

OFFICE OF THE BURT COUNTY CLERK
Minutes of the Burt County Board of Supervisors
February 28, 2024
TEKAMAH NE 68061

The Burt County Board of Supervisors met in regular session on Wednesday, February 28, 2024 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 Plaindealer (2-20-2024), 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, Paul Richards, Carl Pearson, Sam Titus and David Schold. Absent- Ted Connealy, Chairman. Pearson had to leave the meeting early.

The meeting opened with the pledge of allegiance at 9:00 A.M. Vice-Chairman Schold informed the public that the Open Meeting Act was posted.

The agenda was approved; upon motion by Kutchera, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Absent- Connealy. Nays – none.

The minutes of the 2/14/2024 Board of Supervisors meeting were approved; upon motion by Swanson, seconded by Titus. By Roll Call Vote: Ayes - Swanson, Kutchera, Richards, Pearson, Titus and Schold. Absent- Connealy. Nays – none.

The claims for February in the amount of \$1,262,349.19, including \$162,981.44 for payroll, were read, audited, warrant drawn, and checks generated on the respective funds on motion by Richards, seconded by Kutchera. By Roll Call Vote: Ayes – Kutchera, Richards, Pearson, Titus and Schold. Absent- Connealy. Nays – Swanson. The following claims were approved:

ADAM TRIPP	ATTY FEES	950.00
ANDY'S QUICK SHOP	FUEL	65.32
APPLIED CONNECTIVE TECHNOLOGIES LLC	TECH SUPPORT	7,148.93
BLACK DIAMOND ELECTRONICS LLC	BOARD ROOM EQUIP	1,500.83
BLACK HILLS ENERGY	UTILITIES	859.20
BOMGAARS -COURTHOUSE	SUPPLIES	159.83
BRANIFF SERVICE INC	FUEL/REPAIR	1,060.91
BRUMMOND DISPOSAL	GARBAGE	225.00
BURT COUNTY CLERK	POSTAGE	89.52
BURT COUNTY COURT	NON WAIVE FEES	243.00
BURT COUNTY DISTRICT COURT	NON WAIVE FEES	296.00
BURT COUNTY PUBLIC POWER DIST	UTILITIES	136.19
BURT COUNTY SERVICE FUND	VETERAN RELIEF	1,700.00
BURT COUNTY SHERIFF	MISC SERVICE	268.67
BURT COUNTY TREASURER	FUNDS TRANSFER	265,015.00
CANON FINANCIAL SERVICES	COPIER	27.09
CENTURY LINK	911 SERVICE	323.04
CIOX HEALTH	JAIL MEDICAL	1,384.37
CITY OF TEKAMAH	UTILITIES	139.50
CLASSIC CLEAN CARWASH	BC SHERIFF	70.33
CLEANING MART	SUPPLIES	506.76
CONSTELLATION NEW ENERGY GAS DIV	UTILITIES	730.68
CUBBY'S	FUEL	1,264.50
CVSOAN - TOM REIMERS TREASURER	REGISTRATION	60.00
DAS STATE ACCOUNTING-CENTRAL FIN.	TELE TYPE	411.60
DAS STATE ACCTG -CENTRAL FINANCE	SOFTWARE	258.75
DAVID SCHOLD	CHECKING ROADS	64.32
DE LAGE LANDEN PUBLIC FINANCE LLC	EM PICKUP PAYMENT	3,758.08

DECATUR EXPRESS - KB'S MINI MART	FUEL	2,141.40
DES MOINES STAMP MFG. COMPANY	SUPPLIES	68.00
DREW LAW FIRM PC LLO	ATTY FEES	13,916.76
EAKES OFFICE PLUS	SUPPLIES	598.70
FASTWYRE BROADBAND	UTILITIES	1,450.82
FIRST CONCORD BENEFITS GROUP LLC	ADMIN FEE	1,257.48
FIRST NATIONAL BANK OF OMAHA	SUPPLIES	302.70
FIRST NORTHEAST BANK OF NEBRASKA	BANK BOX	50.00
GARY SWANSON	CHECKING ROADS	91.12
GENE STEFFY	REPAIR	433.74
GRAIG MCELMURAY	MILEAGE	126.23
GREAT AMERICA FINANCIAL SVCS	COPIER	247.63
HOMETOWN LEASING	COPIER	228.20
JACK'S UNIFORMS & EQUIPMENT	UNIFORMS	198.75
JEFF KUTCHERA	CHECKING ROADS	192.96
JENNIFER HANSEN	MILEAGE	57.62
JENNIFER WALKINGSTICK	REIMBURSEMENT	4.80
JOHNSON & MOCK, PC, LLO	ATTY FEES	304.00
JONI L. RENSHAW	PRIOR SERVICE	156.00
KATHY RAY	OFFICE SUPPORT	110.50
KENNETH JACOBS	ATTY FEES	2,641.00
KONEXUS	SOFTWARE EM	3,500.00
LAW OFFICE OF KATE M JORGENSEN PC	ATTY FEES	1,613.63
MCH HEALTH SYSTEM	JAIL MEDICAL	11,117.87
MELINDA WICKS	ATTY FEES	646.00
MID-AMERICAN BENEFITS INC	BENEFITS	232.00
MIDTOWN BODY SHOP	BC SHERIFF	451.75
MILLS LAW OFFICE	ATTY FEES	1,733.75
MIPS INC	SOFTWARE	3,892.88
MIPS INC - COUNTY COURT	SOFTWARE	101.03
MODERN IMAGING SOLUTIONS INC	SUPPLY SHERIFF	96.00
NACO - NORTHEAST DIST MEETING	MEETINGS	260.00
NEBR ASSN OF CO CLERK,ROD,ELECTIONS	DUES	50.00
NEBR ASSN OF COUNTY TREASURERS	DUES	50.00
NEBR HEALTH & HUMAN SERVICES SYSTEM	LODGING/TREATMENT	93.00
NEBRASKA ASSOC OF COUNTY EXTENSION	DUES	140.00
NEBRASKA EXTENSION IN BURT COUNTY	OFFICE EQUIP	2,252.89
NEBRASKA PUBLIC POWER DISTRICT	UTILITIES	957.93
NEBRASKA STATE PATROL	SHERIFF	735.00
OAKLAND INDEPENDENT/LYONS MIRROR	PUBLISHING	305.43
OFFICE WAREHOUSE	SUPPLIES	571.87
ONE OFFICE SOLUTION	SUPPLIES	1,529.46
PAUL RICHARDS	CHECKING ROADS	149.41
PELAN FUNERAL SERVICES INC	TRANSPORT	497.00
PENNY A. WARREN	TRAVEL EXPENSE	200.90
PHYSICIANS LABORATORY PC	AUTOPSY	3,035.00
PLAINDEALER	PUBLISHING	1,595.90
POSITIVE CONCEPTS INC	SOFTWARE SHERIFF	230.00
RELENTLESS LLC DBA DESERT SNOW	LAW ENFORCE SCHOOL	1,398.00
SAVE MORE MARKET	SUPPLIES	289.52
SCOTT'S HARDWARE	SUPPLIES	314.27
SIDNER LAW	ATTY FEES	437.00
SOPINSKI LAW	ATTY FEES	2,318.00
STACEY KEYS	MILEAGE	125.29
KRAVIEC MAURSTAD LAW,P.C.,L.L.O.	CHILD SUPPORT ATTY	2,051.40
STOKELY FUNERAL HOME	TRANSPORT	700.00
STONACEK FUNERAL CHAPEL	TRANSPORT	410.00
TERRY G PICKELL	MATERIALS	3,545.93

