

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 11, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, May 11, 2021 at 9:00 A.M. and 9:30 A.M. Chairman McMullen called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Ivan Klein, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Sherry Morrow and 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 May 6, 2021. Chairman McMullen 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 Higgins and seconded by Kouba to approve the April 27, 2021 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following May 7, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Klein, Kouba, Loeffelholz and McMullen. Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			275,947.53
AMERICAN FAMILY LIFE	I	PREMIUMS	1,037.63
RETIREMENT PLANS AMERITAS	R	EMPE RET	46,660.35
BUFFALO CO TREASURER	I	PREMIUMS	114,659.00
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	4,896.74
FIRST NATIONAL BANK	T	FEDERAL TAXES	93,904.45
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISH	402.00
MADISON NATIONAL	I	PREMIUMS	1,021.92
MADISON NATIONAL	I	LT DISABILITY	295.86
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,855.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISH	55.00
PRINCIPAL	E	DENTAL	3,198.68
STATE OF NE	T	STATE TAXES	15,758.99
VISION SERVICE PLAN	E	EMPE VSP EYE	851.08
<u>ROAD FUND</u>			
NET PAYROLL			55,016.52
AMERICAN FAMILY LIFE	I	PREMIUMS	907.19
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,584.36
BUFFALO CO TREASURER	I	PREMIUMS	2,567.00
FIRST CONCORD	E	FLEX FUNDS	677.42
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,399.87
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	2,436.93
VISION SERVICE PLAN	E	EMPE VSP EYE	205.22
<u>WEED DEPARTMENT</u>			
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

Sheriff Neil Miller, Deputy Nicholas Alexander, Deputy Clint Kirschner, Deputy Dennis Small, Deputy Jacob Valentine, Investigator Brandon Brueggemann, Investigator Paul Koerner, Sergeant David Gibbs, Sergeant Theodore Huber and Sergeant Ephraim Valenzuela were present for the Proclamation of the National Police Week. Chairman McMullen read the proclamation and thanked those who serve Buffalo County. Moved by Klein and seconded by Higgins to proclaim the week of May 9th through May 15th, 2021 as “National Police Week” in Buffalo County with the following Resolution 2021-30. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

RESOLUTION 2021-30

Proclamation

Name the Week of May 9, 2021 through May 15, 2021 as

“National Police Week” in Buffalo County

WHEREAS, National Police Week was first proclaimed in 1963 by President Kennedy when he signed Proclamation 3537 creating “National Police Week” to recognize the service given by men and women who, night and day, protect us through enforcement of our laws, and

WHEREAS, the members of the law enforcement agencies of Buffalo County play an important role is safeguarding the rights and freedoms of Buffalo County; and

WHEREAS, it is important that our citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agencies, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and protecting the innocent against deception and the weak against oppression or intimidation; and;

WHEREAS, the men and women of the Buffalo County Sheriff’s Office unceasingly provide vital public services;

NOW THEREFORE, BE IT RESOLVED that the Buffalo County Board of Commissioners hereby proclaim the week of May 9th through May 15th as “National Police Week” to honor those law enforcement officers, who, through their courageous deeds, have made the ultimate sacrifices in service to their community or have been disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes. All Buffalo County citizens are encouraged to pay tribute to the many law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

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

Moved by Klein and seconded by Higgins to accept the City of Ravenna 2020 Annual Tax Increment Financing Report. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

Nate Pearson, Network Manager for the Buffalo County IT (Information Technology) Department was present for the following agenda item. Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the Request for Proposal (RFP) for the County Printer Program. Bids were submitted from the following companies: Capital Business, Eakes Office Solutions and All Copy Products. IT Network Manager Pearson and the IT Committee will review the proposals and come back with recommendations at the end of this meeting.

After discussion and review of the County Sheriff’s report, it was moved by Higgins and seconded by Lynch to approve the Special Designated Liquor License application filed by The Village 1919 for an event to be held on June 5, 2021. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Klein, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

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

Weed Superintendent Bret Stubbs was present to review the report from the Nebraska Department of Agriculture. Moved by Loeffelholz and seconded by Kouba to authorize Chairman McMullen to sign the Noxious Weed Program report from the Nebraska

Department of Agriculture. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Klein, Lynch, Morrow and McMullen. Motion declared carried.

