

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 9, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 9, 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 November 4, 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 and Deputy County Attorney Andrew Hoffmeister were present.

**REGULAR AGENDA**

Moved by Higgins and seconded by Loeffelholz to approve the October 26, 2021 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Higgins and seconded by Morrow to ratify the following November 5, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch and Klein. Absent: McMullen. Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			273,715.00
AMERICAN FAMILY LIFE	I	PREMIUMS	1,303.91
RETIREMENT PLANS AMERITAS	R	EMPE RET	46,617.84
BUFFALO CO TREASURER	I	PREMIUMS	122,770.00
CREDIT MANAGEMENT	E	GARNISHMENT	169.94
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	4,399.31
FIRST NATIONAL BANK	T	FEDERAL TAXES	93,135.75
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISHMENT	402.00
MADISON NATIONAL	I	PREMIUMS	990.14
MADISON NATIONAL	I	LT DISABILITY	302.97
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,860.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISHMENT	55.00
PRINCIPAL	E	DENTAL	3,228.16
STATE OF NE	T	STATE TAXES	15,737.51
VISION SERVICE PLAN	E	EMPE VSP EYE	857.70
<b>ROAD FUND</b>			
NET PAYROLL			53,654.03
AMERICAN FAMILY LIFE	I	PREMIUMS	1,060.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,456.24
BUFFALO CO TREASURER	I	PREMIUMS	3,156.00
FIRST CONCORD	E	FLEX FUNDS	515.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	15,950.26
MADISON NATIONAL	I	PREMIUMS	144.51
MADISON NATIONAL	I	LT DISABILITY	110.10
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	946.12
STATE OF NE	T	STATE TAXES	2,390.06
VISION SERVICE PLAN	E	EMPE VSP EYE	230.84
<b>WEED FUND</b>			
NET PAYROLL			4,994.76
RETIREMENT PLANS AMERITAS	R	EMPE RET	791.79
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,616.19
MADISON NATIONAL	I	LT DISABILITY	3.54

PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	258.43

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

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

Zoning Administrator Dennise Daniels reviewed the Annual Report of Special Use Properties and the reappointment of members to the Planning and Zoning Commission. Moved by Higgins and seconded by Kouba to accept the Annual Report of Special Use Properties. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Morrow and seconded by Kouba to reappoint Francis "Buss" Biehl, Scott Brady and Tammy Jeffs to the Planning and Zoning Commission for a three year term. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch and Klein. Absent: McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve the addition of pledged collateral in the amount of \$430,000.00 for the Buffalo County Treasurer at Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Absent: McMullen. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to approve the addition of pledged collateral in the amount of \$125,919.64 for the Buffalo County Treasurer at Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: McMullen. Motion declared carried.

After discussion it was moved by Lynch and seconded by Kouba to approve redistricting of the Board of Commissioners Districts with Resolution 2021-67. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2021-67**

WHEREAS, the office of the Buffalo County Election Commissioner did receive the 2020 Census figures for Buffalo County, and

WHEREAS, according to Section 32-553 of the Revised Statutes of Nebraska, it is mandatory that Buffalo County redistrict itself within six months after the passage of approval of the legislative bill providing for reestablishing legislative districts, and

WHEREAS, such districts shall be substantially equal in population as determined by the most recent federal decennial census, and

WHEREAS, after review this Board believes that the district descriptions as provided below constitute substantially equal in population districts and as nearly as possible follow precinct lines, and

WHEREAS, on September 30, 2021, the Nebraska Legislature and Governor approved Laws, LB 3, Sec. 1, [§50-1153](#) effective October 1, 2021, which said law redistricted legislative districts.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that in compliance with Section 32-553 of the Revised Statutes of Nebraska that Buffalo County be redistricted, according to the attached map and following descriptions defining the Buffalo County Board of Commissioners District Boundaries and that:

**District #1**-shall be comprised of all of Precinct 10; all of Precinct 22; all of Precinct 24; part of Precinct 29 outside of the City of Kearney City Limits south of Highway 10, West of Keystone Road, part of Precinct 29 outside the City of Kearney City Limits that runs from Highway 10 and Keystone Road North to 78<sup>th</sup> Road then West to Imperial Road, North to 92<sup>nd</sup> Street West to N Avenue, South to 78<sup>th</sup> Street, East to Antelope Road, South to 56<sup>th</sup> Street and East to Cherry Avenue and South to Hwy 10, part of Precinct 29 that is outside the City of Kearney City limits that is South of 39<sup>th</sup> Street and East of Antelope Avenue; Part of Precinct 14 that is inside the City of Kearney City Limits that is East of Avenue M, South of E Railroad Street to include an additional piece that is West of Avenue M, North of S Railroad Street and South of East Railroad Street.

**District #2**-shall be comprised of all of Precinct 15, all of Precinct 16, all of Precinct 17, all of Precinct 18, all of Precinct 19 minus a portion north of 115<sup>th</sup> Road, East of Cessna Road, South of 145<sup>th</sup> Road, West of Riverdale Road, with an additional piece that is East of Riverdale Road, South of 130<sup>th</sup> Road, and West of YDC Road, all of Precinct 20, all of Precinct 21, and part of Precinct 25 that is South of 115<sup>th</sup> Road, West of Cessna Road, East of Apache Road and North of 24<sup>th</sup> Road with an additional piece West of Barley Road, South of 24<sup>th</sup> Road, and North of Buffalo Creek Road.

**District #3**-shall be comprised of all of Precinct 2 minus a portion that is North of 39<sup>th</sup> Street, East of 17<sup>th</sup> Avenue, South of 50<sup>th</sup> Street, and West of 11<sup>th</sup> Avenue; all of Precinct 3; all of Precinct 4; part of Precinct 27 that is outside City of Kearney City Limits South of 56<sup>th</sup> Street and East of 30<sup>th</sup> Avenue; part of Precinct 1 that is in the City of Kearney City Limits North of 50<sup>th</sup> Street, West of 17<sup>th</sup> Avenue, and a portion to the East north of 56<sup>th</sup> Street; part of Precinct 29 that is North of 39<sup>th</sup> Street and West of Antelope Avenue with an additional piece that is East of Antelope Avenue, South of 56<sup>th</sup> Street, West of Cherry Avenue and North of 39<sup>th</sup> Street and another additional piece that is outside of the City of Kearney City Limits south of 39<sup>th</sup> Street and West of Antelope Avenue.

**District #4**-shall be comprised of part of Precinct 19 that is North of 115<sup>th</sup> Road, East of Cessna Road, South of 145<sup>th</sup> Road, West of Riverdale Road, with an additional piece that is North of 115<sup>th</sup> Road, East of Riverdale Road, South of 130<sup>th</sup> Road, and West of YDC Road; part of Precinct 25 that is south of 115<sup>th</sup> Road, East of Cessna Road, West of Comanche Road, and North of 24<sup>th</sup> Road with an additional piece that is East of Apache Road, North of the southern border of Buffalo County, West of Dunbar Road, and South Buffalo Creek Road; all of Precinct 26, (27); all of Precinct 28; all of Precinct 11; part of Precinct 12 that is East of 15<sup>th</sup> Avenue, South of 24<sup>th</sup> Street, West of 5<sup>th</sup> Avenue, and North of W Railroad Street; all of Precinct 13 minus a portion that is South of 16<sup>th</sup> Street, West of 9<sup>th</sup> Avenue, North of 8<sup>th</sup> Street, and East of 17<sup>th</sup> Avenue; all of Precinct 27, minus the portion in District 5 that is known as High Plain Estates and the portion outside City of Kearney City Limits South of 56<sup>th</sup> Street and East of 30<sup>th</sup> Avenue.

