



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
June 27, 2019
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Thursday, June 27, 2019 in the Boardroom of the Burt County Courthouse in Tekamah, Nebraska, pursuant to adjournment of their last meeting. Notice of the meeting was given in advance thereof by Publication in the Lyons Mirror-Sun, upon a 1st floor bulletin board within the courthouse and on the County's Website. A copy of the proof of publication is on file in the office of the County Clerk. The following members were present: David Schold, Cliff Morrow, Gary 'Bird' Swanson, Paul Richards, Carl Pearson, Dale Webster and Ted Connealy.

The meeting opened at 9:00 A.M. upon motion by Connealy, seconded by Swanson, with roll call as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none. Chairman Schold informed the public that the Nebraska Open Meeting Act was posted on the wall.

The agenda was approved, upon motion by Richards, seconded by Connealy, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

The minutes of the last meeting were approved upon motion by Swanson, seconded by Connealy, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

The following claims for June in the amount of \$ 905,878.34 including \$149,508.17 for payroll, were read, audited, warrant drawn and checks generated on the respective funds on motion by Richards, seconded by Connealy, with roll call vote as follows: Ayes – Morrow, Richards, Pearson, Webster, Connealy and Schold. Nays- Swanson. \$210,000.00 is a Transfer from General to Road.

ACCURATE LOCKSMITHS, INC	SERVICES	215.50
ALBIN LAW OFFICE	COURT COSTS	80.75
ALL FLAGS, ETC	SUPPLIES	242.44
AMERICAN BROADBAND CLEC	SERVICES	1,289.61
ANDY'S QUICK SHOP	FUEL	217.37
ANN CHYTKA	MILEAGE	18.56
APPLIED CONNECTIVE TECHNOLOGIES LLC	TECH SUPPORT	1,109.66
BENSON WALLACE	ATTY FEES	1,327.50
BILL J PICKELL	TIRE/REPAIR	204.96
BLACK HILLS ENERGY	UTILITIES	84.44
BOMGAARS -COURTHOUSE	SUPPLIES	206.02
BRANIFF SERVICE INC	FUEL	7,407.54



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BRUMMOND DISPOSAL	GARBAGE	140.00
BURT COUNTY COURT	NON WAIVE FEES	177.88
BURT COUNTY DISTRICT COURT CLERK	NON WAIVE FEES	69.00
BURT COUNTY PUBLIC POWER DIST	TOWER	328.92
BURT COUNTY SHERIFF	SERVICES	461.61
CARL PEARSON	CHECKING ROADS	22.04
CASS PLUMBING & HVAC LLC	SERVICES	144.28
CENTURY LINK	TELEPHONE	650.38
CHRISTINE A DREGALLA	MEDICAL JAIL	130.00
CITY OF TEKAMAH	WATER	131.20
CLAYTON OLSEN	PLANNING MILE	29.23
CLEANING MART	SUPPLIES	333.45
CLIFFORD L MORROW	CHECKING ROADS	27.26
COMPLETE SECURITY & INVESTIGATIONS	CAMERAS	5,467.97
CONSTELLATION NEW ENERGY GAS DIV	UTILITIES	35.36
COUNSEL	COPY/LEASE	2,295.27
CRESTON FERTILIZER MCL FARMS INC	CHEMICALS	1,136.27
CUBBY'S	FUEL	793.62
DAKOTA COUNTY SHERIFF	JAIL	3,497.49
DALE WEBSTER	CHECKING ROADS	63.80
DAS STATE ACCOUNTING	AS/400	185.28
DAS STATE ACCOUNTING-CENTRAL FIN.	TELE TYPE	350.00
DAVID SCHOLD	CHECKING ROADS	55.68
DAVID SIX	MILEAGE	336.75
DECATUR EXPRESS	FUEL	2,019.66
DEPT CORRECTIONAL SVCS	JAIL	2,891.71
DON JOHNSON	PLANNING MILE	20.30
ED FEILING CABINETRY & CONSTRUCTION	CONCRETE	2,300.00
EMBASSY SUITES BY HILTON	WORKSHOP	238.00
FIRST CONCORD BENEFITS GROUP LLC	ADMIN FEE	365.00
FORNOFF & SCHUTT	ATTY FEES	1,312.50
FRANCES FRENCH	PRIOR SERVICE	11.00
FRED FRANKLIN	SURVEYOR FEES	3,624.62
GARY SWANSON	CHECKING ROADS	69.60
GREAT AMERICA FINANCIAL SVCS	COPY/LEASE	89.40
GREGORY A PIVOVAR	ATTY FEES	855.00
HOLIDAY INN EXPRESS & SUITES	WORKSHOP	330.00
HOLIDAY INN KEARNEY	WORKSHOP	519.75
HUNTEL COMMUNICATIONS	PHONE	536.40
ILA DAVIS	PRIOR SERVICE	18.00
IRS	PCORI FEE	122.50
JAN RASMUSSEN	APPRAISAL-MILE	69.60
JAY HOVENDICK	PLANNING MILE	18.56
JAY W JOHNSON	APPRAISAL-MILE	66.12
JOHN WILSON	TRAVEL EXPENSE	59.52



