

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 10, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, September 10, 2024 at 9:00 A.M. and 9:30 A.M. Chairperson Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk's office and County Board Room on September 5, 2024. Chairperson Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present.

REGULAR AGENDA

Moved by Higgins and seconded by Loeffelholz to approve the August 27, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Morrow to ratify the following September 6, 2024 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

SEPTEMBER 6, 2024 PAYROLL

GENERAL FUND			
NET PAYROLL			334,259.33
AMERICAN FAMILY LIFE	I	PREMIUMS	1,541.09
RETIREMENT PLANS AMERITAS	R	EMPE RET	59,473.66
BUFFALO CO TREASURER	I	PREMIUMS	163,247.70
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	7,112.97
FIRST NATIONAL BANK	T	FEDERAL TAXES	111,980.71
KEARNEY UNITED WAY	E	DONATIONS	55.00
MADISON NATIONAL	I	PREMIUMS	1,146.03
MADISON NATIONAL	I	LT DISABILITY	298.27
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,866.69
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,469.50
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	18,588.55
VISION SERVICE PLAN	E	EMPE VSP EYE	1,221.29
ROAD FUND			
NET PAYROLL			65,377.86
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,148.32
BUFFALO CO TREASURER	I	PREMIUMS	4,110.14
FIRST CONCORD	E	FLEX FUNDS	816.24
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,917.93
MADISON NATIONAL	I	PREMIUMS	181.36
MADISON NATIONAL	I	LT DISABILITY	118.83
METLIFE	E	DENTAL	964.54
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,860.04
VISION SERVICE PLAN	E	EMPE VSP EYE	304.49
WEED FUND			
NET PAYROLL			5,489.94
RETIREMENT PLANS AMERITAS	R	EMPE RET	872.87
BUFFALO CO TREASURER	I	PREMIUMS	320.65
FIRST CONCORD	E	FLEX FUNDS	104.16
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,720.65
MADISON NATIONAL	I	LT DISABILITY	3.81
METLIFE	E	DENTAL	56.94

STATE OF NE	T	STATE TAXES	265.06
VISION SERVICE PLAN	E	EMPE VSP EYE	4.81

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

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

Chairperson Klein read into the record the certification of inventory statements. Moved by Higgins and seconded by Maendele to approve the fiscal year 2023-2024 inventory statements filed by all of the County Officials. All inventory statements will be filed with the County Clerk as a public record. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Lynch and Higgins to accept the July 2024 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Loeffelholz, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Zoning Administrator Dennise Daniels presented the resignation of Planning Commission Member and Board of Adjustment Liaison Randy Vest. Moved by Higgins and seconded by Loeffelholz to accept the resignation of Planning Commission Member and Board of Adjustment Liaison Randy Vest. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

After discussion and review of the County Sheriff's reports, it was moved by Morrow and seconded by Higgins to approve the Special Designated Liquor License applications filed by The Wandering Well for two events to be held at "Knobel Barns" located at 3070 Odessa Road Kearney, NE 68845 on September 28, 2024 and October 5, 2024. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Morrow and seconded by Kouba to approve the Special Designated Liquor License application filed by B&B Research and Investments LLC; Trade Name: Village 1919, DBA: The Village for an event to be held at "The Farm" located at 51460 100th Road Shelton, NE 68876 on September 28, 2024. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

After discussion, it was moved by Morrow and seconded by Maendele to approve the purchase of Lots 1500, 1501, 1502, and 1503, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska with the following Resolution 2024-41. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

RESOLUTION 2024-41

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

Lots 1500, 1501, 1502, and 1503, in the Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, and

WHEREAS, it is in the public interest of Buffalo County to obtain ownership of the subject property, and

WHEREAS, Buffalo County desires to purchase the subject property for the price of One Million, Two Hundred Seventy Thousand and no/100 (\$1,270,000.00) Dollars, all in accordance with contract entered into between Buffalo County and Rodney L. and Lonna L. Rasmussen which said contract has previously been signed by the Board's Chairperson, and

WHEREAS, this Board should ratify the prior acts of the Board Chairperson in signing the agreement of purchase the subject property for the agreed upon price together with the payment of earnest money for consideration on the parties' signatures on the contract.

