



Gage County Board Minutes

The Gage County Board of Supervisors met on May 3, 2023, at 8:46 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 \$1,077,284.68 which does not include claim #23050059 to R.L. Tiemann Construction in the amount of \$45,369.55, 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 Beatrice Fire & Rescue, Pickrell Fire and Rescue & Cortland Volunteer Fire & Rescue; 6. Approve receiving Sheriff's Statement on collection of distress warrants for March, 2023; 7. Approve District Court Summary Fee Report & Register of Deeds Fee Report for the month of April, 2023.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	161,493.71
All Copy Products, Inc.	Emer Mgmt copier lease	140.00
AT&T Mobility Accounts	Shf FirstNet phone svc	526.21
Beatrice Area Solid Waste Agency	Annl. funding	26,496.00
Beatrice Humane Society	Annl. funding	17,000.00
Beatrice Iron & Metal Co.	Emer Mgmt veh repair	238.36
Black Hills Energy	Utilities	1157.51
Blue Valley Public Safety, Inc.	Siren repair & maint.	1699.06
Boarders Inn & Suites, Grand Island	Lodging, Vets Offc	285.00
City of Beatrice	Qtrly share Prob utilities	2189.67
Dawgs Sports Specialties, Inc.	Recognition awards	780.00
Sandra Eltiste	Prior svc retirement	12.00
Engineered Controls, Inc.	Svc call	478.00
First Wireless, Inc.	EM svc contract, Shf repeater/microwave twr rntl	1095.20
Gage County	Fund transfer from Gen to Road	400,000.00
Gage County Sheriff	Shf fees/mlg	3433.47
Gleason Dental Clinic	Inmate dental	331.00
Great Plains Uniforms, LLC	Shf uniforms	1400.14
Hamm Glass	Replace broken window	67.25
Hometown Leasing	Atty copier lease	138.82
ISolved Benefit Services	Admin fees	141.48
Jerry Shelton, Atty	Atty fees	2517.50
Joyce Kassing	Prior svc retirement	20.00
Naylor, Rappl Law Office, PC LLO	Atty fees	988.00
Nelson, Clark & Timan, PC LLO	Public Defender, GAL fees	6536.15
Priority Printing	Treas bus cds, EM env	126.66
Psychological Resources	Pre-employment exam	150.00
Quill – Ext.	Offc supplies	178.55
Ramada Columbus & Rivers Edge	EM lodging	99.00
Royce Gonzales, Sec/Tr Clk DC	Dist Ct Clerk workshop	75.00
Security Services	Jail fire alarm inspec.	200.00
Spectrum	Emer Mgmt cable TV	11.55
Staples	Shf Offc supplies	358.92
Stephen Kraviec, PC LLO	Child Suppt Enf Atty	2398.05
Summit Fire Protection Co.	Semi-annl fire suppr sys inspec.	690.70
Summit Food Service, LLC	Jail meal svc.	5286.27
The Home Depot Pro	Restroom supplies	726.88
Thomas & Thomas Court Reporters	Deposition transcript	179.43
U.S. Bank – Purchase Cards	Supplies, fuel	288.32
U.S. Postal Svc. #8062070	Postage for meter	25,000.00
Washington Co. Shf.	Boarding inmates	3185.00

Washington Co. KS Shf.	Inmate boarding/medical	13,965.33
Windstream – Hwy	Phones	310.94
Windstream – Shf	Phones	607.23
Windstream – Cths	Phones	2108.05
Windstream – Vets	Phones	246.97
Woods & Aitken, LLP	Prof. legal svcs.	1876.00
911 Custom	Shf uniforms	401.92

Road Fund

Highway Department Employees	Salaries	44,699.28
All Copy Products, Inc.	Copy coverage	40.98
Beatrice Concrete Sand & Gravel	Rock & gravel	18,612.16
Black Hills Energy	Utilities	332.27
Bomgaars	Fuel meters, jack, bug spray, bolts	487.09
Constellation NewEnergy	Utilities	132.49
Diversified Drug Testing	Drug/alcohol screening	180.00
Dultmeier Sales, LLC	DEF tank	268.09
First Wireless, Inc.	Repeater rental	350.00
Medical Enterprises, Inc.	DOT compliant drug testing	105.00
Norris Public Power Dist.	Utilities	420.89
Priority Printing	3-part purchase orders	216.08
Theisen Construction, Inc.	22 Pile Rep Prj, C34412405, App #4, Final	13,232.00
R.L. Tiemann Construction	Twp. gravel & hauling	45,369.55
Rock On, Inc.	Hauling material	21,583.91
Tractor Supply	Bolts, sprayers	162.63
Wheels and More	Ford F250 wheels	200.00

