



Burt County Board Minutes



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

The Burt County Board of Supervisors met in regular session on Tuesday, March 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 (3-2-2021), 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 2/26/2021 Board of Equalization and Board of Supervisors meetings were approved; upon motion by Swanson, seconded by Webster. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Burt County Bridge Inspections: *Routine Bridge Inspections* - the current contract is with Dan Alexander (Warrior Structures, Lincoln, NE) for 2020 & 2021 at rate of \$98.50/structure. Alexander inspected 'routine' structures in 2020 and plans to do 73 structures in 2021.

Fracture Critical Bridge Inspections – Mr. Alexander informed the board that effective 1/1/2020 the Dept. of Transportation stopped their inspection program for fracture critical bridges throughout the State; this leaves the County in need of these services. Alexander agreed that he could do the fracture critical inspections for Burt County and he presented a quote for eight (8) fracture critical structures to be inspected for a total of \$5,300.00 (each structure costs different amounts). Alexander confirmed if a fracture critical structure should be replaced by the County, this would nullify the need for him to inspect it, and the quoted cost for that said structure would not be charged. The board approved a contract for fracture critical bridge inspections with Dan Alexander (Warrior Structures, Lincoln, NE); upon motion by Morrow, seconded by Connealy. By roll call vote: Ayes -Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays - none.

Approval of February 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 \$ 313,544.66 were all approved upon motion by Morrow, seconded by Connealy. By roll call vote: Ayes – Morrow, Swanson,



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Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

ZONING PERMITS	100.00
TAX SALE REDEMPTION - CO GENERAL	154.00
CO CLERK-FILING & RECORDING	3,626.50
CO CLERK-DOC STAMPS (COUNTY SHARE)	3,370.16
CO CLERK - MISC	120.30
DISTRICT COURT-FILING FEES	180.00
DISTRICT COURT-COURT COST REFUNDS	86.00
DISTRICT COURT-MISC FEES & REVENUE	157.00
DISTRICT COURT-FEES & COSTS	5.00
CO COURT-MISC FEES	82.00
CO SHERIFF - SERVICE FEES	657.00
CO SHERIFF - MILEAGE & COSTS	395.73
TITLE INSPECTIONS	300.00
GUN PERMITS	65.00
FINGER PRINTS	20.00
CO ATTY - CHECK COLLECTION	20.00
INTEREST ON INVESTMENTS	407.30
MISC REVENUE - EM NATURAL GAS	3,297.10
MISC REVENUE - COPIES SURVEY MAPS	2.75
MISC REVENUE - CO COURT OVERPAY	100.00
HIGHWAY/STREET ALLOCATION	98,573.38
ROAD INCENTIVE PAYMENT	4,500.00
DECATUR TWP - BLADING	14,400.00
ARIZONA TWP - GRAVEL july-dec 2020	34,800.00
VILLAGE DECATUR - REPLACEMENT OF FOOT STANS	152.64
FUND TRANSFER GEN-ROAD	50,000.00
LODGING TAX	1,693.03
CO CLERK-PRESERVATION & MODERNIZATION	599.50
JUVENILE DIVERSION	25.00
STOP	50.00
INHERITANCE TAX - Charlotte Mulinix	2,437.25
INHERITANCE TAX - Judy A. Nelson	486.62
DECATUR TWP - PAY BACK START UP MONIES	2,000.00
COUNTY 911 SURCHARGES	297.00
E-911 WIRELESS	4,663.07
COUNTY COURT FINES-REGULAR	4,748.50
COUNTY COURT -BOND FORFEITURES	221.00
DECATUR FIRE-GENERAL	486.67
LYONS FIRE-GENERAL	2,071.12
OAKLAND FIRE-GENERAL	1,328.17
DECATUR FIRE-BOND	257.93
LYONS FIRE-BOND	235.81
TAX SALE REDEMPTION - (5)	16,881.19



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HOMESTEAD ALLOCATIONS

59,490.94

COMMUNICATION: Northeast Nebraska Community Action Partnership (NENCAP) – 2020 Annual Report (Oct. 2019-Sept. 2020)

P&C 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. The board voted to submit an agent of record change to Travelers Insurance; if Travelers accepts the request, the servicing agency will be switched from LMC Insurance over to Brenneis Insurance. The board voted to sign and submit the request; upon motion by Connealy, seconded by Swanson. By roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Shredding services: Upon motion by Webster, seconded by Morrow, the board approved an agreement with Security Shredding Services (Laurel, NE) for on-site shredding. Approved by roll call vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays- none. Security Shredding is going to do a one-time purge service in March for a fee of \$35.00 per 65 gallon tote; the County will then continue with bi-monthly services. The 'regular' services will include lockable 65 gallon totes that are provided rent free and left on-site, the County will choose the number of totes they'd like to have on-site. The only fees will be \$35.00 to shred a 65 gallon tote; i.e. 1 tote=\$35.00, 2 totes=\$70.00, etc.

Conditional Use Permit: Sandhills Energy submitted a Conditional Use Application to build Burt County Solar, LLC, a 250 MW Solar PV Electrical Generation Facility in Sections 1,2,3,11,12,13,14 & 15 -Twp 20 -R 11E and in Sections 35 & 36 -Twp 21 -R 11E. Michael Knapp, COO Sandhills Energy gave a presentation about the project to the Burt County board today. Also present to answer questions on behalf of the company were: Eric Johnson, President Sandhills Energy and David Levy, Attorney. Burt County Planning Commission held a public hearing and approved the application at their March 1, 2021 meeting.

