

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
August 9, 2023
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Wednesday, August 9, 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 (8-3-2023), 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. Pearson arrived at 9:37 a.m.

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.

Upon motion by Swanson, seconded by Kutchera, the agenda was approved. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Titus, Connealy and Schold. Nays – none. Not yet present for vote: Pearson.

The minutes of the 7/28/2023 Board of Supervisors meeting were approved; upon motion by Connealy, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Titus, Connealy and Schold. Nays – none. Not yet present for vote: Pearson.

Approval of July 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 \$293,297.52 were all approved upon motion by Kutchera, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Titus, Connealy and Schold. Nays – none. Not yet present for vote: Pearson.

ZONING PERMITS	1,005.00
TAX SALE REDEMPTION <CO.SHARE>	22.00
CO CLERK-FILING & RECORDING FEES	2,626.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	1,756.32
CO CLERK-MISC FEES	452.41
LIQUOR LICENSE - ADVERTISING	30.00
DISTRICT COURT - FILING FEES	400.00
DISTRICT COURT - COURT COST REFUNDS	102.00
DISTRICT COURT - MISC FEES & REV.	588.75
DISTRICT COURT- FEES & COSTS	72.00
DISTRICT COURT - BAIL BOND 10%	250.00
DEPT OF SOCIAL SERV IV-D	5,571.48
CO SHERIFF-MILEAGE & COSTS	440.62
CO SHERIFF-SERVICE FEES	406.00
TITLE INSPECTIONS	470.00
GUN PERMITS	35.00
CO ATTY FEES - CHECK COLLECTION	20.00
STATE OF NEBR - CHILD SUPPORT ENFORCEMENT	4,734.34
MTG REIMBURSE FROM NACO	30.00
REIMBURSE FROM NACREC	659.23
REIMBURSE INS	74.23
INTEREST ON INVESTMENTS	1,963.37
HIGHWAY/STREET ALLOCATION	122,836.72
MOTOR VEHICLE FEES - HWY ALLOCATION	25,404.61
TWP REIMBURSE - QUINNEBAUGH	2,275.00

TWP REIMBURSE - ARIZONA	24,876.31
LODGING TAX	371.82
ROD - PRESERVATION & MODERNIZATION FUND	453.00
STOP	150.00
K-9 DONATION - BNSF RR	10,000.00
INHERITANCE TAX -	0.00
INHERITANCE TAX -	0.00
PLAT BOOK SALES	0.00
COUNTY 911	1,348.00
E 911	0.00
LIQUOR LICENSE	100.00
STATE FINES TO SCHOOLS	500.00
COUNTY COURT FINES - REGULAR	2,235.00
DECATUR FIRE GENERAL	24.76
DECATUR FIRE BOND	13.29
LYONS FIRE GENERAL	155.57
LYONS FIRE BOND	16.73
OAKLAND FIRE GENERAL	170.54
TAX SALE REDEMPTION <HOLDING FUNDS>	659.73
HOMESTEAD ALLOCATIONS	73,983.36
IN LIEU OF TAXES & IN LIEU HOUSING AUTHORITY	6,014.33

OFFICE UPDATES (2): (1) Building & Grounds – Bruce Nathan (2) Veterans Services – Penny Warren

Communications: (a) District Six Probation FY22-23 budget report & FY23-24 budget request. (b) Supervisor Titus reported that there will be a fundraiser for the K-9 program at the Oakland Golf Course on August 19, 2023.

Conditional Use Permit

At 9:50 A.M. Chairman Schold opened a public hearing for consideration of a Conditional Use Permit for Ron Carson – private use campground with 12 tents (yurts) in Sec. 32, TWP 22N, Rg 10E of 6th p.m., Burt County, NE. Public Comment: Mike Sassen, contractor from ADC Omaha spoke on behalf of landowner. Supervisors asked questions about the plans, Sassen was advised to pass along to the landowner that Burt County lodging is subject to Lodging Taxes if there are fees charged for staying in the tents (yurts). Having no other public comments, Chairman declared the public hearing closed at 10:07 A.M. and the Board went back into regular session. Ann Chytka, Zoning Admin. reported that the planning commission had approved the CUP with condition of limit of 12 tents. The County Board approved the Conditional Use Permit for Ron Carson; upon motion by Titus, seconded by Pearson. By Roll Call Vote: Ayes –Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – Swanson.

Lots Split: signed by Chairman Schold

JANE NINCEHELSE - 8.74 ac. pt. NW⁴ SW⁴ in Sec. 18 TWP 21N Rg 9E of 6th p.m., Burt County, NE

Claim - Johnson & Mock (\$617.50):

Claim was previously denied during the July claims (7/28/2023) The claim was reviewed and Michele Quick, District Court Clerk answered questions; after review the board gave approval to run the claim for payment with August 28th claims. Approved upon motion by Pearson, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays – none.