Visitor's Promotion Fund

Beatrice Area Chamber of Commerce	Lodging Tax	11,256.21
-----------------------------------	-------------	-----------

Insurance Fund

Gage County Health Insurance	Employee health ins. claims paid	180,301.65
Lucent Health Solutions, LLC	Ins. premiums	30,356.05

General Fund

Ameritas	County share of Employees Retirement	11,191.41
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	11,767.92
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	26,875.25

Road Fund

Ameritas	County share of Employees Retirement	3,017.22
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,259.82
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	10,013.26

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

Motion made by Swavely, seconded by Dorn to approve claim #23050059 to R.L. Tiemann Construction in the amount of \$45,369.55, bringing the total amount of claims paid through May 3, 2023 to \$1,122,654.23. 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 Dave Jones on Bldg. & Grounds, Tiemann on Equalization, Jurgens on Finance/Insurance, Lytle on Law Enforcement/Emergency Management, and Haxby on Road & Bridge. Items of discussion were annual boiler inspection at the detention center, new siding on building, changes in District Court Clerk's Office, repointing being done on courthouse exterior, and plans to finish Buss Bridge and have open by end of day on Friday.

Regional Administrator for Region V Systems Patrick Kreifels talked to the board about county match dollars, the divisions of behavioral health, and presented the Region V annual report.

NGage Executive Director Rachel Kreikemeier presented the NGage quarterly report and talked about hiring a new Early Childhood Community Coordinator.

Motion made by Lytle, seconded by Swavely to place the NGage quarterly report on file. Motion carried 7-0.

Discussion on Special Use Permit #2023-3 for the expansion of existing anhydrous ammonia site located in the SE ¼ of Section 31, Filley Township.

RESOLUTION NO. 23-06

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2023-3 for the expansion of an existing commercial agriculture anhydrous ammonia site; 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 28, 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, #2023-3; and

WHEREAS, this special use permit is in an agricultural zoning district, located in the southeast quarter of Section 31 of the Filley Township; and

WHEREAS, the Gage County Board of Supervisors on the 19th of April, 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 #2023-3; and

WHEREAS, an opportunity was given for individuals, in favor and against Special Use Permit #2023-3, 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, #2023-3 for the expansion of an existing commercial agriculture anhydrous ammonia site 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 Dorn 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 3rd day of May, 2023.

/s/ Dawn Hill
Gage County Clerk

Motion made by Jurgens, seconded by Dorn to approve adopting Resolution #23-06 granting Special Use Permit #2023-3 for the expansion of an existing anhydrous ammonia site located in the SE ¼ of Section 31, Filley Township. Motion carried 7-0.

Discussion on Resolution to apply for assistance from the Transportation Alternative Program for the purpose of the Adams Bypass project.

RESOLUTION NO. 23-07

BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS (GAGE COUNTY) OF GAGE COUNTY, NEBRASKA:

WHEREAS, the Gage County Board of Supervisors, proposed to apply for assistance from the TRANSPORTATION ALTERNATIVES PROGRAM

for the purpose of the Adams bypass project, and

WHEREAS, Gage County commits to the project’s development, implementation, construction, maintenance, management, financing, and

WHEREAS, Gage County understands that property right-of-way may be necessary for completion of proposed project. Gage County also understands that it may be necessary to acquire such property by condemnation which is defined as the legal process by which a governmental body exercises its right of “eminent domain” to acquire private property for public use. Condemnation includes a resolution of public need, an offer to purchase, and, if a negotiated purchase is not possible, then a condemnation suit.

WHEREAS, the proposed application and potential need to use condemnation to acquire property rights-of-way were made available for public review at a properly announced meeting of the Gage County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA, that Gage County applies for assistance from the TRANSPORTATION ALTERNATIVES Program for the purpose of the Adams bypass project.

Passed and approved this 3rd day of May, 2023.

/s/ Erich Tiemann
Chairman

ATTEST:

/s/ Dawn Hill
County Clerk

Motion made by Dorn, seconded by Haxby to adopt Resolution #23-07 to apply for assistance from the Transportation Alternative Program for the purpose of the Adams Bypass project. Motion carried 7-0.

Short break at 9:29 a.m. Back in session at 9:35 a.m. with all members previously listed present.

Motion made by Jurgens, seconded by Schuller to approve adopting Resolution #23-08 granting Special Use Permit #2023-2 for the placement of a swine feeding operation to be located in the NW ¼ of Section 11, Hanover Township. Haxby asked to speak with the applicant, Carl Jacobson, representing Summit Farms, to answer some lingering questions. Haxby said she had talked with Dean Otto and they had come to many reasonable decisions after discussing the ½ mile good neighbor policy if manure has to be surface applied, using an incinerator for dead animals (license to have one is complete but can’t be submitted until the confinement permit is approved by the State), feed bins to not be within 100’ of the creek, grant money through NRCS that can be used for conservation such as manure structures or water structures and that their concrete structure has been stamped by Engineer certifying that it meets the standards. Haxby said the 200’ she had previously given was incorrect and that it pertains to feed lots only. She said she typed up specifically what pertains to this particular CAFO and 2 things need to happen: (1) it must be accepted by the NDEE (NE Dept. of Environment and Energy, formerly NDEQ, NE Dept. of Environmental Quality), and (2) it is subject to the license requirements and the waste disposal requirements and recommendations of the State of Nebraska, that would follow with an air quality permit being required. Haxby said she feels we need to finish crossing our t’s and dotting our i’s before she would be ready to vote on this SUP. Jacobson told the board that the boring for water testing is scheduled for May 8th. Swavely said without these tests, he would not be ready to vote either. Jacobson urged the board to give their approval with the stipulation that it is contingent on the State granting the permit to save time if and when the State approval comes, since they’ve met all of the requirements. Lytle said he agrees with Haxby and Swavely that approval from our board can wait until State approval and not hold anything up as far as construction. Also discussed were the need for the person injecting the manure to do certified manure management training through UNL, the timeline for results from water testing, State approval and NDEE approval, tree requirements in the current zoning regs, and possible date for county approval. Jurgens said that after discussion and hearing the consensus of the board, he could either amend his motion or withdraw it. Tiemann reminded the board that if they vote to disapprove, it is a denial by the board of this SUP, it does not mean that we’ll wait and approve it later, a “No” vote would be a denial of the SUP and that would be the end of it. Jurgens asked that we remember that we have been a Livestock Friendly County since 2011, and that the longer this permit hangs out there the more discouraged other companies will be from bringing their

business to Gage County. Jurgens then stated he would like to withdraw his motion, Schuller stated he would like to withdraw his second of the motion. Tiemann asked if there were any other questions, discussion, or motions on the matter. Haxby stated that she had addressed the issues she had with Otto. Jacobson touched on the topic of the discrepancy in the applicant name on the 2 permits, and explained that the name on the State permit can be changed at any time. Dean Otto asked if the board could email him any questions. Deputy Co. Atty Amanda Fanning reminded the board that approval or denial of the permit needs to be focused on Sec. 6.2 of the zoning regs and the discussion has to be on those 7 factors listed before a decision is made. Tiemann asked again if there was another motion on this item, no motion was stated.

Discussion on proposed Solar Conversion System regulation changes. Haxby said she would like a view shed study done for the Homestead, not so much restricting it by distance, but so it can't be seen from the Homestead. She also said she'd like to see some sort of waiver or exception on setbacks for solar energy that is off-grid, being built with a facility for their own use and not for commercial sale. Tiemann talked about the classes of solar energy and what the requirements of each of the classes are. He thinks class 3 seems tight and would like to see it expanded a little.

Jurgens left meeting at 10:40 a.m.

Motion made by Lytle, seconded by Swavely to move into closed session at 10:47 a.m. for negotiations. Motion carried 6-0.

Motion made by Dorn, seconded by Haxby to come out of closed session at 11:20 a.m. Motion carried 6-0.

Tiemann stated that a sub-committee of Lytle, Swavely and Haxby is appointed for the 2024-2025 F.O.P. negotiations.

Chairman declared Board of Supervisors meeting adjourned at 11:22 a.m. until May 17, 2023.

Board minutes can also be viewed on the Gage County website at 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 3rd day of May, 2023.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk