



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
February 9, 2021
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, February 9, 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 (2-2-2021), 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. Chairman Schold informed the public that the Open Meeting Act is posted on the wall.

Upon motion by Richards, 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 1-28-2021 meeting were approved upon motion by Swanson, seconded by Webster. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Approval of January 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 \$ 1,420,520.33 were all approved upon motion by Connealy, seconded by Morrow. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

ZONING PERMITS	375.00
COUNTY ISSUANCE - TAX SALE REDEMPTION	44.00
CO CLERK-FILING & RECORDING	4,341.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	1,767.32
CO CLERK-MISC	199.75
DISTRICT COURT-FILING FEES	140.00
DISTRICT COURT-MISC FEES & REVENUE	189.50
COUNTY COURT - MISC FEES	114.00
ELECTION REIMBURSEMENTS (HAVA FUNDS)	1,958.89
SHERIFF - SERVICE FEES	426.00
SHERIFF - MILEAGE & COST	311.15
TITLE INSPECTIONS	430.00
GUN PERMITS	155.00
FINGER PRINT	40.00
INTOX	150.00
MISC REVENUE - MONEY REFUNDED FROM COURT	75.00



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INTEREST ON INVESTMENTS	213.95
MOTOR VEHICLE FEES	22,265.87
HIGHWAY/STREET ALLOCATION	105,379.48
TRANSFER GEN-ROAD	240,000.00
LODGING TAX	974.45
CO CLERK-PRESERVATION & MODERNIZATION	674.50
STOP	150.00
INHERITANCE TAX- Paula Claudine Anderson	11,040.00
COUNTY 911 SURCHARGES	3,044.00
911 WIRELESS SERVICES	4,663.07
COUNTY COURT FINES-REGULAR	4,133.00
COUNTY COURT BOND FORFEITURES	311.00
DECATUR FIRE-GENERAL	1,669.58
LYONS FIRE-GENERAL	2,279.50
OAKLAND FIRE-GENERAL	2,865.82
DECATUR FIRE-BOND	887.14
LYONS FIRE-BOND	257.45
PROPERTY TAX CREDITS	1,008,994.91

Glen Schuetze with **Stalp Gravel** presented the **2021 prices**. He advised the Board that as of now, there is an ample supply. He quoted the following prices effective March 1, 2021:

- \$13.50 per ton F.O.B., West Point Pit
- Delivered: \$16.00 per ton to Craig & Tekamah (down-haul)
- \$15.50 per ton to Oakland (down-haul)
- ¾” Washed Rock: \$26.00 per ton (F.O.B. Pit)

Board Members Morrow and Connealy moved for adoption of Resolution 2021-04. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-04

WHEREAS, Larry Dix has served Nebraska’s Counties in the capacity of Executive Director of the Nebraska Association of County Officials (NACO) for a number of years,

AND WHEREAS, Larry has provided his counsel to the Counties, he has worked tirelessly on things that have improved County Government and has advocated fearlessly for all 93 Nebraska Counties and on behalf of all of the elected officials,

AND WHEREAS, Burt County would like to recognize and honor Larry Dix’s career of service to County Government.

NOW, THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that September 13, 2021 officially be declared “Larry Dix Day”.

DATED this 9th day of February 2021, at Tekamah, Nebraska.

Attest: Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Application for a **Commercial Renovation Grant**: The application is from Josh Eriksen, HB Ventures, for new windows/glass door(s) on the west side of 415 S. 13th St, Tekamah. Patty Plugge, Burt County Economic Development, reported that the BCEDC board had reviewed the request; she explained that currently the business is ‘Cottonwood



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Storage' and these grant funds don't allow for renovations to storage businesses due to efforts to keep storage buildings off of main street; however the owner reported that he is going to convert the business and put commercial space at the main street frontage of the building and move the storage to the rear of the building with a separate back entrance. BCEDC recommended their approval with the following (2) stipulations; (1) the business owner will remove the storage sign from the main street entrance and (2) the storage entrance will be a rear entrance separate from the commercial spaces up front. The Burt County Board approved the release of \$14,500.00 from County Fund 0900. Approved upon motion by Morrow, seconded by Richards. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

ROADS: A **temporary road closure request** was submitted by Master's Hand for a summer event. They would like to hold a road run on June 5, 2021 and are requesting to close County Road F from Hwy 75 west to County Road 34 (30 & 31-21-11) from 8 am – 10 am for the safety of the runners. Ann Chytka, Burt County Highway Superintendent presented the permit for the temporary closure and informed the board that the road department would handle the barricades for this request and the County Sheriff was made aware and had no issue with the request. The board approved the permit upon motion by Morrow, seconded by Swanson. By roll call vote: Ayes - Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

Connealy moved the Board recess at 9:23 AM for *Board of Equalization*, Morrow seconded, motion passed with All Ayes. The Burt County Board of Supervisors reconvened at 9:29 AM, upon motion by Morrow, seconded by Connealy, with All Ayes. See separate BOE 2/9/2021 minutes.