ZONING

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

Chairman McMullen opened the public hearing at 9:16 A.M. for a Vacation Application filed by Trenton Snow, licensed land surveyor, on behalf of Roger L. Swearingen and Renee L. Swearingen, for Vacation of part of Lot 9, Linger's Subdivision, located in part of Government Lot 4 in the Northeast Quarter of the Southwest Quarter of Section Thirty-six (36), Township Nine (9), Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow and Deputy County Attorney Hoffmeister reviewed the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:22 A.M. Moved by Higgins and seconded by Kouba to approve the Vacation Application with the following Resolution 2021-31. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

RESOLUTION 2021-31

WHEREAS, Surveyor Trenton Snow, on behalf of Roger L. Swearingen and Renee L. Swearingen, owners of:

A tract of land being part of Lot 9, Linger's Subdivision, which is part of Government Lot 4 located in part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section Thirty-six (36), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southwest Quarter of said Section Thirty-six (36); thence Northerly on the east line of said Southwest Quarter a distance of 1967.0 feet; thence with a deflection angle to the left of 90°00' a distance of 10.0 feet to a point on the east boundary of Lot 9 of said Linger's Subdivision; thence continuing westerly on the afore described course a distance of 35.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the west property line of a Buffalo County road; thence Northerly on the west line of said public road and 45.0 feet westerly from and parallel with the east line of the Southwest Quarter of said section a distance of 160.8 feet; thence left 90°00' a distance of 5.0 feet; thence right 90°00' and parallel with and 50.0 feet westerly from the east line of said quarter a distance of 273.7 feet; thence left 94°14' a distance of 250.68 feet; thence left 85°46' a distance of 392.0 feet; thence right 51°21' a distance of 428.1 feet; thence left 112°11' a distance of 242.0 feet; thence left 84°30' a distance of 31.0 feet; thence right 02°52' a distance of 423.0 feet; thence right 52°31' a distance of 103.5 feet to the place of beginning, EXCEPTING HOWEVER a tract of land deeded to the State of Nebraska, Department of Roads by Warranty deed recorded on Inst. 2017-04668 in the Buffalo County Register of Deeds and being more particularly described as follows: A tract of land located in part of Lot 9 Linger's Subdivision in the East half of the Southwest quarter of Section 36, Township 9 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska, described as follows: Referring to the Northeast corner of said quarter section; thence westerly a distance of 50.00 feet along the north line of said quarter section to a point on the westerly highway L10C right of way line; thence southerly deflecting 089 degrees, 57 minutes, 29 seconds left, a distance of 520.40 feet along said right of way line; thence easterly deflecting 090 degrees, 02 minutes, 31 seconds left, a distance of 5.00 feet along said right of way line; thence southerly deflecting 090 degrees, 02 minutes, 31 seconds right, a distance of 126.57 feet along said right of way line to the point of beginning; thence southerly deflecting 000 degrees, 00 minutes, 00 seconds, a distance of 33.46 feet along said right of way line to a point on the northerly interstate 80 right of way line; thence westerly deflecting 090 degrees, 00 minutes, 37 seconds right, a distance of 25.70 feet along said right of way line; thence northeasterly deflecting 127 degrees, 31 minutes, 17 seconds right, a distance of 42.18 feet to the point of beginning.

being hereinafter referred to as the "described property".

Have filed to vacate the described property with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on April 15, 2021, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Application for Vacation and on a 8-0 vote with zero absent, voted to forward this application to the County Commissioners with a recommendation to authorize vacation of the described property, and

WHEREAS, on May 11, 2021, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Commercial (C) Zoning District of Buffalo County, Nebraska.
2. The proposed vacation, of the entire administrative subdivision, fulfills Buffalo County's Subdivision Resolution requirements for vacation of administrative subdivisions as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. No public utilities occupy the land sought to be vacated, or if they do occupy lands, they are unaffected by this vacation because it will soon be replatted.
4. The proposed vacation of the described property should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above named legal description, shall cause the vacation of previously subdivided land.

Chairman McMullen opened the public hearing at 9:22 A.M. for an Administrative Subdivision filed by Trenton Snow, licensed land surveyor, on behalf of Roger L. Swearingen and Renee L. Swearingen, to be known as "Swearingen Acres", located in part of Lot 9, Linger's Subdivision, also known as Government Lot 4 in the Northeast Quarter of the Southwest Quarter of Section Thirty-six (36),

Township Nine (9), Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow reviewed the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:23 A.M. Moved by Morrow and seconded by Kouba to approve the Vacation Application with the following Resolution 2021-32. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz, Lynch and McMullen. Motion declared carried.

