

RESOLUTION 2019-28

**RESOLUTION SETTING THE DATE FOR A RECALL  
ELECTION FOR MAYOR JONATHON BERGHORST**

BE IT RESOLVED AS FOLLOWS BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

WHEREAS, a petition has been filed with the County Clerk of Custer County, Nebraska requesting the recall of Jonathon Berhorst, Mayor of the City of Broken Bow, Nebraska; and

WHEREAS, according to a letter received from the County Clerk of Custer County, Nebraska on Tuesday, November 5, 2019, sufficient signatures have been verified on the recall petition, and according to the filing clerk, the recall petition has been found to be sufficient; and

WHEREAS, the ballot shall read as follows:

Shall Jonathon Berhorst be removed from the office of Mayor?

Yes

No

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA that pursuant to Nebraska Revised Statute §32-1306, the governing body of the City of Broken Bow does hereby order an election to be held on January 14, 2020, which date is not less than fifty (50) nor more than eighty (80) days after the notification of Mayor Jonathon Berhorst.

BE IT RESOLVED FURTHER that a copy of this resolution be given to the County Clerk of Custer County, Nebraska, and that the County Clerk shall run the election.

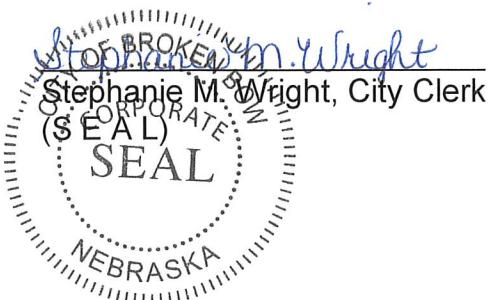
BE IT RESOLVED FURTHER that the recall election held pursuant to this resolution shall conform to Neb. Rev. Stat. §32-1301 et seq.

BY ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA this 12<sup>th</sup> day of November, 2019.

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Jonathon Berhorst, Mayor

ATTEST:



Stephanie M. Wright, City Clerk  
Mayor refused to sign 11-20-2019

The foregoing resolution was presented and after discussion, it was moved by Holcomb and seconded by Sonnichsen that said Resolution be adopted, and upon toll call vote, the City Council voted as follows:

AYES: Sonnichsen, Holcomb, Myers, Miller

NAYS: None.

ABSENT: None

The Mayor then declared said motion duly carried and said Resolution adopted this 12<sup>th</sup> day of November, 2019.

STATE OF NEBRASKA  
CUSTER COUNTY  
This instrument was filed and recorded

11-27-19

at 2:05 pm

Book 19 Page 6754

Susanne M Thompson  
Deputy Register of Deeds  
\$16 Steph Wright

Return to City of Broken Bow  
P.O. Box 504  
Broken Bow, NE 68822

CITY OF BROKEN BOW, NEBRASKA  
RESOLUTION 2019-29

A RESOLUTION ADOPTED BY THE CITY OF BROKEN BOW,  
NEBRASKA TO APPROVE ASSESSMENT FOR 1423 SOUTH G  
STREET

Councilperson Miller introduced the following resolution and moved its adoption:

### RESOLUTION 2019-29

BE IT NOW RESOLVED that from August 1<sup>st</sup>, 2018 to November 15<sup>th</sup>, 2019, the City of Broken Bow performed the following or provided the following services:

Water and Sewer

on the property located at 1423 South G, Broken Bow, NE 68822,

and incurred costs amounting to \$505.50

That the legal description of said property is:

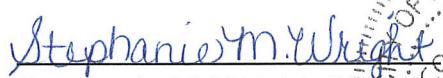
Parcel 001075700, A W GANDY ADD, BLK 2, LT 16 BROKEN BOW CITY

and said costs should be assessed against the foregoing real estate.

Passed and approved this 26th day of November, 2019.

  
Jonathon Berghorst, Mayor

Attest:

  
Stephanie M. Wright, City Clerk



Councilperson Myers seconded the motion for the adoption of the above resolution. The Mayor stated the motion and the City Clerk called the roll. On roll call, the following voted in favor of the passage of said motion: Sonnichsen, Miller, and Myers.

