

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 9, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, May 9, 2023 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, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. Absent: Ronald Loeffelholz. 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 May 4, 2023. Chairperson Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister and Deputy County Clerk Rachele Warner were present.

**REGULAR AGENDA**

Moved by Maendele and seconded by Higgins to approve the April 25, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following May 5, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Maendele and Klein. Absent: Loeffelholz. Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			316,924.80
AMERICAN FAMILY LIFE	I	PREMIUMS	1,246.86
RETIREMENT PLANS AMERITAS	R	EMPE RET	53,538.67
BUFFALO CO TREASURER	I	PREMIUMS	129,682.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,150.00
FIRST CONCORD	E	FLEX FUNDS	5,687.91
FIRST NATIONAL BANK	T	FEDERAL TAXES	108,773.81
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,111.51
MADISON NATIONAL	I	LT DISABILITY	270.16
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	385.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,417.48
STATE OF NE	T	STATE TAXES	18,808.57
VISION SERVICE PLAN	E	EMPE VSP EYE	900.06
<b>ROAD FUND</b>			
NET PAYROLL			60,680.22
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,706.96
BUFFALO CO TREASURER	I	PREMIUMS	3,927.00
FIRST CONCORD	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	17,562.97
MADISON NATIONAL	I	PREMIUMS	204.21
MADISON NATIONAL	I	LT DISABILITY	113.81
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,081.08
STATE OF NE	T	STATE TAXES	2,716.84
VISION SERVICE PLAN	E	EMPE VSP EYE	258.96
<b>COVID AMERICAN RESCUE FUND</b>			
NET PAYROLL			1,501.39
AMERICAN FAMILY LIFE	I	PREMIUMS	30.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	309.14
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	415.22
MADISON NATIONAL	I	PREMIUMS	4.90
MADISON NATIONAL	I	LT DISABILITY	5.91
PRINCIPAL	E	DENTAL	45.52

STATE OF NE	T	STATE TAXES	56.66
VISION SERVICE PLAN	E	EMPE VSP EYE	14.08
<b>WEED FUND</b>			
NET PAYROLL			5,344.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	840.87
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,696.82
MADISON NATIONAL	I	LT DISABILITY	3.68
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	269.62

Sheriff Neil Miller and Sergeant Ephraim Valenzuela were present for the Proclamation of the National Police Week. Vice Chairperson Morrow read the proclamation and thanked those who serve Buffalo County. Moved by Morrow and seconded by Maendele to proclaim the week of May 14th through May 20th, 2023 as “National Police Week” in Buffalo County with the following Resolution 2023-27. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Lynch, Kouba and Klein. Absent: Loeffelholz. Motion declared carried.

### **RESOLUTION 2023-27**

#### **Proclamation**

#### **Name the Week of May 14, 2023 through May 20, 2023 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 in 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 14<sup>th</sup> through May 20<sup>th</sup> 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.

Sheriff Miller was present for the Swearing in of Sheriff’s Deputies Sandra Espitia and Reno Hunt.

Sheriff Miller was present for the Swearing in of new Sergeant Joe Andersen.

Moved by Morrow and seconded by Lynch to accept the Buffalo County Treasurer April 2023 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Maendele and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Morrow and seconded by Maendele to accept the Clerk of the District Court April 2023 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Lynch and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Higgins to accept the March 2023 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Kouba to accept the City of Ravenna 2022 Annual Tax Increment Financing Report. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

After discussion, it was moved by Higgins and seconded by Maendele to authorize Chairperson Klein to sign the American Rescue Plan Act (ARPA) of 2021 Grant Contract with The Community Partners with the following resolution 2023-28. Upon roll call

vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

### **RESOLUTION 2023-28**

WHEREAS, on March 11, 2021, the American Rescue Plan Act (H.R. 1319), § 4001, "ARPA") was signed into law providing federal funding relief for American workers, families, industries, and state and local governments; and

WHEREAS, on May 10, 2021, the United State Department of Treasury released an interim final guide on allowed uses of funds and allocated \$350 billion for state, local, territorial, and Tribal governments from the American Rescue Plan Act Fund; and

WHEREAS, Buffalo County has received funds to be used for purposes designated by ARPA, and

WHEREAS, after a requests from the various political subdivisions of this county were made to Buffalo County for ARPA funds, this Board's Budget Committee reviewed these requests and has made recommendations to this Board as to an allocation of some of the ARPA funds that have been received by this County, and

WHEREAS, ARPA provides funds to charitable and governmental entities to make necessary investments in structures and infrastructure, and

WHEREAS, Buffalo County pursuant to that committee's report on allocations, desires to allocate a portion of received ARPA Funds to the COMMUNITY HEALTH PARTNERS, INC., a non-profit service Domestic Corporation, based in Kearney, Buffalo County, Nebraska, hereinafter simply referred to as "PARTNERS" to assist that organization to pay for the family flex fund assistance funds. This financial assistance of ARPA Funds is needed because this community based charitable organization has suffered negative economic impacts as a result of the COVID-19 public health emergency and there is a need for PARTNERS' community based services; and

WHEREAS, Buffalo County has determined that contracting with PARTNERS would yield efficiencies in time and process in the development and implementation of the goals of that organization.

NOW, THEREFORE BE IT RESOLVED BY BUFFALO COUNTY, NEBRASKA, ACTING BY AND THROUGH THE BUFFALO COUNTY BOARD OF COUNTY COMMISSIONERS that the Chairperson of this Board is hereby authorized, empowered, and directed to execute an additional American Rescue Plan Act Agreement with the COMMUNITY HEALTH PARTNERS, INC., for the financial assistance to PARTNERS to assist in the payment to expand the flex fund program, and to take all necessary steps required to complete the Project Agreement.

