



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
February 9, 2022
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Wednesday, February 9, 2022 in the Courtroom, 3rd floor 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 (2-3-2022), 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, Kevin P. Tobin, 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. Chairman Schold introduced and welcomed Kevin P. Tobin, new District 1 representative appointed to fill Cliff Morrow's term.

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

The minutes of the 1/28/2022 Board of Equalization and Board of Supervisors meetings were approved; upon motion by Swanson, seconded by Webster. By roll call vote: Ayes – Tobin, 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 \$1,637,982.14 were all approved upon motion by Pearson, seconded by Connealy. By roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

TOBACCO LICENSE	10.00
ZONING PERMITS	300.00
DEPT SOCIAL SERVICES	4,762.22
TAX SALE REDEMPTION (COUNTY ISSUANCE)	66.00
POLITICAL FILING FEES	3,935.11
CO CLERK-FILING & RECORDING FEES	3,594.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	2,148.29
CO CLERK-MISC FEES	106.24
DISTRICT COURT-FILING FEES	281.00
COURT COST REFUNDS	88.92
DISTRICT COURT-BAIL BOND COST 10%	15.00
DISTRICT COURT-MISC FEES & REVENUE	682.75
DISTRICT COURT - FEES & COST	78.65
CO COURT-MISC FEES	65.00



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ELECTION HAVA ELECTION GRANT	2,515.00
CO SHERIFF-SERVICE FEES	541.00
CO SHERIFF-MILEAGE & COSTS	460.14
TITLE INSPECTIONS	350.00
GUN PERMITS	30.00
CHILD SUPPORT ENFORCEMENT	837.84
FINGER PRINT	10.00
HIGHWAY/STREET ALLOCATION	102,023.62
MOTOR VEHICLE FEES	20,996.16
ROAD-REVENUE: FUND TRANSFER - GEN TO ROAD	260,000.00
LODGING TAX	1,358.89
CO CLERK-PRESERVATION & MODERNIZATION	614.00
STOP	150.00
INHERITANCE TAX- Frances Turner	38,105.00
INHERITANCE TAX- Elda Minton	18,486.06
INHERITANCE TAX- Barbara Hancock	846.21
INHERITANCE TAX- Shirley Bengston	5,154.70
INHERITANCE TAX INTEREST- Elda Minton	92.18
INHERITANCE TAX INTEREST- Barbara Hancock	371.96
INHERITANCE TAX INTEREST - Shirley Bengston	25.40
911 WIRELESS SERVICE FUND	4,663.07
COUNTY 911 SURCHARGE	1,734.00
STATE FINES TO SCHOOLS	1,000.00
COUNTY COURT FINES-REGULAR	3,197.00
DECATURE FIRE - GENERAL	1,755.75
OAKLAND FIRE -GENERAL	3,056.05
LYONS FIRE - GENERAL	3,087.74
DECATUR FIRE BOND	925.81
LYONS FIRE BOND	349.56
MFO	82,322.50
TAX SALE REDEMPTION	8,545.03
PROPERTY TAX CREDITS (IN) this \$\$ goes back out	1,058,244.29

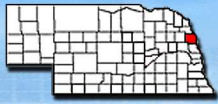
Chairman Schold signed the following **Lot Split Application:**

MARTIN LONG 3.20 ac. in part of the SE ¼ SW ¼ in Section 1, Township 23N, Range 8 East of the 6th P.M., Burt County, NE.

Northeast Nebraska Solid Waste Coalition Board Appointments: The Board approved the following Resolution upon motions by Webster and Swanson. Adopted and Approved following Roll Call Vote: Ayes - Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

RESOLUTION #2022-03

WHEREAS, the county of Burt, Nebraska is a member of the Northeast Nebraska Solid Waste Coalition; and



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WHEREAS, as a member of the Northeast Nebraska Solid Waste Coalition the County of Burt, Nebraska is authorized to name a representative to the Board of Directors of the Northeast Nebraska Solid Waste Coalition;

NOW THEREFORE, in consideration of the foregoing recitals, the County Board of Supervisors of the County of Burt, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the County Board of Supervisors of the County of Burt, Nebraska that:

(1) Kevin Tobin is hereby appointed as the representative of the County of Burt, Nebraska to The Northeast Nebraska Solid Waste Coalition Board of Directors, and in the event of the absence of Kevin Tobin, then Paul Richards be declared as the alternates representative to the Board and shall act and vote on behalf of the County of Burt, Nebraska.

(2) That Kevin Tobin shall serve as the County of Burt’s representative to the Northeast Nebraska Solid Waste Coalition Board of Directors until his resignation from the Board of Directors or until his successor is appointed by resolution of the County Board of Supervisors, whichever shall occur first.

PASSED AND APPROVED this 9th day of February 2022.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Appointment of Burt County Assessor: The Board approved the following Resolution upon motions by Pearson and Webster. Adopted and Approved following Roll Call Vote: Ayes - Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

RESOLUTION #2022-04

WHEREAS, Joni Renshaw, Burt County Assessor resigned from her position as of January 28, 2022. Joni Renshaw’s Term runs through 2022, and so a new Burt County Assessor will need to be appointed to complete said Term.

AND WHEREAS, Katie Hart had been appointed as interim Assessor via a motion that was passed by the Burt County Board of Supervisors at their January 28, 2022 meeting.

AND WHEREAS, the Board now desires to do a permanent appointment to complete the Assessor’s current Term.

NOW THEREFORE BE IT RESOLVED, by the Burt County Board of Supervisors that Katie Hart be appointed as the new Burt County Assessor to serve the remainder of the term, which will officially end January 4, 2023 (the new term begins First Thursday after the First Tuesday in January, §32-528(4)).

DATED this 9th day of February 2022 at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Final recommendations for Burt County Zoning Regulations - Section 6.03 Wind Energy: Chairman Schold opened a Public Hearing at 9:16 a.m. to take public comments on Burt County Zoning Regulations, Section 6.03.

Speaking during public comment:

OPPOSITION to Commercial Wind Projects (10+) - Burt County citizens: (#1-9) being Colby Hansen, Robert Byrnes, Jennifer Dolezal, Lori Wheaton, Dick Preston, Sean Connealy, Wendy Jordan, Jason Urbanec, and Laura Rieken. Some spoke on behalf of themselves and for another party who could not be at the hearing. (#10) Mark VanDerHart, representative from Tekamah Airport Joint Zoning – expressed safety concerns the large structures cause to aviation including crop aerial treatments utilized by local landowners.



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IN FAVOR of Commercial Wind Projects - asking for reduced set-backs, and requesting the board consider when making regulations that it should be so that landowners can do what they want with their own land – (1) Graham Christensen and (2) David Bracht, Attorney, both representatives of ‘Burt County Wind LLC’. (#3-4) Alex Krohn and Brandon Hernandez, both from RWE Renewables a Global wind company based out of Austin, TX. (5) Burt County citizen/landowner Mary Pearson.
Chairman Schold declared the public hearing closed at 10:10 a.m., and the Board went back into regular session.

Ann Chytka, Zoning Administrator reported that the Burt County Planning Commission had held a public hearing and approved changes to V.3 at their February 7, 2022 meeting. Draft document V.4, was presented and discussed amongst the Burt County Board; the board agreed upon changes to V.4 and agreed to accept a final document V.5. The Board approved the following Resolution upon motions by Pearson and Connealy. Adopted and Approved following Roll Call Vote: Ayes - Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Abstained- Tobin.

RESOLUTION #2022-05

Burt County Zoning Regulations - Section 6.03 Wind Energy

WHEREAS, on August 28, 2009, the Burt County Board of Supervisors did hold a public hearing and did adopt by resolution (#3109082801) zoning regulations to add small and commercial wind energy systems in the County’s zoning jurisdiction;

WHEREAS, in August of 2019, the Burt County Board of Supervisors did adopt a revised comprehensive plan for the 2019 through 2029 calendar years. Included therein are goals for the county relating to solar and wind energy development;

WHEREAS, on December 2, 2019, the Planning Commission of Burt County, Nebraska recommended further investigation into the County’s zoning regulations relating to solar and wind energy systems;

WHEREAS, on January 6, 2020, the Planning Commission of Burt County, Nebraska did further discuss and again recommend further investigation into the County’s zoning regulations relating to solar and wind energy systems;

WHEREAS, on July 13, 2020, the Planning Commission of Burt County, Nebraska did further discuss and again recommend further investigation into the County’s zoning regulation relating to solar and wind energy systems, did recommend that proposed fees for applications for wind energy systems be \$10,000 for a conditional use permit and \$1,000 per unit, and did recommend to the Burt County Board of Supervisors, the acceptance of amendments to section 6.03 (Wind Energy Installation) Burt County Zoning Regulations;

WHEREAS, on July 14, 2020, the Burt County Board of Supervisors held a public hearing to discuss zoning regulations and permitting for solar and wind systems. The Burt County Board of Supervisors did pass a motion indicating they would accept no applications for wind energy permits until the wind energy system regulations and fees are finalized;

WHEREAS, on December 28, 2020, the Burt County Board of Supervisors held a public hearing to discuss amendments to the Burt County Zoning Regulations relating to wind energy systems. The public was present to make comments for and against the amendments with the summary of said testimony being included within seventeen (17) comments in the meeting minutes. The Burt County Board of Supervisors did approve updating the county zoning regulations relating to wind energy systems, however, those changes were subject to further recommendations from legal counsel and approval at a future meeting;



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WHEREAS, on January 12, 2021, the Burt County Board of Supervisors held a public hearing where additional discussion was had and ultimately the county did pass Resolution 2021-03 pertaining to 6.03 B definitions for wind energy systems and 6.15 (Solar Energy Conversion Systems);

WHEREAS, on July 13, 2021, the Burt County Board of Supervisors held a public hearing to discuss the recommendations from the Law Firm of Bromm Lindahl Freeman-Caddy & Lausterer relating to wind energy systems as was anticipated pursuant to the December 28, 2020 meeting of the Board. The public was present to make comments with the summary of said testimony being included in the meeting minutes. The Burt County Board of Supervisors requested that the Law Firm of Bromm Lindahl Freeman-Caddy & Lausterer make additional changes to be approved at a future meeting;

WHEREAS, On February 7, 2022, The Burt County Planning and Zoning did hold a public hearing to discuss the final recommendations relating to wind energy systems, before submitting to the Burt County Board of Supervisors.

NOW THEREFORE BE IT RESOLVED, by the Burt County Board of Supervisors that:

1. The findings set forth above are incorporated herein, and,
2. On October 12, 2021, the Burt County Board of Supervisors did hold a public hearing to discuss the final recommendations from the Law Firm of Bromm Lindahl Freeman-Caddy & Lausterer relating to wind energy systems as was anticipated pursuant to the December 28, 2020 meeting of the Board and pursuant to the Board's direction at the July 13, 2021 meeting, and,
3. On February 9, 2022, The Burt County Board of Supervisors did hold a public hearing to discuss the final recommendations from the Planning Board.
4. The public hearing had advanced notice as required by Nebraska law and conformed with the Nebraska Opens Meeting Act, and,
5. Upon consideration of all matters presented to the Board, the Board of Supervisors did vote to amend the Burt County Zoning Regulations relating to wind energy systems in the County's jurisdiction and to reopen applications for the same, and,
6. A relined copy of the amended regulation is attached hereto as Exhibit "A" (V.4) and incorporated herein by reference, and,
7. The Board does hereby approve the amended regulations attached hereto as Exhibit "B" (V.5) and the regulations are hereby adopted on the date specified below.
8. This resolution shall be in full force and effect from and after its passage.

DATED this 9th day of February 2022 at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

Emergency Management (EM) Position: Full time position was previously offered and declined, so a committee of three (Swanson, Richards, Pearson) double checked requirements from NEMA and confirmed that Burt County can have a Part-Time Emergency Manager with a Full-Time Emergency Manager Assistant. The State confirmed that the County could still qualify for NEMA assistance, but this would not qualify the County for the NEMA salary reimbursement program. The committee declared that this P/T with F/T will save the County money doing it this way rather than hiring a Full-Time standalone Emergency Manager, so they felt the salary reimbursement disqualification was



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not of concern. The committee also confirmed that the two applicants understand that if the situation does not work well for the County, the Board may decide to go back to seek a Full-Time EM. The committee recommended to the board that the position be filled internally by a current employee, Sheriff's Deputy Kenneth Bang who will perform the duties of part-time Emergency Manager and Audra Connealy, who was currently covering the office as interim and is also the current Road's Secretary, will perform the duties of the full-time assistant. Pearson confirmed that both department heads agreed to allow their employees time to carry out the tasks of the Emergency Management office. Bang will be paid a flat rate of \$1,500.00/month and Connealy will be paid a flat rate of \$500.00/month. The current Emergency Management pick-up will be altered to become a Sheriff's department pick-up. Sheriff Nick and Bang will work out details/plans for the transfer of the vehicle between the two departments; an update of the vehicle plans worked out will be provided for record at the next meeting. After stating that all agreements and understanding of the position as previously stated have been finalized, Pearson made a motion to fill the Burt County Emergency Management Position with Kenneth Bang and Audra Connealy. Richards seconded the motion. Roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Bang reported that he has one more certification test and that his first priority will be the LEOP manual update. Connealy reported that she will obtain all needed Emergency Management Certifications.

There being no further business to come before the Board at this time, the meeting adjourned at 11:06 A.M. upon motions by Richards and Connealy.
Next meeting: February 25, 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.