The following voted against the same: None

The Mayor thereupon declared said motion carried and said resolution adopted.

STATE OF NEBRASKA  
CUSTER COUNTY  
This instrument was filed and recorded

4-16-20

at 10:25AM

Book 20 Page 2341

ROD SONNICHSEN

Register of Deeds

B10

City of BB

When Recorded send to:  
City of Broken Bow  
314 South 10<sup>th</sup> Avenue  
Broken Bow, NE 68822

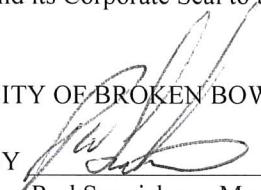
#### RELEASE OF SPECIAL ASSESSMENT

IN CONSIDERATION of the payment of the debt named therein, the City of Broken Bow, 314 South 10<sup>th</sup> Avenue, Broken Bow, Nebraska, (308) 872-5831 hereby releases the special assessment made to the City of Broken Bow, Broken Bow, Nebraska, by **LARRY RONEY** on the following described real estate, to wit:

**A W Gandy Add, Block 2, Lot 16, Broken Bow, Custer County, Nebraska**

which was recorded **NOVEMBER 27, 2019**, in Book 19, Page 6754, of the Real Estate Mortgage records of Custer County, State of Nebraska.

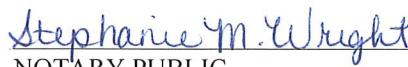
IN TESTIMONY WHEREOF, the said City of Broken Bow of Broken Bow, Nebraska has caused these presents to be executed by its mayor and its Corporate Seal to be affixed hereto this 1<sup>st</sup> day of April, 2020.

CITY OF BROKEN BOW  
BY   
Rod Sonnichsen, Mayor

STATE OF NEBRASKA )  
                          )ss.  
CUSTER COUNTY      )

On this 1<sup>st</sup> day of April, 2020 before me, the undersigned a Notary Public in and for said County, personally came Rod Sonnichsen, Mayor of the City of Broken Bow, Broken Bow, Nebraska, a Municipality, to me personally known to be the Mayor and identical person whose name is affixed to the above release and acknowledged the execution thereof to be his voluntary act and deed as such officer, and the voluntary act and deed of said Municipality, and that its corporate seal was thereto affixed by its authority.

Witness my hand and Notarial Seal at Broken Bow, Nebraska, in said County the day and year last above written.

  
NOTARY PUBLIC



STATE OF NEBRASKA  
CUSTER COUNTY  
This instrument was filed and recorded

11-27-19

at 2:00 pm

Book 19 Page 6752

Susanneh Thompson  
Deputy Register of Deeds  
#16 Steph Wright

Return to City of Broken Bow  
P.O. Box 504  
Broken Bow, NE 68822

CITY OF BROKEN BOW, NEBRASKA  
RESOLUTION 2019-30

A RESOLUTION ADOPTED BY THE CITY OF BROKEN BOW,  
NEBRASKA TO APPROVE ASSESSMENT FOR 1422 SOUTH F  
STREET

Councilperson Sonnichsen introduced the following resolution and moved its adoption:

### RESOLUTION 2019-30

BE IT NOW RESOLVED that from November 1<sup>st</sup>, 2018 to November 15<sup>th</sup>, 2019, the City of Broken Bow performed the following or provided the following services:

Water and Sewer

on the property located at 1422 South F, Broken Bow, NE 68822,

and incurred costs amounting to \$422.96.

That the legal description of said property is:

Parcel 001075000, A W GANDY ADD BLOCK 2, LOT 9 BROKEN BOW CITY

and said costs should be assessed against the foregoing real estate.

Passed and approved this 26th day of November, 2019.

  
Jonathon Berghorst, Mayor

Attest:



Stephanie M. Wright, City Clerk

Councilperson Miller seconded the motion for the adoption of the above resolution. The Mayor stated the motion and the City Clerk called the roll. On roll call, the following voted in favor of the passage of said motion: Sonnichsen, Myers, and Miller.

The following voted against the same: None

The Mayor thereupon declared said motion carried and said resolution adopted.