Chairman Schold opened a Public Hearing at 10:04 a.m. for the conditional use permit. Supervisor Connealy abstained from comments and voting due to a conflict of interest.

Speaking during public comment:

(1) **OPPOSED:** JoAnn Bachtell, 291 CoRd. 45, Tekamah – Expressed concerns of only money being discussed with the project; she spoke on behalf of small acreage owners and those who just want a small piece of Country life, she wanted their concerns to matter as much as the money matters. JoAnn also shared a letter from Fish and Wildlife Services regarding concerns for the wildlife losing their habitat.

(2) **NEUTRAL:** Mark VanDerHart, Tekamah Airport Joint Zoning – expressed that this proposed project poses no problems for the airport's zoning overlay district; the company worked well with their board to address and plan for any areas of concern their board had.

(3) **NEUTRAL:** Bill Price - 1615 CoRd. 10, Lyons, NE -expressed that he had previously cited information with regards to renewable energy generation driving up electricity prices. He shared that he feels that when a new generation facility is considered, a more efficient use of space would be to instead build a non-renewable plant (i.e. a nuclear plant) that could generate more electricity at a lower cost.



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Written Public Comment turned in before the Hearing: (1) OPPOSED: Craig and JoAnn Bachtell, 291 CoRd. 45, Tekamah.

Chairman Schold declared the public hearing closed at 10:19 A.M., and the Board went back into regular session.

Motion by Morrow: motion to approve the Conditional Use Permit for Burt County Solar, LLC with three (3) conditions that must be agreed upon among the following parties: Burt County Roads, Burt County Zoning, Burt County Board and Burt County Solar, LLC.

Clarification and Planning must be worked out concerning the following: (1) road fencing placement; (2) the third party who will be involved with road agreements; (3) clarification of the number of years of the project concerning tax payments. Motion was Seconded by Pearson. Roll Call Vote: Ayes – Morrow, Swanson, Richards, Pearson, Webster and Schold. Nays – None. Abstained from Voting: Connealy. Motion passed.

Discussions noted for the conditions to the CUP:

(1) fencing placement regarding distance from road and tree placement when trees will be put in: suggested during discussions.... “from the edge of the R.O.W. there will be 20 feet to the first row of trees, 6 feet and a second row of trees, then 18 feet to the fence, then 12 feet to the Solar Panel.

(2) The Burt County board wants to make sure they have a say in choosing who will be acting as the liaison during the Road Agreements.

(3) The drafted CUP application referenced the project as a 20 year project; Burt County Board wants it clear that Tax Payments will be paid during the duration of the project, not just for 20 years as the draft kept stating.

Next Step: Parties (Burt County and Sandhills Energy/Burt County Solar) will work out the agreed upon conditions stated in the motion. When all is agreeable, the agreements will be written out and attached to the Application for Conditional Use Permit. County Board Chair Schold has authority to sign the CUP after all conditions are met and attached.

Connealy made a motion to go into *Closed Session*, Webster seconded, and the motion passed with All Ayes. Chairman Schold declared at 11:13 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 11:32 A.M. No action was taken during closed session.

County Clerk, Sarah Freidel brought it to the attention of the board that the County needs to establish a credit card policy, also, there are department requests for the use of credit cards. For travel use and situations where invoicing is not an option, the board approved the following (4) credit cards all with \$2,000.00 credit limits: (1) Building and Grounds, to be held and used by Bruce Nathan; (2) County Clerk, to be locked in the Clerk’s office for use on-site by officials and department heads that have the need; (3) Highway Superintendent, to be held by Ann Chytka for use by her department; (4) Emergency Manager, to be held and used by Andrew Donawa during his travel and for department needs. The (4) credit cards were approved upon motion by Connealy, seconded by Richards. By roll call vote: Ayes- Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays- none. The cards will all be under one fnbo Business Visa account for Burt County Courthouse. The board instructed the departments to do all they could to have their vendors invoice the County for purchases/services and advised that all



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purchases using credit cards must have itemized receipts attached to credit card invoice with their claims. An official Credit Card use policy following §13-610 will be drafted and adopted via Resolution at a future meeting.

Redistricting 2021: Burt County's Supervisor districts will need to be reviewed and possibly adjusted following the 2020 Census. The board approved to have gWorks complete the redistricting for Burt County; upon motion by Pearson, seconded by Webster. By roll call vote: Ayes -Morrow, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. gWorks will perform the service via their basic plan for \$4,550.00 which includes district data import, comparisons, revision of district lines and 4 hours of 1-to-1 access for the County Clerk to work with their team to establish final Supervisor district lines.

PUBLIC COMMENTS: (1) Bill Price - 1615 CoRd. 10, Lyons, NE: Presented a one page petition with 'signatures of opposition to commercial wind and support of recall efforts for Supervisors whom vote to allow commercial wind into the County'.

There being no further business to come before the Board at this time, the meeting adjourned at 12:50 P.M. upon motions by Pearson and Webster.
Next meeting: March 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.