THE APOTHECARY SHOP	JAIL MEDICAL	374.33
THEODORE CONNEALY	CHECKING ROADS	44.89
THOMSON REUTERS WEST PAYMENT CENTER	SOFTWARE/EQUIP	799.00
THURSTON COUNTY SHERIFF	JAIL	4,020.00
TK ELEVATOR CORPORATION	MAINTENANCE	318.97
UNIVERSITY OF NE LINCOLN EXTENSION	SUPPLIES	225.00
VANGUARD APPRAISALS INC	SOFTWARE	13,725.00
VERIZON WIRELESS	PHONE/SERVICES	992.13
VISUAL EDGE IT, INC	COPIER	97.80
WASHINGTON COUNTY SHERIFF	JAIL	8,255.00
WEIMER LAW PC	ATTY FEES	804.50
WELLS FARGO FINANCIAL SERVICE	COPIER	60.22
WOODHOUSE FORD CHRYSLER INC	BC ROAD DEPT	313.20
ARBY'S BODY SHOP LLC	BC ROADS	75.00
BOMGAARS SUPPLY INC - ROAD	SUPPLIES	1,479.99
BRUMMOND COUNTRY DISPOSAL	GARBAGE	90.00
BUDDIES MINI MART, LLC	FUEL	1,560.69
CASS PLUMBING & HVAC LLC	BC ROAD SHED	10.88
CITY OF LYONS	UTILITIES	720.10
CITY OF OAKLAND	UTILITIES	22.70
CUMING COUNTY INDUSTRIES	SUPPLIES	250.51
FARMERS PRIDE	FUEL	12,320.00
FILTER CARE OF NEBRASKA, INC.	BC ROADS	81.90
FIRST NATIONAL BANK OF OMAHA ROADS	SUPPLIES	592.28
GINI, LLC	FUEL	67.33
LOGEMANN AUTO PARTS & MACHINE LLC	BC ROADS	7.49
MAINELLI, WAGNER & ASSOCIATES INC	ENGINEERING	3,442.28
MIDWEST ENGINEERING INC	BRIDGE INSPECTS	13,265.00
MIDWEST SERVICE AND SALES CO	BC ROADS	9,266.00
MIDWEST SERVICE CO	BC ROADS	1,536.75
NELSON CONSTRUCTION LLC	SNOW REMOVAL	6,382.50
NMC CAT RENTAL	PARTS/LABOR	6,812.56
OAKLAND EXPRESS	FUEL	72.74
OMAHA SLING INC	BC ROADS	2,474.59
RDO TRUCK CENTERS, LLC	BC ROADS	388.42
ROGERS SOD FARMS INC	SNOW REMOVAL	7,862.50
SAPP BROS PETROLEUM INC	FUEL	490.65
SHAMBURG AUTO SUPPLY	SUPPLIES	769.07
STEINY'S GENERAL STORE	SUPPLIES	87.84
TRI-STATE COMMUNICATIONS INC	BC ROADS	6,419.02
VERIZON CONNECT FLEET USA LLC	ROADS EQUIP	417.52
VILLAGE OF DECATUR	UTILITIES	217.82
WELDON PARTS OMAHA	PARTS BC ROADS	204.36
WKI WICHITA KENWORTH	TRUCKS	475,102.60
LOFFLER	SUPPLIES	412.00
FARM & HOME PUBLISHERS LTD	PLAT BOOKS	260.00
JOYRIDE PUBLIC TRANSIT	PUBLIC TRANSIT PROGRAM	20,000.00
CENTURYLINK (HARDWARE WARRANTY)	911 SERVICE	707.20
LANGUAGE LINE SERVICES	911 SERVICE	14.75
NORTHEAST NEBR TELEPHONE CO	911 SERVICE	129.17
AFLAC	EMPE PD ADDL	549.63
ALLSTATE	EMPE PD ADDL	57.22
BLUE CROSS & BLUE SHIELD	INSURANCE	52,055.70
ERIN M MCCARTNEY CHAPTER 13 TRUSTEE	BANKRUPTCY	650.00
FIRST NAT'L BANK-NORTHEAST-EFPTS	FEDERAL TAXES	47,009.77
GLOBE LIFE LIBERTY NATIONAL DIV	EMPE PD ADDL	466.77
MADISON NATIONAL LIFE INS. CO, INC	EMPE PD ADDL	26.16
NATIONWIDE RETIREMENT SOLUTIONS	EMPE PD ADDL	150.00

RETIREMENT PLANS DIV. OF AMERITAS	RETIREMENT	24,370.09
STATE TAX COMMISSIONER	STATE TAXES	7,480.32
VISION SERVICE PLAN (CT)	EMPE PD ADDL	733.29
COLONIAL LIFE AND ACCIDENT INS CO	EMPE PD ADDL	57.79
CREDIT MANAGEMENT SERVICES	GARNISHMENT	28.82
NEBR CHILD SUPPORT PAYMENT CTR	GARNISHMENT	830.00

Stalp Gravel 2024 prices:

Glen Schuetze quoted the following prices effective March 1, 2024: \$18.50 per ton F.O.B., West Point and Wisner Pits. Delivered: \$21.50 per ton to Craig (down-haul), \$21.00 per ton to Oakland (down-haul) & \$22.50 per ton to Tekamah (down-haul). ¾ Washed Rock: \$35.00 per ton (F.O.B. Pit). Schuetze reported they currently have no supply available and anticipates it will be limited when they do get some.

Budget Authority is overspent in the Jail (671) office budget: Board Members Schold and Titus moved for adoption of Resolution 2024-05. The Resolution was adopted By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Absent- Connealy. Nays – none.

Resolution 2024-05 TRANSFER OF BUDGET AUTHORITY FY 2023-2024

WHEREAS, the Jail (671) budget within the General Fund (0100) is over by \$40,069.41 as of January 2024 expenditures.

