

Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
November 9, 2021
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, November 9, 2021, 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 Plaindealer (11-2-2021), 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, Ted Connealy and Dale Webster.

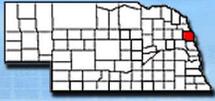
The meeting opened with the pledge of allegiance at 9:00 A.M. Chairman Schold informed the public that the Open Meeting Act was posted.

Upon motion by Connealy, seconded by Webster, the agenda was approved. By roll call vote: 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 Webster. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Approval of October Reports: The County Clerk Report of Fees, the County Court Report of fines, the District Court Fee Report, the Zoning Report, Fund Balances, and the following Miscellaneous Receipts in the amount of \$179,934.92 were all approved upon motion by Morrow, seconded by Connealy. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

ZONING PERMITS	450.00
TAX SALE REDEMPTION <COUNTY SHARE>	66.00
TAX SALE FEES <COUNTY SHARE>	40.00
CO CLERK-FILING & RECORDING FEES	3,882.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	1,667.83
CO CLERK-MISC FEES	164.00
LIQUOR LICENSE - Advertising	20.00
DISTRICT COURT-FILING FEES	322.00
DISTRICT COURT- COURT COST REFUND	103.00
DISTRICT COURT-MISC FEES & REVENUE	205.00
DISTRICT COURT-FEES & COSTS	65.25
CO COURT-MISC FEES	61.00
CO SHERIFF - SERVICE FEES	661.76
CO SHERIFF - MILE & COST	1,208.47
CO SHERIFF - TITLE INSPECTS	410.00
CO SHERIFF - GUN PERMITS	60.00



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CO SHERIFF - FINGER PRINTS	30.00
OVERLOAD FINES -25% CO SHARE	293.75
INTEREST ON INVEST	2,887.69
MISC - BCBS employee pt.	883.77
ROAD: HIGHWAY ALLOCATION	26,450.24
ROAD: HIGHWAY ALLOCATION _motor vehicle fee	116,199.42
LODGING TAX	641.65
R.O.D. -PRESERVATION & MODERNIZATION	566.00
PLAT BOOK SALES	125.00
INHERITANCE TAX- Joan Siemonsma	2,518.96
INHERITANCE TAX- Leonard & Agnes Tejral	166.56
INTEREST ON INHERITANCE TAX _Tejral	458.83
2910_COUNTY 911	3,276.79
2913_E 911 -STATE OF NEBR	4,663.07
OVERLOAD FINES -75% STATE SHARE	881.25
LIQUOR LICENSE	300.00
FINES & LICENSE -COUNTY COURT FINES - REGULAR	2,625.00
DECATUR FIRE - GENERAL	900.73
DECATUR FIRE - BOND	478.63
LYONS FIRE -BOND	94.31
LYONS FIRE -GENERAL	828.30
OAKLAND FIRE - GENERAL	812.25
TAX SALE REDEMPTION <HOLDING FUNDS>	4,466.41

Chairman Schold declared a Public Hearing open at 9:27 a.m. to **Amend FY2021-22 Budget**; the amendment is needed in order to add a CDBG (Community Development Block Grant) Fund # 2606 “CDBG – Midwest Vet-2021”. The revenue into and expenses out of this Fund will be equal, a total amount of \$347,000 in and \$347,000 out. Grand totals of Burt County’s current budget for tax asking and revenue will remain unchanged due to the grant passing through a Special Fund. Having no public comment, Chairman closed the public hearing at 9:28 a.m.

Supervisor Morrow made a motion to pass Resolution 2021-27.

RESOLUTION #2021-27

Add New Fund

(2606) CDBG - Midwest Vet_2021

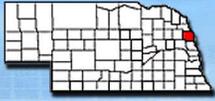
WHEREAS, Burt County needs to add a New Fund to the Treasurer’s records as well as prepare such Fund in the County budget document.

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that the New Fund be added as follows: (2606) CDBG – Midwest Vet_2021 for new monies deposited into the County Treasurer’s account, and all money spent from such Fund will go through the regular budget process, including approval of claims by the Burt County Board of Supervisors.

DATED this 9th day of November 2021, at Tekamah, Nebraska.

ATTEST: SARAH J FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS



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Board Member Richards seconded the motion. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Chairman declared Resolution #2021-27 adopted.

Supervisor Pearson made a motion to pass Resolution 2021-28.

RESOLUTION #2021-28

RESOLUTION AUTHORIZING RECEIPT AND DISBURSEMENT OF CDBG FUNDS

WHEREAS, Burt County, Nebraska approved an Application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant (CDBG) Program, made available through the Coronavirus Aid, Relief and Economic Security Act (Cares Act), on October 12, 2021, at its regular board meeting; and,

WHEREAS, pursuant to the 2021 Administration Manual Community Development Block Grant Program, State of Nebraska Chapter 12, Page 13, “subrecipients should promptly deposit all CDBG project receipts to the proper bank account and record as a receipt in the accounting system. Submit CDBG drawdowns only as required to pay immediate obligations. The Department will consider the subrecipient in violation of the requirements if excessive amounts of cash (over \$1,000) are on hand for over five business days. The subrecipient must return the excess funds to the Department”; and,

WHEREAS, Chapter 24 CFR 570.489 Program administrative requirements of the federal system indicates that “the State must use procedures to minimize the time elapsing between the transfer of grant funds and disbursement of funds by the State to units of general local government. States must also have procedures in place, and units of general local government must use these procedures to minimize the time elapsing between the transfer of funds by the State and disbursement for CDBG activities”; and,

WHEREAS, pursuant to the requirements for prompt disbursements, the county does hereby approve receipts and disbursements to be made following review by the Chairman of The Board and directing the County Clerk to prepare a Warrant authorizing the disbursement of funds as soon as possible in compliance of the statutory references sited herein; and,

WHEREAS, the County Board is authorizing disbursements of the funds following the receipt of the same pursuant to this Resolution and a Warrant will be prepared to authorize disbursements within the five days of receipt; and,

WHEREAS, Burt County will consider the Warrant and final authorization at its next regular board meeting when claims are presented to be approved by the board.

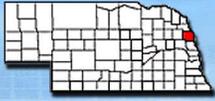
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Burt County, that upon receipt of CDBG funds, the Chairman of The Board is authorized to sign off on a Warrant prepared by the County Clerk for the disbursements of funds following receipt and that the claim will be presented at the next regular board meeting for approval of the disbursements. Disbursements are made pursuant to the requirements of state and federal law that funds be disbursed within five days of the date of receipt. This resolution is a combination of the requirements of the federal and state law regarding the disbursements and meant to assist the economic development projects in the county.

ADOPTED AND PASSED by the Board of Supervisors of Burt County this 9th day of November 2021

ATTEST: SARAH J FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

Board Member Connealy seconded the motion. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Chairman declared Resolution #2021-28 adopted.



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ROADS:

Road Report and Hearing Set for Petition to vacate Road #321:

Ann Chytka, Burt County Highway Superintendent presented her Road Study of Public Road #321 (Co.Rd. 25 between Co.Rd. K and L). The following main points were made within the report: (a) this road is designated a township minimum maintenance road located in Silver Creek Township; (b) there are currently 3 property owners adjoining this road; (c) there is currently 1 driveway on the minimum maintenance road, but she believes property owner is currently using a private drive to access his property and not utilizing the minimum maintenance road; (d) this is the third (3) time this has come before the Board of Supervisors to vacate or abandon said road; (1) April 1991 -Hwy Supt Don Neary in favor of vacating, but after public hearing it was denied (2) Oct. 2015 -Hwy Supt Peggy Smith recommended vacate, but after public hearing it was denied again. (3) Oct./Nov. 2021 – the third and current petition; (e) based on facts listed in (a)-(d)- this road by the general ‘traveling’ public would serve no purpose; (f) her concern- safety of life and property, according to Craig Fire & Rescue, they average 2 calls per year to this location and the concern is if emergency services were needed, having this road vacated would hinder their efforts; (g) her concern – vacating this portion of County Road 25 would isolate a tract of land.

Chytka reported that based on her study, she is not in favor of vacating this road. The next step is to hold a public hearing.

Resolution 2021-29 was passed upon motions by Morrow and Connealy, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

RESOLUTION #2021-29

WHEREAS, upon order by the Burt County Board of Supervisors and in accordance with section 39-1722 of the Nebraska Revised Statutes, Ann Chytka the Burt County Highway Superintendent has made a study of Public Road #321 located between sections 31 and 32, township 22, range 10E of the sixth pm. Described as follows; Commencing at the SE corner of Sec. 31, Twp 22, Rg. 10E; thence northerly to the NE corner of Sec. 31, Twp 22, Rg. 10E. Now commonly known as County Road 25 running north and south between County Roads K and L in Burt County Nebraska.

AND WHEREAS, there are three property owners currently abutting the described road. One resident has a driveway off the minimum maintenance road and the other resident has access off of Co Rd L. The main concern I have is for the safety of life and property. In speaking with Craig Fire and Rescue they average 2 calls per year to this location. It concerns me that if fire or rescue was needed and that there would be a gate across the road hindering their efforts.

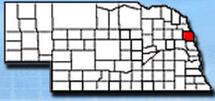
AND WHEREAS, based on these facts use of this road by the general “Traveling” public would serve no purpose but for emergency vehicles it could pose a problem. Todd Feltz is requesting this road be vacated, which means that the roads existence is terminated by direct action of public authorities and 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 December 14th,2021 at 9:45 am in the boardroom of the courthouse in Tekamah, Nebraska.

Date this 9th day of November, 2021 at Tekamah, Nebraska.

ATTEST: SARAH J FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS



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A **petition to vacate Co.Rd. 21**, between County Roads R and S, was received on October 28, 2021 from Dale Webster. The Board passed Resolution 2021-30, pursuant to §39-1722, upon motion by Swanson, seconded by Pearson. By Roll Call Vote: Ayes – Morrow, Swanson, Richards, Pearson, Connealy and Schold. Abstained- Webster. Nays- none.

RESOLUTION No. 2021-30

Road Study

WHEREAS, the Burt County Board of Supervisors may deem it in the public interest to vacation or abandonment of part public road #60 located between sections 25 and 26, township 23, range 9E of the sixth pm. Now commonly known as County Road 21 running north and south between County Roads R and S. See Neb. Rev. Stat. § 39-1722 et seq.; The portion of the road the petition states they would like to vacate is 7/10 of a mile starting at Co Rd S heading south.

AND WHEREAS, the Burt County Board of Supervisors directs the County Highway Superintendent to study the use being made of such public road and to submit in writing to the county board within thirty days, a report upon the study made and her recommendation as to the vacation or abandonment thereof.

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that said study and report be done.

Dated: November 9th, 2021

ATTEST: SARAH J FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

Remarks from the public/press: (1) Bill Price (1615 Co.Rd. 10, Lyons) shared thoughts about the board having moratorium on any potentially hazardous projects until an emergency manager can be obtained and until the board has working knowledge of the County’s LEOP. He thanked the board for all they do. (2) Carl Pearson – being the week of Veteran’s Day, he wanted to acknowledge and thank all of the Veterans; the County board agreed and made an official statement of Thanks to all of Burt County’s Veterans.

The meeting adjourned at 9:42 A.M. upon motion by Morrow and Connealy.

Next Meeting: November 24, 2021

ATTEST: SARAH J. FREIDEL
COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

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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