

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
August 28, 2024
 TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Wednesday, August 28, 2024 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 (8-20-2024), 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, David Schold and Ted Connealy.

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

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

The minutes of the August 14 & 21, 2024 Board of Supervisors meetings and Aug. 14, 2024 Board of Equalization meeting were approved; upon motion by Swanson, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays – none.

The claims for August in the amount of \$609,725.77, including \$165,130.77 for payroll, were read, audited, warrant drawn, and checks generated on the respective funds on motion by Kutchera, seconded by Titus. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays – none. The following claims were approved:

ADAM TRIPP	ATTY FEES	2,109.00
ALLISON JONES	POSTAGE	61.20
ANDY'S QUICK SHOP	FUEL	162.90
APPLIED CONNECTIVE TECHNOLOGIES LLC	SUPPORT/MONITOR/IT	5,046.34
ARBY'S BODY SHOP LLC	EQUIP REPAIR	60.00
BLACK HILLS ENERGY	UTILITIES	168.96
BOMGAARS -COURTHOUSE	SUPPLIES	79.05
BRANDI MOORE	MILEAGE	199.66
BRANIFF SERVICE INC	FUEL	1,026.67
BRUCE NATHAN	MILEAGE	112.96
BRUMMOND DISPOSAL	GARBAGE	225.00
BUDDIES MINI MART, LLC	FUEL	519.80
BURT COUNTY CLERK	POSTAGE	124.69
BURT COUNTY COURT	COURT COST FEE	100.00
BURT COUNTY DISTRICT COURT	COURT COST FEE	206.00
BURT COUNTY PUBLIC POWER DIST	UTILITIES	252.63
BURT COUNTY SHERIFF	SERVICE/COURT	709.07
BURT COUNTY TREASURER	FUNDS TRANSFER	30,000.00
BURT COUNTY TREASURER	DRAINAGE TAXES	31,488.88
BURT COUNTY 4-H COUNCIL	STAFF MEALS	192.99
CANON FINANCIAL SERVICES	COPIER	27.09
CENTURY LINK	UTILITIES	322.96
CITY OF TEKAMAH	UTILITIES	348.25
CLASSIC CLEAN CARWASH	MISC FLEET	185.00
COLONIAL RESEARCH CHEMICAL CORP	SUPPLIES	275.96
CRESTON FERTILIZER MCL FARMS INC	CHEMICAL	1,092.39
CUBBY'S	FUEL	1,615.26

DAS STATE ACCOUNTING-CENTRAL FIN.	SOFTWARE	411.60
DAS STATE ACCTG -CENTRAL FINANCE	SOFTWARE	258.75
DECATUR EXPRESS	FUEL	1,419.47
DODGE COUNTY	PROBATION QTRLY	3,408.20
EAKES OFFICE PLUS	SUPPLIES	481.70
ELISE ANDERSON	MILEAGE	91.12
FASTWYRE BROADBAND	UTILITIES	1,433.48
FIRST CONCORD BENEFITS GROUP LLC	INS ADMIN FEES	841.65
FIRST NATIONAL BANK OF OMAHA	SUPPLIES	319.91
FUTURITY IT, INC	SOFTWARE	1,500.00
GARY SWANSON	CHECKING ROADS	113.90
GENESIS PSYCHIATRIC GROUP LLC	JAIL MEDICAL	266.00
GREAT AMERICA FINANCIAL SVCS	COPIER	247.63
HOMETOWN LEASING	COPIER	382.26
JACK'S UNIFORMS & EQUIPMENT	EQUIPMENT	772.93
JEFF KUTCHERA	CHECKING ROADS	184.92
JEFFREY MADSEN	COURT MILEAGE	21.44
JENNIFER HANSEN	MILEAGE	115.24
JENNIFER HOLLIS	COURT MILEAGE	33.50
JENNIFER PETERSON	MILEAGE	20.10
ROTH WEINSTEIN, LLC	ATTY FEES	1,558.00
JOHNSON & PEKNY, L.L.C.	ATTY FEES	513.00
JONES AUTOMOTIVE INC	FLEET MAINTENANCE	270.00
JULIE FLEISCHMAN	MILEAGE	103.30
KATHY RAY	OFFICE SUPPORT	26.00
KRAVIEC MAURSTAD LAW,P.C.,L.L.O.	CHILD SUPPORT CONTRACT	2,019.14
KRISTINE HABER	SUPPLIES	118.08
LEE AGRI-MEDIA	PUBLISHING	3,431.32
MICHELE QUICK	NOTARY FEE	30.00
MID-AMERICAN BENEFITS INC	INS ADMIN FEES	232.00
MIPS INC	SOFTWARE	1,999.13
MIPS INC - COUNTY COURT	SOFTWARE	68.00
NACO	OPEN MTG POST	7.00
NACO	NE DIST MEET	390.00
NEBR LAW ENFORCEMENT TRAINING	TRAINING	142.00
NEBRASKA PUBLIC POWER DISTRICT	UTILITIES	1,294.78
NSA/POAN LAW ENFORCEMENT	CONFERENCE	107.00
OAKLAND INDEPENDENT/LYONS MIRROR	PUBLISHING	293.00
ONE OFFICE SOLUTION	SUPPLIES	920.55
PAUL RICHARDS	CHECKING ROADS	107.20
PELAN FUNERAL SERVICES INC	SERVICES	625.00
PENNY A. WARREN	MILEAGE	37.52
RADAR ROAD TEC	EQUIPMENT	200.00
REDFIELD DIRECT LLC	SUPPLIES	912.01
RMR COURT REPORTING	COURT COSTS	283.00
SAMUEL TITUS	CHECKING ROADS	309.80
SAVE MORE MARKET	SUPPLIES	210.26
SECRETARY OF STATE	ELECTION SUPPLY	20.00
SECURITY EQUIPMENT INC	MONITORING	239.00
SHAMBURG AUTO SUPPLY	SUPPLIES	156.89
SHARON WIMER	OFFICE SUPPORT	104.00
STACEY KEYS	MILEAGE	60.30
STAMP FULFILLMENT SERVICES	SUPPLIES	451.75
STATE OF NEBRASKA	SUPPLIES	20.00
THE APOTHECARY SHOP	JAIL MEDICAL	283.60
THEODORE CONNEALY	CHECKING ROADS	46.23
THURSTON COUNTY SHERIFF	JAIL	4,320.00
TK ELEVATOR CORPORATION	MAINTENANCE	318.97