RESOLUTION 2021-32

WHEREAS, Roger L. Swearingen and Renee L. Swearingen, hereinafter referred to as “applicants” filed for an Administrative Subdivision to be known as “Swearingen Acres”, with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on May 11, 2021, this Board conducted a public hearing now and finds:

1. The proposed “Swearingen Acres” is in the Commercial (C) Zoning District for Buffalo County, Nebraska. As submitted, it fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02, together with other provisions applicable thereto.
2. There is no remnant parcel.
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. Lowell Road is a state-maintained open public road and it abuts the subdivision on its east side. The width of Lowell Road meets this county’s minimum width standards.
5. Coal Chute Road abuts the subdivision along its south side. Coal Chute Road is a road that was deeded to the State of Nebraska. Coal Chute Road abuts Interstate 80 where Coal Chute Road abuts this subdivision. The width of this portion of Coal Chute Road, which will not increase in width after dedication, complies with the minimum width standards required by the Buffalo County Subdivision Resolution.
6. 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.
7. 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 “Swearingen Acres”, an administrative subdivision being located in part of now vacated Linger’s Subdivision, part of Lot 9 and situated in Government Lot 4 located in part of the Northeast Quarter of the Southwest Quarter of Section Thirty-six (36), Township Nine (9), Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Deputy County Attorney Andrew Hoffmeister reviewed the proposed Code Amendment regarding the Amendment of Zoning Regulations, Section 3.3172, regarding the definition of “Structure” to include, but not limited to: water services, electrical connections, and sewer usage. No one else addressed the Board. Moved by Klein and seconded by Lynch to approve the Code Amendment with the following Resolution 2021-33. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

RESOLUTION 2021-33

WHEREAS, on April 15, 2021, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendments to Buffalo County’s Zoning Regulations of Section 3.3172, regarding the definition of “Structure”. That Commission voted unanimously to recommend that this Board adopt the proposed amendment, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on May 11, 2021, this Board conducted a public hearing concerning a proposed amendment to Buffalo County’s Zoning Regulations, no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below:

Amend Section 3.3172 to read,

“3.3172 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground; ~~or~~ attachment to something having a permanent location on the ground; semi-permanent attachment to the ground; or is permanently or semi permanently

connected to any one of the following services, regardless of whether the service described is self-provided, created on the premises, or publicly provided:

a. water service provided with a plumbing connection of more permanency than that of a garden hose,

b. electrical connection to a public utility or alternative energy source of more than 1,000 watts that has permanency than that of an unburied electrical drop or extension cord.

c. sewer or sewers, for waste deposited and/or created within any structure that releases any sewage effluvia outside of the structure. ~~but~~ not including

This does not include fences or public items such as utility poles, street light fixtures and street signs.”

Moved by Loeffelholz and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:31 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Klein and seconded by Loeffelholz to approve Tax List Corrections numbered 4772 through 4782 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

Moved by Higgins and seconded by Klein that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #19-A033 in appeal concerning Flying W, LLC, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #60122000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2019 this property had an assessed valuation of \$829,240. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Klein that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #19-A034 in appeal concerning Flying W, LLC, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #60123000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2019 this property had an assessed valuation of \$1,220,640. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

Moved by Morrow and seconded by Kouba to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Crane River Theater Company, Inc. for a 2021 Sharp Cargo Trailer. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz, Lynch, and McMullen. Motion declared carried.

Moved by Klein and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:38 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

REGULAR AGENDA

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

Moved by Klein and seconded by Loeffelholz to receive Highway Superintendent John Maul's reports on the petition to vacate portions of roads located in the Armada Township and to set a public hearing date of June 22, 2021 at 9:30 a.m. with the following Resolution 2021-34. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

RESOLUTION 2021-34

WHEREAS, a Petition to vacate various roads or other public ways has been properly filed with the Buffalo County Clerk for the following described roads, alleys, and/or public ways:

Road #1: One-half mile of Bison Road (if extended) a road, commencing at the Southeast corner of Section Twenty-One (21) and the Southwest corner of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-One (21) and the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P. M. Buffalo County, Nebraska.

Road #2: One-half mile of Buckboard Road (if extended) a road, commencing at the Southeast corner of the Northwest Quarter of Section Twenty-Two (22) and the Southwest corner of the Northeast Quarter of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the West Half of the Northeast Quarter (W ½ NE ¼) of Section Twenty-Two

(22) and the East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P. M. Buffalo County, Nebraska.