NOW THEREFORE BE IT RESOLVED BY BUFFALO COUNTY BOARD OF COMMISSIONERS THAT the prior actions of the Board Chairperson of signing the contract to purchase the subject property are ratified by this Board, and

ALSO RESOLVED that Buffalo County, Nebraska, shall purchase the subject property under terms and conditions of contract mentioned, paying \$1,270,000.00 for the purchase the subject property, plus associated closing costs all as set forth in the contract of purchase, and

RESOLVED FURTHER THAT all appointed and elected officials of Buffalo County, including but not limited to the Chairperson of this Board and County Clerk, may approve on behalf of Buffalo County any deed prepared for the transfer of the subject property, and execute on behalf of Buffalo County any and all other documents necessary for Buffalo County to complete and close upon purchase of the subject property.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding the Planning Commission Agenda for September 20, 2024. Nebraska Intergovernmental Risk Management Association (NIRMA) sent letters regarding the NIRMA Annual Membership Meeting and Luncheon & Divided Distribution October 25, 2024, at Younes Conference Center North Kearney and the Nomination / Election of NIRMA Board Member. McKenna's Rae of Hope Foundation sent a letter with sponsorship opportunities for the annual Moxie Gala on November 9th 2024 at the Younes Conference Center South. Chairperson Klein called on each Board member present for committee reports and recommendations.

Moved by Loeffelholz and seconded by Maendele to recess the regular meeting of the Board of Commissioners at 9:13 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. 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 Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Vetter Senior Living of Kearney LLC for a 2016 Ford Truck. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to approve Tax List Corrections numbered 5045 through 5047 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. 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 9:16 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Moved by Maendele and seconded by Higgins to enter into Executive Session at 9:16 A.M. regarding contract negotiations. In addition to the Board members others in attendance were County Attorney Eatherton, Deputy County Attorney Hoffmeister and Board Administrator Lynn Martin. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to move out of Executive Session at 9:38 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Absent: Morrow. Motion declared carried.

Vice Chairperson Sherry Morrow left at 9:38 A.M. and returned at 9:54 A.M.

Deputy County Attorney Hoffmeister left at 9:51 A.M. and returned at 9:54 A.M.

FACILITIES

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

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for proposal for building demolition. Bids were submitted from the following companies: Isaac Construction LLC, SGLC Consulting Inc., Cornelius Wrecking LLC, National Concrete Cutting Inc., Myers Construction Inc. and Morten Construction LLC. Facilities Director Gaasch will review the bids and come back with recommendations at the next meeting on September 24, 2024.

Facilities Director Gaasch presented a review of the Current Construction Projects in Buffalo County with the Board.

REGULAR AGENDA

Moved by Higgins and seconded by Maendele to enter into Executive Session at 9:48 A.M. for continued contract negotiations. In addition to the Board members responding to roll call, County Attorney Eatherton and Deputy County Attorney Hoffmeister were also in

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

Moved by Loeffelholz and seconded by Maendele to move out of Executive Session at 10:20 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Chairperson Klein called for Break at 10:20 A.M. and return at 10:26 A.M.

Moved by Loeffelholz and seconded by Maendele to direct the Buffalo County Attorney’s Office to negotiate, draft contract of purchase, and obtain signatures on that contract, for possible purchase of real estate located southwest of the Courthouse, with this contract considered for ratification by the Board at next regular meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

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

GENERAL FUND		
NEBRASKA TITLE COMPANIES	PROPERTY	\$100,000.00
AMERICAN RESCUE PLAN ACT		
NEBRASKA TITLE COMPANIES	PROPERTY	\$1,171,585.75

ROAD/ HIGHWAY DEPT

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

Chairperson Klein opened the public hearing for the 2024-2025 One and Six Year Road and Bridge Plan at 10:29 A.M. Highway Superintendent Maul was present for discussion and review. No one else addressed the Board and Chairperson Klein closed the hearing at 10:37 A.M. Moved by Loeffelholz and seconded by Higgins to adopt the One and Six Year Road and Bridge Program for 2024-2025 as presented. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

