

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 8, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 8, 2022 at 9:00 A.M. and 9:15 A.M. 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, 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 November 3, 2022. 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 was present.

REGULAR AGENDA

Moved by Higgins and seconded by Loeffelholz to approve the October 25, 2022 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 Morrow and seconded by Higgins to ratify the following November 4, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

GENERAL FUND			
NET PAYROLL			291,426.94
AMERICAN FAMILY LIFE	I	PREMIUMS	1,168.30
RETIREMENT PLANS AMERITAS	R	EMPE RET	49,223.95
BUFFALO CO TREASURER	I	PREMIUMS	122,948.50
CREDIT MANAGEMENT SERVICES, INC.	E	GARNISHMENT	193.49
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	5,392.65
FIRST NATIONAL BANK	T	FEDERAL TAXES	99,867.25
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,047.73
MADISON NATIONAL	I	LT DISABILITY	288.63
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	3,356.92
STATE OF NE	T	STATE TAXES	17,075.16
VISION SERVICE PLAN	E	EMPE VSP EYE	842.65
ROAD FUND			
NET PAYROLL			59,368.00
AMERICAN FAMILY LIFE	I	PREMIUMS	920.82
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,056.78
BUFFALO CO TREASURER	I	PREMIUMS	2,917.50
FIRST CONCORD	E	FLEX FUNDS	682.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	17,527.45
MADISON NATIONAL	I	PREMIUMS	187.41
MADISON NATIONAL	I	LT DISABILITY	109.70
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	930.88
STATE OF NE	T	STATE TAXES	2,723.65
VISION SERVICE PLAN	E	EMPE VSP EYE	223.59
COVID AMERICAN RESCUE PLAN FUND			
NET PAYROLL			1,352.18
AMERICAN FAMILY LIFE	I	PREMIUMS	30.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	236.16
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST NATIONAL BANK	T	FEDERAL TAXES	368.26
MADISON NATIONAL	I	PREMIUMS	4.90
MADISON NATIONAL	I	LT DISABILITY	5.91
PRINCIPAL	E	DENTAL	45.52

COVID FUND CONTINUED			
STATE OF NE	T	STATE TAXES	48.33
VISION SERVICE PLAN	E	EMPE VSP EYE	14.08
WEED FUND			
NET PAYROLL			5,246.32
RETIREMENT PLANS AMERITAS	R	EMPE RET	830.27
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,694.24
MADISON NATIONAL	I	LT DISABILITY	3.54
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	269.95

Moved by Maendele and seconded by Kouba to accept the County Treasurer corrected June and July 2022 Fund Balance Reports. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to accept the County Treasurer October 2022 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to accept the Clerk of District Court October 2022 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to accept the Veterans Service Quarterly Report ending September 30, 2022. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Kouba to accept the letter of resignation from the Buffalo County Assessor Ethel Skinner. Skinner indicated that her resignation will be effective as of November 25, 2022. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Maendele to approve the addition of pledged collateral in the amount of \$1,045,000.00 for the Buffalo County Treasurer at Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

After discussion it was moved by Loeffelholz and seconded by Kouba to authorize Chairman Klein to sign the Interlocal Agreement with the Board of Regents of the University of Nebraska. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Commissioner Kouba stated that on May 11, 2021, we, the Buffalo County Board of Commissioners, opened bids for the County Printer Program. On that day, we accepted the bid from Eakes Office Solutions. According to our records, the contract with Eakes was never brought before this Board and it was signed by our Network IT (Information Technology) Manager, Nate Pearson. Following discussion it was moved by Kouba and seconded by Higgins to ratify Nate Pearson, Network Manager for the Buffalo County IT (Information Technology) Department's signature on the Eakes Smart Print Agreement. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

After discussion it was moved by Kouba and seconded by Loeffelholz to ratify Chairman Klein's signature on the Behavioral Health Services Agreement. Upon roll call vote, the following Board members voted "Aye": Kouba, Loeffelholz, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Following discussion and review from Deputy County Attorney Andrew Hoffmeister and County Surveyor Trenton Snow it was moved by Loeffelholz and seconded by Lynch to authorize Chairman Klein's signature on the Survey Agreement KY2208PN with Nebraska Department of Transportation (NDOT) for Project No. NH-80-6(113), Gibbon to Shelton state project with the following Resolution 2022-44. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-44

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF NEBRASKA FOR PROJECT NO. NH-80-6(113), CONTROL NO. 42794 AGREEMENT NO. KY2208, PROJECT NAME: Gibbon to Shelton

Be it resolved by the Chairperson of the Board of the County of Buffalo, Nebraska, that:

1. The County shall enter into an Agency Agreement with the Nebraska Department of Transportation for Project No. NH-80-6(113) for the purpose of highway improvements on Highway I-80 within the boundaries of Buffalo County.