Conditional Use Permit: Chairman Schold opened a Public Hearing at 9:30 a.m. for a conditional use permit for Kevin Brummond to build a runway for ag planes. Speaking during public comment: Tyler Brummond and Trey O'Daniel, a partner with NE-IA Helicopter – O'Daniel explained they would like to build a runway & hanger for up to two ag planes, fuel tanker will be kept onsite during the spraying season. O'Daniel addressed noise concerns, stating that their aircraft is only for ag use during the spraying season and the aircraft measures ~82 decibels at 100 ft. directly above. Brummond confirmed that efforts were taken to locate the spray plane portion of their business to the Tekamah Municipal Airport, but finding no resolve, they feel they need to move forward with their own private airstrip instead. (2) Mark VanDerHart, Tekamah Airport Joint Zoning – expressed that this proposed airstrip poses no problems for the airport's zoning overlay district, and he is aware of the issue that NE-IA has had with their efforts of using the Tekamah Airport and he understands from the business point of view that NE-IA needs to move forward with this request to build their own airstrip. Ann Chytka, Burt County Zoning- reported that the County Planning commission approved the airstrip/2 ag planes. There was no opposition to the CUP. Chairman Schold declared the public hearing closed at 9:49 A.M., and the Board went back into regular session. Motion was made by Morrow to **approve the Conditional Use Permit for Kevin Brummond for a private airstrip** to be



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built in 25 & 36-22-11, Burt County, NE, Richards seconded the motion, motion passed with roll call vote as follows: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

P&C Insurance: Kevin Brenneis requested to visit with the board about submitting an agent of record change to Traveler’s Insurance. The County will be entering their third year of a current three-year contract with Traveler’s, but since they’d entered the contract, the agent that was serving the County has left. Brenneis explained that he can provide that ‘agent service’ that the County is lacking since their LMC Insurance broker left. No action was taken at this time, County Attorney Talbot is going to check into the process.

Chairman Schold asked Jon Dockhorn, Manager of Burt County Public Power District, to attend today’s meeting and explain what distribution would look like from any local renewable energy generation. Dockhorn explained energy generation vs consumption. Dockhorn confirmed that there is no guarantee that local consumption can use all renewable energy that may be generated in Burt County; simply put, if local consumption is not high enough, the extra energy generated will not all be consumed locally.

ZONING UPDATES:

Chairman Schold opened a Public Hearing at 10:30 a.m. to discuss zoning regulation changes for (a) manure regulations and (b) for specific amendments when utilities are proposed in the County’s right of way. Having no public comment, the Chairman declared the public hearing closed at 10:31 A.M., and the Board went back into regular session.

Board Members Connealy and Morrow moved for adoption of Resolution 2021-05, adopting updated Zoning Regulations. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-05

WHEREAS, the Planning Commission of Burt County, Nebraska, recommended to the County Board of supervisors to make the following changes in the Burt County Zoning Regulations.

Section 4.03: A-1 Agricultural – Primary District

B. Permitted Conditional Uses

23. 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 the county.

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24. The application of livestock manure in Burt County by operations located outside the county shall require a conditional use permit.

AND WHEREAS, the Burt County Board of Supervisors held a public hearing at 9:35 AM February 9th, 2021 to consider this amendment,

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

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that an amendment to the zoning regulations in Section 4.03: A-1 Agricultural – Primary District under A. Permitted Conditional Uses should read as follows:

B. Permitted Conditional Uses

23. 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 outside the county.



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24. *Removed*

Passed and approved this 9th day of February 2021.

Attest: Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Board Members Swanson and Webster moved for adoption of Resolution 2021-06, adopting updated Zoning Regulations. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution was adopted.

RESOLUTION #2021-06

WHEREAS, the Planning Commission of Burt County, Nebraska, recommended to the County Board of supervisors, to make the following changes in the Burt County Zoning Regulations.

- In Article 5*
- B. Conditional Uses*
- 2. Standards*

Add “d.”

d. Any utilities proposed to be located in County Right of Way shall be subject to the County Permit process related to utilities located in the County Right of Way. This permit may be obtained from the County Roads Department.

AND WHEREAS, the Burt County Board of Supervisors held a public hearing at 9:35 AM February 9th, 2021 to consider this amendment,

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

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that an amendment to the zoning regulations in Article 5,

- B. Conditional Uses,*
- 2. Standards*

d. Any utilities proposed to be located in County Right of Way shall be subject to the County Permit process related to utilities located in the County Right of Way. This permit may be obtained from the County Roads Department.

DATED this 9th day of February 2021 at Tekamah, Nebraska.

Attest: Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Ann Chytka, Burt County Zoning Administrator and Highway Superintendent, explained that Resolution 2021-6 addresses utility burials only within the County’s Road right-of-way, this does not address any utility burials that may arise outside of the road right-of-way. The board discussed how and where in Zoning regs the requirement could be input for “Utility line buried 42” from ground grade with warning tape installed 12” above utility line.” Ann will take the concerns back to the planning commission and see if they can come up with a possible solution to address the requested requirement.

PUBLIC COMMENTS: Michele Quick, Burt County District Court Clerk, discussed 2021 Legislation (LB102). Quick asked for the Board’s support for opposition to this proposed bill regarding changes in the District Court office from an elected county official to a transfer of duties to the State.



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There being no further business to come before the Board at this time, the meeting adjourned at 11:05 A.M. upon motions by Swanson and Morrow.

Next meeting: February 26, 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.