



# Gage County Board Minutes

The Gage County Board of Supervisors met on April 5, 2023, at 8:45 a.m. with Terry Jurgens, Emily Haxby, Don Schuller, Erich Tiemann, Eddie Dorn, Dave Swavely and Gary Lytle present.

Notice of said meeting was posted at the County Clerk's Office and published prior to the meeting in compliance with State Statutes.

Let the record show that all proceedings are electronically recorded.

Pledge of Allegiance recited.

Chairman Tiemann announced that a complete copy of the Open Meetings Act is posted at the back of the Board of Supervisors Room.

Consent Agenda included the following items: 1. General Agenda; 2. Minutes from previous meeting and committee meetings; 3. claims audit in the amount of \$409,335.02 which does not include claim #23040092 to Hard Rock Quarries, LLC. in the amount of \$2,583.09 & claim #23040098 to R.L. Tiemann Const. Inc. in the amount of \$53,113.44 to be voted on separately; 4. approve correspondence received and place on file; 5. Approve receiving and place on file the 2022 Annual report for Odell Volunteer Fire & Rescue; 6. Approve reappointment of Daniel Paul, 8383 East Cherry Rd., Adams, NE 68301, for another term on the Gage County Veterans Service Committee, expiring in July, 2028; 7. Approve District Court Summary Fee Report & Register of Deeds Fee Report for the month of March, 2023.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	148,638.14
Advanced Auto Dealers	Shf. website maint.	29.00
All Copy Products, Inc.	Copier leases, overage	1118.68
Black Hills Energy	Utilities	1927.84
Burke, Brown Law, LLC	Atty fees	2840.50
Capital Business Systems	ROD copier lease	61.80
Capital City Transfer Svc.	Autopsy expns	459.25
Charm-Tex, Inc.	Inmate provisions	935.80
Charter Communications	Shf. cable TV	175.93
Clerk of District Court	St & svc fees	937.19
CVSOAN	Vets conf.	60.00
Dodge Co. Sheriff	Shf svc fees	7.31
Electronic Contracting Co.	Semi-annl alarm testing	433.00
First Wireless	Shf. tower, repeater rental	440.00
Great Plains Uniforms	Uniforms	110.40
Griffiths Hovendick Chapel, Inc.	Coroner expns, county cremation	1425.00
Harman Wright Mortuary	County cremation	1200.00
Hometown Leasing	Atty, Prob copier leases	611.52
Jerry Shelton, Atty	Atty fees	5462.50
Jurors for trial	Jury fees	3486.78
Lammel Plumbing, Inc.	Ext. Offc. remodel	22,214.00
Lincoln Journal Star	Publications	5722.66
MIPS, Inc.	Supplies	410.31
Naylor, Rappl Law Office	Atty fees	684.00
NE Assn. of County Treasurers	Wkshp registration	150.00
Nelson, Clark & Timan, PC LLO	Public Defender	6346.15
Precision Reporting, Inc.	Depo transcripts	232.65
Quill – Ext.	Offc supplies	220.58
Quill – Prob.	Offc supplies	42.05
Kristin Riekenberg	Bills of Exception	808.25
Saunders Co. Shf.	Shf. fees	20.00
Smith, Schafer, Davis, LLC	Atty fees	1657.75
Stephen Kraviec, PC LLO	Child Suppt. Enf. Atty	2398.05
Summit Food Service, LLC	Jail meal svc.	2669.32
U.S. Bank – Purchase Cards	Fuel, supplies, etc.	1106.98
Valentino's	Jury meals	55.81
Verizon Wireless – Prob.	Cell phones	393.52
Washington Co. Shf.	Boarding inmates	3770.00
Windstream – Wilber Prob.	Phones	53.12
Windstream – Vets	Phones	246.97