2. The Chairperson of the Board is hereby authorized and directed to execute said agreement on behalf of the County of Buffalo and the County Clerk is authorized to attest said execution.
3. This resolution will be marked Exhibit "B" and a copy attached to each Original Agreement.

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. Central Nebraska Veterans Treatment Court sent an invitation to honor and celebrate the first graduate of Central Nebraska Veteran's Treatment Court. Buffalo County Economic Development sent a thank you for the generous support. City of Kearney sent the Planning Commission Agenda for the meeting on November 18, 2022. Chairman 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 9:15 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

Chairman Klein called the Board of Equalization to order in open session. County Assessor Ethel Skinner and Deputy County Treasurer Brenda Rohrich were present.

Moved by Loeffelholz and seconded by Kouba to approve Tax List Corrections numbered 4909 through 4912 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Jean Sidwell for Mount Carmel Home-Keens Memorial for a 2003 Ford Passenger Van, a 2005 Toyota Camry, a 2007 Ford Pickup Supercrew, a 2013 Ford Passenger Van and a 2019 Dodge Passenger Van. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Jean Sidwell for Catholic High School of Kearney for a 2022 Ford Expedition. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:20 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Nebraska Public Power District (NPPD) Project Manager Paul Brune presented an update on the Kearney 115kV transmission line project and was accompanied by Larry Linder and Kyle Liebig.

Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for Structure No. C001006710P Replacement, Project OCE #9-C-419 (Project Location: On 100th Road over Wood River, ¾ mile east of Sometown Road). Highway Superintendent John Maul was present. Bids were submitted from the following companies: Theisen Construction, Inc., Simon, Midwest Infrastructure 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 November 22, 2022.

Moved by Lynch and seconded by Higgins to set a bid date of Tuesday, December 13, 2022 for the 2023 Asphalt Projects. Project C10(1002) located in the Elm Creek area (4 separate locations) and C10(1003) located in the Ravenna West area (2 locations). Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

After discussion it was moved by Morrow and seconded by Higgins to write off the Account of Michael Psota. This account has been on the books since May 28, 2015 and per the County Attorney's Office the Statute of Limitations has lapsed for further collections. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Following discussion it was moved by Loeffelholz and seconded by Lynch to approve Project BRO-7467(1) "Poole South" agreement with the following Resolution 2022-45. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-45

WHEREAS, there has been signed by the COUNTY OF BUFFALO on the 13th day of September, 2016, and the State on the 28th day of September, 2016, an agreement providing for the construction of a Federal Aid County Project at the following location: POOLE SOUTH, and

WHEREAS, in the above agreement, the County has pledged sufficient funds to finance its share of the cost of the construction of this project identified as BRO-7467(1), and

WHEREAS, the above mentioned agreement provided that the County will pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the County received bids for the construction of this project based on the final plans and specifications on November 03, 2022, at which time 3 bid(s) were received for the construction of the proposed work, and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

SIMON CONTRACTORS INC., CHEYENNE, WY 82003-0149

GRADING, SEEDING, BRIDGE AT STATION 115+97.00, GUARDRAIL, GENERAL ITEMS: \$1,893,000.00

NOW THEREFORE, in consideration of the above facts, the BUFFALO COUNTY BOARD OF SUPERVISORS, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the County hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Board hereby concurs in the selection of the above mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Board hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Board hereby authorizes the Board Chairperson to sign the contract(s) with the above mentioned Contractor(s) for the above mentioned work on behalf of the County using State's standard contract signing process, including when applicable, an electronic or digital signing process such as DocuSign®.

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

Chairman Klein asked if there was anything else to come before the Board at 9:39 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 22, 2022.