



Gage County Board Minutes

The Gage County Board of Supervisors met on June 14, 2023, at 9:03 a.m. with Terry Jurgens, Emily Haxby, Don Schuller, Erich Tiemann, Eddie Dorn and Dave Swavely present, Gary Lytle absent.

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 \$\$1,875,975.64 which does not include claim #23060123 to Johnny's Welding in the amount of \$201.58 to be voted on separately; 4. approve correspondence received and place on file; 5. Approve District Court Summary Fee Report & Register of Deeds Fee Report for the month of May, 2023; 6. Utility Permit #1275 to Windstream Nebraska LLC. Windstream will be replacing a fiber line for a Gage County project C-34(1234). Windstream will plow new fiber up to existing structure and then bore a 2" diameter by 10' deep line under flow line approximately 50' under structure then continue plowing north approximately 50' and splice new fiber into existing fiber and add new pedestal. All work is in the East grader ditch of South 36th Road approximately 450' North of Osage Road. Located West of Section 5, T-2-N R-7-E, Blue Springs/Wymore Twp.; 7. Utility Permit #1276 to Mid-America Pipeline Company LLC. Mid-America will be performing pipeline maintenance for propane line on Osage Road approximately 1,350' West of Hwy 77. Mid-America will be occupying the North side of Gage County ROW and Northern Natural Gas ROW while performing maintenance on line. Located South of Section 4, T-2-N R-6-E, Sicily Twp.; 8. Receive County Audit for Fiscal year ending 6/30/2022 and place on file; 9. Approve receiving Sheriff's Statement on collection of distress warrants for May, 2023; #10 (added by motion below) for closed session discussion with Beatrice Chief of Police at approximately 10:00 a.m. regarding budget changes.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	172,523.95
Advanced Correctional Healthcare	Jail on-site medical svcs.	11,746.35
All Copy Products, Inc.	Ext. cpy ovg, EM, Treas, Clk copier leases	1209.13
Applied Connective Technologies	Computer equip, software, support, inti-virus	26,561.64
Beatrice Public Schools	Juvenile svcs aid grant	3099.40
Blackburn Technologies	Atty comp equip	966.92
Blue Valley Public Safety	Siren maint.	3805.35
Buffalo Co. Sheriff	Shf. fees	55.00
Travis Buss	Witness fees/mlg	53.40
Capital Business Systems	Co Ct copier lease/overage	432.60
Collision Forensic Solutions	Shf forensic pkg & training	8800.00
Cornhusker State Ind.	Supplies	956.00
Cortland-Lancaster Rural Fire	Qrtrly EMS svc.	1500.00
Culligan of Lincoln	Water cooler	74.00
Custer Co. Treasurer	Postage	11.45
Diode Communications	Monitoring cths & vets offc	80.85
Eakes Office Solutions	Offc equip, supplies	5625.89
Echo Group	Light bulbs, electrcal supplies	170.12
Sandra Eltiste	Prior svc retirement	12.00
Fakler Architects, LLC	Proposal for E entrance update	810.00
Gage County	Fund transfers Gen to Road & Insurance	958,842.18
Gage Co. Sheriff's Offc.	Shf fees/mlg	526.67
Green Way Lawn Svcs.	Mowing, fertilizing	810.00
Harman Wright Mortuary	Co. cremation	1200.00
Jerry Shelton, Atty	Atty fees	190.00
Joyce Kassing	Prior svc retirement	20.00
Lammel Plumbing, Inc.	Janitorial supplies	8.64
Lincoln Journal Star	Publications	814.92
Lynn Peavey Co.	Shf supplies	64.96

Mahloch Law Office	Atty fees	475.00
Marshall & Swift, Boeckh, LLC	Valuation svc book	674.20
Matthew Kosmicki Law, LLC	Atty fees	1350.59
Mead Lumber	Supplies	351.54
Microfilm Imaging Systems, Inc.	Courts scanning equip rent	457.00
Naylor, Rappl Law Office	Atty fees	1853.89
NE Dept. of Motor Vehicles	Plates	1.60
NE State Fire Marshall – Elev. Div.	Shf/Jail annl boiler cert	36.00
Nelson, Clark & Timan	Public Defender	6346.25
NIRMA	NIRMA & NIRMA II ins. renewal	269,066.00
Noakes Htng. & Air Conditioning	Repairs, labor	978.40
Norris Public Power	Horvath twr utilities	42.51
Northeast Auto	Veh lease	550.00
Odell Vol. Fire & Rescue	Qtrly EMS svc	1500.00
Paper Tiger Shredding	Doc shredding	126.25
Pickrell Rural Fire Dist.	Qtrly EMS svc – 2 qtrs	3000.00
Platte Co. Detention Facility	Tuition	175.00
Precision Signs & Graphics	Prob supplies	51.95
Premier GMC, Beatrice	Shf veh repairs	1225.22
Priority Printing	Shf printed 2-part receipts	208.76
Quadient Leasing USA, Inc.	Pstg meter lease	2068.17
Quill – Ext.	Offc supplies	505.08
Quill – Prob.	Offc supplies	2930.39
Quill – Treas.	Offc supplies	917.94
Sack Lumber	Shf supplies	88.64
Sapp Bros. Petroleum, Inc.	Shf/Jail fuel	4772.26
SE Nebr. Communications	Prob. phones	112.01
Security Services	Monitor Shf fire alarm	35.50
Sheridan Industries	Ext Offc janitorial svcs.	150.00
SMPC IT Solutions	Assr server, support, backups, anti-virus	5749.19
Soap Opera Laundry	Mop & rag cleaning	35.00
Stanard Appraisal Svcs., Inc.	Appraisal maint.	2125.00
Stephen Kraviec, PC LLO	Child Suppt Enf Atty, postage	2655.32
Summit Food Svc.	Jail meal svc.	2689.71
T.O. Haas Tire	Shf veh tires, repairs, oil changes, etc.	2952.92
The Home Depot Pro	Supplies	503.70
The Voice News	Publications	746.24
Thomson Reuters, West Pmt. Ctr.	Law Library software subscr.	2602.54
TK Elevator Corporation	Elevator maint.	256.76
Tractor Supply	Weed supplies	711.93
Twin Rivers Chrysler, Jeep, Dodge	Shf veh repair	40.49
U.S. Bank Purchase Cards	Supplies	1057.21
U.S. Post Svc. – Postmaster	Clk, Treas PO Boxes	664.00
Verizon Wireless – Shf.	Cell phones	480.12
Verizon Wireless – EMS 6384-1	EM cell phones	207.82
Verizon Wireless – Prob.	Cell phones	393.36
Willet & Carothers Law Office	Atty fees	1891.50
Windstream – Wilber Prob.	Phones	52.37
Wymore Public Library	Co. funding	3600.00
Zultys, Inc.	Prob phones	462.53
<u>Road Fund</u>		
Highway Department Employees	Salaries	40,475.98
All Copy Products, Inc.	Copy overage	27.95
Bauer Built Tire	Tires	1468.16
Beatrice Concrete Sand & Gravel	Rock & gravel	76,853.45
Beatrice Iron & Metal	Supplies	3057.49
Blackburn Technologies	Laptops, chargers	2406.98
Capital One, NA	Supplies	56.51
City of Wymore	Utilities	96.87
Constellation NewEnergy Gas Div.	Utilities	44.12
Contech Engineered Solutions	Project pipe	39,745.00
Dultmeier Sales, LLC	Parts	39.59
Eakes Office Solutions	Offc supplies	184.47
Inland Truck Parts, Inc.	Parts	312.96
Jim Hawk Truck Trailers	Freon	299.00
JJT, LLC	Roadside seed	2900.00
Johnny's Welding, Inc.	Hose, fittings	201.58

Landmark Implement, Inc.	Supplies	118.16
Matheson Tri-Gas, Inc.	Supplies	98.54
Mead Lumber	Screws	10.99
Michael Todd Industrial Supply	Strobe lights	298.52
Midwest Unlimited, LLC	Parts	97.50
Newman Signs, Inc.	Signs, markers	8107.15
NMC Exchange Co.	Parts, oil	16,456.51
O'Reilly Auto Parts	Parts	957.27
PowerPlan	Labor	224.70
Rock On, Inc.	Hauling material	8496.24
Rose Equipment, LLC	Part	56.70
Sapp Bros. Petroleum, Inc.	Fuel	19,898.70
Tractor Supply	Bolts	66.63
U.S. Auto Force	Tires	7227.67
U.S. Bank Purchase Cards	Supplies	1656.17
Zoellner Ford of Beatrice	Parts	1079.28

Insurance Fund

Jacob Meyer	Ins. reimb.	212.31
Gage County Health Insurance	Employee health ins. claims paid	12,666.01

County Buildings Fund

Masonry Construction, Inc.	Inv. #2, Phase 11, cths exterior restoration	33,000.00
----------------------------	--	-----------

General Fund

Ameritas	County share of Employees Retirement	11,930.04
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	12,638.34
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	25,480.07

Road Fund

Ameritas	County share of Employees Retirement	2,732.15
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	2,938.85
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	10,013.26

Insurance Fund

Ameritas	County share of Employees Retirement	14.33
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	16.24

Tiemann asked County Attorney Roger Harris about adding an emergency item #10 to the consent agenda to have a discussion with Beatrice Chief of Police John Hickman at approximately 10:00 a.m. regarding changes to their budget which ends at the end of the month, making it an emergency issue. Harris said it could be added as an emergency item to the closed session since it is already listed as an agenda item.

Motion made by Haxby, seconded by Schuller to approve adding emergency item #10 to the consent agenda to have a closed session discussion with Beatrice Chief of Police John Hickman at approximately 10:00 a.m. regarding changes to their budget which ends at the end of the month, making it an emergency issue. Motion carried 6-0.

Motion made by Swavely, seconded by Dorn to approve the consent agenda with the addition of #10 for an emergency item. Motion carried 6-0.

Motion made by Dorn, seconded by Swavely to approve claim #23060123 to Johnny's Welding in the amount of \$201.58, bringing the total amount of claims paid through June 14, 2023 to \$1,876,177.22. Motion carried 5-0-1 with Jurgens abstaining due to conflict of interest.

Ashley Mason, 1300 Lincoln St., Beatrice NE, spoke under public comments in regard to the passing of the solar energy conversion regs that were approved at the last meeting.

Committee reports were given by Dave Jones on Bldg. & Grounds; Tiemann on Equalization; Jurgens on Finance; Roger Harris on Human Resources/Employee Relations; Tiemann on Law Enforcement; and Dorn on Road & Bridge. Items of discussion were Ext. Offc. improvements; Webex proposal with Applied Connective; improved ramp & possible screening station on East entrance; explanation of how property valuation works in respect to property taxes; valuation protest action by Board will be in July; Liability ins. renewal with NIRMA; county employee handbook changes; jail is up to standards; committee formed to look at possible jail options in the future made up of Lytle, Dorn, Haxby, Shf Gustafson, Co. Atty Roger Harris, Jail Mgr. Trevor

Rue, and up to 3 members of the public at the committee’s choosing; update on broadband project – go to fiber.nextlinkinternet.com to request to have your address added to the list.

RESOLUTION #23-08

WHEREAS, the Gage County Board of Supervisors wishes to close the Judgment (Beatrice 6) Fund, as the judgment has been paid in full; and,

WHEREAS, the Gage County Board of Supervisors directs the County Treasurer to transfer all monies in the Judgment (Beatrice 6) Fund as of June 30, 2023 to the General Fund and all future collections for the Judgment (Beatrice 6) Fund shall be posted to the General Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Gage County Board of Supervisors that the Judgment (Beatrice 6) Fund will be closed effective June 30, 2023.

BE IT FURTHER RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS that the amount in the Judgment (Beatrice 6) Fund as of June 30, 2023, and any money collected in the future, will be transferred to the General Fund.

DATED this 14th day of June, 2023.

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

Voting Aye: Jurgens, Haxby, Schuller, Tiemann, Dorn, Swavely

Voting Nay: None

Motion carried 6-0

ATTEST: /s/ Michelle K. Bloomquist /s/ Erich Tiemann
Deputy Gage County Clerk Chairman, Board of Supervisors

Motion made by Jurgens, seconded by Dorn to approve adopting Resolution #23-08 to close the Judgment (Beatrice 6) Fund effective June 30, 2023, as the Judgment has been paid in full, and to transfer all remaining monies and any future collections to the General Fund. Motion carried 6-0.

