

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 14, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, September 14, 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, Sherry Morrow and William McMullen. Absent: Daniel Lynch. 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 September 9, 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. Deputy County Attorney Andrew Hoffmeister was present.

REGULAR AGENDA

Moved by Higgins and seconded by Loeffelholz to approve the August 24, 2021 and the September 7, 2021 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Klein, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Morrow and seconded by Higgins to ratify the following August 27, 2021 and the September 10, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

August 27, 2021 Payroll

<u>GENERAL FUND</u>			
NET PAYROLL			265,345.37
AMERICAN FAMILY LIFE	I	PREMIUMS	1,327.90
RETIREMENT PLANS AMERITAS	R	EMPE RET	45,656.97
BUFFALO CO TREASURER	I	PREMIUMS	120,938.50
CREDIT MANAGEMENT	E	GARNISHMENT	169.94
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	4,089.31
FIRST NATIONAL BANK	T	FEDERAL TAXES	90,003.20
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISHMENT	402.00
MADISON NATIONAL	I	PREMIUMS	973.93
MADISON NATIONAL	I	LT DISABILITY	287.52
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,840.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISHMENT	55.00
PRINCIPAL	E	DENTAL	3,213.71
STATE OF NE	T	STATE TAXES	15,037.02
VISION SERVICE PLAN	E	EMPE VSP EYE	869.26
<u>ROAD FUND</u>			
NET PAYROLL			56,447.56
AMERICAN FAMILY LIFE	I	PREMIUMS	1,060.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,425.02
BUFFALO CO TREASURER	I	PREMIUMS	2,853.00
FIRST CONCORD	E	FLEX FUNDS	515.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,531.36
MADISON NATIONAL	I	PREMIUMS	157.90
MADISON NATIONAL	I	LT DISABILITY	102.74
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	916.73
STATE OF NE	T	STATE TAXES	2,483.77
VISION SERVICE PLAN	E	EMPE VSP EYE	214.01
<u>WEED FUND</u>			
NET PAYROLL			4,904.24
RETIREMENT PLANS AMERITAS	R	EMPE RET	777.30
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,581.72
MADISON NATIONAL	I	LT DISABILITY	3.44

PRINCIPAL	E	DENTAL	61.00
STATE OF NE	T	STATE TAXES	250.63

September 10, 2021 Payroll

GENERAL FUND			
NET PAYROLL			\$263,375.63
AMERICAN FAMILY LIFE	I	PREMIUMS	1,303.91
RETIREMENT PLANS AMERITAS	R	EMPE RET	44,883.75
BUFFALO CO TREASURER	I	PREMIUMS	122,214.00
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	88,979.93
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISHMENT	402.00
MADISON NATIONAL	I	PREMIUMS	967.00
MADISON NATIONAL	I	LT DISABILITY	286.12
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,840.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISHMENT	55.00
PRINCIPAL	E	DENTAL	3,213.13
STATE OF NE	T	STATE TAXES	14,854.69
VISION SERVICE PLAN	E	EMPE VSP EYE	866.21
ROAD FUND			
NET PAYROLL			\$ 54,824.82
AMERICAN FAMILY LIFE	I	PREMIUMS	1,060.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,419.17
BUFFALO CO TREASURER	I	PREMIUMS	2,853.00
FIRST CONCORD	E	FLEX FUNDS	515.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,019.65
MADISON NATIONAL	I	PREMIUMS	157.80
MADISON NATIONAL	I	LT DISABILITY	106.85
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	946.12
STATE OF NE	T	STATE TAXES	2,372.36
VISION SERVICE PLAN	E	EMPE VSP EYE	222.30
WEED FUND			
NET PAYROLL			\$ 4,904.28
RETIREMENT PLANS AMERITAS	R	EMPE RET	777.30
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,581.71
MADISON NATIONAL	I	LT DISABILITY	3.44
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	250.63

After discussion it was decided to table the Resolution of Commendation for Jim Downing until the next Board meeting on September 28, 2021 at 9:00 A.M.

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

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

Moved by Klein and seconded by Higgins to accept the July 2021 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$4,405,000.00 at the Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Higgins, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$1,810,000.00 from the Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$29,713,160.00 from the First National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Higgins, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

Moved by Klein and seconded by Higgins to approve the fiscal year 2020-2021 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": Klein, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Higgins and seconded by Kouba to approve the payment of flu shots for all Buffalo County Employees. The Board Administrator will notify the employees of the flu shot availability scheduled for October 20, 2021 at three Buffalo County locations. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Klein and seconded by Higgins to approve the Special Designated Liquor License applications filed by The Village 1919 for events to be held on October 2, 2021 and October 9, 2021. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Klein and seconded by Loeffelholz to approve the Special Designated Liquor License applications filed by Bull & Barrel for events to be held on October 16, 2021 and October 30, 2021. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Morrow and seconded by Higgins to authorize Chairman McMullen to sign the one year contract with Tonniges & Associates for auditing services. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

After discussion it was moved by Higgins and seconded by Morrow to authorize Chairman McMullen to sign the contract with Pictometry. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Klein, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

After discussion it was moved by Higgins and seconded by Kouba to authorize Chairman McMullen to sign the revised Interlocal Agreement with City of Kearney for Aerial Photography and GIS with the following Resolution 2013-03A. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

RESOLUTION 2013-03A

WHEREAS previously the City of Kearney and Buffalo County, Nebraska, entered into an Interlocal Agreement concerning Aerial Photograph and GIS Services with Pictometry, said contract being entered into on or about August 28, 2018, and

WHEREAS , an Interlocal Government Agreement has been drafted that revises, amends that prior agreement and addresses the current and future financing of costs of this service and cost sharing, and

WHEREAS, it is in the best interests of Buffalo County to continue to use Pictometry's services under the terms and conditions of the amended and revised interlocal agreement with the City of Kearney.

NOW THEREFORE, be it resolved that Buffalo County, Nebraska, accepts the Interlocal Agreement between Buffalo County and City of Kearney for services of Pictometry and this Board authorizes its' Chairperson to sign this agreement on behalf of Buffalo County and to do all necessary actions to carry out the provisions of the revised Interlocal agreement.

FURTHER RESOLVED, that the Clerk shall retain as a public record the Interlocal agreement.

After discussion it was moved by Morrow and seconded by Higgins to authorize Chairman McMullen to sign the Interlocal Agreement with City of Kearney for Talmadge Street and Yanney Avenue with the following Resolution 2021-58. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

RESOLUTION 2021-58

WHEREAS, the City of Kearney and Buffalo County, Nebraska, desire to enter into an Interlocal Agreement concerning equally shared construction costs for improvements to be made to West Talmadge Street and Yanney Avenue, Kearney, Buffalo County, Nebraska, and

WHEREAS, the described street improvements are situated both inside and outside of the city corporate limits of the City of Kearney. The construction and improvements made to that street if done as one project will result in mutually shared benefits as between the City of Kearney and Buffalo County, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses the initial, current, and future financing of the shared costs of this construction, and

WHEREAS, it is in the best interests of Buffalo County to enter into this street improvement contract under the terms and conditions of the interlocal agreement with the City of Kearney.

NOW THEREFORE, be it resolved that Buffalo County, Nebraska, accepts the Interlocal Agreement as presented to this Board between Buffalo County and City of Kearney for construction and improvements to be made to West Talmadge Street and this Board authorizes its' Chairperson to sign this agreement on behalf of Buffalo County and to do all necessary actions to carry out the provisions of the Interlocal agreement.

FURTHER RESOLVED, that the Clerk shall retain as a public record the Interlocal agreement.

Moved by Klein and seconded by Higgins to receive the road petition to vacate portion of 265th Road between Apache and Arrow Roads 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": Klein, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Chief Deputy Dan Schleusener was present for the following agenda item. Moved by Morrow and seconded by Klein to approve the purchase of a sheriff vehicle through state contract pricing for a 2021 Dodge Charger in the amount of \$29,432.00. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Higgins, Kouba, Loeffelholz, and McMullen. Absent: Lynch. Motion declared carried.

Chairman McMullen reviewed the following correspondence. City of Kearney sent the Planning Commission Agenda for the September 17, 2021 meeting. Lutz & Company, P.C. sent a notice regarding various consulting/compliance procedures they offer with regards to the Coronavirus State and Local Fiscal Recovery Funds or "SLFRF." Darrin Lewis sent an email reminder about the Emergency Management Workshop for Local Elected and Appointed Officials in Grand Island on September 30, 2021. Nebraska Commission on Law Enforcement and Criminal Justice sent a letter regarding the approval of the request for the schematic design for the Buffalo County Work Release Center construction project. NIRMA sent information regarding the Nomination/Election of NIRMA Board Members and a letter regarding NIRMA Annual Membership Meeting and Luncheon & Dividend Distribution on October 22, 2021 in Kearney. NIRMA sent a Brochure regarding NIRMA's Self Defense for County Officials Conference October 21-22, 2021 in Kearney. Gans Family Farms from Kansas sent information regarding National Heritage Areas (NHA) and a letter urging us to send in a Demand Notice to remove property references from NHA. AARP Nebraska sent a letter and a new resource from The American Rescue Plan Act and Older Adults (AARP) regarding the American Rescue Plan Act (ARPA) and the pandemic. Chairman McMullen 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 9:30 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow and McMullen. Absent: Lynch. 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 4796 through 4800 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Klein and seconded by Loeffelholz to approve the motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Evangelical Free Church of Kearney on a 2012 Dodge. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Kouba and seconded by Higgins to approve the motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for American National Red Cross on a 2019 Chevy Equinox. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Klein, Loeffelholz, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve the motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for New Life Assembly on a 2020 Dodge. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:35 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow and McMullen. Absent: Lynch. Motion declared carried.