Road Fund

Highway Department Employees	Salaries	43,341.24
All Copy Products	Copy overage	77.63
Beatrice Concrete Sand & Gravel	Rock & gravel	16,282.87
Black Hills Energy	Utilities	134.83
Bomgaars	Jack	40.49
Contech Engineered Solutions	Culverts	28,732.00
Farm & Home Publishers	Plat books	750.00
Gage Co. Treasurer	Titles & tire tax	44.00
Hard Rock Quarries	Rock	2583.09
Lincoln Journal Star	Publications	114.25
Motor Fuels Division	Diesel tax	1402.00
NE Notary Assn.	Renewal	154.00
Norris Public Power	Utilities	500.21
Pavers, Inc.	Cold mix asphalt	383.83
R.L. Tiemann Construction	Twp gravel & hauling	53,113.44
Rose Equipment, LLC	Parts	1204.10
Tractor Supply	Hose, supplies	73.97

Visitor's Promotion Fund

Beatrice Area Chamber of Commerce	Lodging tax	16,752.67
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Register of Deeds Preservation & Modernization Fund

Capital Business Systems, Inc.	Recording paper	92.00
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Insurance Fund

Gage County Health Insurance	Employee health ins. claims paid	15,093.70
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General Fund

Ameritas	County share of Employees Retirement	10,313.51
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	10,791.70
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	26,911.75

Road Fund

Ameritas	County share of Employees Retirement	2,925.56
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,147.43
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	10,356.43

Motion made by Lytle, seconded by Swavely to approve the consent agenda. Motion carried 7-0.

Motion made by Swavely, seconded by Dorn to approve claim #23040092 to Hard Rock Quarries, LLC. in the amount of \$2,583.09 & claim #23040098 to R.L. Tiemann Const. Inc. in the amount of \$53,113.44, bringing the total amount of claims approved thru April 5, 2023 to \$465,031.55. Motion carried 6-0-1 with Tiemann abstaining due to conflict of interest.

No public present for comments or request for future agenda items.

Committee reports were given by Swavely on Bldg. & Grounds/Winter Lights, Tiemann on Equalization, Jurgens on Finance/Insurance, Scott Bates on Veterans' Service, Shf. Gustafson and Lytle on Law Enforcement, and Haxby on Road & Bridge. Items of discussion included courthouse east entrance; valuations going out; claims to NE Veterans Aid; Memorial Day program on May 29<sup>th</sup> at Evergreen Home Cemetery; Veteran's trainings; Shf vehicle changeovers; Buss bridge near completion; new Mack truck had to be returned for repairs; Spring 2022 gravel almost complete.

Angie Bruna with the Beatrice Area Chamber of Commerce presented the Gage County Tourism Report and introduced new Tourism Coordinator, Dakota Hurley, to the board. Bruna talked about the lodging tax dollars and upcoming Visitor's Improvement Grant projects. Hurley told the board she has been a lifelong resident of Gage County and that she and her husband live in Wymore along with their three children. She spoke about several meetings she's attended, an ad that will be on the Visit Nebraska website, and a half-page ad that will be in the Visit Nebraska Guide. She also stated that Gage County will have a Visitor's Guide printed that will be distributed to all visitor's stops along Interstate 80. She pointed out an interesting fact that one of the most visited pages on the website is the Rolla Rena Skate Center as the next nearest one is in Omaha.

Motion made by Lytle, seconded by Swavely to receive the Tourism Report and place it on file. Motion carried 7-0.

**RESOLUTION NO. 23-04**

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2023-1 for the placement of a commercial greenhouse operation; and,

WHEREAS, the Gage County Planning and Zoning Commission has held a public hearing to consider this special use permit, the date of said public hearing being March 2, 2023, at 7:15 p.m., in the Board of Supervisors meeting room; and,

WHEREAS, the Gage County Planning and Zoning Commission has recommended approval of this special use permit, #2023-1; and,

WHEREAS, this special use permit is in an agricultural zoning district, located in the southeast quarter of Section 28 of the Logan Township; and,

WHEREAS, the Gage County Board of Supervisors on the 22<sup>nd</sup> of March, 2023, held a public hearing to take input on this special use permit after proper notice and publication of said hearing for approving or disapproving Special Use Permit #2023-1; and,

WHEREAS, an opportunity was given for individuals, in favor and against Special Use Permit #2023-1, to speak at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA that the special use permit #2023-1 for the placement of a commercial greenhouse operation shall be:

- approved for the reasons stated on the record.
- approved with stated conditions: \_\_\_\_\_
- disapproved for the reasons stated on the record.