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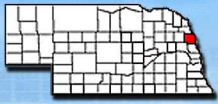
JOHNSON & MOCK, PC, LLO	ATTY FEES	562.50
JONI L. RENSHAW	SUPPLIES	142.98
JULIE FLEISCHMAN	EXTENSION-MILE	34.80
JUSTIN L SMITH	MILEAGE	176.58
LEE AGRI-MEDIA	PUBLISHING	513.96
LYONS MIRROR-SUN	PUBLISHING	7.65
MADISON COUNTY DISTRICT COURT	COURT COSTS	100.00
MADISON COUNTY SHERIFF	SERVICES	28.37
MARY LOFTIS	TRAVEL EXPENSE	210.95
MICHELE QUICK	MILE-WORKSHOP	295.67
MID-AMERICAN BENEFITS INC	INSURANCE	277.50
MIPS INC	SOFTWARE	6,582.25
NACO	MEMBERSHIP	1,903.70
NE HEALTH & HUMAN SERVICES SYSTEM	LODGING	117.00
NEBRASKA PUBLIC POWER DISTRICT	UTILITIES	857.11
OAKLAND INDEPENDENT	PUBLISHING	598.58
OFFICE SYSTEMS COMPANY	SUPPLIES	2,875.61
OFFICE WAREHOUSE	SUPPLIES	1,598.52
OFFICENET	COPY/LEASE	1,079.88
PAUL RICHARDS	CHECKING ROADS	141.52
PELAN FUNERAL SERVICES INC	SERVICES	1,090.00
PHYSICIANS LABORATORY PC	AUTOPSY	2,470.00
QUALITY PRINTING & OFFICE SUPP	SUPPLIES	3,460.52
REGION 4 BEHAVIORAL HEALTH SYS	QTR INSTALL	5,046.00
RITTERBUSH & PIOTROWSKI, LLP	AUDIT FY 17-18	12,500.00
ROBIN OLSON	MILE-WORKSHOP	156.60
RODNEY BROMM	PLANNING MILE	4.41
SARAH FREIDEL	MILE-WORKSHOP	247.08
SAVE MORE MARKET	SUPPLIES	751.89
SCOTT RONNFELDT	PLANNING MILE	29.23
SIOUX SALES COMPANY	SUPPLIES	366.23
STAMP FULFILLMENT SERVICES	POSTAGE	987.85
STAR LEASING, LLC	COPY/LEASE	73.16
THEODORE CONNEALY	CHECKING ROADS	48.14
THURSTON COUNTY SHERIFF	JAIL	7,150.00
TOWER PLASTICS MFG INC	SUPPLIES	900.00
TRAVELERS	P&C INS	23,229.00
UNIVERSITY OF NEBRASKA-LINCOLN	WAGES	11,560.50
VANGUARD APPRAISALS INC	SOFTWARE	18,955.00
VERIZON WIRELESS	CELL PHONE	124.31
WALTER LYDICK	PLANNING MILE	7.08
WARNE CHEMICAL & EQUIPMENT CO	SUPPLIES	63.50
WASHINGTON COUNTY SHERIFF	SERVICES	19.00
WELLS FARGO FINANCIAL SERVICE	COPY/LEASE	60.22
YOST LAW FIRM	ATTY FEES	2,925.00



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ARBY'S BODY SHOP LLC	PARTS/LABOR	240.00
BARCO MUNICIPAL PRODUCTS INC	SUPPLIES	4,880.91
BLUFF GRAVEL COMPANY	GRAVEL	8,985.53
BOMGAARS SUPPLY INC - ROAD	TOOLS/PARTS	363.89
BRUMMOND COUNTRY DISPOSAL	GARBAGE-LYONS	75.00
BUDDIES MINI MART, LLC	FUEL	557.74
CITY CLERK	WATER	22.98
CITY OF LYONS	UTILITIES	109.08
CNA AUTO SERVICES,LLC	SUPPLIES	450.45
DPA TRUCK & EQUIPMENT SALES	PARTS	17.15
GIS WORKSHOP INC	ROADS TAB	19,971.92
GLUP PIPE SALES	SUPPLIES	1,190.00
HOTSY EQUIPMENT CO	SUPPLIES	108.85
JIM HANSEN	PARTS/LABOR	1,062.27
JK SCHOLD TRUCKING LLC	HAULING/ROADS	2,646.20
JOHN DEERE FINANCIAL	PARTS	179.46
K B'S MINI MART	FUEL	774.12
K-C PARTS & REPAIR	PARTS	74.68
LORENSEN LUMBER & GRAIN LLC	FLOWABLE BILL	1,602.00
MAINELLI, WAGNER & ASSOCIATES INC	ENGINEERING	21,638.28
MARTIN MARIETTA	GRAVEL/BORROW	51,528.15
MATHESON TRIGAS	SUPPLIES	299.93
MCH HEALTH SYSTEM	DRUG SCREEN	20.00
MEL'S SMALL ENGINE	BLADES	109.00
NORTHEAST NEBR TELEPHONE CO	TELE SERVICE	229.04
OMAHA SLING INC	PARTS	209.15
SAPP BROS PETROLEUM INC	FUEL	1,915.33
SCOTT'S HARDWARE	SUPPLIES	38.46
SHAMBURG AUTO SUPPLY	PARTS/TOOLS	424.43
SIEBRANDT TRUCKING LLC	HAULING	455.12
STALP GRAVEL CO	GRAVEL/SAND	28,345.05
STEINY'S GENERAL STORE	TOOLS/PARTS	184.37
TRI-STATE COMMUNICATIONS INC	TOWER RENTAL	158.50
VILLAGE OF DECATUR	UTILITIES	79.45
WASTE CONNECTIONS	GARBAGE	82.00
WPCI	DRUG TESTING	28.25
CARVIN HOUSH	RENO GRANT	7,845.00
RUVAN KING	RENO GRANT	9,531.13
BURT COUNTY ECONOMIC DEV CORP	COMP PLANNING	490.00
STACEN C GROSS	911	3,000.00
AFLAC	EMPLOYEE PD INS	692.77
BLUE CROSS & BLUE SHIELD	INSURANCE	60,602.10
DEARBORN NATIONAL LIFE INSURANCE CO	EMPLOYEE PD INS	8.74
FIRST NAT'L BANK-NORTHEAST-EFPTS	FEDERAL TAXES	45,627.24
KATHLEEN A LAUGHLIN	GARNISHMENT	100.00



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LIBERTY NATIONAL LIFE INSURANCE	EMPLOYEE PD INS	620.79
MANHATTAN LIFE ASSURANCE CO OF AMER	EMPLOYEE PD INS	10.25
MASSMUTUAL	EMPLOYEE PD INS	200.00
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE PD INS	850.00
RETIREMENT PLANS DIV. OF AMERITAS	EMPLOYEE PD INS	21,367.64
STATE TAX COMMISSIONER	STATE TAXES	6,702.11
VISION SERVICE PLAN (CT)	VISION INS	480.04
WASHINGTON NATIONAL INSURANCE CO	EMPLOYEE PD INS	16.15
NEBR CHILD SUPPORT PAYMENT CTR	CHILD SUPPORT	730.00
NEBRASKA DEPARTMENT OF REVENUE	LEVY	250.00
NEBRASKA SITES LLC	TOWER	1,642.28
CENTURYLINK (HARDWARE WARRANTY)	911 SOFTWARE	14,115.26
GREGORY J BRUMMOND	ROAD WORK	53,662.13
MIDWEST SERVICE CO	FUEL	13,229.70
BURT COUNTY TREASURER	FUNDS TRANSFER	210,000.00
NEBRASKA DEPT OF LABOR/FINANCE	ELEVATOR	120.00
O'KEEFE ELEVATOR CO INC	MAINTENANCE	285.92

Burt County Attorney, Frank Barron reported to the board that a drainage assistance petition had been filed on June 26, 2019; Bret Brodersen is requesting assistance with drainage from his farm ground located in Sections 17 & 18, Township 21, Range 12 East of the 6th P.M., Burt County, NE. He is asking for a culvert to be placed under County Road HI being South of his farm ground.