STATE OF NEBRASKA  
CUSTER COUNTY  
This instrument was filed and recorded

8-25-20

at 2:30 pm

Book 20 Page 6573

*Susanne M. Thompson*  
Deputy Register of Deeds  
\$10  
S. Wright  
BB City

When Recorded send to:  
City of Broken Bow  
314 South 10<sup>th</sup> Avenue  
Broken Bow, NE 68822

#### RELEASE OF SPECIAL ASSESSMENT

IN CONSIDERATION of the payment of the debt named therein, the City of Broken Bow, 314 South 10<sup>th</sup> Avenue, Broken Bow, Nebraska, (308) 872-5831 hereby releases the special assessment made to the City of Broken Bow, Broken Bow, Nebraska, by **ERICA HATFIELD** on the following described real estate, to wit:

**AW Gandy Add, Block 2, Lot 9, Broken Bow, Custer County, Nebraska**

which was recorded **NOVEMBER 27, 2019**, in Book **19**, Page **6752**, of the Real Estate Mortgage records of Custer County, State of Nebraska.

IN TESTIMONY WHEREOF, the said City of Broken Bow of Broken Bow, Nebraska has caused these presents to be executed by its mayor and its Corporate Seal to be affixed hereto this 21<sup>st</sup> day of October, 2020.

CITY OF BROKEN BOW

BY

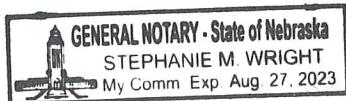
*Rod Sonnichsen*  
Rod Sonnichsen, Mayor

STATE OF NEBRASKA )  
                          )ss.  
CUSTER COUNTY      )

On this 21<sup>st</sup> day of August, 2020 before me, the undersigned a Notary Public in and for said County, personally came Rod Sonnichsen, Mayor of the City of Broken Bow, Broken Bow, Nebraska, a Municipality, to me personally known to be the Mayor and identical person whose name is affixed to the above release and acknowledged the execution thereof to be his voluntary act and deed as such officer, and the voluntary act and deed of said Municipality, and that its corporate seal was thereto affixed by its authority.

Witness my hand and Notarial Seal at Broken Bow, Nebraska, in said County the day and year last above written.

*Stephanie M. Wright*  
NOTARY PUBLIC



## RESOLUTION

### SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM 2019

Resolution No. 2019-31

**Whereas:** State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

**Whereas:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

**Whereas:** The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**Whereas:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

**Be it resolved** that the Mayor  Village Board Chairperson  of Broken Bow, Nebraska  
(Check one box) (Print Name of Municipality)  
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted this 10th day of December, 20 19 at Broken Bow, Nebraska.  
(Month)

#### City Council/Village Board Members

Rod Sonnichsen

Jacob Holcomb

Chris Myers

Larry Miller

City Council/Village Board Member Miller  
Moved the adoption of said resolution  
Member Sonnichsen Seconded the Motion  
Roll Call: 3 Yes 0 No 0 Abstained 1 Absent  
Resolution adopted, signed and billed as adopted.

Attest:

Stephanie M. Wright  
(Signature of Clerk)

# Year-End Certification of City Street Superintendent

For Determining Incentive Payment

January 1, 2019 to December 31, 2019

\*This certifies that Monte Clark, License Number S- 1385 Class A,  
(Print name of Superintendent as appears on license card) (A or B)

was the appointed City Street Superintendent of Broken Bow (Print name of City or Village)

from January 1 Month, 2019 to December 31 Month, 2019 Date

and actually performed all of the following duties:

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;
2. Developing an annual program for design, construction, and maintenance;
3. Developing an annual budget based on programmed projects and activities;
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

And further certifies that the superintending services of the above listed individual were provided by: (Check one)

Employment with this Municipality  Contract (consultant) with this Municipality  Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

*Jenitha Berzhauer*

Signature of Mayor  Village Board Chairperson

\* If more than one individual or the City Council or Village Board provided superintending services during the calendar year, list each successive superintendent on a separate form. The amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) whether or not your municipality appointed a licensed City Street Superintendent for all 12 months; (c) class of license, A or B; and (d) whether or not the Superintendent performed all of the duties listed. Reference Neb. Rev. Stat. §§39-2511 through 39-2515. If your city or village did not have an appointed City Street Superintendent, write "City Council" or "Village Board" as the name of "Superintendent." Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive Payment for Calendar Year 2019.