Motion made by Jurgens, seconded by Lytle to adopt the foregoing Resolution. All members present as listed and voted as follows:

Yea: Jurgens, Haxby, Schuller, Tiemann, Dorn, Swavely, Lytle

Nay: None

/s/ Erich Tiemann  
Chairman

Subscribed and sworn to before me this 5<sup>th</sup> day of April, 2023.

/s/ Dawn Hill  
Gage County Clerk

Motion made by Jurgens, seconded by Lytle to approve adopting Resolution #23-04 granting Special Use Permit #2023-1 for the placement of a commercial greenhouse operation in section 28 of Logan Township. Discussion and recommendation from County Attorney to add that the approval is due to the fact that it met all zoning regulations and there was no opposition from the public. Tiemann asked Jurgens and Lytle if they would like to add the wording to their motion and second and they agreed. Motion carried 7-0.

Planning & Zoning Administrator Lisa Wiegand presented the P&Z Commission’s recommendation for approval of the proposed Solar Conversion System Regulations. She talked about the significant impact that county zoning has on any kind of development. She said we do zoning to decide how land can be used, whether it’s restricted or not, or if it’s enhancing opportunities. The question of security lighting was raised, and Wiegand said that security lighting was not written in to the regulations. Another question was regarding the land needed, and she said that the general rule of thumb is that for a 1-megawatt system it would take 7 acres,

and that berms would add another 2-3 acres. Someone asked about the height, and she said it is normally 7-14 feet. She stated that the goal is creating a balance between being too restrictive and not restrictive enough and also creating a good working relationship between the developer and land owners. She reported that the general feel of the public at the P&Z public hearing was good and that they offered a lot of good suggestions. The P&Z Commission recommended approving forwarding the Solar Conversion System Regulations to the Board of Supervisors for approval.

Motion made by Swavely, seconded by Dorn to open public hearing at 9:30 a.m. to hear support and/or opposition on the proposed Solar Conversion Systems changes made to the Gage County Planning and Zoning Regulations. Motion carried 7-0.

Those sworn in and speaking during the public hearing included:

1. Larry Alder, 2498 W Ash Rd., Cortland NE – Alder thanked the P&Z Board for their work on the regs; would like to see greater setbacks from nonparticipating landowner's property line, whether there is a dwelling there or not, and if the landowner is not going to develop the land, then work something out with the developer.

2. Ashley Mason, 1300 Lincoln St., Beatrice NE – provided Exhibit #1; Mason said she's attended all of the P&Z meetings on solar regs and read from an email she had sent to the board. She said the P&Z board did a thorough job, but she noted a few things she thinks need addressed further including: increasing setbacks; how fires of solar panels would be handled, the need for training to handle this type of fire, the cost of extinguishing equipment, and whose responsibility it would be for the additional training and cost of equipment; use the same safety requirements and setback regulations as the Wind Energy Regulations to make them as similar as possible; requiring transmission lines to be buried to lessen the fire risk; most are in favor of firm regulations, a few were in opposition to the regs; she sees the need for continued growth and industry in the county but this industry hasn't shown it will bring long-term jobs, increased revenue, or benefit tourism; lesser restrictions will not benefit the county as a whole; and the will of the people, public safety, and protecting the land should direct your continued efforts in creating commercial solar regulations.

3. Deb Kai, 7694 W Cedar Rd., DeWitt NE – concerned about what conditions developers will have for training for rural fire departments and emergency management in case of fire, and funding to provide this training as all are unfamiliar with this type of fire which involves hazardous materials; it is a completely different fire that is higher burning, hotter temperatures, and spreads quicker; takes different equipment to fight; concerns with adequate training county-wide as mutual aid in the county means all area fire depts. could be called in to help.

4. Elizabeth Shotkoski Ferneding, 34998 S 66<sup>th</sup> Rd., Blue Springs NE – provided Exhibit #2; she is a Registered Environmental Health Sanitarian; she stated that toxic chemicals cadmium telluride and silicon are in the panel material; when cadmium burns, it aerosolizes and gets breathed in making it dangerous for firefighters and surrounding residents; cadmium is toxic to aquatic life and accumulates in the human body over a lifetime; we're ok if the panels are properly manufactured and installed, but if hail comes and breaks them there is no way to know if these toxic chemicals will be released; we don't know if rain will wash chemicals off into the soil and groundwater; setbacks should protect the nonparticipating landowner; need to protect the viewshed of the Homestead National Historical Park as a 1916 Federal Law (The Organic Act) makes it our jobs as Americans to protect our National Parks.