AND WHEREAS, there is Budget Authority remaining in the Sheriff’s Office (651) budget within the General Fund (0100).

NOW THEREFORE BE IT RESOLVED by the Burt County Board of Supervisors that Budget Authority be transferred within the General Fund (0100) to cover the above-mentioned office budget authority.

DATED this 28th day of February 2024, at Tekamah, Nebraska.

- signed by Vice-Chairman Schold, attest by County Clerk Freidel

(Zoning) Update Matrix for Campgrounds:

Update Zoning for Camp Grounds (General and Group) to require a conditional use permit in ALL zoning districts; currently (A-1, A-2, R-M, C-1, and PU) a CUP is needed. Update would add (R-1, I-1, and I-2) to also require a CUP.

A PUBLIC HEARING was opened at 9:46 a.m. Speaking during public hearing: Three (3) members of the public voiced concerns about campgrounds in residential areas (1) Florence Stevenson; (2) Deanna Goodwin; (3) Jared Goodwin. Vice-Chairman Schold closed the public hearing at 9:58 a.m. Zoning Administrator, Ann Chytka reported that the Burt County Planning Commission held a hearing for this on 2/26/2024 and recommend their approval of the changes. Chytka explained that the County Board would pass a Resolution if they wanted to approve the changes.

Board Members Swanson and Pearson moved for adoption of Resolution 2024-06. The Resolution was adopted By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Absent- Connealy. Nays – none.

Resolution 2024-06 A RESOLUTION UPDATING THE BURT COUNTY LAND USE MATRIX

WHEREAS, on February 26th, 2024, the Planning Commission of Burt County, Nebraska did hold a public hearing for updates made to the Burt County Land Use Matrix. By updating Camp Grounds-General and Camp Ground-Group to need a conditional use permit in all zoning districts.

WHEREAS, by updating the Burt County Land Use Matrix updates were needed in Section 4.05 R-1 Residential District, B. Permitted Conditional Uses add 7. Camp Grounds, Section 4.08 I-1 Light Industrial, B. Permitted Conditional Uses add 9. Camp Grounds, and Section4.09 I-2 Heavy Industrial, B. Permitted Conditional Uses add 27. Camp Grounds

WHEREAS, the Burt County Board of Supervisors held a public hearing on February 28th, 2024 to consider the updates recommended by the Planning Commission for the Burt County Land Use Matrix in the Burt County Zoning Regulations.

WHEREAS, the Burt County Board of Supervisors now believes that it is in the public interest to adopt said Land Use Matrix.

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 Open 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 Burt County Land Use Matrix and Sections 4.05, 4.08, and 4.09
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 28th day of February, 2024 at Tekamah, Nebraska.

- signed by Vice-Chairman Schold, attested by County Clerk Freidel

(Zoning) Conditional Use Permit (CUP) application- David Brainard for

campground: CUP for a Campground located in pt. S½ SW¼ of Sec. 6 and in pt. E½ NW¼ & private road in Sec. 7, all in TWP 21N, Rg. 12E of sixth PM, Burt County, NE. A Public Hearing was opened at 10:12 a.m. OPPOSED: Eleven (11) members of the public voiced concerns about the development: (1) Jennifer Heisler, written; (2) Theresa DeVries; (3) Arnie Tatreau; (4) Deanna Goodwin, handouts of floodplain maps; (5) Donette Jackson, flood pictures; (6) David Welton; (7) Florence Stevenson, several handouts supporting her concerns of development; (8) Tiffany Pettit; (9) Jared Goodwin; (10) Janelle Jack Barton; (11) Brian Stevenson, written. NEUTRAL: One (1) Kelly Adamson, Tekamah City Council Member. SUPPORT: Three (3) people: (1) Michael Nolan, written; (2) Rachel Hadden; (3) project developer and landowner David Brainard, shared a plat and details about the project. Seasonal campground with 55 lots initially platted and possible phase 2 and 3 in the future. Vice-Chairman Schold closed the public hearing at 11:10 a.m.

Zoning Administrator, Ann Chytka reported that the Burt County Planning Commission approved the CUP at their 2/26/2024 meeting. The Burt County Board held discussions and asked questions about the project. No Action was taken on the CUP.

