

# Burt County Board Minutes



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

The Burt County Board of Supervisors met in regular session on Tuesday, August 9, 2022 in the County Boardroom on the 2<sup>nd</sup> 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 (8-4-2022), 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, 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.

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

The minutes of the 7/28/2022 Board of Supervisors meeting were approved; upon motion by Swanson, seconded by Pearson. By roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none.

Approval of July 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 \$994,796.03 were all approved upon motion by Connealy, seconded by Webster. By roll call vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Motion passed.

ZONING PERMITS	575.00
TAX SALE REDEMPTION <COUNTY SHARE>	22.00
TAX SALE FEES	20.00
CO CLERK-FILING & RECORDING FEES	3,564.50
CO CLERK-DOC STAMPS (COUNTY SHARE)	2,246.78
CO CLERK-MISC FEES	221.00
DISTRICT COURT-FILING FEES	250.00
DISTRICT COURT-MISC FEES & REVENUE	196.95
DISTRICT COURT-FEES & COSTS	24.00
CO COURT-MISC FEES	63.00
ELECTION REIMBURSE Pender Hosp	100.00
ELECTION REIMBURSE City of Lyons	302.58
CO SHERIFF - SERVICE FEES	358.00
CO SHERIFF - MILE & COST	658.75
CO SHERIFF - INTOX	150.00
CO SHERIFF - TITLE INSPECTS	480.00



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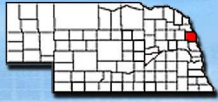
CO SHERIFF - GUN PERMITS	60.00
CO SHERIFF - FINGER PRINTS	10.00
REIMBURSE FROM SARPY CO JAIL	130.00
INTEREST	826.06
SURVEYOR -STATE CONTRACTS (\$1,900 + \$800)	2,700.00
MISC REVENUE - ROADS OFFICE - SURVEY COPIES	8.75
ROAD: MOTOR VEHICLE FEES	24,441.43
ROAD: HIGHWAY/STREET ALLOCATION	107,103.38
TWP REIMBURSE - PERSHING grading	20,000.00
TWP REIMBURSE - QUINNEBAUGH grading	2,280.00
REIMBURSE - DECATUR Village road maintenance	180.00
TWP REIMBURSE - ARIZONA grading	52,961.25
TWP REIMBURSE - ARIZONA grading	35,307.50
TWP REIMBURSE - DECATUR grading	6,000.00
MISC REVENUE - REFUND FROM SUMMER TRAINING	288.00
TRANSFER GEN-ROAD	20,000.00
LODGING TAX	527.66
CO CLERK-PRESERVATION & MODERNIZATION	560.50
STOP	50.00
K-9 donations	450.00
ARPA FUNDS	627,292.50
INHERITANCE TAX- Lynn Hasenkamp	1,619.52
INHERITANCE TAX- Bernice O. Persson	4,236.41
INHERITANCE TAX INTEREST - Bernice O. Persson	1,498.18
COUNTY 911	2,584.00
E-911	4,663.07
COUNTY COURT FINES - REGULAR	2,200.00
DECATUR FIRE - GENERAL	21.34
DECATUR FIRE - BOND	11.26
LYONS FIRE - GENERAL	51.30
LYONS FIRE - BOND	5.80
OAKLAND FIRE - GENERAL	40.76
TAX SALE REDEMPTION <HOLDING FUNDS>	1,294.35
HOMESTEAD ALLOCATION	66,135.91
IN LIEU TAXES	24.54

*Communications:* (1) District Six Probation FY21-22 budget report & FY22-23 budget request; (2) Northeast Nebr. Economic Development Annual Report.

OPPD President/CEO Javier Fernandez gave info/updates about OPPD service territory. Burt County is one of thirteen Counties within the OPPD service area.

**Special Designated Liquor License:**

Upon motion by Swanson, seconded by Connealy, the Board approved a SDL for Nelson's Food Pride to serve a wedding reception at Harvest Moon (Oakland) on August 27, 2022.



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By roll call vote: Ayes -Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold.  
Nays – none.

## **ZONING -Public Hearing for Conditional Use Permit – Telecommunications Tower @ 35-24-9**

Chairman Schold opened a public hearing at 9:44 A.M. to take comments for a Conditional Use Permit (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 the Zoning Board had approved this CUP at their August 1, 2022 meeting. Public Comment: Christy Eichorn with Buell Consulting explained this is the same request previously submitted and contested by SBA; however this new application has affidavit showing economic hardship per Burt County’s current zoning regulations. The public hearing was closed at 9:50 A.M.

Upon motion by Connealy, seconded by Richards, the CUP was approved By Roll Call Vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays-none.