RESOLUTION #23-09

WHEREAS, at their December 1, 2021 meeting, the Gage County Board of Supervisors voted to sign on to the Opioid Settlement Agreement, which the Attorney General helped negotiate, to become eligible for a direct share of the settlement proceeds; and

WHEREAS, prior to the availability of an Opioid Fund which needed to be set up by the State, funds collected by Gage County from the settlement were placed in the General Fund; and

WHEREAS, Gage County now has an Opioid Fund set up to dispense funds previously collected, and for the collection of any future proceeds from the Opioid Settlement; and

WHEREAS, funds in the General Fund that have been collected through the settlement proceeds as of this date are in the amount of \$6,483.76.

NOW, THEREFORE, LET IT BE RESOLVED, that the Gage County Treasurer is hereby directed to transfer \$6,483.76 from the General Fund to the newly created Opioid Fund for the payment of qualifying expenses as specified in the settlement agreement.

DATED this 14th day of June, 2023.

MOTION made by Dorn, seconded by Swavely to adopt the foregoing

Resolution.

Voting Aye: Jurgens, Haxby, Schuller, Tiemann, Dorn, Swavely

Voting Nay: None

Motion carried 6-0

ATTEST: /s/ Michelle K. Bloomquist
Deputy Gage County Clerk

/s/ Erich Tiemann
Chairman, Board of Supervisors

Motion made by Dorn, seconded by Swavely to approve adopting Resolution #23-09 to transfer Opioid funds that were deposited into the General Fund over to the newly created Opioid Fund. Haxby asked where the funds go once they're in the Opioid Fund and it was explained that funds came from an opioid settlement and were distributed to those who signed on to the settlement, and that the settlement agreement specifies what expenses the funds can be used for. It was also stated that the funds originally went into the General Fund as an Opioid Fund had not yet been set up. Motion carried 6-0.

RESOLUTION #23-10

WHEREAS, it has been reported that, due to a clerical error, there are insufficient funds in the 2022-2023 County Attorney's Office Budget to finish paying for the obligations of said budget; and

WHEREAS, the Gage County Board of Supervisors does not wish the County Attorney's Office Budget to incur obligations within its budget which would be in excess of the present appropriation and thereby violate State law; and

WHEREAS, the Gage County Board of Supervisors has determined that it is in the best interests of Gage County, Nebraska, to increase the County Attorney's Office Budget by Sixteen Thousand dollars (\$16,000.00) and said amount should be taken from the County General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS that the County Attorney's Office Budget should be and is hereby increased in the sum of Sixteen Thousand dollars (\$16,000.00), which shall be taken from the County General Fund.

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

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

Nay: None

/s/ Erich Tiemann
Chairman

Subscribed and sworn to before me this 14th day of June, 2023.

/s/ Michelle K. Bloomquist
Deputy Gage County Clerk

Motion made by Swavely, seconded by Dorn to approve adopting Resolution #23-10 to increase the County Attorney's Budget by \$16,000.00 due to a clerical error. Motion carried 6-0.

Discussion on agreement with Dickinson Real Estate for referee work for 2023 Real Estate Assessment period at a rate of \$110 per hour. Tiemann thought the amount was similar to the rate in the past, Dorn asked if it was the same as last year. Tiemann said he liked having the same set of eyes looking at all of the protests so each one gets the same consideration and there is consistency, instead of splitting them between different groups of board members. Swavely said that paying to have a full-time appraiser may be something they have to look at in the future. The board decided to take a short recess to check the rates paid over the last few years.

Short recess at 9:39 a.m. Back in session at 9:49 a.m. with all members previously listed present.

Tiemann stated the rates for Dickinson Real Estate were \$85 per hour in 2022, \$75 per hour in 2021 and \$50 per hour in 2020 and 2019.

Motion made by Dorn, seconded by Jurgens to approve agreement with Dickinson Real Estate for referee work for 2023 Real Estate Assessment period at a rate of \$110 per hour. Motion carried 6-0.

Tiemann asked Haxby to read the proposed amendment to the solar setback exemption regulations as they pertain to industrial businesses using solar power for their own consumption. Haxby said that there was a reference in the regs to the term “buffers” and Lisa (Wiegand) pointed out that that term was not defined in the regs and that the term “screenings” was typically the term used. The last sentence reads *All other regulations such as buffers will still supply*. Haxby suggested just removing the words “such as buffers” in the statement below the setback chart on the last page so that the paragraph would read *Solar structures/facilities that will be part of an industrial special use permit will be governed by the setback limits of that permit if they will be producing electricity for self-consumption and not selling onto the grid. All other regulations will still apply*. Tiemann asked Co. Atty. Roger Harris if there needed to be an amendment or if it could just be considered a clerical error and remove “such as buffers” from the verbiage. Harris said that they could either add a definition if it’s an ambiguity, otherwise it’s called a Scrivener’s error (an unintentional mistake in the drafting of a contract). Wiegand said it is confusing because of the many different kinds of buffers you could have so striking the words makes more sense instead of having to write definitions for all the different types of buffers. Tiemann asked to have the words “such as buffers” removed from the final regs under the Scrivener’s error rule. Haxby said there were just a few other typing errors, such as periods and spaces, that were also corrected.

Haxby said that she would also like to add the following language to the end of that paragraph: *These facilities shall be contiguous attached to the facility that is being applied for, unless the applicant can show a better location and have a majority vote of the Board of Supervisors*. This statement would be a safeguard for the board to monitor the location of the solar facility if it is not attached, saying if they want the exemption, it must be attached. Haxby said she supports this concept of off-grid solar power use, she just wants to have a fail-safe in place to decide if the location of the solar facility is the right location, and that the whole point was to have the solar facility attached to the industry. Discussion continued. Tiemann asked for a motion to approve or disapprove the amendment as stated by Haxby. County Atty Roger Harris told the board that since regs were approved at the last meeting, one of the board members who voted FOR the regs would have to make a motion to reconsider the motion to approve the regs according to Robert’s Rules and #16 of the County Board’s Standing Rules (which must be done at the same meeting or the meeting immediately following the original motion), then a motion to approve or disapprove the amendment, then a motion to approve the final regs again. Discussion on the process to reconsider the motion. Harris asked Wiegand if the regs that were adopted at the last meeting have been applied in any instance, as if they had been, that would stop the process of the motion to reconsider. Wiegand said they had not. Tiemann reminded everyone that the county is currently under a moratorium on solar regs until there is a motion to end it, which is on the agenda today for later in the meeting. Haxby asked if this applies only to new permits then, or if an existing company wants to add a solar project for self-consumption, do they get the same exemption. Tiemann said it would be a new special use permit and the intent is for the exemption to apply to new industrial special use permits. Wiegand conferred that it would be a separate permit unless it was attached to a new industrial permit. Tiemann said that if the board is going to make an addition to the regs, they would need a motion to reconsider. Wiegand wanted to point out that the subject of self-consumption was not something that was presented to the P&Z Commission at the time the regs were being done by them so it was not discussed by P&Z. Tiemann said everyone did a good job with discussions and sticking around to get everything gone over to approve the regs at the last meeting. Tiemann asked again if there was a motion to reconsider the vote that was taken on May 31, 2023, for approving the solar regulations. Haxby said she still thinks it’s very poorly written when you can build something 3 miles away and call it the same facility – she sees it as two different things. Tiemann asked once more if there was a motion to reconsider. No motion was made. Tiemann then asked for a motion to remove the solar moratorium.

Motion made by Dorn, seconded by Schuller to approve removing the moratorium on solar energy conversion permits. Motion carried 6-0.

Motion made by Dorn, seconded by Swavely to move into closed session at 10:27 a.m. for update on possible litigation and City of Beatrice budget changes. Motion carried 6-0.

Jurgens left meeting at 10:52 a.m.

Motion made by Swavelly, seconded by Dorn to move out of closed session at 10:53 a.m. Motion carried 4-0 with Haxby temporarily out.

Chairman declared Board of Supervisors meeting adjourned at 10:54 a.m. until June 28, 2023.

Board minutes can also be viewed on the Gage County website at www.gagecountynebraska.us.

/s/ Michelle K. Bloomquist
Michelle K. Bloomquist
Deputy Gage County Clerk

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

I, Michelle K. Bloomquist, Deputy 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 14th day of June, 2023.

(SEAL)

/s/ Michelle K. Bloomquist
Michelle K. Bloomquist
Deputy Gage County Clerk