US POSTAL SERVICE (NEOPOST POSTAGE)	POSTAGE	5,000.00
VERIZON WIRELESS	CELL PHONES	906.65
VISUAL EDGE IT, INC	COPIER	41.45
WASHINGTON COUNTY DRUG COURT	COURT FEES	699.54
WASHINGTON COUNTY SHERIFF	JAIL	3,120.00
BOMGAARS SUPPLY INC - ROAD	SUPPLIES	537.10
BRUMMOND COUNTRY DISPOSAL	GARBAGE	90.00
CITY OF LYONS	UTILITIES	121.22
CITY OF OAKLAND	UTILITIES	22.15
CUMING COUNTY INDUSTRIES	SUPPLY	82.64
DECATUR EXPRESS - KB'S MINI MART	FUEL	298.40
DPA TRUCK & EQUIPMENT SALES	PARTS	61.16
FARMERS PRIDE	FUEL	5,474.96
FIRST NATIONAL BANK OF OMAHA ROADS	SUPPLIES	19.99
GINI, LLC	FUEL	88.72
JOHN DEERE FINANCIAL	EQUIPMENT	691.73
K-C PARTS & REPAIR	PARTS	312.02
KIRBY L BOWLAND	PARTS	8.99
KNIFE RIVER MIDWEST LLC	ROAD PROJECT	95,250.37
LORENSEN LUMBER & GRAIN LLC	SUPPLIES	185.00
MIDWEST SERVICE AND SALES CO	PARTS	300.00
MIDWEST SERVICE CO	FUEL	8,775.01
NICHOLAS KOPIETZ	PARTS	29.99
NMC	PARTS/REPAIR	1,473.41
SCOTT'S HARDWARE	SUPPLIES	45.58
STALP GRAVEL CO	MATERIALS	51,762.48
STEINY'S GENERAL STORE	FUEL	32.98
TRI-STATE COMMUNICATIONS INC	COMMUNICATIONS EQUIP	158.50
VILLAGE OF DECATUR	UTILITIES	156.79
WELDON PARTS OMAHA	PARTS	22.61
WOODHOUSE FORD CHRYSLER DODGE JEEP	FLEET REPAIR	1,813.23
MINDY TALLMAN	DEMO GRANT	6,950.00
SAM TITUS	DEMO GRANT	6,227.50
TRI-COUNTY SADDLE CLUB	PROMO GRANT	500.00
CENTURY LINK - LUMEN	911	9,087.32
CENTURYLINK (HARDWARE WARRANTY)	911	707.20
LANGUAGE LINE SERVICES	911	1.77
NORTHEAST NEBR TELEPHONE CO	911	129.17
AFLAC	EMPE PD ADDL	412.74
ALLSTATE	EMPE PD ADDL	42.01
BLUE CROSS & BLUE SHIELD	INSURANCE	52,663.20
FIRST NAT'L BANK-NORTHEAST-EFPTS	FEDERAL TAXES	45,716.75
GLOBE LIFE LIBERTY NATIONAL DIV	EMPE PD ADDL	589.08
MADISON NATIONAL LIFE INS. CO, INC	EMPE PD ADDL	28.20
NATIONWIDE RETIREMENT SOLUTIONS	EMPE PD ADDL	150.00
RETIREMENT PLANS DIV. OF AMERITAS	RETIREMENT	23,780.12
STATE TAX COMMISSIONER	STATE TAXES	7,048.71
VISION SERVICE PLAN (CT)	EMPE PD ADDL	744.63
COLONIAL LIFE AND ACCIDENT INS CO	EMPE PD ADDL	57.79
CREDIT MANAGEMENT SERVICES	GARNISHMENT	43.01
LVNV FUNDING, LLC	GARNISHMENT	38.79
NEBR CHILD SUPPORT PAYMENT CTR	GARNISHMENT	830.00