(Zoning) Conditional Use Permit (CUP) application- James Swanson- house:

CUP for a house with barn and in-law quarters located on 1 acre in pt. SE¼ SW¼ of Sec. 36, TWP 22N, Rg. 10E of sixth PM, Burt County, NE. Zoning Administrator, Ann Chytka reported that the Burt County Planning Commission approved the CUP at their 2/26/2024 meeting. A PUBLIC HEARING was opened at 11:41 a.m.; having no public comments, Vice-Chairman Schold closed the public hearing at 11:42 a.m.

The Burt County Board approved the CUP upon motion by Titus, seconded by Richards. Motion Passed by Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Absent – Connealy. Nays – none.

Burt County Surveyor: Fred Franklin

(i) *Update-* With regards to helping Assessor with areas of concern along river: Franklin said he is working on updated State Line survey information he received from Corp of Engineers; he can create an electronic version of the information and have it inserted into gWorks. This will create an updated State line for assessor to work from for assessment purposes for property along the River.

(ii) *original corners and section lines:* Fred would also like to send Lat./Long. info to gWorks to have 'original corners' referenced in the software, as well as section line information when he has that information to submit. This work will make gWorks more accurate for Burt County.

(ii) *Zoning & Lot Splits* – Fred and Zoning Admin Chytka discussed bringing in surveyor signoff for Lot Splits. An updated Lot Split Application will be used from today on.

Lots Splits(2): signed by Vice-Chairman Schold.

- (1) HUNDAHL HOMEPLACE – 4.74 ac. pt. NE⁴ NE⁴ in Sec. 24 TWP 22N Rg 10E of 6th p.m., Burt County, NE
- (2) DUANE MULLER – 4.43 ac. pt. NE⁴ SE⁴ in Sec. 2 TWP 20N Rg 9E of 6th p.m., Burt County, NE

ROADS: Ann Chytka, Highway Superintendent

Burt County Bridge Inspections (2024): Ann had (2) contracts to offer for County Bridge Inspections; 54 structures are on the list for 2024.

- (1) Midwest Engineering \$110.00/structure (54) = \$5,940.00
- (2) Mainelli Wagner \$137.00/structure (52) & \$90/structure (2) = \$7,304.00

The board approved the contract with Midwest Engineering, Inc; motions by Swanson, seconded by Titus, Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Pearson, Titus and Schold. Nays – none. Absent -Connealy.

Board of Equalization:

Richards moved the Board recess at 12:29 PM for *Board of Equalization*, Kutchera seconded, motion passed with Ayes-6, Absent -1. The Burt County Board of Supervisors reconvened at 12:39 PM upon motion by Titus, seconded by Kutchera with Ayes-6, Absent -1. See separate minutes for BOE.

Burt County Deeds (2):

- (1) Parcel # 430801900 – 1.5 ac. in 14-23-10. Assessor Hart had found this parcel while researching for her “intent to tax Notices”; the County had obtained this due to a landowner submitting a petition for a road in 1957. The board agreed that at this time Burt County has no public use for this parcel and a deed was executed to transfer it to the adjoining landowner Dennis Gill. Upon motion by Titus, seconded by Richards. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Titus and Schold. Absent – Connealy and Pearson. Nays-none.
- (2) Parcel # 112616100 – L.18-20, Blk 47, Hulberts Add, Oakland. Assessor Hart had found this parcel while researching “intent to tax Notices”; the County had obtained this in 1999 to assist Region IV with a lease purchase to build the duplex. A quit claim deed was signed to deed the property back to Region IV. Upon motion by Swanson, seconded by Titus. By Roll Call Vote: Ayes – Swanson, Kutchera, Richards, Titus and Schold. Absent – Connealy and Pearson. Nays-none.

Emergency Management -KC Bang:

(i) *January Snow Event Report:* Bang reported that all went smoothly with communications during the event. (ii) *Office Hours:* Bang confirmed he holds M-F regular office hours, unless there is time outside of those hours taken for meetings, events, etc. (iii) *Defibrillators:* Bang confirmed he checks the machines that are on site in the courthouse.

Public Comment: (1) Bill Price, Lyons- (1) shared the opportunity for the Decatur Bridge Survey. (2) Thanked the board for their careful considerations during the public hearings today.

There being no further business to come before the Board at this time, the meeting adjourned upon motions by Swanson and Titus at 1:12 P.M.
Next Meeting: Wednesday, March 13, 2024 @ 9:00 A.M.

ATTEST: SARAH J. FREIDEL
BURT COUNTY CLERK



~~TED CONNEALY, CHAIRMAN~~
DAVID SCHOLD, VICE-CHAIRMAN
BURT COUNTY BOARD OF SUPERVISORS