Barron confirmed information about the area with Dale Huffman, Burt County Road Foreman; Huffman confirmed: -water does not pose an immediate threat on the North side of the road. -there is no drainage issue that affects the road. -water naturally flows North to South, and a natural water path can be seen in the field to the South.

Barron confirmed: There is no road concern here. Barron advised that the board needs to take action on the Drainage Assistance Petition within 30 days of the filing.

Chairman Schold invited public comment for the placement of a culvert...

Speaking in favor of the Culvert:

Dan Smith, attorney for Bret Brodersen: Smith explained that Brodersen is officially asking for drainage assistance from the County. He explained that his client felt that this water problem seems to be at flood time only; however, there is case law that states that a lower tenant has to take water when it's a natural flow. They are asking the County to place a culvert to allow this natural flow to take place, and they're asking for this to happen ASAP. Brodersen spoke: He explained that in 2011 flooding they'd placed a tube at another location in this field and at that time had discussed a tube being placed at this location; back then the other tube provided relief, but now they are asking again for a tube at this location.

Opposition to Culvert:

Donnette Jackson, 5000 County Road HI, Tekamah, NE, neighbor to this field: She expressed concerns of a second tube being placed on County Road HI because the tube will



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be only 100 yards west of their driveway/property and this is the only road in and out for their property. She feels that the determination of placing a tube should start with taking public comment from the adjoining land owners. She feels the landowner should divert the water to the tube that was placed in 2011; not have the County spending time and resources on a second tube for one landowner. She gave a letter to the board.

Kelly Turner, Attorney for Missouri River Farms, LLC -Landowner on the South side of County Road HI: Explained that she was present on behalf of the landowners, and they share the same concerns as Donnette Jackson. Her clients object to the placement of any tube. Her clients object to the lack of notice of any intentions of placement of tubes that would allow drainage onto their property. She advised that the County and its representatives and contractors do not have permission to enter onto Missouri River Farms property nor to cause the discharge of water onto the field.

Connealy moved the Board recess at 10:19 AM for *Board of Equalization*, Morrow seconded, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays –none. The Burt County Board of Supervisors reconvened at 10:36 AM upon motion by Swanson, seconded by Richards, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays –none.

David Boschult from the NE Department of Agriculture and Tory Penny, Burt Co Weeds Superintendent came before the board with results from Burt County's Noxious weed program evaluation; Tory is doing a great job with the County's weed program. Boschult cautioned that the flooding could cause some issues as the water recedes due to the spreading of seeds and the unknown of the types of hay that was hauled into the region.

Two applications for **Commercial Building Rehab Grants** were approved: (1) Lyle & Karma Farrens (Farrens Market) to help fix the overhang and place a new roof; (2) Charles Darl Beck III (Cass Plumbing and HVAC, LLC) for a new roof. The Burt County Economic Development Board recommended approval for both requests; the Burt County Board approved release of said funds (up to \$15,000.00 for each) from County Fund 0900 upon completion of the projects. County Board Approval was upon motion by Morrow, seconded by Webster, with roll call vote as follows: Ayes –Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Jen Wakehouse visited the board on behalf of students from the 2019-2020 Tekamah Herman High School Close up Group; there are 13 T-H seniors currently fundraising for their Washington D.C. trip. She explained that they'd like to sell more commemorative Veterans brick to continue with the brick memorial on the Courthouse grounds. They will follow the same timeline as last year setting the bricks in Spring 2020. As far as participation from other schools within the County, they'd reached out to Lyons-Decatur and there were no students from there, they'd reached out to Oakland-Craig and hadn't yet received a response. She explained that the order forms are ready and T-H students



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wanted the board's blessing to start selling. The board agreed it's a great project to continue.

Burt County Fiscal Year End is June 30, 2019, there were no office budgets that went "over" on their spending authority for FY 2018-2019.

The Board received Burt County's **Audit for the year ending June 30, 2018**, performed by Ritterbush & Piotrowski. Upon motion by Morrow, seconded by Connealy, the Board accepted and approved said audit; approval was pending checking on the need to update the list of the officials information page, motion passed with roll call vote as follows: Ayes –Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

The board reviewed 2 price proposals (one from the Plaindealer and one from the Lyons Mirror-Sun) for a vinyl wall hanging of the "In God We Trust" National Slogan. Upon motion by Morrow, seconded by Swanson, the board approved for the Plaindealer to make and install the wall hanging above the door on the inside of the County Boardroom; motion passed with roll call vote as follows: Ayes –Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Upon motion by Connealy, seconded by Swanson, the Board approved the following (3) **special designated liquor licenses**: (1) Nelsons Food Pride – wedding @ Harvest Moon, July 27, 2019; (2) SilverHills Winery – Class Reunion, July 20, 2019; (3) Chatterbox – hops event @Chatt Farms, 3185 CR.J, Tekamah, Aug. 3, 2019; with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Roads:

