

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
June 13, 2023
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, June 13, 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 (6-8-2023), 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: David Schold, Gary "Bird" Swanson, Jeff Kutchera, Paul Richards, Carl Pearson, Sam Titus and Ted Connealy.

The meeting opened at 9:00 A.M. with the pledge of Allegiance. Chairman Schold informed the public that the Open Meeting Act is posted on the wall.

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

The minutes of the 5/26/2023 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.

Approval of May Reports: The County Clerk Report of Fees, the County Court Report of fines, the District Court Fee Report and Zoning Report, Fund Balances, and the following Miscellaneous Receipts in the amount of \$326,960.72 were all approved upon motion by Connealy, seconded by Pearson. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

ZONING PERMITS	300.00
STATE OF NEBR. - ANNUAL - INSURANCE TAX	22,627.13
TAX SALE REDEMPTION <CO.SHARE>	154.00
CO CLERK-FILING & RECORDING FEES	1,865.50
CO CLERK-DOC STAMPS (COUNTY SHARE)	2,035.80
CO CLERK-MISC FEES	113.25
DISTRICT COURT - FILING FEES	50.00
DISTRICT COURT - COURT COST REFUNDS	101.00
DISTRICT COURT - MISC FEES & REV.	1,043.14
DISTRICT COURT- FEES & COSTS	110.86
DISTRICT COURT - BAIL BOND 10%	500.00
DEPT SOCIAL SERV. IV-D	4,949.53
CO SHERIFF-MILEAGE & COSTS	972.54
CO SHERIFF-SERVICE FEES	584.00
TITLE INSPECTIONS	310.00
GUN PERMITS	45.00
FINGER PRINT	20.00
CHILD SUPPORT ENFORCE.	4,750.47
OVERLOAD FINES - CO.SHARE 25%	18.75
INTEREST ON INVESTMENTS	1,922.59
HIGHWAY/STREET ALLOCATION	116,628.53
TOWNSHIP REIMBURSE. - QUINNEBAUGH	1,155.00
TOWNSHIP REIMBURSE. - ARIZONA	5,110.00
TOWNSHIP REIMBURSE. - DECATUR	10,710.00
SALE OF STEEL	757.50
LODGING TAX	468.07
ROD - PRESERVATION & MODERNIZATION FUND	281.50
STOP	100.00

INHERITANCE TAX - Sandra Gilliam	3,167.31
INHERITANCE TAX - John F. Wilson	11,615.43
INHERITANCE TAX - Norman Robertson	613.72
INHERITANCE TAX - Mary E. King	568.65
INHERITANCE TAX - Donna Jean Larsen	1,894.10
COUNTY 911	912.00
E 911	3,260.32
OVERLOAD FINES - STATE SHARE 75%	56.25
FINES & LICENSES -TO SCHOOLS	3,913.00
DECATUR FIRE GENERAL	1,185.20
DECATUR FIRE BOND	636.42
LYONS FIRE GENERAL	3,342.74
LYONS FIRE BOND	359.52
OAKLAND FIRE GENERAL	3,149.45
TAX SALE REDEMPTION <HOLDING FUNDS>	7,439.39
HOMESTEAD ALLOCATIONS	74,897.86
MFO MONEY	32,265.20

OFFICE UPDATES (2): (1) County Weed Dept. – Tory Penny (2) County Clerk, Register of Deeds and Election Commissioner – Sarah J. Freidel

Northeast Nebraska Solid Waste Coalition – Amended Interlocal Agreement:

Resolution 2023-04 was passed upon motion by Pearson, seconded by Richards; By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none. **Resolution # 2023-04** Burt County, Nebraska

NORTHEAST NEBRASKA SOLID WASTE COALITION

WHEREAS, the County of Burt, Nebraska has solid waste jurisdiction pursuant to the terms of the Integrated Solid Waste Management Act; and

WHEREAS, the County of Burt, Nebraska has previously joined the Northeast Nebraska Solid Waste Coalition; and

WHEREAS, a Third Amended Interlocal Solid Waste Management Agreement has been proposed for consideration of members of the Northeast Nebraska Solid Waste Coalition; and