**District #5**-shall be comprised of a part of Precinct 1 that begins at 17<sup>th</sup> Avenue and 50<sup>th</sup> Street, goes West on 50<sup>th</sup> Street to 19<sup>th</sup> Avenue, goes North to the City of Kearney City Limits and follows the City of Kearney City Limits West to 30<sup>th</sup> Avenue, goes South on 30<sup>th</sup> Avenue following the City of Kearney City Limits to 39<sup>th</sup> Street and then East on 39<sup>th</sup> Street to 17<sup>th</sup> Avenue minus a section that is known as High Plain Estates; part of Precinct 2 that is North of 39<sup>th</sup> Street, East of 17<sup>th</sup> Avenue, South of 50<sup>th</sup> Street, and West of 11<sup>th</sup> Avenue; all of Precinct 6; all of Precinct 7; part of Precinct 27 that is outside the City of Kearney City Limits North of 39<sup>th</sup>, East of 30<sup>th</sup> Avenue, and South of W 43<sup>rd</sup> Street and the portion known as High Plain Estates.

**District #6**-shall be comprised of all of Precinct 5, all of Precinct 8, and all of Precinct 9

**District #7**-shall be comprised of all of Precinct 23; all of Precinct 14 minus a portion that is inside the City of Kearney City Limits that is East of Avenue M, South of E Railroad Street; part of Precinct 12 that is east of 5<sup>th</sup> Avenue, North of E Railroad Street, West of Avenue D and South of 24<sup>th</sup> Street; part of Precinct 13 that is South of 16<sup>th</sup> Street, West of 9<sup>th</sup> Avenue, North of 8<sup>th</sup> Street, and East of 17<sup>th</sup> Avenue; and part of Precinct 29 that is inside the City of Kearney City Limits South of Landon Street.

BE IT FURTHER RESOLVED, that the foregoing action by said Buffalo County Board of Commissioners, setting forth the new Buffalo County Board of Commissioners and area, be certified to the Buffalo County Election Commissioner for voter purposes.

After discussion it was moved by Morrow and seconded by Lynch to authorize Vice Chairman Klein to sign the Interlocal Agreement with City of Kearney for snow piling with the following Resolution 2021-68. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

#### **RESOLUTION 2021-68**

WHEREAS Buffalo County and the City of Kearney desire to enter into an Interlocal Government Agreement to allow the City to pile snow on county owned property located east of the Courthouse on four vacant city lots, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses supervision, hold harmless provisions, and other issues addressed in this agreement, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself and the City of Kearney, Nebraska, all as set forth in the minutes of this meeting and this Board authorizes its Vice Chairperson to sign such agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of such Interlocal agreement.

Sheriff Neil Miller and Lieutenant Robert Tubbs were present to review the 911 Regional Upgrade. After discussion it was moved by Lynch and seconded by Kouba to approve the 911 Regional Upgrade. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Morrow and seconded by Kouba to retain services of Nicky Blank, who is a Certified Residential Appraiser with Excel Appraisal Solutions to appraise 1406 1<sup>st</sup> Avenue, Kearney, Nebraska. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch and Klein. Absent: McMullen. Motion declared carried.

Moved by Lynch and seconded by Morrow to ratify the actions taken by Myron Kouba, Buffalo County Board of County Commissioner, for his signature on behalf of Buffalo County, Nebraska to enter into purchase agreement for 1406 1<sup>st</sup> Avenue, Kearney, Nebraska. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz and Klein. Absent: McMullen. Motion declared carried.

Commissioner Kouba indicated that the new rates were received from the current dental provider for employees. Research and informal requests were received and reviewed by the Human Resource/Insurance Committee. Moved by Higgins and seconded by

Kouba to approve the renewal of the Principal Dental contract for calendar year 2022. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Vice Chairman Klein reviewed the following correspondence. Court Appointed Special Advocates for Children (CASA) sent a thank you to the Buffalo County Commissioners for their donation. Riverstone Bank sent a letter stating that as of November 5, 2021 First State Bank and Riverstone Bank will be operating as one. City of Kearney sent the Planning Commission Agenda for the meeting on November 19, 2021. Vice Chairman 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 9:26 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **BOARD OF EQUALIZATION**

Vice Chairman Klein called the Board of Equalization to order in open session. County Assessor Ethel Skinner was present.

