



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
January 11, 2022
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, January 11, 2022 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 Lyons Mirror Sun (1-6-2022), 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, Gary "Bird" Swanson, Paul Richards, Carl Pearson, Dale Webster and Ted Connealy. Absent – District 1

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.

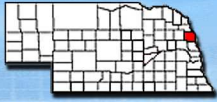
The first order of business was **reorganization**. County Clerk Freidel asked for nominations for Chairman of the Board. Richards motioned to nominate David Schold, and Swanson seconded the motion. Connealy moved that the nominations cease, seconded by Richards, and Schold was elected Chairman of the Board for 2022. By roll call vote. Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Motion passed. David Schold will be Chairman for 2022.

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 Ted Connealy, and Richards seconded the motion. Swanson moved that the nominations cease, and that Ted Connealy be elected Vice-Chairman of the Board for 2022. The motion was seconded by Richards. By roll call vote: Ayes - Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Motion passed. Ted Connealy will be Vice-Chairman for 2022.

Upon motion by Webster, seconded by Swanson, the agenda was approved. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1.

The minutes of the last meeting were approved upon motion by Connealy, seconded by Webster. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1.

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 \$429,134.21 and Fund Balances were all approved upon motion by Connealy, seconded by Webster. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Motion passed.



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ZONING PERMITS	391.00
MV PRO RATE (COUNTY SHARE)	316.03
TAX SALE REDEMPTION (COUNTY ISSUANCE)	22.00
CO CLERK-FILING & RECORDING FEES	3,353.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	2,149.29
CO CLERK-MISC FEES	196.25
DISTRICT COURT-FILING FEES	200.08
COURT COST REFUNDS	51.00
DISTRICT COURT - FEES & COSTS	87.82
DISTRICT COURT-MISC FEES & REVENUE	705.00
DEPT SOCIAL SERVICES IV-D	3,404.14
CO COURT - MISC FEES	123.00
CO SHERIFF-SERVICE FEES	440.00
CO SHERIFF-MILEAGE & COSTS	544.86
TITLE INSPECTIONS	320.00
GUN PERMITS	70.00
FINGER PRINT	10.00
CHILD SUPPORT ENFORCEMENT	4,555.32
OVERLOAD FINES -25% CO SHARE	237.50
MISC (TEK FIRE & RESCUE)- SALE OF 2 BAGS ECO SOLUTION	51.00
EMPE PD HEALTH	902.98
INTEREST EARNED	647.06
HIGHWAY/STREET ALLOCATION	106,630.10
ROAD-MISC REVENUE: CREDIT (NE NEBR. TELEPHONE)	826.50
ROAD-REVENUE: FUND TRANSFER - GEN TO ROAD	210,000.00
LODGING TAX - OCT	1,188.81
LODGING TAX - FRIENDS OF OAKLAND	5,000.00
CO CLERK-PRESERVATION & MODERNIZATION	525.00
DIVERSION	100.00
STOP	50.00
INHERITANCE TAX- James E. Peterson	26,617.18
INHERITANCE TAX- Jerris Palmer	31,394.11
INHERITANCE TAX- Kim Miller	1,144.77
PLAT BOOK SALES	25.00
911 WIRELESS SERVICE FUND	9,326.14
COUNTY 911 SURCHARGE	2,157.83
BUILDING FUND -PRO RATE	6.97
COUNTY COURT FINES-REGULAR	2,115.28
COUNTY COURT BOND FORFEITURES	1,076.00
OVERLOAD FINES -75% STATE SHARE	712.50
PRO RATE (TO ENTITIES)	11,416.15
IN LIEU TAXES-1957 PRIOR	24.54



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Board Members Connealy and Richards moved for adoption of Resolution 2022-01 approving County Depositories for 2022 calendar year. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Resolution was adopted.

RESOLUTION #2022-01
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 11th day of January, 2022, at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

As part of reorganization for 2022, the Board reviewed and approved the following **board committee appointments** for calendar year 2022 with motions by Richards and Swanson. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Motion passed.

- District 1 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 Economic Development Board
 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 Grievance Board-Supervisor Representative

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

Burt County Economic Development Board members were reviewed and motion was made by Webster, seconded by Pearson, to appoint the following members, with roll call vote as follows: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold.



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Nays-none. Absent – District 1.

2022 Board appointments: re-appoint Gary Swanson and Jennifer Hinman for 1 year
appoint Ted Connealy for 1 year

The Board **designated the Burt County Website as an additional method of providing meeting dates, holiday closing dates, notice of meetings and other publications for Burt County business.**

Lot Split application signed for: DOUG JOHNSON - 5.88 ac tract lying in part of the NW ¼ SW ¼ of Section 16, Township 20N, Range 9 E. of 6th PM in Burt County, NE.

Communications (3): (1) NE Loess Hills RC&D - 2021 Report; (2) NACO: Inheritance Tax Legislation for elimination of Inheritance Tax – a letter was submitted by Burt County in opposition of LB310; (3) NE Dept. of Revenue: Burt Co Assessment Practices Report

After taking comments from Burt County District Court Clerk, Michele Quick, the board moved to adopt different Salaries for Elected Officials elected for the 2023-2026 term. Board Members Connealy and Webster moved for adoption of Resolution 2022-02. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent – District 1. Resolution was adopted and will supersede Resolution 2021-37 that was previously passed Dec. 28, 2021.

RESOLUTION #2022-02

Salaries for 2023-2026 Term (supersedes #2021-37)

WHEREAS, Section 23-1114, R.R.S. Nebraska provides that the County Board shall set the salaries of elected officials prior to January 15 of the year in which a general election will be held for the respective county offices,

NOW, THEREFORE, BE IT RESOLVED that the Burt County Board of Supervisors hereby establishes the following annual salaries for the offices of the elected county officials as listed below for the calendar year of 2023:

OFFICE	SALARY for term starting 2023
County Board of Supervisors	\$15,500.00
County Assessor	\$60,000.00
County Attorney	\$60,000.00
County Clerk, Register of Deeds, Election Commissioner	\$60,000.00
Clerk of the District Court	\$60,000.00
County Treasurer	\$60,000.00
County Sheriff	\$69,000.00
County Surveyor	\$10,000.00

BE IT FURTHER RESOLVED that, the Burt County Board of Supervisors authorize the office of County Clerk/Deeds/Election Official to receive an additional annual compensation in the amount of \$2,500.00 for the calendar years of 2023, 2024, 2025, and 2026 for annual budget duties the office performs in addition to the statutory duties of the combined offices, and

BE IT FURTHER RESOLVED that in addition to the salaries set forth above, the Burt County Board of Supervisors authorize



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an annual increase during the term of office (2024, 2025, 2026) based on the Consumer Price Index (CPI) – Midwest Index as established by the Bureau of Labor Statistics, U.S. Department of Labor, not to exceed a 6% increase, and,

BE IT FURTHER RESOLVED that in addition to the above salary and adjustments, the elected officials shall be offered the same health and medical group plan that is offered to all county employees, under the same terms, conditions, and contributions and subject to any modifications of such plans made during the term of office and,

BE IT FURTHER RESOLVED that in addition to the above stated salary, adjustments and group plan, all elected officials shall be enrolled in and shall receive the same benefits of the County Employees Retirement System as set forth in Nebr. Rev. Stat. Section 23-2301 et seq.

DATED this 11th day of January, 2022 at Tekamah, Nebraska.

SARAH J. FREIDEL
BURT COUNTY CLERK

DAVID SCHOLD, CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS

Chairman Schold opened a **public hearing** at 9:16 A.M. in order to take comments about petition **request to vacate Road #60:** (Co.Rd. 21 between Co.Rd. R and S). Highway Supt and Board Member Richards both reported that they'd received comments in opposition of the closure; from the township board and from a private citizen. (Nothing was presented for the record.) Chytka cited §39-1726, a road shall not be vacated unless the township requests so. Public comment from Greg Brummond (Craig twp citizen)- if township is against this it should be a mute point for the board to consider. (Neutral): Ben Hollman, 1842 CoRd. 21 – lives on this stretch of road – expressed concerns of where the closure would start on this stretch; he cautioned that thought and planning about this will need to be considered if action is taken on vacation/closure of this stretch because people do get stuck and he wants them to be able to turn around. The public hearing was closed at 9:25 A.M. The board will take no further action on this closure request.

Chairman Schold opened a public hearing at 9:26 A.M. to take comments for a Conditional Use Permits (CUP) for 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. Ann Chytka, Zoning Admin. reported that the Zoning Board had approved this CUP at their Jan. 3, 2022 meeting. There was no public comment. The public hearing was closed at 9:27 A.M.

Chairman Schold opened a public hearing at 9:27 A.M. to take comments for a Conditional Use Permits (CUP) for 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. Ann Chytka, Zoning Admin. reported that the Zoning Board had approved this CUP at their Jan. 3, 2022 meeting. There was no public comment. The public hearing was closed at 9:28 A.M.

Upon motion by Webster, seconded by Swanson, the **two (2) Conditional Use Permits (CUPs) were approved** for AMG Technology Investment Group dba Nextlink to place a 120' monopole tower for highspeed internet (1) in Section 32 Township 24 Range 9E -Logan TWP and (1) in Section 7 Township 23 Range 9E - Logan TWP. Approved By Roll Call Vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.



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Absent – District 1.

Chairman Schold opened a public hearing at 9:29 A.M. to take comments for a Conditional Use Permits (CUP) for 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. Ann Chytka, Zoning Admin reported that Zoning Board had approved this CUP at their Jan. 3, 2022 meeting. (In Favor) Christy Eikorn, from Buell representing AT&T: she explained their equipment is currently on the tower owned by SBA Communications; she cited the following points (a) their current lease with SBA is not cost-effective (b) they are requesting a taller tower for their equipment (c) they have presented their dis-satisfaction to SBA (d) this is a nationwide issue between SBA and AT&T. (e) because of the reasons cited, AT&T would like to build their own tower and is asking for CUP so they can have a tower built by the time their lease is up. (Opposition) Matt Munderloh, attorney for SBA: (a) cited Burt County Zoning Reg. section 6.01 A. shared use/collocation is promoted and SBA is willing to alter their tower height for AT&T (b) his legal opinion is that AT&T's initial CUP application did not include any documents with reference to Burt County Zoning Reg. section 6.01 D.4. (c) Mr. Munderloh requests several documents be made a part of the record. During public comment, the board requested County Attorney Talbot advise them; Atty Talbot received comments from both sides but advised that this seems to be an issue between two parties, and that the board is being put in an impossible place having to make a decision on a situation that sounds to be an ongoing issue between two companies nationwide. (Other public comment) Greg Brummond, Craig TWP resident, feels this CUP should be approved for AT&T. Having no further comments, the public hearing was closed at 10:14 A.M. The board will take no action on this today; County Attorney is going to review documents from both 'sides' and will advise the board at a later date; a decision on this CUP will be entertained at the Feb. 25, 2022 board meeting.

Emergency Manager position: Cheri Johansen was offered the position, but she declined. The committee of three (Swanson, Richards, Pearson) will continue to work review candidates; they'll report back when they have another option.

Sheriff's Dept. requests (2): (1) metal detector - Deputy Bang explained that four departments (District & County Court, Sheriff's dept. and building/grounds) are going to share the budget cost to purchase a metal detector for use outside of the Courtroom. (~\$4,500.00) The vendor is requiring use of a credit card for purchase, the board approved the use of the credit card for the purchase. (2) Chief Deputy Buck reported on deputy positions; deputy #6 has been replaced and they are going to proceed to hire for deputy positions #7 and #8. The board approved the report/request.

ROADS:

Appoint 2022 Highway Superintendent: The Board appointed Ann Chytka as **Burt County Highway Superintendent for 2022** upon motion by Connealy, seconded by Pearson. By roll call vote: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent - District 1. Motion passed.



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Sandhills Solar: Michael Knapp submitted documents that he says will address the conditions placed on the CUP that was approved 3/9/2021. The documents will be reviewed by the board before the next meeting; action may be taken at a future meeting to approve agreements that shall satisfy the conditions.

Road Maintenance Contracts: Richards made a motion to sign (2) **contracts with Nebraska Game and Parks**; Burt County will be paid \$120.00/hour, not to exceed \$1,800.00 total for road maintenance inside the Summit Lake SRA and Pelican Point SRA, from Nov. 1, 2021-Oct. 31, 2022. Motion was seconded by Pearson, and roll call vote was as follows: Ayes – Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Absent - District 1. Contracts were approved and signed.

ROADS (cont.):

Project updates: Chytka reported that she is working on gravel allocations for townships; allocations will be based upon previous year's use, up to 35%.

PUBLIC COMMENT: (1) Greg Brummond (Craig TWP) asked about difference of wages approved via Dec. 28, 2021 Resolution 2021-37 and Jan. 11, 2022 Resolution 2022-02. (2) Bill Price, 1615 CoRd. 10, shared handout from Michigan State University Extension referencing Shadow Flicker Travel and FAA Lighting on wind turbines.

There being no further business to come before the Board at this time, the meeting adjourned at 11:22 A.M. upon motions by Connealy and Swanson.
Next meeting: January 28, 2022 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.