



# Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK  
**Minutes of the Burt County Board of Supervisors**  
**December 14, 2021**  
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, December 14, 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 (12-7-2021), upon a 1<sup>st</sup> 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, Paul Richards, Carl Pearson, Ted Connealy and Dale Webster. Absent- Cliff Morrow.

The meeting opened with the pledge of allegiance at 9:00 A.M. Chairman Schold informed the public that the Open Meeting Act was posted.

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

The minutes of the last meeting were approved upon motion by Richards, seconded by Webster. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent- Morrow.

Approval of November Reports: The County Clerk Report of Fees, the County Court Report of fines, the District Court Fee Report, the Zoning Report, Fund Balances, and the following Miscellaneous Receipts in the amount of \$306,702.03 were all approved upon motion by Swanson, seconded by Pearson. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – Morrow.

ZONING PERMITS	360.00
TAX SALE REDEMPTION <COUNTY SHARE>	88.00
CO CLERK-FILING & RECORDING FEES	2,839.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	1,441.86
CO CLERK-MISC FEES	322.00
DISTRICT COURT-FILING FEES	220.00
DISTRICT COURT-MISC FEES & REVENUE	415.00
DISTRICT COURT-FEES & COSTS	5.00
CO COURT-MISC FEES	17.00
CO SHERIFF - SERVICE FEES	393.00
CO SHERIFF - MILE & COST	411.94
CO SHERIFF - TITLE INSPECTS	410.00
CO SHERIFF - GUN PERMITS	60.00
CO SHERIFF - INTOX	75.00
INTEREST ON INVEST	1,023.11
MISC REV- DISTRICT COURT	77.00



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DISTRICT MTG REIMBURSEMENT	25.00
MISC - BCBS employee pt.	883.77
ROAD: HIGHWAY ALLOCATION	109,691.13
FUNDS TRANSFER 0100 to 0300	52,197.43
LODGING TAX	860.38
R.O.D. -PRESERVATION & MODERNIZATION	461.00
STOP	50.00
PLAT BOOK SALES	25.00
INHERITANCE TAX- Kathryn A. Gerard	39,250.65
INHERITANCE TAX- Ralph M. Anderson, Jr.	53,031.72
INHERITANCE TAX- Carolyn Jean Macklin	878.68
INHERITANCE TAX- Raymond Joseph Hladky	156.42
INHERITANCE TAX- Marilyn Baker	20,403.79
INHERITANCE TAX- James W. Forsberg	5,882.85
INTEREST ON INHERITANCE TAX _Gerard	346.27
INTEREST ON INHERITANCE TAX _Anderson, Jr.	2,623.98
INTEREST ON INHERITANCE TAX _Macklin	2.36
2910_COUNTY 911	827.00
FINES & LICENSE -COUNTY COURT FINES - REGULAR	1,670.00
DECATUR FIRE - GENERAL	150.39
DECATUR FIRE - BOND	79.91
TAX SALE REDEMPTION <HOLDING FUNDS>	8,805.77
IN LIEU HOUSING AUTHORITY	240.62

Chairman Schold signed a Lot Split application for: LYLE MEAIKE (TLT SWINE) 2 tracts (4.32 ac. & 3.21 ac.) in pt. SE<sup>4</sup> NE<sup>4</sup> of Section 34, Township 22 N, Range 9 East of the 6<sup>th</sup> P.M., Burt County, NE.

Jenn Petersen gave a report on the 2022 Extension Board Members; the following were **appointed to the Burt County Extension Board for 2022:**

- Graig McElmurray* to replace Bill Method
- Audrey Unwin* reappointed for 2<sup>nd</sup> Term
- Joan Bucy* reappointed for 2<sup>nd</sup> Term

There were two (2) **Commercial Renovation Grant** applications reviewed: Burt County Economic Development board had reviewed the requests and recommended their approval for both: (#1) Fund 0900, Reno Grant for The Pump Shop (Tekamah) for new windows & door, \$3,200.00 (50% of the low bid) was approved upon motion by Connealy, seconded by Richards. By roll call vote: Ayes – 6. Nays – 0. Absent – Morrow. Motion passed. (#2) Fund 0900, Reno Grant for Dale Jones to replace roof and front windows at 309 N. Oakland Ave., Oakland, this grant application was tabled and will be discussed when Patty Plugge, Burt County Economic Development can be present to answer further questions the County Board had.

*Emergency Manager position - vacancy update:* Zelle HR has completed pre-screening of applicants; the committee hopes to bring employment candidate information to the next



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board meeting.

The following public hearings were on the agenda to be held today: 9:15 -Public Hearing: final recommendations for Burt County Zoning Regs section 6.03 wind energy; 9:30 – Public Hearing: Conditional Use Permits (CUPs) (2 hearings for 3 total CUP’s) (1a) AMG Technology Investment Group dba Nextlink to place a 120’ monopole tower for highspeed internet in Section 32 Township 24 Range 9E in Logan Township (1b) AMG Technology Investment Group dba Nextlink to place a 120’ monopole tower for highspeed internet in Section 7 Township 23 Range 9E in Logan Township (2) Buell Consulting on behalf of Parallel Infrastructure (AT&T) to place a 448’ guyed tower to provide improved coverage, and fund critical initiatives, such as FirstNet (for emergency response), 5G support, and other new technologies in Section 35 Township 24 Range 9E in Logan Township.

County Attorney, Edmond Talbot informed the board that he was notified that proper notice was not given prior to the hearings; therefore, he recommended the County re-do the notices and reschedule the public hearings. These hearings were not held today.

## ROADS:

### **Road Report and Hearing Set for Petition to vacate Road #60:**

Ann Chytka, Burt County Highway Superintendent presented her Road Study of Public Road #60 (Co.Rd. 21 between Co.Rd. R and S). The following main points were made within the report: (a) this road is currently designated a township minimum maintenance road located in Logan Township; (b) there are currently 3 properties adjoining this road and there are no dwellings on those properties; (c) driving the road, she noted that the condition of the road was ‘good’ for being a minimum maintenance road. This particular stretch is the road is the 2<sup>nd</sup> mile in a 3 mile stretch of minimum maintenance road running north and south (d) between Nov. 17-25, 2021 road counters were placed on the north and south entrances on Co.Rd. 21; during that time there were 15 trips counted on the north side and 18 trips counted on the south side.and current petition; (e) based on facts listed in (a)-(d)- this road by the general ‘traveling’ public would serve a purpose; if this road was vacated then the traveling public would have 3 miles added to their trip. Chytka reported that based on her study, she is not in favor of vacating this road. The next step is to hold a public hearing.

Resolution 2021-33 was passed upon motions by Pearson and Richards, with roll call vote as follows: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays- none. Absent – Morrow.

### **RESOLUTION #2021-33**

WHEREAS, the Burt County Board of Supervisors may deem it in the public interest to vacation or abandonment of part public road #60 located between sections 25 and 26, township 23, range 9E of the sixth pm. Now commonly known as County Road 21 running north and south between County Roads R and S. See Neb. Rev. Stat. § 39-1722 et seq.; The portion of the road the petition states they would like to vacate is 7/10 of a mile starting at Co Rd S heading south.



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AND WHEREAS, there are three properties that border this minimum maintenance road. There are currently no residences located on the 7/10 of a mile that is being petitioned to be vacated. The road is in good condition for being a minimum maintenance. A road counter was placed on the road for 1 week, November 17, 2021 to November 25, 2021. During that time there was a total of 15 trips counted on Co Rd 21 on the north side and a total of 18 trips counted from south side.

AND WHEREAS, based on these facts, the use of this road by the general “Traveling” public does serve a purpose. If this road was to be vacated there would be 3 miles added to someone’s travel.

NOW THEREFORE BE IT RESOLVED, by the Burt County Board of Supervisors that a public hearing be held to take comments from the public concerning the vacating all or part of this road, such hearing to be held on January 11<sup>th</sup>, 2022 at 9:15 am in the boardroom of the courthouse in Tekamah, Nebraska.

Date this 14th day of December, 2021 at Tekamah, Nebraska.

ATTEST: SARAH J FREIDEL  
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN  
BURT COUNTY BOARD OF SUPERVISORS

Upon motion by Richards, seconded by Connealy, the Board voted to sign Resolution 2021-34, with roll call vote as follows: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – Morrow. **Resolution 2021-34**  
**Year-End Certification of County Highway Superintendent Form 2021**

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 details the requirements that must be met in order for a county to qualify for an annual Incentive Payment;

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

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

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of Burt County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form.

Adopted this 14<sup>th</sup> day of December 2021 at Tekamah, Nebraska.

County Board Members: -David Schold -Gary Swanson -Paul Richards  
-Carl Pearson -Dale Webster -Ted Connealy -Cliff Morrow (Absent)  
-Attest: Sarah J. Freidel, Burt County Clerk

Chairman Schold opened a public hearing at 9:46 A.M. in order to take comments about request to vacate Road #321: (Co.Rd. 25 between Co.Rd. K and L). Comments were made in support by: Matt Munderloh, attorney; Todd Feltz, landowner. Others speaking (neutral): John Wilson, neighbor; Brett Johnson, neighbor; John Dockhorn on behalf of Burt County PPD; Mark Smith on behalf of Craig Fire and Rescue (access and fire control concern expressed). Opposition: none. The public hearing was closed at 10:46 A.M. The board will take action at a later meeting.





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*Remarks from the public:* (1) Mary Pearson (Burt County landowner) spoke in support of wind development for economic growth. (2) Brandon Hernandez (wind development manager, RWE) offered to provide the board with his resources if they had questions/concerns about wind development.

The meeting adjourned at 11:12 A.M. upon motion by Pearson and Connealy.  
Next Meeting: December 28, 2021

ATTEST: SARAH J. FREIDEL  
COUNTY CLERK

DAVID SCHOLD, CHAIRMAN  
BURT COUNTY BOARD OF SUPERVISORS

BURT

*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*