utilized such as June 2, 2021, if possible.

NOW THEREFORE BE IT RESOLVED BY BUFFALO COUNTY, ACTING BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS THAT Buffalo County shall proceed to purchase the subject property for the above stated price under the terms and conditions of the Commercial Purchase Agreement.

FURTHER RESOLVED, that all county officials are authorized to proceed with all acts necessary and proper to result in the closing of the purchase of this real estate by Buffalo County and make claims for payment of the same.

BE IT FURTHER RESOLVED that all actions of William C. McMullen, Buffalo County Board Chairperson, in the negotiation and signing of this contract are ratified by this Board including, but not limited to, the actions of Mr. McMullen for early claim payment for the \$10,000.00 earnest money.

Moved by Loeffelholz and seconded by Kouba to receive the road petition to vacate portions of roads located in the Armada Township and to forward this petition to Highway Superintendent John Maul. Superintendent Maul will conduct a study and report back to this Board within 30 days. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Emergency Relief Program-Emergency/Permanent Repairs with the following Resolution 2021-28. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2021-28**

For Emergency Relief Program-Emergency/Permanent Repairs

Buffalo County

Project No. ER-10(73)

Control No. 42908

DDIR Site L10-03

**Whereas:** Certain transportation facilities have been designated as being eligible for Federal assistance from the Department of Transportation through the Emergency Relief Program (ER) of the Federal Highway Administration (FHWA); and



**Whereas:** Major highways and bridges in Nebraska that are part of the Federal-Aid highway system suffered widespread serious damage as a result of flooding beginning on March 12, 2019 (Disaster # NE19) and were in need of emergency or temporary repair, or restoration; and

**Whereas:** The Nebraska Department of Transportation, as a recipient of the previously described Federal assistance, is charged with oversight of the expenditures of said funds, and

**Whereas:** The County has completed all repair work on an eligible Federal-Aid route to restore essential traffic.

**Whereas:** The project has met all contract provisions as required by 23 CFR Part 633A, met the Davis-Bacon wage requirements, and abided by the Disadvantaged Business Enterprises (DBE) requirements, American with Disability Act (ADA) requirements, "Buy America" Provisions, FHWA 1273 and prohibitions against the use of convict labor (23 U.S.C. 114); and

**Whereas:** The State has completed the required NEPA document, along with resource agency concurrences, and no new right of way (ROW) was needed for completing permanent repairs; and

**Whereas:** All emergency repairs were completed within 180 days and are eligible for 100% federal reimbursement; and

**Whereas:** The total emergency repairs reimbursement is **\$15,894.09** and no further costs relating to this project will be incurred or submitted to the State

**Be It Resolved:** That the Nebraska Department of Transportation is hereby requested to act on behalf of Buffalo County to administer Federal funds

**Be It Further Resolved:** That the Chairman of the County Board is authorized to sign this Resolution on behalf of said Board

Moved by Kouba and seconded by Higgins to enter into Executive Session at 10:35 A.M. to discuss personnel issues. In addition to the Board members responding to roll call, County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to move out of Executive Session at 10:59 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Lynch and seconded by Kouba to retain counsel to secure legal advice with Woods & Aitken for matters outside of the NIRMA hotline and authorize Vice Chairman Klein to sign the contract as presented. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Loeffelholz, Morrow and Klein. Voting "Nay": Higgins. Absent: McMullen. Motion declared carried.

Vice Chairman Klein reviewed the following correspondence. Howard County sent a notice of public hearing before the Howard County Planning & Zoning Commission to be held April 21, 2021 regarding the amendments of Zoning Regulations. The City of Kearney sent the City of Kearney Planning Commission Agenda for the April 16, 2021 meeting. Nebraska Department of Environment and Energy sent a letter regarding the Sweetwater Cattle Co., LLC Concentrated Animal Feeding Operation to operate livestock waste control facilities (LWCF) phase II. Shana Thomas, Dustin Bailey, Susan and Randall King and Cindy Fuqua sent emails regarding stance on the Second Amendment Sanctuaries (2A Sanctuaries) along with a call from Steve and Iris Luth also supporting the Second Amendment Sanctuaries. Vice Chairman Klein called on each Board member present for committee reports and recommendations.

Vice Chairman Klein called for Citizen's forum. Bryan Slater thanked the Board for passing the Second Amendment Resolution earlier in this meeting. Tom Rayburn addressed his concerns about the Veterans Service office and thanked the Board for passing the Second Amendment Resolution. No one else was present to address the Board.

Vice Chairman Klein asked if there was anything else to come before the Board at 11:20 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, April 27, 2021.