Jeremy Eschliman, Health Director, and Aravind Menon, PhD, Epidemiologist were present to present the quarterly update from Two Rivers Public Health Department and a copy of the presentation is on file with the County Clerk.

### **ZONING**

Jennie Kozal, of Olsson Engineering, presented the new signage design by The National Audubon Society Inc. per Resolution 2023-21 per the requirement from the April 11, 2023 Board meeting. Zoning Administrator Dennise Daniels and John Maul, Highway Superintendent, were also present. Moved by Maendele and seconded by Kouba to approve the new proposed signage design with the Special Use Permit as per Resolution 2023-21. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:33 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

### **BOARD OF EQUALIZATION**

Chairperson Klein called the Board of Equalization to order in open session. County Assessor Roy Meusch and County Treasurer Brenda Rohrich were present.

Moved by Maendele and seconded by Kouba to have the Buffalo County Board of Equalization hear the 2023 Property Valuation Protests and to have Buffalo County Clerk send notice of said hearings. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Kouba and seconded by Maendele to approve Tax List Corrections numbered 4972 through 4973 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Kouba, Maendele, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Higgins to approve the Valuation Change submitted by County Assessor Meusch for the following parcel numbers listed below. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

<u>NAME</u>	<u>PARCEL</u>
RIDGLEY, DIANA C	603935000

ARTHUR, BRYAN M	040269000
ZELLER, SUE	040266000
SCHUMACHER, RICHARD E & BEVERLY L	601240000
HUGHES, GARY W & CHERYL K	640328000
GOSS, DAVID A & JUDITH A	120105000
ZWIENER, GABRIEL J PR OF THE WELDON D ZWIENER ESTATE	240040000
COVER, SHARON	240040050
HUNNEL, WAYNE C	640466105
KLINGINSMITH, RANDAL L	605516000
KLINGINSMITH, RANDAL L	602937000

Moved by Maendele and seconded by Kouba to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Rohrich for South Central Behavioral Services, Inc. for a 2023 Honda Odyssey minivan. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Lynch to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Rohrich for First Baptist Church of Kearney for a 2020 Ford Transit. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:43 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

### **REGULAR AGENDA**

Moved by Maendele and seconded by Kouba to enter into Executive Session at 9:43 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, County Attorney Eatherton, Deputy County Attorney Hoffmeister, Sheriff Neil Miller, and Board Administrator Lynn Martin were present. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Higgins and seconded by Maendele to move out of Executive Session at 10:19 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Larry Schroeder, resident of Buffalo County and John Boersma were present to discuss their road petition and answer any questions. Following discussion, it was moved by Maendele and seconded by Kouba to acknowledge receipt of the road petition to vacate portion of road located in Glenwood Estates 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": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Nancy Gallaway, owner of Stockman's Bar and Grill was present to answer any questions. Following discussion and review of the County Sheriff's report it was moved by Maendele and seconded by Lynch to ratify the actions taken by Buffalo County Clerk Christensen to approve the Special Designated Liquor License application filed by Stockman's Bar and Grill, Nancy Gallaway, for events to be held at Knobel Barn, located at 3070 Odessa Road, Kearney, Nebraska on May 20, 2023. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Lynch and seconded by Kouba to approve the Special Designated Liquor License applications filed by B&B Research and Investments L.L.C; Trade Name: The Village 1919: DBA The Village for events to be held at "The Farm" located at 514+0 100<sup>th</sup> Road, Shelton, Nebraska on June 3, 2023 and June 7, 2023. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Following discussion and review of the County Sheriff's report, it was moved by Kouba and seconded by Higgins to approve the Special Designated Liquor License application filed by Bull & Barrel for events to be held at the Bull & Barrel located at 15220 Highway 30, Odessa, Nebraska on June 11, 2023. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to delay the decision of CGI Digital Video contract until the next meeting scheduled for Tuesday, May 23, 2023. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

There was no correspondence for Chairperson Klein to review. Chairperson Klein called on each Board member present for committee reports and recommendations.

### **ROAD DEPARTMENT**

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

The One and Six Year Road and Bridge Plans were reviewed by Highway Superintendent Maul and the Board of Commissioners. Moved by Maendele seconded by Kouba to accept and set public hearing date of May 23, 2023 at 10:00 A.M. for the 2023-2024 One and Six Year Road and Bridge Review. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Lynch, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Lynch seconded by Kouba to accept the price of \$45,700.00 for 2023 Chevrolet Silverado 1500 Crew Cab Pickup and the price of \$52,580.00 for 2024 Chevrolet Silverado 3500 HD Crew Cab Pickup both from Husker Auto Group. Commercial Fleet Pricing (State bid). Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Highway Superintendent Maul presented a report of the two overhead cranes sold at Gravel Roads Auction on February 28, 2023 to be filed with the County Clerk.

## **FACILITIES DEPARTMENT**

Assistant Facilities Director Nicholas Killough requested to re-bid the Remodel and Addition Project on Midtown Office Building due to specification changes. Moved by Maendele and seconded by Lynch to set bid date of Tuesday, June 13, 2023 at 10:00 A.M. for the re-bid of the Remodel and Addition Project on Midtown Office Building. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Chairperson Klein called for Citizen's forum and Ron Cone from ESU 10 was present to review the information technology interlocal agreement. No one else addressed the board.

Moved by Lynch and seconded by Higgins to enter into Executive Session at 10:59 A.M. regarding Personnel. In addition to the Board members responding to roll call, County Attorney Eatherton, Sheriff Miller and Capitan Bob Anderson were present. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Maendele to move out of Executive Session at 11:22 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Morrow and Klein. Absent: Loeffelholz. Motion declared carried.

Chairperson Klein asked if there was anything else to come before the Board at 11:23 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, May 23, 2023.

ATTEST:

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Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

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

(SEAL)