After discussion it was moved by Loeffelholz and seconded by Maendele to amend the Resolution to vacate a portion of Evergreen Road between 220th Road and 235th Road and legal description in Resolution 2024-29, initiated by the Board with Resolution 2024-40 with the following Resolution 2024-40A. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2024-40A

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

A 66 foot public road (Evergreen Road) running north and south from the South Right of Way 235th Road to the North Right of Way Line of 220th Road, abutting part of the West Half of the Southwest Quarter and part of the West Half of the Northwest Quarter of Section 30, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and abutting part of the East half of the Northeast Quarter and part of the East Half of the Southeast Quarter of Section 25, Township 11 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

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

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2024-29 that set August 13, 2024, at 10:00 o’clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2024-29 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road as described by name to be vacated or abandoned by registered or certified mail, and

WHEREAS, on August 13, 2024, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held August 13, 2024, the Board set August 27, 2024, the first public meeting following the public hearing, as date for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records concerning the creation of the subject public road reflect that this road was created by action of this Board first noted on or about January 16, 1875, where the County Board ordered survey of "Greer Road" and on February 1, 1875, where the Board accepted the report of road opening and survey. The road then opened concerned several miles of road. As evidenced in Road Book 1, Page 95, and the road map contained therein, the road as originally surveyed and opened did not necessarily follow the section line in the area of this proposed vacation. This road was opened by petition of adjoining landowners.
5. As concerns lands abutting the subject road, the abutting parcels in Section 30 should be stated as: Government Lots 6, 7, 18, and 19 on the West side of Section 30, Township 11 North, Range 16 West of the 6th P.M. Buffalo County Nebraska, and not West Half of the Southwest Quarter and part of the West Half of the Northwest Quarter of Section 30, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
6. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way.
7. The road to be vacated should be legally described as situated on the section line. After vacation, one-half of each side of the described road shall revert to private ownership to the owners of the adjacent real estate.
8. No public purpose would be served to keep the subject public road open.

WHEREAS, after review of Resolution 2024-40, after adoption and while it was being prepared for filing, the legal description of the road, although physically identified as published, the Resolution did not correctly state the abutting parcels on its' east side. It should have identified these abutting parcels as Government Lots 6, 7, 18 and 19 in Section 30, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and that Resolution 2024-40 needs to be amended to correctly state these abutting Government Lots.

WHEREAS, Resolution 2024-40 should be amended to more fully describe the road to be vacated and to identify the parcels that the vacation resolution should be filed against.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that Resolution 2024-40 be amended to be applicable to the following described public road, to wit:

A 66 foot public road (Evergreen Road) running north and south from the South Right of Way 235th Road to the North Right of Way Line of 220th Road, abutting Government Lots 6, 7, 18 and 19 on the West in Section 30, Township 11 North, Range 16 West of the 6th P.M. Buffalo County Nebraska, and abutting part of the East half of the Northeast Quarter and part of the East Half of the Southeast Quarter of Section 25, Township 11 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road as immediately above described shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Amended Resolution, and not the original as passed, shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

Government Lots 6, 7, 18 and 19 in Section 30, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

The East half of the Northeast Quarter Section 25, Township 11 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

The East Half of the Southeast Quarter of Section 25, Township 11 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board's regularly scheduled meeting of August 27, 2024.

REGULAR AGENDA

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

Chairperson Klein opened a public hearing at 10:41 A.M. for the Buffalo County fiscal year 2024-2025 budget. Buffalo County Board Administrator Lynn Martin presented an overview of the budget summarizing the proposed revenues and expenditures with a comparison to the prior year's budget and is on file with the County Clerk. No one else addressed the Board and Chairperson Klein closed the hearing at 10:48 A.M. The Board will make final decision on Buffalo County 2024-2025 Fiscal Year Budget at September 24, 2024 Board meeting.

Chairperson Klein asked if there was anything else to come before the Board at 10:48 A.M. before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, September 24, 2024.

ATTEST:

Ivan H. Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)