WHEREAS, the changes contained in the proposed Third Amended Interlocal Solid Waste Management Agreement are a result of a master planning process authorized by the Coalition Board on May 21, 2020;

NOW THEREFORE, in consideration of the foregoing recitals, the County Board of Supervisors of the County of Burt, Nebraska hereby adopt the following Resolution:

BE IT RESOLVED by the County Board of Supervisors of the County of Burt, Nebraska that:

- (1) The proposed Third Amended Interlocal Solid Waste Management Agreement is hereby approved;
- (2) That the Chairperson of the County Board of Supervisors is authorized to sign the Third Amended Interlocal Solid Waste Management Agreement on behalf of the County of Burt, Nebraska.

PASSED AND APPROVED this 13th day of June, 2023.

David Schold, Chairman Burt County Board of Supervisors

Attest: Sarah J. Freidel, Burt County Clerk

Closed Session:

Supervisor Kutchera made a motion to go into *Closed Session*, Connealy seconded, and the motion passed with All Ayes. Chairman Schold declared at 9:17 A.M. the board went into closed session *for the protection of public interest to discuss litigations*. Swanson made a motion to come out of Closed Session, Connealy seconded, and motion passed with All Ayes. Chairman Schold declared the public meeting back in regular session at 9:48 A.M. No action was taken during closed session.

Resolution 2023-05 with reference to Petition for Drainage Assistance filed on June 29, 2019: Supervisor Kutchera made a motion to adopt Resolution 2023-05, Titus seconded. The resolution was adopted By Roll Call Vote: Ayes – Swanson,

Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

Resolution # 2023-05 Burt County, Nebraska

WHEREAS, on July 19, 2019, the Burt County Board of Supervisors (“Board”) held discussions in order to decide to vote to declare if the County intends to assist in the drainage of Co. Rd. H1 per a petition filed by Bret Brodersen on June 29, 2019 (the “Petition”);

WHEREAS, on July 19, 2019, the Board adopted Resolution 2019-10, wherein the Board found that the allegations in the Petition were true, the County declared its intention to assist in drainage, and the County resolved that it would develop a plan for an improvement to fix said drainage issue;

WHEREAS, on September 25, 2019, Brodersen filed a Withdrawal of Petition for Drainage Improvement and Petition for Drainage Assistance, seeking to withdraw the Petition;

WHEREAS, on September 25, 2019, Missouri River Farms, LLC filed a “Complaint for Injunction Inverse Condemnation and Damages” against the County, Arizona Township, L. Bret Brodersen, and Sarah J. Brodersen, seeking, among other things, damages and injunctive relief for violations of the County Drainage Act (the “Act”), Nebraska Open Meetings Act, for an unlawful taking, and inverse condemnation (the “Litigation”);

WHEREAS, pursuant to the Act, on September 27, 2019, the Board had scheduled a public hearing to discuss the Petition and withdrawal of the Petition;

WHEREAS, on September 27, 2019, based on the withdrawal of the Petition, the Board held a roll call vote and declared that the public hearing set for September 27, 2019 was no longer necessary and was cancelled;

WHEREAS, on December 20, 2022, the County filed a Motion for Summary Judgment in the Lawsuit, seeking to dismiss all claims brought against the County in the Lawsuit;

WHEREAS, on April 27, 2023, the Court issued an Order on the County’s Motion for Summary Judgment granting the Motion, in part, and further finding that Resolution 2019-10 is still in full force and effect, thereby ordering the “Burt County Board take whatever action it finds is reasonably necessary, using its discretion as the public body governing Burt County, Nebraska, to comply with the terms and provisions of the County Drainage Act, as soon as reasonably possible, and the Burt County Board shall, in making its decision, take into consideration all laws, rules and regulations to which the Burt County Board of Supervisors is obligated in regard to this endeavor.”;

WHEREAS, Neb. Rev. Stat. § 31-904 of the Act states that “[i]f a county board has by resolution determined to assist and regulate drainage, it may at any time after one year has elapsed, by resolution, rescind such action and determine that the county assistance is not necessary”; and

WHEREAS, more than one year has elapsed since the Board adopted Resolution 2019-10.