Road #3: A portion of Birch Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-Six (26) and the Southeast corner of the Southeast Quarter of Section Twenty-Seven (27); thence running north for 1980 feet as the road is situated between and abutting that portion of the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Six (26) and that portion of East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-Seven (27), all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P. M. Buffalo County, Nebraska.

Road #4: One-half mile of 235th Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-One (21) and the Northwest corner of the Northwest Quarter of Section 28; thence running East for one-half mile as the road is situated between and abutting the South Half of the Southwest Quarter (S ½ SW ¼) of Section Twenty-One (21) and the North Half of the Northwest Quarter (N ½ NW ¼) of Section Twenty-Eight (28) all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P.M. Buffalo County, Nebraska.

Road #5: A Road (not named) one mile of an East to West Road, or any portion there of as the same is situated between and abutting the South Half of the South Half (S½ S ½) of Section Twenty-Nine (29) and the North Half of the North Half (N ½ N ½) of Section Thirty-Two (32), Township Eleven (11) North, Range Eighteen (18) West of the 6th P.M. Buffalo County, Nebraska.

WHEREAS, the report of the Highway Superintendent was received at this Board's May 11, 2021, meeting, and

WHEREAS, the issue of closing these roads, or portions thereof, should be set down for public hearing.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of County Commissioners sets June 22, 2021, at 9:30 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of the above recited roads, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to landowners that have property abutting the roads to be vacated or abandoned, by registered or certified mail no less than two weeks in advance of the hearing.

After discussion and review by Deputy County Attorney Andrew Hoffmeister, it was moved by Loeffelholz and seconded by Lynch to authorize Chairman McMullen to sign the contract regarding the road improvement project on Grove Road and 370th Road with Cris Hehner and Lammers Land Leveling. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Morrow and McMullen. Motion declared carried.

Sheriff Neil Miller was present for the following agenda item. Moved by Lynch and seconded by Morrow to authorize Chairman McMullen to sign the Interlocal Cooperation Agreement with the City of Kearney and Buffalo County for the combined Kearney Police/Buffalo County Sheriff's Office Emergency Services and Crisis Negotiation Unit. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Klein, Kouba, Loeffelholz and McMullen. Motion declared carried.

After discussion with Mitch Humphrey and Deputy County Attorney Hoffmeister, it was moved by Loeffelholz and seconded by Higgins to authorize Chairman McMullen to sign the amended contract with the project team of Buffalo Surveying Corporation and Jorgensen Surveying on the Section Corner Project. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

Nate Pearson, Network Manager for the Buffalo County IT (Information Technology) Department returned to the meeting with recommendations on the County Printer Program Proposal that were submitted. Moved by Klein and seconded by Kouba to accept the bid from Eakes Office Solutions for the County Printer Program. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Higgins, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

After discussion, it was decided that no action was necessary at this time for the Fire District 4 levy allocation request.

Chairman McMullen reviewed the following correspondence. Nebraska Department of Environment and Energy sent letter regarding the National Pollutant Discharge Elimination System (NPDES) General Permit of Operation Confining Cattle for the Sweetwater Cattle Co., LLC Concentrated Animal Feeding Operation. The City of Kearney sent the Planning Commission Agenda for May 21, 2021 meeting. Beth Salmans sent email regarding 49 County Land Grab in Kansas and Nebraska by the Kansas Nebraska Heritage Area Partnership. Linda Smedra sent information from the Nebraska Cattleman Insider issue from May 6, 2021 in regards to 30x30. Chairman McMullen called on each Board member present for committee reports and recommendations. During committee reports and recommendations, Commissioner Higgins on behalf of the COVID committee stated that Employees will no longer be required to wear masks in the public areas. If any official chooses to make their office policy more restrictive, that can be done at the discretion of the official.

Moved by Loeffelholz and seconded by Klein to enter into Executive Session at 10:45 A.M. to receive advice from legal counsel on personnel matter and for the protection of the public's interest. In addition to the Board members responding to roll call, County Attorney Shawn Eatherton was present and Pam Bourne and Ashley Connell with Woods Aitken LLP joined the meeting via Zoom. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Morrow and McMullen. Motion declared carried.

Moved by Kouba and seconded by Higgins to move out of Executive Session at 11:57 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Klein, Loeffelholz, Lynch, Morrow and McMullen. Motion declared carried.

Chairman McMullen called for Citizen's forum and no one addressed the Board.

Chairman McMullen asked if there was anything else to come before the Board at 11:58 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, May 25, 2021.