

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
August 28, 2023
 TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Monday, August 28, 2023 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 Oakland Independent (8-24-2023), 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: Gary 'Bird' Swanson, Jeff Kutchera, Paul Richards, Carl Pearson, Sam Titus, Ted Connealy and David Schold. Connealy had to leave after the 10:00 a.m. break.

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.

The agenda was approved upon motion by Connealy, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

The minutes of the 8/9/2023 Board of Supervisors meeting were approved; upon motion by Titus, seconded by Swanson. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

The claims for August in the amount of \$618,232.20, including \$154,269.61 for payroll, were read, audited, warrant drawn, and checks generated on the respective funds upon motion by Richards, seconded by Pearson. By Roll Call Vote: Ayes – Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – Swanson. The following claims were approved:

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| ADAM TRIPP | ATTY FEES | 1,330.00 |
| ANDY'S QUICK SHOP | FUEL | 263.67 |
| APPLIED CONNECTIVE TECHNOLOGIES LLC | SUPPORT/SOFTWARE | 5,089.00 |
| BLACK HILLS ENERGY | UTILITIES | 174.06 |
| BOMGAARS -COURTHOUSE | SUPPLIES | 157.65 |
| BRANIFF SERVICE INC | FUEL/REPAIR | 8,307.03 |
| BRUCE NATHAN | MILEAGE | 42.58 |
| BRUMMOND DISPOSAL | GARBAGE | 225.00 |
| BURT COUNTY COURT | NON WAIVERABLE | 307.00 |
| BURT COUNTY DISTRICT COURT | NON WAIVERABLE | 289.00 |
| BURT COUNTY PUBLIC POWER DIST | UTILITIES | 261.82 |
| BURT COUNTY SHERIFF | SERVICE FEES | 307.54 |
| BURT COUNTY TREASURER | WAGON RD TAXES | 31,433.88 |
| BURT COUNTY TREASURER -TITLE/REG | TITLE | 14.00 |
| BURT COUNTY 4-H COUNCIL | FAIR EXPENSES | 183.00 |
| CANON FINANCIAL SERVICES | COPIER | 42.26 |
| CENTURY BUSINESS PRODUCTS | EQUIPMENT | 600.00 |
| CENTURY LINK | 911 SYSTEM | 323.04 |
| CHRONICLE CAPITAL MANAGEMENT | TOWER RENT | 73.90 |
| CITY OF TEKAMAH | UTILITIES | 176.00 |
| CLASSIC CLEAN CARWASH | MISC EXPENSES | 72.98 |
| CUBBY'S | FUEL | 1,761.27 |
| DAS STATE ACCOUNTING-CENTRAL FIN. | TELE TYPE | 350.00 |
| DAS STATE ACCTG -CENTRAL FINANCE | SOFTWARE | 343.25 |
| DAVID SCHOLD | CHECKING ROADS | 41.92 |
| DECATUR EXPRESS - KB'S MINI MART | FUEL | 1,905.21 |

