



Burt County Board Minutes



OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
April 12, 2022
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Tuesday, April 12, 2022 in the County Boardroom on the 2nd 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 (4-7-2022), 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.

The Burt County Road Department started the meeting with a clock dedication in honor of the late Cliff Morrow, previous District 1 Supervisor.

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 3/28/2022 Board of Equalization and Board of Supervisors meetings were approved; upon motion by Swanson, seconded by Connealy. By roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Approval of March 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 \$2,033,538.92, and Sheriff's Quarterly Report were all approved upon motion by Swanson, seconded by Connealy. By roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

TRAILER COURT LICENSE	485.00
PRO-RATE <CO. SHARE>	557.05
TAX SALE REDEMPTION <CO. SHARE>	176.00
TAX SALE REGISTRATION FEES <23 BIDDERS>	575.00
TAX SALE CERTIFICATE FEES <CO. SHARE>	1,000.00
CO CLERK-FILING & RECORDING FEES	3,110.00
CO CLERK-DOC STAMPS (COUNTY SHARE)	6,689.33
CO CLERK-MISC FEES	136.56
ADVERTISING - LIQUOR LICENSE	20.00
DISTRICT COURT - FEES & COST	480.00
DISTRICT COURT-FILING FEES	130.00
BAIL BOND COSTS - 10%	1,350.00



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CO COURT-MISC FEES	70.00
CO SHERIFF-MILEAGE & COSTS	308.41
CO SHERIFF-SERVICE FEES	470.22
INTOX	110.00
TITLE INSPECTIONS	630.00
GUN PERMITS	30.00
FINGER PRINT	30.00
CO ATTY - CHECK COLLECTION	100.00
INTEREST ON INVESTMENTS	765.08
MISC REVENUE (INS PAYMENT- SHERIFF PICKUP)	465.90
MISC REVENUE (P&C INS REFUND, 2021 POLICY)	1,121.00
MISC REVENUE (REIMBURSE SUPPLIES ORDER)	30.00
ROAD: HIGHWAY/STREET ALLOCATION	112,686.68
ROAD: HIWAY BUYBACK	105,852.65
ROAD: BRIDGE BUYBACK	42,232.70
ROAD: INS REFUND	55,259.00
ROAD: NNTC REFUND	32.95
ROAD: FEMA REIMBURSE	320,443.93
ROAD: SALE OF SCRAP IRON	487.20
LODGING TAX	443.45
LODGING TAX FUND: FOUNDATION PYMT	5,000.00
ROD-PRESERVATION & MODERNIZATION	541.00
STOP	50.00
INHERITANCE TAX -Darlene Svendsen	10,317.46
INHERITANCE TAX - Nancy McBride Allerman	6,882.18
INHERITANCE TAX - Dorothy H Wallace	2,264.06
COUNTY 911 SURCHARGE	1,047.01
911 WIRELESS SERVICE FUND	4,663.07
PRO-RATE MV Prorate	20,610.35
TAX SALE REDEMPTION <HOLDING FUNDS>	16,712.65
FINES & LICENSE -COUNTY COURT REGULAR FINES	2,710.00
DECATUR FIRE - GENERAL	146.55
DECATUR FIRE - BOND	77.28
LYONS FIRE -GENERAL	1.09
LYONS FIRE -BOND	0.12
OAKLAND FIRE - GENERAL	28.18
HOMESTEAD ALLOCATION	66,135.89
IN LIEU TAXES	180,536.76
NAMEPLATE TAX (Wind/Solar)	1,292.87
PROPERTY TAX CREDIT	1,058,244.29

Communications (4):

- (1) ARPA report for March 2021-March 2022 (due April 30, 2022) was successfully submitted to US Treasury on April 8, 2022
- (2) Burt County's FY2020-21 Audit is complete and on file.



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(3) 2022 Tax Sale Certification – from Robin Olson, Burt Co Treasurer per §77-1813
(4) Bd. of Equalization Communication: Katie Hart, Burt County Assessor explained the 2022 Reports and Opinions of the Nebraska Dept. of Revenue - Property Tax Administrator have been completed and published

Special Designated Liquor License

Upon motion by Connealy, seconded by Swanson, the Board approved a SDL for Nelsons Food Pride (Oakland) to serve a reception at Harvest Moon (Oakland) on May 28, 2022. By roll call vote: Ayes -Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

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

DOROTHY MILLER - 5.45 ac. in part of the NE ¼ SW ¼ in Section 33, Township 22N, Range 10 East of the 6th P.M., Burt County, NE.

P&C Insurance Bids

With 2022 being the year to receive **P&C Insurance bids**, sealed bids were to be opened at 9:15 a.m.; however only one bid was received:

Brenneis Insurance \$165,862 Travelers

Kevin Brenneis from Brenneis Insurance explained that no companies were willing to bid for the County coverage due to the high loss ratio Burt County has for Property/Casualty claims, the County's current insurance company, Travelers agreed to bid, but coverage will come with much higher premiums. Following review of the coverage, Pearson made a motion to accept the bid from Travelers for 165,862.00 along with an additional wind/hail deductible buydown plan for \$4,360.38, Richards seconded, and the motion passed with roll call vote as follows: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold, Nays – none. The effective date for the insurance will be May 1, 2022. Insurance bids will be taken again in 4 years.

ZONING - Conditional Use Permit:

At 9:46 A.M. Chairman Schold opened a **public hearing** for consideration of a Conditional Use Permit for: Mark Inserra – for application of Biomass from Cargill in NE ¼ Section 23 in Summit 'S' TWP. Ann Chytka, Zoning Administrator confirmed that the Burt County Planning Commission approved the CUP on April 4, 2022 with the following 'conditions' notes: the permit will be good for five (5) years unless there are complaints; it should be incorporated in a reasonable time. There was no public comment today, so Chairman Schold declared the public hearing closed at 9:52 A.M. and the Board went back into regular session. Motion was made by Connealy, seconded by Pearson to approve the Conditional Use Permit for Mark Inserra; motion passed with roll call vote as follows: Ayes – Tobin, Richards, Pearson, Webster, Connealy and Schold. Nays – Swanson.

ZONING -Public Hearing for Final recommendations for Burt County Zoning Regulations articles I, II, and III. (Article I -General Provisions; Article II - Construction and Definitions; Article III -General Regulations.):



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Chairman Schold opened a Public Hearing at 9:54 a.m. to take public comments on Burt County Zoning Regulations, Articles I, II, and III. Chytka reviewed and explained the recommended changes in each section. The board had one recommendation, to add a definition for the word 'district' in article II. Having no public comment, Chairman Schold declared the public hearing closed at 10:00 A.M. and the Board went back into regular session. Ann Chytka, Zoning Administrator confirmed that the Burt County Planning Commission had held a public hearing and approved the changes at their April 4, 2022 meeting. Connealy made a motion to approve the recommended changes as presented with the addition of a definition for the word 'districts' in article II, Tobin seconded. Motion passed By Roll Call Vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution #2022-07 was signed.

RESOLUTION #2022-07

Burt County Zoning Regulations - Burt County Zoning Regs. Articles I-III

WHEREAS, on April 4, 2022, the Planning Commission of Burt County, Nebraska did hold a public hearing for updates made to Articles I – General Provisions, Article II – Construction and Definitions, and Article III – General Regulations in the Burt County Zoning Regulations.

AND WHEREAS, the Burt County Board of Supervisors held a public hearing on April 12, 2022 to consider the updates made to Articles I – General Provisions, Article II – Construction and Definitions, and Article III – General Regulations in the Burt County Zoning Regulations.

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

1. The public hearing had advanced notices as required by Nebraska law and conformed with the Nebraska Opens Meeting Act, and Section 9.01 – Amendments of the Burt County Zoning Regulations, and
2. Upon consideration of all matters presented to the Board, the Board of Supervisors did vote to amend the Burt County Zoning Regulations relating to Articles I – General Provisions, Article II – Construction and Definitions, and Article III – General Regulations in the Burt County Zoning Regulations, and,
3. A copy of the amended regulation is attached hereto as Exhibit 'A' and incorporated herein by reference, and,
4. This Resolution shall be in full force and effect from and after its passage.

DATED this 14th day of April 2022 at Tekamah, Nebraska.

Sarah J. Freidel
Burt County Clerk

David Schold, Chairman
Burt County Board of Supervisors

ZONING -**Sandhills Solar project – Burt County Solar, LLC:**

A CUP was previously approved on March 9, 2021 with some conditions; being road agreement and decommissioning plan. On Jan. 28, 2022 it was noted that conditions for a Road Agreement had been signed and placed on file with the Zoning Administrator. Today a Decommissioning Agreement was presented by Attorney David Levy; he stated that if this document could be approved and signed then the CUP process would be complete for the currently proposed Burt County Solar project. Mr. Levy confirmed for the board that they are still seeking a Power Purchase Agreement with OPPD for the project. Swanson made a motion to accept the Decommissioning Agreement, Tobin seconded, and the motion passed with Roll Call Vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Chairman Schold signed the agreement, The CUP is now complete/approved.



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LEOP: Emergency Manager, KC Bang reported that the LEOP has been updated and is complete. The Board approved the following Resolution upon motions by Richards and Swanson. Adopted and Approved following Roll Call Vote: Ayes - Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

RESOLUTION #2022-06

WHEREAS, the Board of Supervisors of Burt County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Burt County, Nebraska; and

WHEREAS, it has been determined that a Burt County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Burt County, the City of Tekamah and other cities and villages in Burt County; and

WHEREAS, the Board of Supervisors of Burt County, deems it advisable and in the best interest of Burt County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this 2022 Local Emergency Operations Plan supersedes all previous approved Burt County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Burt County, Nebraska, that the Burt County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED this 12th day of April 2022.

Board of County Supervisors
Burt County, Nebraska

David Schold, Chairman	Carl Pearson
Kevin Tobin	Dale Webster
Gary Swanson	Ted Connealy
Paul Richards	

Attest: Sarah J Freidel, Burt County Clerk

Eric Nick, Burt County Sheriff discussed his budget and needed funding for the two additional deputies who were previously approved for hire. Sheriff Nick explained that his budget could carry the funds necessary for education, purchasing of needed gear and payroll expenses if the board would consider buying needed vehicles out of a different fund. The board approved Sheriff Nick to use the ARPA funds for vehicle purchases in this FY budget.

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ROADS:

Employee updates: Ann Chytka discussed hiring one more road department employee; the crew has been working short one person since Aug. 2021 (when Dale Huffman left). The board agreed to allowing the hiring of one position in order to give the department a full road crew of 14. The positions will be for operator/truck driver.

Chytka will bring a request for 4- 10's schedule to a future meeting.

There being no further business to come before the Board at this time, the meeting adjourned at 11:01 A.M. upon motions by Connealy and Webster.

Next meeting: April 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.