

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
April 9, 2025
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Wednesday, April 9, 2025 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 (4-3-2025), 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: Gary "Bird" Swanson, Jeff Kutchera, Sam Titus, Carl Pearson, Jay W. Johnson, Paul Richards and Ted Connealy.

The meeting opened at 9:00 A.M. with the pledge of Allegiance. Chairman Connealy informed the public that the Open Meeting Act is posted on the wall.

Upon motion by Pearson, seconded by Johnson, the agenda was approved. By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. Nays – none.

The minutes of the 3/28/2025 Board of Supervisors meeting were approved; upon motion by Kutchera, seconded by Titus. By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. 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 \$906,488.69 were all approved upon motion by Richards, seconded by Johnson. By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. Nays – none.

TRAILER COURT LICENSES	
ZONING PERMITS	301.50
MV PRO-RATE <CO SHARE>	3,877.10
NAME PLATE CAPACITY	477.31
NAME PLATE CAPACITY _COMMISSION	20.66
TAX SALE REDEMPTION <CO ISSUANCE>	418.00
TAX SALE FEE	2,235.00
CO CLERK-FILING & RECORDING FEES	2,403.50
CO CLERK-DOC STAMPS (COUNTY SHARE)	2,434.76
CO CLERK-MISC FEES	73.00
LIQUOR LICENSE ADVERTISING	20.00
DISTRICT COURT-FILING FEES	389.00
DISTRICT COURT - COURT COST REFUND	50.00
DISTRICT COURT-MISC FEES & COSTS	92.10
DISTRICT COURT - PASSPORTS	1,037.80
DISTRICT COURT - DRUG COURT	246.00
CO SHERIFF-SERVICE FEES	589.00
CO SHERIFF-MILEAGE & COSTS	800.88
TITLE INSPECTIONS	220.00
GUN PERMITS	50.00
MISC _MEETING REIMBURSE	330.00
INTEREST ON INVESTMENTS	1,428.09
HIGHWAY/STREET ALLOCATION	132,192.04
HIWAY BUYBACK	122,297.81
BRIDGE BUYBACK	66,630.35
TRANSFER GEN-RD	0.00
LODGING TAX	797.62
ROD -PRESERVATION & MODERNIZATION	405.50

STOP	150.00
INHERITANCE TAX & INTEREST - John G. Valder	212,797.06
INHERITANCE TAX & INTEREST - Lyle Qualley	2,530.63
INHERITANCE TAX- Carolyn J. Martel	23,975.41
PLAT BOOK SALES	30.00
COUNTY 911	891.84
E-911 (WIRELESS)	4,012.69
MV PRO-RATE <BLDG FUND>	139.78
NAME PLATE CAPACITY <BLDG FUND>	17.21
LIQUOR LICENSE	200.00
COUNTY COURT FINES-REGULAR	1,703.00
COUNTY COURT BONDS FORFEITURES	221.00
DECATURE FIRE - GENERAL	199.54
OAKLAND FIRE -GENERAL	13.23
LYONS FIRE - GENERAL	399.01
DECATUR FIRE BOND	89.14
LYONS FIRE BOND	10.03
TAX SALE REDEMPTION & ADMIN FEES	25,161.46
HOMESTEAD ALLOCATION	103,138.04
IN LIEU	171,676.66
TAX SALE REDEMPTION	17,509.12
NAME PLATE CAPACITY	1,806.82

OFFICE UPDATES (2): (1) Sheriff – Chief Deputy Sheriff Jim Buck & Deputy Brittany Hedlund (2) Emergency Manager – Jason Redding-Geu

COMMUNICATION: Robin Olson, Burt County Treasurer presented the *2025 Tax Sale Certification per § 77-1813*; document placed on file.

Burt County Extension: *Jennifer Hansen and Stacey Keys*

Shared information about Nebraska’s 4-H *Beyond Ready* initiative, the impact of 4-H programs and building the next generation in our local county and across the state.

Lot Splits (2): signed by Chairman Connealy

(1) KELLY BACON & JON BACON – 2.01 ac. in pt. SW⁴NW⁴ of Sec.2, TWP 23N, Rge. 9 E. of 6th P.M., Burt County, NE The 2.01 ac will be added to parcel #421503700.

(2) HEITSHUSEN (Tr. B) 5 ac. in NE⁴SE⁴ to be combined with an existing 5 acres (Tr. C) 5 ac & Easement in pt NE⁴SE⁴, all in Sec.33, TWP21N, Rge.8 E. of 6th P.M., Burt County, NE

Special Designated Liquor Licenses (SDLs):

Upon motion by Swanson, seconded by Richards, the Board approved special designated liquor license for Nelson’s Food Pride to serve for a wedding at Harvest Moon (Oakland) on May 31, 2025. Approved By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. Nays – none.

Building & Grounds – parking: *Bruce Nathan, Superintendent*

Follow up from 4/28/2025 discussions regarding parking on the East side of the building in the alley by the Southeast ramp. The ramp is not the proper grade for ADA designation, but designating a short-term parking spot would result in a spot closer to the ramp/building. The board advised Bruce to proceed with installing signage for a 15-minute parking spot designation in this area.

P&C Insurance- Renewal: *Kevin Brenneis, Brenneis Insurance Agency*

Kevin shared the Travelers Insurance Company documents and premium for 2025-26 renewal year effective May 1, 2025; premium will be \$265,852.00. Deductible buy down options for wind/hail coverage were discussed; the board will decide upon those options at the April 28, 2025 meeting. Brenneis reminded the Board that 2026 will be a bid year (every 4 years); he urged them to consider getting the County's buildings appraised prior to the new bid year.

Zoning: *Ann Chytka, Planning and Zoning Administrator*

Section 6.15 Solar Energy Conversion Systems: Zoning Administrator, Ann Chytka reported that the Burt County Planning Commission held a hearing on 4/7/2025 and recommended amending Section 6.15 of the Burt County Zoning Regulations regarding items below:

- (i) Setbacks from Roads and non-participating landowners
- (ii) Sale of facility to tax exempt entity
- (iii) Discuss total acres of solar in Burt County. (Max acres)
- (iv) Review Bond Requirement - Delete M. Certificate of Deposit section
- (v) Fix typos and change the word Commission to Board of Supervisors throughout the section.
- (vi) Add Retention of an expert

The County Board held a PUBLIC HEARING to take comments from the public; Chairman Connealy opened the public hearing at 10:07 a.m. Written Testimony Submitted (1) Rusty Hike/M.Jack Farms. Speaking during public hearing (5): Mark VanDerHart, Rep for Tekamah Airport Zoning; Lindsay Mouw and Alex Chandler, from Invenergy; Bill Price; Gregg Smith. Chairman Connealy closed the public hearing at 10:18 a.m.

Following the public hearing, the Board reviewed and recommended their changes to Sec. 6.15 as follows (referring to working document dated 4/8/2025 submitted by Ann Chytka and on file with County Clerk 4/9/2025 meeting packet):

Setbacks from Roads and non-participating landowners

C. 3) add d. Setbacks for Solar Panels must be ~~83'~~ 200' from the property line or 200' from the exterior wall of a residence, whichever is greater. The resident(s) would be able to sign a waiver. Motions by Swanson and Kutchera. Discussion was held, then Roll Call Vote was taken: Ayes- Swanson, Kutchera, Titus, Johnson and Richards. Nays- Pearson. Abstained: Connealy. Motion passed; final language will be written in Resolution to be approved at the next meeting.

Sale of facility to tax exempt entity

C. 2) remove e. add d. Nameplate Capacity Tax will be addressed in the Conditional Use Permit to ensure its collection throughout the life of the project. Motions by Pearson and Titus. Roll Call Vote: Ayes- Swanson, Kutchera, Titus, Pearson, Johnson and Richards. Nays- none. Abstained: Connealy. Motion passed; final language will be written in Resolution to be approved at the next meeting.

Discuss total acres of solar in Burt County. (Max acres)

Planning Commission discussed total acres of solar in Burt County and they did not feel there should be a limit and that this could be handled during the Conditional Use Permit process. County Board took no action to add this item to the regulations.

Review Bond Requirement - Delete M. Certificate of Deposit section

M. Certificate of Deposit – delete “M.” Motions by Kutchera and Titus. Roll Call Vote: Ayes- Swanson, Kutchera, Titus, Pearson, Johnson and Richards. Nays- none. Abstained: Connealy. Motion passed; this section will not be part of the final Resolution to be approved at the next meeting.

Fix typos and change the word Commission to Board of Supervisors throughout the section.

Motion to fix typos throughout the document, make appropriate language changes to ‘Board of Supervisors’ throughout the document, and Fix F. 1) iii. aa. remove the words ‘towers, turbine generators’. Motions by Titus and Kutchera. Roll Call Vote: Ayes- Swanson, Kutchera, Titus, Pearson, Johnson and Richards. Nays- none. Abstained: Connealy. Motion passed; corrections will be reflected within Resolution to be approved at the next meeting.

Add Retention of an expert

E. Retention of Expert add 1)-4) Motion by Titus and Kutchera. Roll Call Vote: Ayes- Swanson, Kutchera, Titus, Pearson, Johnson and Richards. Nays- none. Abstained: Connealy. Motion passed; this section will be part of the final language in Resolution to be approved at the next meeting.

Veterans Service Board - member appointment:

Robert Hawkins, Jr. was re-appointed for another 5-year term as the Craig rep; upon motion by Richards, seconded by Titus. Passed By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. Nays – none.

ROADS: *Ann Chytka, Highway Superintendent*

No needed action at this time.

Decatur Radio Tower (previous Region 5/6):

The County obtained ownership of the tower after Region 5/6 Emergency Management disbanded; via Resolution 2020-02 adopted in January 2020 the County agreed to take ownership and a Deed was filed to Burt County on April 9, 2021 as instrument #2021-66248. The tower was to be used for Emergency Management Response purposes; according to Sheriff Nick, Burt County has no emergency equipment on the tower, and the County no longer has use for the tower/property. An “Amendment to Deed” was presented for consideration, this would revert the property back to United States of America, acting by and through the Administrator of the General Services Administration. The board approved a motion that Sheriff Nick proceed with DocuSign of the paperwork; upon motion by Titus, seconded by Kutchera. By Roll Call Vote: Ayes – Swanson, Kutchera, Titus, Pearson, Johnson, Richards and Connealy. Nays – none. Motion Passed, the tower and property (2.41 ac in pt. NE4 NE4 of Sec. 27, TWP 23N, Rge. 10 E. of 6th P.M., Burt County, Nebraska) will revert to USA – General Services Administration. The tower/property can be removed from Burt County inventory / insured properties after the Burt County Register of Deeds office files the final document.

PUBLIC COMMENT (2): (1) Bill Price, 1615 CoRd. 10, Lyons – (i) thanked board for setback considerations for Solar Panels (ii) comment for the board to be more clear and concise, and speak louder during meetings for everyone’s benefit (iii) opinion on Solar Farms lack of ability to produce energy necessary for large data centers, etc. (2) Gregg Smith, 2170 CoRd. 5, Lyons – requested planning commission post meetings on Burt County website calendar.

There being no further business to come before the Board at this time, the meeting adjourned at 11:09 A.M. upon motions by Pearson and Johnson.
Next meeting: April 28, 2025 at 9:00 A.M.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK

TED CONNEALY, 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.