

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 14, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 14, 2023 at 9:00 A.M. and 9:45 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 web site, and the bulletin boards located outside the County Clerk's office and County Board Room on November 9, 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 was present.

**REGULAR AGENDA**

Moved by Maendele and seconded by Lynch to approve the October 24, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to ratify the following November 3, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

**NOVEMBER 3, 2023 PAYROLL**

<b>GENERAL FUND</b>			
NET PAYROLL			329,443.21
AMERICAN FAMILY LIFE	I	PREMIUMS	1,256.48
RETIREMENT PLANS AMERITAS	R	EMPE RET	57,814.36
BUFFALO CO TREASURER	I	PREMIUMS	136,912.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,150.00
FIRST CONCORD	E	FLEX FUNDS	5,554.50
FIRST NATIONAL BANK	T	FEDERAL TAXES	111,271.16
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,108.11
MADISON NATIONAL	I	LT DISABILITY	297.32
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	375.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,495.88
STATE OF NE	T	STATE TAXES	19,207.91
VISION SERVICE PLAN	E	EMPE VSP EYE	1,049.40
<b>ROAD FUND</b>			
NET PAYROLL			66,584.39
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,408.10
BUFFALO CO TREASURER	I	PREMIUMS	4,079.50
FIRST CONCORD	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,414.25
MADISON NATIONAL	I	PREMIUMS	202.89
MADISON NATIONAL	I	LT DISABILITY	125.30
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,141.84
STATE OF NE	T	STATE TAXES	3,024.82
VISION SERVICE PLAN	E	EMPE VSP EYE	303.87
<b>WEED FUND</b>			
NET PAYROLL			5,460.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	859.32
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,740.71
MADISON NATIONAL	I	LT DISABILITY	3.81
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	279.44

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

Deputy County Attorney Andrew Hoffmeister arrived at 9:04 A.M.

Buffalo County Sheriff Neil Miller was present for the following agenda items. Lieutenant Rob Tubbs demonstrated the prepared live software available to 911 operators and callers. After discussion it was moved by Maendele and seconded by Lynch to accept South Central/Panhandle Nebraska 911 Regional Interlocal Agreement and authorize Chairperson Klein to sign the Interlocal Agreement. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to authorize Buffalo County Sheriff Neil Miller to sign the public safety software purchase – CentralSquare Technologies. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Following discussion it was moved by Loeffelholz and seconded by Kouba to authorize Chairperson Klein to sign the Interlocal Agreement with the Department of Transportation to install automatic license plate readers. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

After discussion it was decided to postpone the approval of the Nebraska Intergovernmental Risk Management Association (NIRMA)/Nebraska Intergovernmental Risk Management Association II (NIRMA II) Amendment and Addendum to Interlocal Agreements until November 28, 2023 meeting.

Commissioner Kouba discussed Bob Charlesworth of Charlesworth Consulting, LLC's recommendation for setting the health insurance rates for the Buffalo County funding and the employee share for additional family coverages. Charlesworth recommended a cost increase for the County and for the employees cost share for additional family health coverages. Moved by Loeffelholz and seconded by Lynch to accept the new rates for 2024. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Kouba and seconded by Lynch to approve MetLife as the new dental carrier for Buffalo County. Upon roll call vote, the following Board members voted "Aye": Kouba, Lynch, Higgins, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

## **ZONING**

Zoning Administrator Dennise Daniels and Deputy County Attorney Hoffmeister were present for the following Zoning agenda items.

Chairperson Klein opened a public hearing at 9:28 A.M. for a Special Use Permit application filed by Mark Morten, to operate a commercial dog business performing training, breeding, and limited small scale boarding services, for tax parcel 380081010, located at 29235 145th Road, Kearney, Nebraska, and described as Part of the Northwest Quarter of the Northwest Quarter, situated in Section Twenty-five (25), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Jessica Morten and Attorney Nick Ridgeway of Jacobsen Orr Law Firm were present to answer questions. Cory Morten of Kearney, NE and Brent Carmody of Kearney, NE spoke in favor, no one else addressed the Board and Chairperson Klein closed the hearing at 9:49 A.M. Following discussion it was decided to postpone the approval of the Special Use Permit application to operate a commercial dog business performing training, breeding, and limited small scale boarding services, for tax parcel 380081010, for the November 28<sup>th</sup>, 2023 meeting.

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

## **ROAD DEPARTMENT**

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

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Project No. C10 (1007) Daykin Road starting at 325th Road and going north for two miles and C10 (1012) Coal Chute Road from Keystone Road to Lowell Road. Bids were submitted from the following companies: Morten Construction LLC, Van Kirk Bros. Contracting, Myers Construction Inc., and Adams Construction Co. Highway Superintendent Maul and the Road Committee will review the bids and come back with recommendations at the next meeting on November 28, 2023.

Moved by Higgins and seconded by Maendele to write off the account of Carlos Vasquez that has been deemed uncollectable because the owner of vehicle (Carlos Vasquez) has no insurance and correspondence that was sent to him came back as No Mail Receptacle Unable to Forward. Total of write off is \$2,459.24. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Highway Superintendent Maul presented his report on the petition to vacate portion of 39<sup>th</sup> Road to the Board. After discussion it was moved by Loeffelholz and seconded by Lynch to receive Highway Superintendent Maul's report to vacate portion of 39<sup>th</sup> Road between Odessa Road and Eagle Road (Petition was received by the Board in the October 24<sup>th</sup>, 2023 meeting) and to set a Public Hearing of January 23, 2024 at 9:30A.M with the following Resolution 2023-54. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

#### **RESOLUTION 2023-54**

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:

A 66 foot public road (39<sup>th</sup> Road) running east and west from the East Right of Way Line of Odessa Road to the West Right of Way Line of Eagle Road, abutting part of the South Half of the Southwest Quarter and part of the South Half of the Southeast Quarter of Section 27, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska and abutting part of the North half of the Northwest Quarter and part of the North Half of the Northeast Quarter of Section 34, Township 9 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Commissioners sets January 23, 2024, at 9:30 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to landowners that have property abutting the road to be vacated or abandoned, by registered or certified mail no less than two weeks in advance of the hearing.

Moved by Higgins and seconded by Lynch to authorize Chairperson Klein to sign on behalf of the County Board the Annual Certification Program Compliance for Nebraska Board of Public Roads Classification and Standards with the following Resolution 2023-55. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

#### **RESOLUTION 2023-55**

##### **SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT FORM 2023**

**Whereas:** State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 detail the requirements that must be met in order for a county to qualify for an annual Incentive Payment; and

**Whereas:** The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31<sup>st</sup> of each year) the appointment(s) of the County Highway Superintendent(s) to the NDOT using the Year-End Certification of County Highway Superintendent form; and

**Whereas:** The NDOT requires that such certification shall also include a copy of the documentation of the county highway superintendent's appointment, i.e., meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable) and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

**Whereas:** The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

**Be it resolved** that the County Board Chairperson of Buffalo County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form(s).

Moved by Loeffelholz and seconded by Maendele to recess the regular meeting of the Board of Commissioners at 10:15 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**

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 Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for The Salvation Army for a 2003 Ford 148 Transit 350 Wagon, a 2006 Chevy Express Van G30 and a 2024 Subaru Outback Wagon CVT. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Abstain: Morrow. Motion declared carried.

Moved by Higgins and seconded by Maendele to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for The Evangelical Lutheran Good Samaritan Society Home Care for two 2014 Ford Fusions, two 2014 Ford Fusion SE's, four 2012 Chevy Malibu's, two 2010 Ford Fusion's, two 2015 Ford Fusion's and a 2017 Ford Fusion. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Evangelical Lutheran Good Samaritan Prairie View Gardens for a 2008 Chevrolet Silverado K 1500, a 2010 Ford Cutaway Van, a 2014 Buck Dandy Flatbed Trailer and a 2019 Dodge Grand Caravan. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve Tax List Corrections numbered 4994 through 4995 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, 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 10:19 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**

Chairperson Klein opened the Public Hearing for the Buffalo County 2023-2024 Budget Amendment at 10:21 A.M. The purpose of this amendment was necessary to amend the General Fund to track for accounting expenses and receipts for the South Central Planning, Exercising, and Training Region. No one addressed the Board and the public hearing was closed at 10:24 A.M. Moved by Maendele and seconded by Kouba to approve the Buffalo County 2023-2024 Budget Amendment. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve Buffalo County as fiscal agent for South Central Planning, Exercising, and Training Region. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Commissioner Maendele read into the record Recognition of the National Emergency Number Association/ Association of Public-Safety Communications Officials (NENA/APCO) Award Winner Tracey Smalley, Telecommunications Officer for Buffalo County. After discussion it was moved by Maendele and seconded by Higgins to approve Resolution 2023-56 that recognizes (NENA/APCO) Award Winner Tracey Smalley, Telecommunications Officer. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

## **RESOLUTION 2023-56**

**WHEREAS**, the Nebraska APCO - NENA recognizes one or more Nebraska Public Safety Telecommunicators for their outstanding service on an annual basis, and

**WHEREAS**, this award is for recognition of an act of outstanding conduct by which the telecommunicator has demonstrated outstanding characteristics of good training, good judgement, and devotion to duty and has performed services which are of special value to the public safety communications in the State of Nebraska, and

**WHEREAS**, on October 11, 2023, Tracy Smalley, a Buffalo County Dispatcher, was nominated and selected as the "2023 Telecommunicator of the Year" and

**WHEREAS**, this exemplary service is appreciated by the citizens of Buffalo County.

**NOW THEREFORE BE IT FURTHER RESOLVED BY THE BOARD OF COMMISSIONERS** that Tracy Smalley be commended with a unanimous vote of appreciation for her dedication and outstanding service as a Public Safety Telecommunicator who makes a difference in our community. Congratulations!!

Executive Director of United Way Savannah Lyon, was present to provide an update on United Way for the Kearney Area.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for November 17, 2023 meeting. Nebraska Intergovernmental Risk Management Association (NIRMA) sent a letter with attached Resolution and Memorandum regarding the NIRMA II dividend and member recommitment for the 28th consecutive year.

Buffalo County Community Partners sent a postcard showing their new logo. McKinsey Opiate Consulting Litigation sent a postcard regarding an opioids class action settlement. Chairperson Klein called on each Board member present for committee reports and recommendations.

Chairperson Klein called for Citizen's forum, Deputy Harly Amy spoke regarding a law enforcement memorial that recognizes fallen Law Enforcement Officers. During research with the historical society he found two Buffalo County fallen officers that Deputy Amy has requested to be added to the memorial. No one else addressed the Board.

Moved by Morrow and seconded by Higgins to enter into Executive Session at 10:54 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, Buffalo County Sheriff Miller, Facilities Director Stephen Gaasch, County Attorney Eatherton and Board Administrator Lynn Martin were present. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Moved by Maendele and seconded by Higgins to move out of Executive Session at 11:18 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Chairperson Klein asked if there was anything else to come before the Board at 11:19 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 28, 2023.

ATTEST:

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Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

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Heather A. Christensen  
Buffalo County Clerk

(SEAL)