## **ZONING -Public Hearing for Final recommendations for Burt County Zoning Regulations Book Articles VI through X final recommendations (VI. Supplemental Regulations; VII.Administration and Enforcement; VIII.Board of Adjustment; IX. Amendments; X. Legal Status Provisions):**

Chairman Schold opened a Public Hearing at 9:54 a.m. to take public comments on Burt County Zoning Regulations, Articles VI, VII, VIII, IX and X. Having no public comment, Chairman Schold declared the public hearing closed at 9:55 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 August 1, 2022 meeting. Connealy made a motion to approve the recommended changes as presented, Richards seconded. Motion passed By Roll Call Vote: Ayes – Tobin, Swanson, Richards, Pearson, Webster, Connealy and Schold. Nays – none. Resolution #2022-13 was signed.

### **RESOLUTION #2022-13 Burt County Zoning Regulations - Articles 6-10**

WHEREAS, on August 1st, 2022, the Planning Commission of Burt County, Nebraska did hold a public hearing for updates made to ARTICLE VI- SUPPLEMENTAL REGULATIONS, ARTIICLE VII- ADMINISTRATION AND ENFORCEMENT, ARTICLE VIII-BOARD OF ADJUSTMENT, ARTICLE IX -AMENDEMENTS, AND ARTICLE X- LEGAL STATUS PROVISIONS in the Burt County Zoning Regulations.

AND WHEREAS, the Burt County Board of Supervisors held a public hearing on August 9th, 2022 to consider the updates made to ARTICLE VI- SUPPLEMENTAL REGULATIONS, ARTIICLE VII- ADMINISTRATION AND ENFORCEMENT, ARTICLE VIII-BOARD OF ADJUSTMENT, ARTICLE IX -AMENDEMENTS, AND ARTICLE X- LEGAL STATUS PROVISIONS 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 notice 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,



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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 ARTICLE VI- SUPPLEMENTAL REGULATIONS, ARTICLE VII- ADMINISTRATION AND ENFORCEMENT, ARTICLE VIII-BOARD OF ADJUSTMENT, ARTICLE IX -AMENDEMENTS, AND ARTICLE X- LEGAL STATUS PROVISIONS 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 9th day of August 2022 at Tekamah, Nebraska.

Sarah J. Freidel  
Burt County Clerk

David Schold, Chairman  
Burt County Board of Supervisors

## **Lodging Tax Guidelines**

Patty Plugge, a member of the Burt County Visitors Committee presented suggestions for updates to Lodging Tax Guidelines for Visitors' Promo Grant Funds. After discussion, the County Board decided to update guidelines to be more specific for non-profits and events; full guidelines can be found on file in County Clerk's Office. Upon motion by Pearson, seconded by Webster, the Board approved the guideline updates. By Roll Call Vote: Ayes – Tobin, Richards, Pearson, Webster and Schold. Nays-none. Swanson and Connealy abstained from voting due to them being members of the Burt County Economic Development Board.

**ROADS** – No action.

(1) *update*: CoRd. H – all culverts were replaced.

(2) Bids for 2022 patching projects were open; only one bid was received.

MIDWEST COATINGS CO. (Modale, IA)

Craig West C-11 (364) patching 6.2 miles \$585,384.64 start 10.31.22 end 11.30.22

Craig South C-11 (362) patching 3.7 miles \$250,268.44 start 10.31.22 end 11.18.22

No action was taken on bids.

(3) Ann Chytka clarified a couple of budget planning questions the board had.

## **Courthouse Security:**

The SEI proposal for the Courthouse was reviewed. Emergency Manager KC Bang and Audra Connealy were present for discussions; plan details were not clear, and the Board requested further clarification before a contract is signed. The board will sign a final detailed contract at a later date.

*PUBLIC COMMENTS (3)*: (1) Joe Goebel - Comments with reference to '30x30'; shared sample draft Resolution. (2) Donnette Jackson (a) question regarding solar energy project in Burt County; (b) question about road foreman as employee; (c) suggestion for evening meeting time. (3) Bill Price – (a) Comments with reference to Javier Fernandez (OPPD CEO) talks; (b) shared handout for carbon capture pipelines.



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Connealy made a motion to go into *Closed Session*, Tobin seconded, and the motion passed with All Ayes. Chairman Schold declared at 10:59 A.M. the board went into closed session *for the prevention of needless injury to the reputation of an individual to discuss job*. Richards made a motion to come out of Closed Session, Swanson seconded, and motion passed with All Ayes. Chairman Schold declared the public meeting back in regular session at 11:20 A.M. No action was taken during closed session. After returning to regular session, the board directed the County Attorney to send a letter of concern.

There being no further business to come before the Board at this time, the meeting adjourned at 12:04 P.M. upon motions by Connealy and Webster.  
Next meeting: August 26, 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.*