\*\*\*\*\*

**Note:** In addition to this annual, Year-End certification of superintendent to the Nebraska Department of Transportation, (due December 31<sup>st</sup>), the municipality is also responsible for filing the "Municipal Annual Certification of Program Compliance" form with the Board of Public Roads Classifications and Standards (due October 31<sup>st</sup>). Reference Neb. Rev. Stat. §§39-2115, 39-2119, 39-2120, 39-2121 and 39-2520(2).

Return the completed original certification,  
meeting minutes and resolution by  
December 31, 2019 to:



Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
PO Box 94759  
Lincoln NE 68509-4759

RESOLUTION 2019-32

RESOLUTION APPROVING LOT SPLIT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

WHEREAS, the owner of the real estate, described on the plat attached hereto, has petitioned for a split of said real estate into parcels; and,

WHEREAS, said real estate lies within the city's zoning jurisdiction of the City of Broken Bow, Custer County, Nebraska; and,

WHEREAS, the division and sale of a portion of said real estate as described on the attached plat, exhibit A, should be allowed without the necessity of a subdivision of the real estate.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

That the lot split of the above described premises is hereby approved.

PASSED AND APPROVED this 10<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Jonathon Berghorst, Mayor

ATTEST:

  
\_\_\_\_\_  
Stephanie Wright, City Clerk





**Lot Split Application**  
Broken Bow, Nebraska

Complete this form and submit it to the City of Broken Bow Planning and Zoning Office with the following attachments:

- A detailed drawing/map of the property involved, showing the current structures and the proposed new property lines. A survey is highly recommended, however, the City is not by this application certifying or verifying the actual lot lines, survey lines or pin locations. The applicant is responsible for the legal description herein.
- A certified list of all the property owners within 300 feet of the boundary of the proposed lot to be split. This list must be prepared by a registered abstractor.
- Filing fee - \$50.00

Property Owner/Applicant Laverna Trotter

Property Address 930 S. 5th Ave Legal Description  
Block 5, F. Reyner Addition, City of Broken Bow

What is the intended use for the property after the lot split is granted? \_\_\_\_\_  
Sell to neighbor for garage

Is a new street or alley needed if this lot split is granted? Yes        No X

Is a vacation of streets, alleys, setback lines, access control or easements required for this particular lot split? Yes        No X

Will this lot split require an increase in service requirements by the City of Broken Bow? (utilities, traffic control, streets) Yes        No X

Will this lot split interfere with maintaining existing services? Yes        No X

Does the granting of this lot split lessen the right-of-way by the City of Broken Bow? Yes        No X

Does this lot split result in a substandard sized lot or parcel? Yes        No X

Will this lot have direct access to a street? Yes X No       

Has this lot been previously split in accordance with current zoning regulations? Yes        No X

Laverna Trotter 10/15/19 308-872-5917  
Applicant Date Phone  
questions - call Mike Borders 308-872-3311

**For Office Use Only**

Application Approved        Not Approved       

Accepted by Stephanie M. Wright Date 10-15-19

Payment received: mo. 10 day 15 yr. 19  
Cash        Check # 46044 \$ 50 -

CITY OF BROKEN BOW  
RESOLUTION 2019-34

Councilmember Myers introduced a resolution granting the sale of personal property and setting the value at less than \$5,000.00.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. The Mayor and Council find and determine that personal property owned by the Broken Bow Library is deemed surplus property and said property shall be donated to the Custer County Emergency Management. A listing of said personal property is made a part of this resolution:

- 3 Computers from the Library before the remodel

Section 3. Councilmember Holcomb seconded the motion.  
Upon roll call vote the following was:

Ayes: Holcomb, Miller, Myers, Sonnichsen

Nays: None

Motion carried.

Dated this 20<sup>th</sup> day of December, 2019.



Jonathon Berghorst, Mayor

ATTEST:

Stephanie M. Wright  
Stephanie M. Wright, City Clerk