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| EAKES OFFICE PLUS | OFFICE SUPPLY | 381.01 |
| ELISE ANDERSON | MILEAGE | 83.19 |
| ELLA BOOTH | MILEAGE | 39.30 |
| EMILY HEDLUND | FUEL | 40.33 |
| FASTWYRE BROADBAND | INTERNET/PHONE | 1,563.31 |
| FIRST CONCORD BENEFITS GROUP LLC | ADMIN FEE | 1,257.48 |
| FIRST NATIONAL BANK OF OMAHA | SUPPLIES | 1,364.34 |
| FUTURITY IT, INC | SOFTWARE | 1,500.00 |
| GARCIA CLINICAL LABORATORY | SERVICES | 15.00 |
| GARY SWANSON | CHECKING ROADS | 89.08 |
| GREAT AMERICA FINANCIAL SVCS | EQUIPMENT | 247.63 |
| GREAT PLAINS UNIFORMS | SUPPLIES/EQUIP | 94.00 |
| HOMETOWN LEASING | COPIER | 57.10 |
| JEFF KUTCHERA | CHECKING ROADS | 120.52 |
| JENKINS LAW PC | ATTY FEES | 858.80 |
| JENNIFER HANSEN | MILEAGE | 225.32 |
| JENNIFER PETERSON | ATTY FEES | 39.15 |
| JOHNSON & MOCK, PC, LLO | ATTY FEES | 1,444.00 |
| JULIE FLEISCHMAN | MILEAGE | 110.04 |
| JURY DUTY | JURY DUTY | 2,757.30 |
| KATHY RAY | OFFICE SUPPORT | 110.50 |
| MADISON NATIONAL LIFE INS. CO, INC | EMPE PD ADDL | 63.02 |
| MARILYN ANDERSEN | OFFICE SUPPORT | 110.50 |
| MCH HEALTH SYSTEM | JAIL MEDICAL | 222.00 |
| MID-AMERICAN BENEFITS INC | INSURANCE | 248.25 |
| MIDWEST SERVICE | SUPPLY/EQUIP | 1,070.00 |
| MILLS LAW OFFICE | ATTY FEES | 1,140.00 |
| MIPS INC | SOFTWARE | 2065.01 |
| NACO - ANNUAL CONFERENCE | ANNUAL CONF | 450.00 |
| NACO - NORTHEAST DIST MEETING | DIST MEETING | 140.00 |
| NEBR HEALTH & HUMAN SERVICES SYSTEM | LODGING/SERVICES | 556.00 |
| NEBRASKA PUBLIC POWER DISTRICT | UTILITIES | 1,187.40 |
| NEBRASKA.GOV | SUBSCRIPTION | 2.00 |
| OAKLAND INDEPENDENT/LYONS MIRROR | PUBLISHING | 389.60 |
| OFFICE WAREHOUSE | SUPPLIES | 193.83 |
| ONE OFFICE SOLUTION | OFFICE SUPPLY | 1,279.64 |
| PENDER MEDICAL CLINIC | JAIL MEDICAL | 146.00 |
| PENNY A. WARREN | MILEAGE | 132.31 |
| PLAINDEALER | PUBLISHING | 139.04 |
| ROMAN QUINTERO | MILEAGE | 24.29 |
| SAVE MORE MARKET | SUPPLIES | 63.43 |
| STACEY KEYS | MILEAGE | 148.03 |
| STEPHEN J KRAVIEC P.C.,L.L.O. | CH SUPP ENFORCE | 2,002.93 |
| STREET CRIMES | LAW ENFORCE SCHOOL | 1,200.00 |
| THE APOTHECARY SHOP | JAIL MEDICAL | 762.70 |
| THEODORE CONNEALY | CHECKING ROADS | 45.20 |
| THURSTON COUNTY SHERIFF | JAIL | 26,940.00 |
| TK ELEVATOR CORPORATION | MAINTENANCE | 303.78 |
| TRI-STATE COMMUNICATIONS INC | EQUIPMENT | 358.50 |
| UNL-HASKELL AG LAB | 2023 FORUM | 95.00 |
| US POSTAL SERVICE (NEOPOST POSTAGE) | POSTAGE | 4,000.00 |
| VANGUARD APPRAISALS INC | SOFTWARE | 3,653.75 |
| VERIZON WIRELESS | SERVICES | 819.17 |
| VISUAL EDGE IT | EQUIPMENT | 151.54 |
| WASHINGTON COUNTY DRUG COURT | DRUG COURT FEE | 530.00 |
| WASHINGTON COUNTY SHERIFF | JAIL | 15,600.00 |

