



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
January 12, 2021
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, January 12, 2021 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 (1-5-2021), 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, Cliff Morrow, Gary "Bird" Swanson, Paul Richards, Carl Pearson, Dale Webster and Ted Connealy.

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

The first order of business was **reorganization**. County Clerk Freidel asked for nominations for Chairman of the Board. Morrow motioned to nominate David Schold, and Connealy seconded the motion. Swanson moved that the nominations cease, seconded by Webster, and Schold was elected Chairman of the Board for 2021. By roll call vote. Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed. David Schold will be Chairman for 2021.

The next order of business, also part of reorganization, was to appoint a Vice-Chairman. Chairman Schold asked for nominations for Vice-Chairman of the Board. Pearson moved to nominate Cliff Morrow, and Webster seconded the motion. Connealy moved that the nominations cease, and that Cliff Morrow be elected Vice-Chairman of the Board for 2021. The motion was seconded by Pearson. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed. Cliff Morrow will be Vice-Chairman for 2021.

Upon motion by Webster, seconded by Connealy, the agenda was approved. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

The minutes of the last meeting were approved upon motion by Swanson, seconded by Morrow. By roll call vote: Ayes – All. Nays – none.

The County Clerk Report of Fees, the County Court Report of fines, the District Court Fee Report and the Zoning Report for December; the Sheriff's Quarterly Report and Treasurer's 6 month report; the following Miscellaneous Receipts in the amount of \$1,529,305.78 and Fund Balances were all approved upon motion by Morrow, seconded by Connealy. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.



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Board Members Connealy and Swanson moved for adoption of Resolution 2021-01 approving County Depositories for 2021 calendar year. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-01
County Depositories

BE IT RESOLVED that the County Treasurer be authorized to deposit funds in excess of the capital and surplus in any depository designated for county funds, provided such depository furnish the proper securities as provided by law, and that the Treasurer be and she hereby is, authorized to invest surplus funds, if there be any, in United States Treasury bills or certificates of deposit in the following financial institutions: First Nebraska Bank, Decatur; First Northeast Bank of Nebraska, Tekamah; and Washington County Bank, Tekamah.

DATED this 12th day of January, 2021, at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

As part of reorganization for 2021, the Board reviewed and approved the following **board committee appointments** for calendar year 2021 with motions by Richards and Swanson. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

BURT COUNTY BOARD APPOINTMENTS - 2021

- Clifford Morrow North Star & Region IV Services
N.E. Nebraska Waste Coalition - Advisory & Governing Board
- Dale Webster Region 4
Heartland of Nebraska Board
- Ted Connealy Northeast Nebraska Community Action Partnership (NENCAP)
Burt County (IMT) Incident Management Team
- Carl Pearson Northeast Nebraska Juvenile Services
NE Nebr. Economic Development District – Council of Officials ‘elected rep’
- Paul Richards Elkhorn- Logan Valley Public Health Dept
Burt County (IMT) Incident Management Team
Northeast Nebraska Waste Coalition - *alternate*
- Bird Swanson Nebraska Loess Hills RC & D Council
Burt County Economic Development Board
Northeast Nebraska Juvenile Services - *alternate*
- David Schold N.E. Nebraska Area Agency on Aging –Governing Board
Burt County Economic Development Board
Burt County Grievance Board-Supervisor Representative

All of the Burt County Supervisors are on the Burt County Weed Board and the Burt County Road Committee.

The Board **designated the Burt County Website as an additional method of**



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providing meeting dates, holiday closing dates, notice of meetings and other publications for Burt County business.

The Board approved a **cost of living increase** of 2.0%, to be applied at the January 2021 payperiod. Motion by Webster, seconded by Pearson. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays- none. Motion passed. The cost of living will be applied for all regular employees.

Board Members Webster and Morrow moved for adoption of Resolution 2021-02 approving an Interlocal Agreement with Region 4 Behavioral Health System. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-02

WHEREAS, LB302 passed by the 1974 Legislature of the State of Nebraska created the Nebraska Comprehensive Community Mental Health Services Act forming Regional Mental Health Authorities.

WHEREAS, Burt County, NE does participate in said Region 4 Behavioral Health System, the designated regional mental health authority within Northeast NE.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Supervisors be and hereby is authorized to enter into an agreement for the participation in Region 4 Behavioral Health System under the Interlocal Cooperative Act of the State of NE.

Passed and approved this 12th day of January 2021.

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Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Patty Plugge with Burt County Economic Development had business to discuss with the County Board. (1) on behalf of the Burt County Visitors Committee, she presented an application for **Lodging Tax Funds**: Pheasant Bonanza/Out Beside You requested a grant for Burt County Ice Bowl (Feb. 12-13, 2021) fundraiser promotions; Plugge reported that the Visitors Committee recommended the approval of \$300.00 for this request. Upon motion by Connealy, seconded by Richards, the County Board approved the release of \$300.00 from the Visitors Promotion Fund (0990) for the grant. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none. Motion passed. (2) **Burt County Economic Development Board members** were reviewed and motion was made by Morrow, seconded by Connealy, to appoint the following members, with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none. 2021 Board Member appointments: re-appoint Gary Swanson and Jennifer Hinman for 1 year
appoint Dave Schold for 1 yearTed Connealy had to come off after 5 years

Upon motion by Swanson, seconded by Morrow, the Board approved the appointment of Linda Elliott to serve a 3 year term on the Advisory Board of Northeast Nebraska Area Agency on Aging. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

Upon motion by Richards, seconded by Connealy, the Board authorized Chairman



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Schold to **sign the 2020 Burt County Weed Control Authority Activities and Information Report.** By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

Connealy made a motion to go into *Closed Session*, Swanson seconded, and the motion passed with All Ayes. Chairman Schold declared at 10:18 A.M. the board went into closed session *for the protection of public interest to discuss job positions.* Connealy made a motion to come out of Closed Session, Webster seconded, and motion passed with All Ayes. Chairman Schold declared the public meeting back in regular session at 11:07 A.M. No action was taken during closed session.

ZONING:

Andrew Donawa, resigned as Burt County Zoning and Floodplain administrator. Richards made a motion that the Board accept Andrew’s resignation and appoint the Roads Department office as Interim Burt County Zoning and Floodplain Administrator, motion was seconded by Connealy. By Roll Call Vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed. Ann Chytka and her office assistant will oversee Zoning needs. Zoning salary will be a flat rate of \$1,000.00 paid monthly.

Board Members Pearson and Webster moved for adoption of Resolution 2021-03 adopting updated Zoning Regulations. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-03

WHEREAS, the Planning Commission of Burt County, Nebraska recommended to the Burt County Board of Supervisors, the acceptance of new regulations and amendments to Burt County Zoning Regulations in the following sections: 2.02 (Definitions); 4.03 (A-1 Agricultural- Primary District); 4.12 (Airport Hazard Protection -District (Overlay)); 6.03 B (Commercial/Utility Grade Wind Energy Systems); and 6.15 (Solar Energy Conversion Systems).

AND WHEREAS, the Burt County Board of Supervisors held a public hearing on December 28, 2020 to consider the new regulations and amendments.

AND WHEREAS, the public was present to make comments for and against these new regulations and amendments.

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that the Burt County Zoning regulations and amendments in the following sections: 2.02 (Definitions); 4.03 (A-1 Agricultural- Primary District); 4.12 (Airport Hazard Protection - District (Overlay)); 6.03 B (Commercial/Utility Grade Wind Energy Systems); and 6.15 (Solar Energy Conversion Systems) are hereby adopted.

DATED this 12th day of January 2021 at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

The Burt County Planning Commission (Zoning Board) recommended Zoning Regulation changes for the County Board to consider. They held a public hearing for both issues on January 11, 2021 and sent the following two (2) recommendations: (1) changes to manure regulations in Section 4.03 B. #23 & #24– take out #24 ~~“The application of livestock manure in Burt County by operations located outside the county shall require a conditional use permit.”~~ AND make changes to #23 to remove two words “inside or”; “The spreading, stockpiling, or composting of dead livestock, sludge, by-products from manufacturing or any processing plant, and/or paunch manure on agricultural land by municipalities or operations ~~inside or~~ outside of the County.” (2a.) *add language for*



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warning tape for buried utility line, cited at Section 6.03 (Wind) (Commercial) (Setbacks) and Section 6.15 (Solar) (installation design) – “Utility line buried 42” from ground grade *with warning tape installed 12” above utility line*”. (2b.) in all Districts of Section 4, as permitted conditional use, add the following statement “Utility line buried 42” from ground grade with warning tape installed 12” above utility line.” The County Board will have to hold a public hearing for these changes to be considered.

Upon motion by Pearson, seconded by Connealy, the Board authorized the Zoning Administrator to remove the **moratorium on Conditional Use Permits** for Solar Facilities. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed. A moratorium remains in place on Conditional Use Permits for commercial wind systems.

EMERGENCY MANAGEMENT:

Life Saving Awards were presented to: First Responders of the Craig and Oakland Rescue Squad; Chief Deputy James Buck of the Burt County Sheriff’s Department; and Andrew Donawa, Burt County Emergency Manager. The awards were given in recognition of the quick action these individuals took to save a life on November 11, 2020.

Upon motion by Pearson, seconded by Swanson, the Board authorized the change of the **Emergency Management Vehicle Use Policy**. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed. It was noted that the vehicle is for work use only; however, Donawa is allowed to drive the vehicle home at night so that he can quickly respond to an emergency. There will be no IRS vehicle taxes assessed because this is a marked emergency vehicle.

Andrew Donawa, Emergency Manager informed the Board of three (3) system needs recommended from the State of Nebraska: (1) AlertSense is a public notification system, annual cost \$3,500.00; (2) Emergency Reporting is a system that is used for incident documentation, annual cost \$1,000.00; (3) CAD system, annual cost \$2,109.00. The systems are All web-based, so there will be no need for additional equipment. Upon motion by Morrow, seconded by Richards, the board approved the annual payments for the three systems. By Roll Call Vote: Ayes – Morrow, Richards, Pearson, Webster, Connealy and Schold. Nays – Swanson. Motion passed. The annual payments will be paid out of Inheritance Fund (2700) for this 2020-2021 FY, in FY 2021-2022 the payments will be budgeted through the Emergency Manager’s Office Budget (0100-693).

ROADS:

The Board appointed Ann Chytka as **Burt County Highway Superintendent for 2021** upon motion by Connealy, seconded by Morrow. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

County Road M east of Hwy. 77: Chairman Schold signed the engineering contract with Mainelli Wagner & Assoc. A contract with Midwest Veterinary Services for State of Nebraska Economic Opportunity Program Grant for the road project was reviewed and



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signed upon motion by Pearson, seconded by Connealy. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays -none. Motion passed.

Striping: Ann reported that she again asked Highway Signing Inc. for lower pricing for striping various roads in Spring 2021. The board approved Chytka to accept the cost of \$1,060.00/mile, for edge and center lines, from Highway Signing Inc. Upon motion by Webster, seconded by Richards. By Roll Call Vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none. Motion passed. Hard surfaced roads needing the striping will be decided upon toward spring 2021 when the weather is favorable for striping projects.

Project updates: Co.Rd. V – still underway, hoping for Spring finish; TWP gravel Allotments will be paid out Jan. 2021; Tekamah East – Ann is working on cracking ‘fixes’ to get done via warranty work; Co.Rd. L Bridge Abutments – reported that these will be fixed via warranty work.

PUBLIC COMMENTS (2): (1) Mark Smith thanked the board for supporting all of the improvements/changes that the Emergency Manager’s office is doing to support Emergency Services. (2) Bill Price expressed appreciation to the board for leaving the moratorium on CUPs for wind; he encouraged the board to talk to individuals who have operated large wind turbines.

There being no further business to come before the Board at this time, the meeting adjourned at 11:52 A.M. upon motions by Pearson and Connealy.
Next meeting: January 28, 2021 at 9:00 A.M.

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.