Collective Bargaining for FOP (Fraternal Order of Police) Lodge #95:

Deputy Brittany Hedlund, FOP representative, presented a full written agreement for final review. The board members will have the contracted attorney review the agreement in its entirety.

DeYon McClintock, 380 N. Main St, Craig – Citizen shared a complaint of how a dog attack incident was handled by the Sheriff's office. She went on to further explain that the Village of Craig does not have law enforcement, but she has also attended the Village board meetings to explain the incident to them as well. DeYon requested the Sheriff's office enforce state laws regarding malicious/dangerous dogs. DeYon also requested more law enforcement presence in the Village from time to time and maybe especially trying to be there while children are loading buses. Deputy Hedlund confirmed the office did take action following the dog attack; Hedlund also offered to be present for busing the next morning.

Audit FY 2023-2024:

Chairman Connealy signed the Engagement Letter for the 2023-2024 Audit being performed by *Contryman Associates P.C.*

Burt County Economic Development (BCEDC) Cindy Chatt, director BCEDC:

(2) *Grants:* Chatt reported that the BCEDC board has reviewed and recommended their approval for two (2) Private Foundation Grants:

(#1) *Fund 0900, Demolition Grant* for Clay Gibbs and Hope Hasenkamp-Gibbs to demo house and garages on Lots 1-3, Blk. 18, Oakland; \$6,750.00 (50% low bid). Grant was approved upon motion by Pearson, seconded by Swanson, Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Connealy. Nays – Schold.

(#2) *Fund 0900, Commercial Reno Grant* for City of Lyons for concrete foundation repairs on the island in Brink Memorial Park; \$8,420.00 (50% low bid). No action was taken, discussion was held regarding concerns that the request was not for a commercial building; after discussion the board decided to send the Grant back to Burt County Economic Development Board with no action for approval at this time.

Board of Equalization:

Schold moved the Board recess at 11:06 AM for *Board of Equalization*, Kutchera seconded, motion passed All Ayes. The Burt County Board of Supervisors reconvened at 11:21 AM upon motion by Kutchera, seconded by Titus, All Ayes. See separate minutes for BOE.

ROADS: *Ann Chytka, Highway Superintendent*

One & Six Year Plan: Chairman Connealy opened a Public Hearing for the 2024-2025 One and Six Year Road Plan at 10:47 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 Connealy closed the Public Hearing and returned to regular session at 10:58 A.M. The board held discussion about the projects and Resolution 2024-11 was passed upon motion by Schold, seconded by Swanson. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none. **RESOLUTION #2024-11**

"Whereas, the Burt County Highway Superintendent 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, 2024 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, 2024, at Tekamah, Nebraska.

ATTEST: SARAH J. FREIDEL, BURT COUNTY CLERK

TED CONNEALY, CHAIRMAN – BURT COUNTY BOARD OF SUPERVISORS

COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE – 2024 Board Members Kutchera and Titus moved for adoption of Resolution 2024-10. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy.

Nays – none. Resolution was adopted. **RESOLUTION #2024-10**

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 2024 at Tekamah, Burt County, Nebraska. Ted Connealy, Chairperson
Jeff Kutchera Gary Swanson Paul Richards Carl Pearson David Schold Sam Titus

Bids for Culvert Project “Decatur SW C-11(440)” Old Hwy 118 between CoRd. RS &S: Adam with Mainelli Wagner Assoc. was present to review bids before approval. The following bids were presented:

VanDorn Valley Constr. (Denton, NE)	\$258,735.60	Fall 2024 – Fall 2024
Husker Engineering (Burwell, NE)	\$232,236.00	Nov. 15 – Dec. 30, 2024
Vogtscares Inc (Bennet, NE)	\$195,916.50	March – April 2025
General Excavating (Lincoln, NE)	\$272,370.90	March 1 – April 20, 2025
Nelson & Rock Contr. (Onawa, IA)	\$194,097.72	Sept. 16 – Nov. 25, 2024

The board voted to accept the bid from Nelson & Rock, a company rep confirmed that the road would only need to be closed for 30 days and they are willing to work around harvest schedules while still completing the project late fall/early winter 2024. The bid for \$194,097.72 was accepted upon motion by Schold, seconded by Titus. By Roll Call Vote: Ayes- Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays- none. Motion passed.

Skid Steer Lease: The lease on the skid loader is up for renewal; Ann presented for approval a municipal rental agreement with NMC for 1 year 250 hours, annual cost of \$8,150.00. The board approved agreement upon motions by Richards and Pearson, By Roll Call Vote: Ayes- Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays – none.

Striping: Ann presented (2) quotes for striping. (1) Highway Signing Inc. - \$1,590.00/mile and (2) Straight-Line Striping - \$1,635.00/mile. The board approved Chytka to accept Highway Signing, Inc; upon motion by Schold, seconded by Pearson. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays-none.

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

Lot Splits (2): (1) JAN BUHL & WILLIAM RIECKEN (6 tracts) in S ½ of Section 11, Township 23N, Range 8 E of 6th Principal Meridian, Burt County, Nebraska. – Chairman signed for approval. (2) VICKY PRUESS 4 ac. in PT. NE ¼ NW ¼ of Section 35, Township 21N, Range 9 E of 6th Principal Meridian, Burt County, Nebraska. – no action. Board recommended the zoning administrator advise that a conditional use permit will be necessary if a house is going to be built on the acreage.

Burt County Wind Regulations: Kevin Brenneis (Brenneis Ins. Agency), agent for Burt County’s Property and Casualty Insurance shared information regarding decommissioning bonds for Wind Turbines. No further discussions were held about wind regulations; the board announced that they need more time to review decommissioning bonds processes and other public concerns. Resolution 2024-13 was presented for consideration. Board Members Schold and Kutchera moved for adoption of Resolution 2024-13 with changes to extension dates. The Resolution was adopted By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Schold and Connealy. Nays – none.

Resolution 2024-13 RESOLUTION FOR AN EXTENSION ON TEMPORARY MORATORIUM ON WIND ENERGY

CONVERSION SYSTEMS WITHIN BURT COUNTY, NEBRASKA.

WHEREAS, the Board of Supervisors of Burt County, Nebraska (the "Board"), contemplates amendments to the existing Burt County, Nebraska, Zoning Regulations, to include provisions regulating wind energy conversion systems (WECS); and

WHEREAS, the Board desires to extend the current moratorium Resolution No. 2023-19, 2024-07 an additional ~~60~~ 92 days prohibiting the Administrator of Planning and Zoning, Planning Commission, and the Zoning Board of Adjustment, from accepting or otherwise acting on any application to develop a wind energy conversion system (WECS).

WHEREAS, the Board of Supervisors is sending revisions and suggestions to the Planning and Zoning Commission for further review and public comment.

NOW THEREFORE, BE IT RESOLVED, the Board hereby approves this resolution. The moratorium shall be extended from ~~September 30th until November 30th 2024~~ October 1st until December 31st, 2024.

APPROVED this 28th day of August 2024 at Tekamah, Nebraska.

- signed by Chairman Connealy, attest County Clerk Freidel

FY 2024-2025 Budget:

The Board reviewed and revised the 2024-2025 budget figures with the current valuation. The Budget Hearing will be held September 11, 2024; the County will participate in a Joint Public Hearing per LB644 to be held September 19, 2024. Hearing notices will be published online and in the Plaindealer. Mort Pearson, representative from Burt County Ag Society - presented the 2024 Burt County Fair budget and requested \$100,000.00 of the County's budget be allotted to help offset Burt County Fair expenditures.

As part of Burt County Fiscal Year 2024-2025 Budget/Levy business, the following Resolution was adopted: **RESOLUTION #2024-12**

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

\$75,000.00 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 2024, at Tekamah, Nebraska.

- signed by Chairman Connealy, attest County Clerk Freidel

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

PUBLIC COMMENTS (2): (1) Donette Jackson, 5000 CoRd. HI, Tekamah – Thanked the board for all they do. (2) Bill Price, 1615 CoRd. 10, Lyons – (i) referenced Bradford Hill Report regarding low frequency noise research; expressed to the board when taking action, error on the side of caution. (ii) Thanked the board regarding extension of moratorium.

There being no further business to come before the Board at this time, the meeting adjourned upon motions by Titus and Richards at 12:38 P.M.

Next Meeting: Wednesday, September 11, 2024 @ 9:00 A.M.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK

TED CONNEALY, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

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