A petition was filed by Summit TWP requesting **old Co.Rd. F road (abuts Summit Lake property)** be vacated; the board passed Resolution 2019-07 calling for a road study. After the Road Study Report, Ann Chytka offered Resolution 2019-08 calling for a Public hearing on the matter. Upon motion by Connealy, seconded by Morrow, the board passed Resolution 2019-08, with roll call vote as follows: Ayes –Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none. The board also asked Ann to look into the possibility of closing part of the road *and* vacating part of the road, rather than doing a full closure or fully vacating.

RESOLUTION 2019-08

Whereas, upon order by the Burt County Board of Supervisors and in accordance with section 39-1722 of the State of Nebraska Highway and Bridge Law, the Superintendent made a study of public road #310 and #38 located between sections 33 and 34, township 21, range 10E of the sixth pm. Now commonly known as Old Road F in Burt County, Nebraska.

And whereas, there are three property owners currently abutting the described road, all property has access other than this road, but currently one property owner uses the road daily to access part of his property. This road is currently



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closed (abandoned), which means to suspend all or part of travel on the road and no maintenance will be given to the road, but there will be a road there for possible travel by land owners or any utility company.

And whereas, based on these facts use of this road by the general "Traveling" public would serve no purpose. Summit Township is requesting this road be vacated, which means that the roads existence is terminated by direct action of public authorities and the land reverts back to the land owners.

Now therefore be it resolved, by the Burt County Board of Supervisors that a public hearing be held to take comments from the public concerning the vacating all or part of this road, such hearing to be held on July 26th, 2019 at 9:45 am in the boardroom of the courthouse in Tekamah, Nebraska.

DATED this 27th day of June, 2019 at Tekamah, Nebraska.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

Equipment: Two Motor Graders will be out of warranty July 20, 2019 (#7 & #8); this was previously discussed at the 5/28/19 & 6/11/19 meetings when the board was told different dates for the expiration of the warranties. Upon motion by Richards, seconded by Webster, the board voted to purchase extended warranties for these graders; motion passed with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Grader R9M00417	12 mth / 1000 hrs.	Powertrain + Hydraulic	\$4,536.00
Grader R9M00419	12 mth / 500 hrs.	Powertrain + Hydraulic	\$2,889.00

The board discussed side dumps, no action was taken on side dumps.

The board voted to signed a contract for the **NRCS** (Natural Resources Conservation Service) EWP (**Emergency Watershed Protection) Program**. The program opportunity was discussed at the 5/28/2019 meeting, Ann confirmed today that the projects that this program would cover would not be FEMA eligible and there are no penalties for not meeting the construction deadlines. The contract was signed upon motion by Connealy, seconded by Morrow, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

The board voted to sign a contract with Robert Chatt for an Easement for project C11(359); for 0.36 acres in part of the SE¹/₄ NE¹/₄ of Section 23, Township 21, Range 11 East of the 6th P.M., Burt County, NE. Approved upon motion by Connealy, seconded by Schold, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Townships: Township road jurisdictions were discussed; Ann will meet with the Township boards, establish one agreed upon map and will return to the Board with a map and Resolution to clearly define the County vs Township road assignments. The board discussed and agreed upon a contract rate for any work that the County will do on townships roads; rate was set at \$120.00/hour.



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Update of Projects from Ann Chytka, Hwy. Superintendent:

Co.Rd. GH – work has started with patching.

FEMA Projects – Ann reported that she has a (RSM) recovery scope meeting with FEMA on July 8, 2019; this is when/where she'll submit and they'll discuss projects.

Barb Oswald and Russ Loontjer, from the NE Department of Revenue-Property Assessment Division presented information and answered questions about duties and procedures of the County Board of Equalization.

There being no further business to come before the Board at this time, the meeting adjourned at 1:43 P.M. upon motion by Pearson and Connealy.

Next Meeting: July 8, 2019 at 1:30 P.M. – Form 425 Webinar for BOE

Next Regular Board Meeting: July 9, 2019 at 9:00 A.M.

ATTEST: SARAH J. FREIDEL
COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

BURT

These minutes are not the official record and may be corrected. A copy of the approved official minutes is available to the public at the Clerk's Office.