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| WELLS FARGO FINANCIAL SERVICE | COPIER | 60.22 |
| WENDY L REXROAD | COURT COSTS | 91.46 |
| ANDREW BRANIFF | PARTS | 139.09 |
| ARVEST EQUIPMENT FINANCE | EQUIP RENTAL | 8,150.00 |
| BARCO MUNICIPAL PRODUCTS INC | SUPPLIES | 327.53 |
| BLUFF AGGREGATE LLC | SUPPLY | 7,810.20 |
| BOMGAARS SUPPLY INC - ROAD | SUPPLIES | 355.18 |
| BRUMMOND COUNTRY DISPOSAL | GARBAGE | 90.00 |
| BUDDIES MINI MART, LLC | FUEL | 262.00 |
| BUXNDUX LUBRICATION SPECIALISTS | SUPPLY | 207.00 |
| CITY OF LYONS | UTILITIES | 106.39 |
| CITY OF OAKLAND | UTILITIES | 23.53 |
| FARMERS PRIDE | FUEL/SUPPLY | 4,722.36 |
| FIRST NATIONAL BANK OF OMAHA ROADS | SUPPLIES | 79.89 |
| GINI, LLC | FUEL | 105.00 |
| GLUP PIPE SALES | SUPPLY | 11,303.75 |
| HAMPTON INN | WORKSHOP | 170.05 |
| K-C PARTS & REPAIR | PARTS | 44.03 |
| MAINELLI, WAGNER & ASSOCIATES INC | ENGINEERING | 63,229.43 |
| MARTIN MARIETTA | GRAVEL/SUPPLY | 3,273.66 |
| MIDWEST SERVICE AND SALES CO | SUPPLY/EQUIP | 9,364.20 |
| MIDWEST SERVICE CO | SUPPLY/EQUIP | 4,740.70 |
| NACO | ANNUAL CONF | 150.00 |
| NMC CAT RENTAL | RENTAL | 11,738.61 |
| OMAHA SLING INC | SUPPLY/EQUIP | 133.46 |
| RDO TRUCK CENTERS, LLC | REPAIR | 223.77 |
| SCOTT'S HARDWARE | SUPPLY | 140.53 |
| SHAMBURG AUTO SUPPLY | SUPPLY | 364.41 |
| STALP GRAVEL CO | GRAVEL/SUPPLY | 22,631.94 |
| STEINY'S GENERAL STORE | SUPPLIES | 25.94 |
| TRUCK CENTER COMPANIES | REPAIR | 470.44 |
| VERIZON CONNECT | SERVICE PLAN | 388.56 |
| VILLAGE OF CRAIG | UTILITIES | 68.24 |
| VILLAGE OF DECATUR | UTILITIES | 146.15 |
| WELDON PARTS OMAHA | SUPPLIES | 873.14 |
| WOODHOUSE FORD CHRYSLER DODGE JEEP | REPAIR | 534.75 |
| WPCI | TESTING | 150.00 |
| CLEARVIEW PET CARE CENTRE | K-9 | 293.65 |
| BURT COUNTY ECONOMIC DEV CORP | DUES | 36,000.00 |
| CENTURY LINK - LUMEN | 911 EQUIP | 9,087.32 |
| CENTURYLINK (HARDWARE WARRANTY) | 911 EQUIP | 707.20 |
| CITY OF FREMONT - CITY CLERK | 911 SYSTEM | 2,786.66 |
| NORTHEAST NEBR TELEPHONE CO | UTILITIES | 129.17 |
| AFLAC | EMPE PD ADDL | 549.63 |
| ALLSTATE | EMPE PD ADDL | 57.22 |
| BLUE CROSS & BLUE SHIELD | INSURANCE | 53,464.09 |
| ERIN M MCCARTNEY CHAPTER 13 TRUSTEE | GARNISH | 650.00 |
| FIRST NAT'L BANK-NORTHEAST-EFPTS | FEDERAL TAXES | 43,717.71 |
| GLOBE LIFE LIBERTY NATIONAL DIV | EMPE PD ADDL | 466.77 |
| NATIONWIDE RETIREMENT SOLUTIONS | EMPE PD ADDL | 150.00 |
| RETIREMENT PLANS DIV. OF AMERITAS | RETIREMENT | 22,024.90 |
| STATE TAX COMMISSIONER | STATE TAXES | 6,845.78 |
| VISION SERVICE PLAN (CT) | EMPE PD ADDL | 712.72 |
| COLONIAL LIFE AND ACCIDENT INS CO | EMPE PD ADDL | 57.79 |
| CREDIT MANAGEMENT SERVICES | GARNISH | 30.99 |
| NEBR CHILD SUPPORT PAYMENT CTR | EMPE PD | 830.00 |

Special Designated Liquor License:

The Board approved a special designated liquor licenses for Oakland Express (Oakland) for an onsite tasting event to be held Oct. 7, 2023. SDL approved upon motion by Connealy, seconded by Pearson, By Roll Call Vote: Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

Interlocal Agmt. w/Cuming County for Juvenile Diversion Program:

The County Attorney’s office requested signature on an interlocal agreement with Cuming County to continue to co-op for the Juvenile Diversion Program. Chairman Schold signed the agreement; the agreement runs through June 30, 2024.

ZONING: *Ann Chytka, Burt County Zoning and Floodplain Administrator*

Lot Split: JOE MALLOY 17.88 ac. in pt. SW4SE4 of Section 8, Township 23N, Range 10 E of 6th Principal Meridian, Burt County, Nebraska.

Procedures for Lots Splits: reviewed and placed on file.

Less than 3.01 acres: approved by Zoning Administrator & County Board; only approved if split is to be combined with an existing adjacent parcel. Placed on agenda of Bd. of Supervisors and filed with Reg. of Deeds office.

Under 10 acres: approved by Zoning Administrator & County Board. Placed on agenda of Bd of Supervisors and filed with Reg. of Deeds office.

Over 10.01 acres: administrative split- approved by Zoning Administrator only. Filed with Reg. of Deeds office.

More than 3 Lots: falls under subdivision – follow subdivision regulations.

Burt County Floodplain Ordinance Amendments – Chairman Schold opened a Public Hearing at 9:41 A.M. Chytka explained that amendments to Burt County’s Floodplain Ordinances are necessary due to recommendations brought by the Nebraska Dept. of Natural Resources (NeDNR) following a Community Assistance Visit (CAV); the amendments made will ensure Burt County’s continued eligibility for the National Flood Insurance Program (NFIP). Public Comment: none. Chairman Schold closed the Public Hearing and returned to regular session at 9:42 A.M. The board held discussion. **Resolution 2023-08 -a Floodplain Management Ordinance** was passed upon motions by Titus and Richards. Approved By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none. This Resolution contains amendments made to Resolution 2021-26 that was approved October 28, 2021; the floodplain district is a Zoning Overlay District within Burt County’s Zoning Regulations. The Resolution 2023-08 is too large to publish within the minutes; it will be placed on file in Burt County’s Zoning Book 2020.

ROADS: *Ann Chytka, Highway Superintendent*

One & Six Year Plan: Chairman Schold opened a Public Hearing for the 2023-2024 One and Six Year Road Plan at 10:08 A.M. Chytka shared a map and listing (both placed on file, and also posted on Highway Superintendent’s webpage). Having no Public Comment offered, Chairman Schold closed the Public Hearing and returned to regular session at 10:09 A.M. The board held discussion about the projects and Resolution 2023-10 was passed upon motion by Kutchera, seconded by Richards. By Roll Call Vote: Ayes –Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none. **RESOLUTION #2023-10**

“Whereas, the Burt County Highway Department has prepared and presented a One-and- Six Year Plan for Highway Improvement for Burt County, Nebraska, and;

“Whereas, a public meeting was held on the 28th day of August, 2023 to present this plan, and all objections and recommendations said plan were considered;

“Therefore, be it resolved by the County Supervisors of Burt County, Nebraska, that the plan and data as furnished and/or revised are hereby in all things accepted and adopted.”

Whereupon, the Resolution was declared passed by the Burt County Board of Supervisors on the 28th day of August, 2023, at Tekamah, Nebraska.

ATTEST: SARAH J. FREIDEL, BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN – BURT COUNTY BOARD OF SUPERVISORS

COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE – 2023 Board Members Swanson and Kutchera moved for adoption of Resolution 2023-09. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Nays – none. Absent for vote: Connealy. Resolution was adopted.

RESOLUTION #2023-09

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

Be it resolved that the County Board Chairperson of Burt County is hereby authorized to sign the County Annual Certification of Program Compliance.

Adopted this 28th day of August 2023 at Tekamah, Burt County, Nebraska.

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| County Board Members | David Schold, Chairperson |
| Jeff Kutchera | Gary Swanson |
| Paul Richards | Carl Pearson |
| Ted Connealy | Sam Titus |

Liability Insurance was discussed for situations of Law Enforcement mutual aid. Kevin Brenneis (Brenneis Ins. Agency), agent for Burt County’s Property and Casualty Insurance recommended the County retain Certificate of Insurance from any agencies the Burt County Sheriff’s department may be assisting with law enforcement. An interlocal Agreement for law enforcement between agencies of: City of Tekamah, Village of Decatur, City of Lyons, City of Oakland, and Burt County Sheriff dated May 18, 2009 was noted and will be reviewed.

Board of Equalization:

Titus moved the Board recess at 10:51 AM for *Board of Equalization*, Pearson seconded. The Burt County Board of Supervisors reconvened at 10:57 AM upon motion by Swanson, seconded by Kutchera. *See separate BOE minutes.*

FY 2023-2024 Budget:

As part of Burt County Fiscal Year 2023-2024 Budget/Levy business, the following Resolution was adopted: **RESOLUTION #2023-11**

Levy Limit Allocations

WHEREAS, under L.B. 1154 (1996) any property tax for political subdivisions will be included in the County’s tax levy.

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that pursuant to law, the County has subdivisions levy authority as specified on the County Levy Limit Form hereby and by this reference incorporated herein.

Fire Districts: up to 4 cents

Cemetery Districts: up to 2 cents

Townships: up to 9 cents

\$100,000.00 of the County’s five-cent miscellaneous levy will be allowed to the Ag Society under an Interlocal Agreement.

DATED this 28th day of August, 2023, at Tekamah, Nebraska.

ATTEST: SARAH J FREIDEL

DAVID SCHOLD, CHAIRMAN

BURT COUNTY CLERK

BURT COUNTY BOARD OF SUPERVISORS

Adopted upon motion by Richards, seconded by Titus, By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Nays – none. Absent for vote: Connealy.

The Board discussed the 2023-2024 budget figures with the current valuation and discussed options to keep tax asking down; i.e. utilization of ARPA funds for large road project, and an Inheritance Tax Fund transfer. The Budget Hearing will be held September 13, 2023; the County will not have to participate in a Joint Public Hearing per LB644 this year.

PUBLIC COMMENT: None.

There being no further business to come before the Board at this time, the meeting adjourned upon motions by Pearson and Swanson at 12:53 P.M.
NEXT MEETING: September 13, 2023 @ 9:00 A.M. Budget Hearing followed by regular Supervisors meeting.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

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.