ROADS: *Ann Chytka, Highway Superintendent*

Skid Loader Rental: The lease on the skid loader is up for renewal; Ann presented for approval a municipal rental agreement for 12 months with 250 hours for annual cost of \$8,150.00. The board reviewed the agreement and approved via Resolution 2023-07: upon motion by Richards, seconded by Titus. Passed By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus, Connealy and Schold. Nays- none.

RESOLUTION NO. 2023-07

A Resolution authorizing the BURT COUNTY HIGHWAY DEPARTMENT, NE to enter into a Municipal Rental Agreement for the purpose of procuring the use of (I) 2023 CATERPILLAR 289D3 Serial # JX915953 with BUCKET-GP, 86", BOT Serial# A4231BC20169

WHEREAS, BURT COUNTY HIGHWAY DEPARTMENT, NE, Nebraska (the "BURT COUNTY HIGHWAY DEPARTMENT, NE"), is a political subdivision of the State of Nebraska (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State;

WHEREAS, pursuant to applicable law, the governing body of the BURT COUNTY HIGHWAY DEPARTMENT, NE (the "Governing Body") is authorized to rent personal property necessary to the functions or operations of the BURT COUNTY HIGHWAY DEPARTMENT, NE;

WHEREAS, the Governing Body hereby finds and determines that it is appropriate and necessary to the functions and operations of the BURT COUNTY HIGHWAY DEPARTMENT, NE for the BURT COUNTY HIGHWAY DEPARTMENT, NE to rent the (I) 2023 CATERPILLAR 289D3 Serial # JX915953 with BUCKET-GP, 86", BOT Serial# A4231BC20169 described in the bid or proposal of (1) 2023 CATERPILLAR 289D3 Serial # JX915953 with BUCKET-GP, 86", BOT Serial# A4231BC20169 (the "Equipment");

WHEREAS, the Governing Body hereby finds and determines that the rental of the Equipment pursuant to, and the execution by the County of BURT, the Municipal Rental Agreement in the form, or substantially in the form, presented to the Governing Body at the time of adoption of this Resolution (the "Rental Agreement"), for the purpose of renting the Equipment, is appropriate and necessary to the functions and operations of the County;

WHEREAS, Arvest Equipment Finance, a division of Arvest Bank (the "Lessor") has agreed to act as lessor under the Rental Agreement.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF BURT COUNTY HIGHWAY DEPARTMENT, NE, Nebraska, that:

Section 1. The bid or proposal for the Equipment to be rented by the BURT COUNTY HIGHWAY DEPARTMENT, NE is hereby accepted.

Section 2. The HIGHWAY SUPERINTENDENT, his/her signature being attested by the Clerk/Secretary of the BURT COUNTY HIGHWAY DEPARTMENT, NE, is hereby authorized to execute the Rental Agreement with the Lessor providing for the rental of the Equipment by the BURT COUNTY HIGHWAY DEPARTMENT, NE in the form, or substantially in the form, presented to the Governing Body at the time of adoption of this Resolution. The HIGHWAY SUPERINTENDENT is hereby authorized to negotiate such additional documents as are necessary to complete the Rental Agreement, and the HIGHWAY SUPERINTENDENT is hereby authorized to execute, his/her signature being attested by the Secretary/Clerk of the BURT COUNTY HIGHWAY DEPARTMENT, NE, any such additional documents or certificates as required by the Lessor. All other related contracts, agreements and documents necessary and incidental to the Rental Agreement are hereby authorized.

Section 3. The rental payments under the Rental Agreement in each fiscal year shall be charged against and paid from the revenues of the BURT COUNTY HIGHWAY DEPARTMENT, NE available for such purpose under the laws of the State for such fiscal year. For the purpose of making the said rental payments there is hereby, and shall be, appropriated to pay such rental payments, for the current fiscal year, an amount of general revenues of the BURT COUNTY HIGHWAY DEPARTMENT, NE sufficient for such purposes. The Treasurer is hereby authorized and directed to withdraw from the General Fund and/or from such other sources as may be hereafter directed by the Governing Body, the amounts and at the times necessary to make the rental payments under the Rental Agreement.

PASSED AND APPROVED by the Governing Body of BURT COUNTY HIGHWAY DEPARTMENT, NE, Nebraska, in a meeting duly held following proper notice thereof on the 28th day of August, 2023.

BY: DAVID SCHOLD
CHAIRMAN, Burt County Board of Supervisors

WITNESS: Sarah J. Freidel
Burt County Clerk

FY2023-2024 Budget Discussions:

- (a) Funding for the Burt County Ag Society was discussed with fair managers: Mort Pearson and Johnnie Johnson.
- (b) Possible cuts were reviewed; initial projections were discussed. Final numbers will be decided upon *after* the valuation is available August 20th.

PUBLIC COMMENT: Dean Carlson- questioned valuation and levy projections, and comment on CUP property.

There being no further business to come before the Board at this time, the meeting adjourned at 11:57 A.M. upon motions by Connealy and Swanson.
Next meeting: August 28, 2023 at 9:00 A.M.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS



A handwritten signature in cursive script, appearing to read "Sarah J. Freidel".