REGULAR AGENDA

Moved by Morrow and seconded by Higgins to approve the Buffalo County Budget for the fiscal year 2021-2022 (Public Hearing held September 7, 2021) with the following Resolution of Adoption and Appropriations 2021-59. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, and McMullen. Absent: Lynch. Motion declared carried.

RESOLUTION 2021-59

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2021 to June 30, 2022, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Commissioners on the 14th day of September 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Buffalo County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2021 to June 30, 2022 as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the budget for Buffalo County for said fiscal year.

SECTION 2. That the offices, departments, activities, and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2021 and ending June 30, 2022.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Moved by Morrow and seconded by Kouba to authorize petty cash funds for the various County Offices with the approval of Resolution 2021-60. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz and McMullen. Absent: Lynch. Motion declared carried.

RESOLUTION 2021-60

We, the Buffalo County Board of Commissioners, authorize petty cash funds to be operated by the Sheriff's Office in the amount of \$2,500.00, the County Attorney's Office in the amount of \$1,500.00, the Probation Office in the amount of \$50.00, the Public Defender's Office in the amount of \$2,300.00, the Clerk of the District Court Office in the amount of \$1,000.00, Veteran's Service Office in the amount of \$12,000.00; the County Court Office in the amount of \$450.00, Board of Commissioners in the amount of \$5,000.00, Register of Deeds Office in the amount of \$200.00, Treasurer's Office in the amount of \$2,250.00, and the County Clerk's Office in the amount of \$12,000.00.

(Break in the meeting at 9:39 A.M.)

Chairman McMullen opened the public hearing at 9:45 A.M. to approve or modify the Property Tax Request. After review of the Property Tax Request for fiscal year 2021-2022 and no one else addressing the Board, Chairman McMullen closed the hearing at 9:46 A.M. Moved by Morrow and seconded by Kouba to approve the Property Tax Request for the fiscal year 2021-2022 with the following Resolution 2021-61. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz, and McMullen. Absent: Lynch. Motion declared carried.

RESOLUTION 2021-61

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of Buffalo County passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of Buffalo County resolves that:

1. The 2021-2022 property tax request for the General Fund will be set at \$19,522,072.35
2. The 2021-2022 property tax request for the Veterans Aid Fund will be set at \$20,175.89
3. The 2021-2022 property tax request for the Bond Fund will be set at \$1,575,524.91
4. The total assessed value of property differs from last year's total assessed value by -1.47%
5. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the total assessed value of property, would be \$.325626 per \$100 assessed value
6. The County proposes to adopt a property tax request that will cause a tax rate to be \$.336810 per \$100 of assessed value
7. Based on the proposed property tax request and changes in other revenue, the total operating budget of Buffalo County will be more than last year's by 24.13%
8. A copy of this resolution will be certified and forwarded to the County Clerk on or before October 13, 2021

(Break in the meeting at 9:47 A.M.)

Chairman McMullen reconvened the meeting at 10:00 A.M. and instructed County Clerk Giffin to open and read aloud the submitted bids for Project C10 (1426). Highway Superintendent John Maul was present. Bids were submitted from Saul Ramos Construction, Inc., Midlands Contracting, Inc. 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 September 28, 2021.

Chairman McMullen opened the public hearing at 10:03 A.M. for the road vacation petition for a portion of Bison Road. Deputy County Attorney Hoffmeister submitted and reviewed for the record the following evidence: the road petition, a copy of the Armada Township map, a copy of the Comprehensive plan existing land use map, copy of the Comprehensive plan future land use map and a letter from Dan Saathoff that was emailed to the Board on September 6th. Bill Muller, Andrew Saathoff, Jacob Saathoff, Dan Saathoff and Mike Saathoff addressed the Board. Chairman McMullen closed the road vacation petition public hearing at 10:26 A.M. According to States Statutes a decision cannot be made until the next County Board meeting which is September 28, 2021.

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 10:27 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, September 28, 2021.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)