5. Don Ferneding, 34998 S 56<sup>th</sup> Rd., Blue Springs NE – Friends of the Homestead would like a viewshed study of the Homestead National Historical Park and specific language in the regulations protecting the viewshed of the park; they would like it to be a 4-season viewshed study and not necessarily have a setback distance, but just go by the study to conserve the scenery, national and historical objects, and the wild life variant.

6. Jerry Enns, 10011 E Locust Rd., Holmesville NE – provided Exhibits #3 & #4; he is the Manager of Engineering at Norris Public Power; the company is working on 2 local projects, 1 involving a 25-year agreement that has two 5-year extensions possible with Today's Power, Inc. (TPI) with a Class 2 site under 1 megawatt where the power doesn't flow out of the state or on the transmission system and stays on Norris's distribution line, the other is a Class 2 site in the Diller area on Jeff Hays' property; these projects make up a very small percentage of Norris's total power and is close to the same price as their wholesale supplier; Norris/TPI do not expect a fire department to put out a fire at their substation but may need fire depts. to help contain the fire on the perimeter; panels are made with anti-glare material to absorb the sun, not causing reflections.

7. Jeff Hays, 10472 W Pine Rd., Diller NE – had questions on what will be required for screenings around the site on his property; has talked to neighbors and they have no problems with the site; Hays is a paramedic in Beatrice and volunteers on the Diller Fire & Rescue Squad; he has checked out TPI and they seem to be a reputable company and genuinely care about safety; he spoke of his experience with Hazmat saying that Beatrice is a regional hazmat team for the State of NE; Beatrice has some hazmat equipment but they also work with the Army National Guard CST 65 Team for additional resources, but it takes time to get them here; he stated that training is essential to avoid and/or deal with any emergency situations.

8. Betty Boyko, 828 N 26<sup>th</sup> St., Beatrice NE – thanked the board for their support of the Homestead National Historical Park, Hwy 4, Beatrice; stated the Homestead values renewable energy but to remember the Organic Act to protect the park for future generations; please consider the positive impact that tourism to the Homestead provides for the area; need to require a viewshed study; on 1/1/1863 at 12:00 a.m. Daniel Freeman was successful in convincing the land office to open so he could file a claim under the Homestead Act, which was the first in the nation, and in 1936, citizens of Gage County convinced Congress to establish the Homestead National Historical Park as a unit of the National Park Service – both are gifts to Gage County and should be protected.

Tiemann asked for further comments, there were none.

Motion made by Lytle, seconded by Swavely to close public hearing at 10:29 a.m. Motion carried 7-0.

Motion made by Haxby, seconded by Swavely to approve a one-year agreement with Applied Connective for IT services. Discussion: they would provide network security and IT support and would help with grant applications to pay for initial equipment and setup; they have the manpower to get us set up quickly and provide timely support; will review in one year and discuss renewal. Motion carried 7-0.

No action taken on agenda item regarding FOP #45 agreement.

Motion made by Swavely, seconded by Dorn to adjourn Board of Supervisors Meeting at 10:36 a.m. Motion carried 7-0.

Chairman declared Board of Supervisors meeting adjourned at 10:36 a.m. until April 19, 2023.

Board minutes can also be viewed on the Gage County website at [www.gagecountynebraska.us](http://www.gagecountynebraska.us).

/s/ Dawn Hill  
Dawn Hill  
Gage County Clerk

/s/ Erich Tiemann  
Erich Tiemann, Chairman  
Gage County Board of Supervisors

I, Dawn Hill, County Clerk of Gage County, do hereby certify that the above records are true and accurate to the best of my knowledge.

Witness my hand and official seal this 5<sup>th</sup> day of April, 2023.

(SEAL)

/s/ Dawn Hill  
Dawn Hill  
Gage County Clerk