Moved by Loeffelholz and seconded by Higgins to approve Tax List Corrections numbered 4803 through 4807 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Change submitted by County Assessor Skinner for the Wayne D & Emma L Nichols, Trustees on parcel 160120570. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Absent: McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:29 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **REGULAR AGENDA**

Highway Superintendent John Maul was present for the following Agenda items. Vice Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for Structure No. C001012210 Replacement, Project C10 (1427). Bids were submitted from Midwest Infrastructure Inc., KEA Constructors, The Diamond Engineering Co., Simon and Wilke Contracting Corp. Highway Superintendent Maul and the Road Committee will review the bids and come back with recommendations at the Board Meeting on November 23, 2021.

Moved by Higgins and seconded by Lynch to set a bid date of December 14, 2021 for the 2022 Asphalt Projects. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Absent: McMullen. Motion declared carried.

After discussion it was moved by Higgins and seconded by Kouba to authorize Vice Chairman Klein to sign the Lowell Road Asphalt Project Interlocal Agreement with Kearney County with the following Resolution 2021-69. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2021-69**

WHEREAS Buffalo and Kearney Counties desire to enter into an Interlocal Government Agreement for repaving about 16,400 feet of Lowell Road. Of that amount, there are about 12,000 feet north and 4,300 feet south of the county line between the counties to be repaved, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses construction, shared expenses, supervision, maintenance, and other issues addressed in this agreement, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself and Kearney County, Nebraska all as set forth in the minutes of this meeting and this Board authorizes its Vice Chairperson to sign such agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of such Interlocal agreement.

Deputy County Attorney Hoffmeister reviewed the renovation process for the 610 Central Project. After discussion it was moved by Higgins and seconded by Kouba to utilize construction management at risk contracting process for renovations with Resolution 2021-70. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2021-70**

WHEREAS, this Board believes that renovations are needed to property recently purchased by Buffalo County located at 610 Central Avenue, Kearney, Nebraska, and

WHEREAS, the renovation process for the above location is and should be known as the "610 Central Project" to clarify, describe the work to be done, and to provide a uniform name for this renovation project, and

WHEREAS, this Board and county personnel have generally reviewed the need of renovation at 610 Central Avenue, and thereafter proceeded to retain the services of a professional architect for the 610 Central Project all done in accordance with the Nebraska Engineers and Architects' Act, and

WHEREAS, the architect has produced preliminary plans for the Project, and

WHEREAS, based upon these drawings and the need of renovation, together with the changes in construction processes that may occur in the renovation of any building, the Board believes that the use of the construction management at risk contract, as authorized under **Political Subdivisions Construction Alternatives Act** Neb.Rev.Stat. Sec. 13-2901 et seq. would be the best method to pursue, and eventually bid and contract for services, to plan and complete renovations needed for this Project, and

WHEREAS, it is necessary that this Board adopt a resolution selecting the construction management at risk contract delivery system as provided under the aforementioned Act prior to proceeding with the provisions of that Act, and

WHEREAS, this Board believes that it is in the best interests of Buffalo County to proceed with renovations in the 610 Central Project utilizing the construction management at risk contract delivery system.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, that Buffalo County adopts this Resolution regarding the 610 Central Project by no less than a two-thirds majority vote and by adoption of this Resolution authorizes Buffalo County the use of the contract management at risk contract delivery system as authorized under the Political Subdivisions Construction Alternatives Act, and

FURTHER RESOLVED that county personnel proceed to prepare Requests for Proposals and Qualifications together with other necessary documents so that this Board may commence publication requesting proposals for participation of entities desiring to bid or participate in the 610 Central Project.

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

Vice Chairman Klein asked if there was anything else to come before the Board at 10:01 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 23, 2021.