NOW THEREFORE BE IT RESOLVED that pursuant to Neb. Rev. Stat. §31-904, through this resolution, the Board hereby rescinds Resolution 2019-10, the action it took when it adopted Resolution 2019-10, and further determines that County assistance is not necessary in relation to the Petition.

ADOPTED this 13th day of June, 2023.

David Schold, Chairman Burt County Board of Supervisors

Attest: Sarah J. Freidel, Burt County Clerk

After a short break, Supervisor Pearson made a motion to go into *Closed Session*, Titus seconded, and the motion passed with All Ayes. Chairman Schold declared at 10:07 A.M. the board went into closed session *for the protection of public interest to discuss litigations*. Pearson made a motion to come out of Closed Session, Connealy seconded, and motion passed with All Ayes. Chairman Schold declared the public meeting back in regular session at 10:10 A.M. No action was taken during closed session. Following closed session, Supervisor Titus made a motion to rescind previous motion and vote for Resolution 2023-05, Richards seconded, and motion passed By Roll Call Vote: Ayes - Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays- none. Chairman Schold then offered time for public comment; Public Comment followed with one (1) comment: Jovan Lausterer, attorney for L.Bret and Sarah Brodersen offered a letter dated May 30, 2023, communication providing key points made on behalf of the Brodersens. Having no further public comments, Supervisor Swanson made a motion to adopt Resolution 2023-05, Kutchera seconded. The resolution was adopted By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

The board reviewed dates for 2023 Protests and FY 2023-2024 Budget:

Budgets: July 12 – dept. head requests Protests: July 13 – hearings, July 14 – hearings (cont. if need)
July 28 – 1st round July 21 – Protest decisions
Sept – adopt FY 23-24 budget

Designation of Vendor for LB644 Joint Hearing Postcard Printing:

Upon motion by Connealy, seconded by Titus, the Board approved designation of STATE PRINT SHOP as the vendor for the printing of the LB644 joint hearing postcards (if/when necessary for FY 2023-24 Budget cycle). Approved By Roll Call Vote: Ayes - Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays- none.

Community Development Block Grant (CDBG) for Midwest Vet:

Chairman Schold signed the final financial report for Midwest Vet Grant; upon motions by Connealy and Pearson. By Roll Call Vote: Ayes - Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays- none. Claims were processed through County Fund #2606 between the dates of February 2022 and February 2023 as follows: \$7,000.00 total to Northeast Nebr. Economic Development District for administrative fees and \$340,000.00 total CDBG grant to Midwest Vet Services for their business expansion project.

Board of Equalization

Kutchera moved the Board recess at 10:22 AM for *Board of Equalization*, Titus seconded. The Burt County Board of Supervisors reconvened at 10:48 AM upon motion by Pearson, seconded by Connealy. *See separate BOE minutes.*

Vanguard Contracts for Assessor's Office: *Katie Hart, Burt County Assessor*

(a) Service Contract with Vanguard for annual archive services, modules 8-13. The board approved the contract for the assessor's office upon County Attorney's review of the contract language; motions by Kutchera and Connealy, passed By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

(b) Assessor Hart is asking for board approval to enter into a contract for appraisal services by Vanguard to appraise three (3) large commercial properties. Contract quotes \$185.00/hr for the services with a ceiling of \$13,000.00. The board approved the contract for the assessor's office upon County Attorney's review of the contract language; motions by Connealy and Richards, passed By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

PUBLIC COMMENT: Donette Jackson (5000 CoRd. HI): representing Boldgett Farms, (i) comments about lawsuit case # CI 19-67; (ii) requested to get on next agenda for conversations about CoRd. HI; (iii) comments about the communication from Brodersen attorney today.

There being no further business to come before the Board at this time, the meeting adjourned at 11:36 A.M. upon motions by Titus and Swanson.
Next meeting: June 28, 2023 at 9:00 A.M.



TEST: SARAH J. FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS