



Gage County Board Minutes

The Gage County Board of Supervisors met on October 18, 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 \$706,019.02, which does not include claim #23100199 to Hard Rock Quarries, LLC in the amount of \$4,426.24 and claim #23100210 to R.L. Tiemann Construction, Inc. in the amount of \$51,714.47, to be voted on separately; 4. approve correspondence received and place on file; 5. Approve Utility Permit #1290 to Eco-Energy. Eco-Energy will be replacing Railroad Crossing along Blue Ridge Drive and SW 32nd Road. Eco Energy will Close Blue Ridge Drive for Crossing Replacement for approximately 5 days starting November 6th to November 10th. Located East of section 29, T-4-N R-6-E, Midland Township; 6. Approve Utility Permit #1291 to Windstream Nebraska LLC, Windstream will be installing new communications line to Resident at 821 SW 72nd Road. Starting at Pedestal 251CE in the east grader ditch, Windstream will bore a 2" diameter line by 60" deep under SW 72nd Road to West grader ditch edge of ROW, then plow 410 feet south to resident's driveway and then continue work on private property. Located East of Section 2, T-6-N R-5-E, Clatonia twp.; 7. Approve Utility Permit #1292 to Windstream Nebraska LLC, Windstream will be installing new communications line to Resident at 3370 S 110th Road. Starting at Pedestal S489PG in the west grader ditch, Windstream will bore a 2" diameter line by 60" deep under Wilderness Way Drive, then plow approximately 175 feet continue in the West grader ditch along edge of ROW to resident's driveway, then bore a 2" diameter line by 60" deep under South 110th Road to the east grader ditch and then continue work on private property. Located East of Section 13, T-6-N R-7-E, Nemah Township and West of section 18, T-6-N R-8-E, Adams Twp.; 8. Approve Utility Permit #1293 to Windstream Nebraska LLC, Windstream will be installing new communications line to Resident at 577 SW 86TH Road. Starting at Pedestal 181DG in the east grader ditch, Windstream will bore a 2" diameter line by 60" deep under SW 86th Road to the West grader ditch, then continue work on private property. Located West of Section 2 and East of Section 3, T-6-N R-5-E, Clatonia Twp.; 9. Approve Addendum #1 to DSA #3 Adams Permit #1278 to Nextlink. Nextlink will be installing new fiber lines per an addendum to the approved DSA #3 Adams. All new fiber lines will be installed in the county ROW per Nextlink plans. Nextlink will be installing fiber lines for DSA #3 Addendum #1 from Hwy 41 to Buckeye Road, between 120th Road to 148th Road. Located in Adams Twp.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	169,672.11
Advanced Correctional Healthcare	Jail onsite medical svcs	7293.15
All Copy Products, Inc.	Copier leases, overages	998.05
Applied Connective Technologies	Computer equip., progr., consulting	32,506.06
Beatrice Board of Public Works	Utilities	5883.33
Beatrice Public Schools	Juv. Justice grants	9080.35
Bob Barker Company, Inc.	Inmate provisions	259.50
Buffalo Co. Sheriff	Svc fee	18.50
Capital One NA	Prob supplies	98.28
CASA of Gage County	Supplies, ins., data proc svcs., etc.	3194.92
Charter Communications	Prob. Internet	385.92
City of Beatrice	Victims Asst, gbg, qtrly EMS, qtrly Prob util	54,043.89
Cidnet	Data	999.90
CMH Clinics	Pre-employment physical	123.00
Consolidated Management Co.	Meals at training	351.75
Correctional Risk Services, Inc.	Inmate medical	332.86
Crawford Heating & Air	Jail duct cleaning	800.00
Crete Veterinary Clinic	Vet svcs.	1274.75
Critical Hire	Pre-employment exam	25.00
Culligan of Lincoln	Water, cooler rental	182.75

DAS St. Acctng Cntrl Fin 6507	Data Processing	196.00
Diode Technologies	Monitoring, svc call	2571.67
Eakes Office Solutions	Offc supplies	4229.82
Echo Group, Inc.	Bulbs	23.36
Sandra Eltiste	Prior svc retirement	12.00
Gage County Court	Court costs	888.25
Garrison Law Firm	Atty fees	104.50
Green Way Lawn Services	Mowing, fertilizer, weed control	695.00
Hamm Glass	Shf offc lock set, door closure	400.00
Harman Wright Mortuary	County cremation	1044.12
Hometown Leasing	Prob. Offcs copier leases	472.70
ISolved Benefit Services	Flex acct admin fees	297.00
J.D. Power	Treas supplies	320.00
Jerry Shelton, Atty	Atty fees	522.50
Jones Automotive, Inc.	Change-out Shf veh	837.50
Joyce Kassing	Prior svc retirement	20.00
Land Survey Tech	Co. Surveyor operating expns	9806.18
Lepant Law Office, PC LLO	Atty fees	1382.50
Lincoln Journal Star	Jail subscription	565.99
Lynn Peavey Co., Inc.	Shf supplies	48.96
Mahloch Law Office	Atty fees	2452.50
Maximus U.S. Services, Inc.	Prepare cost allocation plan	2600.00
Mead Lumber	Supplies, equip rental	140.65
Microfilm Imaging Systems, Inc.	Courts scanning equip rent	457.00
Midwest Process Services	Civil process fees	173.34
MIPS, Inc.	Computer suppt., equip, forms, freight	5347.27
NACO	Conf. regis., mailing	7553.02
NE Sec. of State – Notary Div.	Shf notary filings	60.00
Nelson, Clark & Timan, PC LLO	Public Defender	6346.15
Noakes Htng. & A/C	Repair supplies, labor	324.08
Norris Public Power	Utilities – Horvath Twr	51.71
Northeast Auto	Towing	125.00
O'Reilly Auto Parts	Supplies	22.77
Paper Tiger Shredding	Doc shredding	120.50
Premier GMC Beatrice, LLC	Shf veh repair, oil changes	4260.41
Priority Printing	P&Z envelopes	61.80
Production Creek	Shf uniforms	34.00
Quadient, Inc.	Pstg meter supplies	79.80
Quill – Prob.	Offc supplies	558.63
Region V Services Cntrl Offc.	Funding	9928.50
Region V Systems	LB302 qtrly funding, EPC billing	13,420.50
Sapp Bros. Petroleum	Shf/Jail fuel	4335.19
Jesse Scheele	Cemetery maint.	2000.00
SE NE Communications	Falls City Prob. Phones	110.66
Security Services	Fire alarm insp. & monitoring	260.50
Sheridan Industries	Ext. Offc. Janitorial svcs.	120.00
Soap Opera Laundromat	Mop & rag cleaning	19.25
Stanard Appraisal Services	Appraisal maint.	1950.00
Staples	Offc supplies	59.98
Stephen Kraviec, PC LLO	Child Suppt. Enf. Atty, postage	2443.33
Summit Food Service, LLC	Jail meal svc.	5670.75
T.O. Haas Tire	Tire repair	22.00
The Home Depot Pro	Supplies	95.68
The Voice News	Publications	1367.46
Thomson Reuters	Law Library subscr.	2614.69
TK Elevator Corp.	Elevator maint.	256.76
TridentCare	Inmate medical	64.00
U.S. Bank – Purchase Cards	Supplies, fuel, meals, etc.	278.22
Verizon Wireless – Shf	Cell phones	480.12
Verizon Wireless – Prob	Cell phones	393.71
Washington Co. Sheriff	Boarding inmates	13,500.00
Westlake Hardware	Supplies	355.89
Willet & Carothers	Atty fees	761.29
Windstream – Wilber Prob	Phones	52.78
Windstream – Fillmore Co Prob	Phones	437.03
Windsream – Hwy	Phones	273.01

Road Fund

Highway Department Employees	Salaries	41,171.17
Beatrice Board of Public Works	Utilities	395.12
Beatrice Concrete Sand & Gravel	Rock & gravel	27,968.16
Beatrice Iron & Metal	Tools, supplies	1050.74
Cather & Sons Const.	Asphalt	3914.95
City of Beatrice	Gbg svc.	74.24
City of Wymore	Utilities	77.08
Constellation NewEnergy Gas Div.	Utilities	29.14
Crete Lumber & Farm Supply	Ice	105.00
Eakes Office Solutions	Offc supplies	130.93
Filtercare of NE	Filters	22.40
Gage County Equipment, Inc.	Parts	183.15
Hard Rock Quarries	Rock	4426.24
Heartland Tires & Treads	Wheels	640.00
Inland Truck Parts	Part	163.32
Landmark Implement, Inc.	Parts, oil	409.18
LTR Inc. – Towing & Recovery	Towing	811.25
Matheson Tri Gas	Supplies	83.50
Midwest Unlimited, LLC	Supplies	142.50
MIPS, Inc.	Hwy program	192.32
Motor Fuels Division	Diesel tax	2568.00
NMC Exchange	Parts	11,309.52
O'Reilly Auto Parts	Parts	405.51
R.L. Tiemann Construction, Inc.	Twp gravel & hauling	51,714.47
RDO Truck Center, LLC	Parts	7748.17
Rock On, Inc.	Hauling gravel	3309.34
Sapp Bros. Petroleum	Fuel	21,815.53
Truck Equipment Service Co.	Parts	1111.05
Westlake Hardware	Supplies	37.38

Register of Deeds Preservation & Modernization Fund

Applied Connective Technologies	Computer	1411.00
MIPS, Inc.	Deeds online w/ numerical indexes	220.08

Insurance Fund

Gage County Health Insurance	Employee Health Ins. Claims pd	47,751.90
Mutual of Omaha	Ins. Premiums	560.11

911 Emergency Management Fund

City of Beatrice	Qtrly EMS svcs	59,106.16
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General Fund

Ameritas	County share of Employees Retirement	12,167.36
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	12,395.22
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	26,875.25

Road Fund

Ameritas	County share of Employees Retirement	2,779.06
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,022.19
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	9,011.75

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

Motion made by Dorn, seconded by Swavely to approve claim #23100199 to Hard Rock Quarries, LLC in the amount of \$4,426.24 and claim #23100210 to R.L. Tiemann Construction, Inc. in the amount of \$51,714.47, bringing the total amount of claims approved through October 18, 2023 to \$762,159.73. 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 and Dave Jones on Bldg. & Grounds, Tiemann on Equalization, Jurgens on Finance/Insurance, Shf. Gustafson on Law Enforcement, and Jurgens & Haxby on Road & Bridge. Topics of discussion were panel between 3rd & 4th floors; security system; plumbing work at detention center; getting fiber to Hwy Dept; recognition of Deputy John Chavez for performing life-saving measures to farming accident victim; and school resource officer.

P&Z Administrator Lisa Wiegand gave the P&Z's recommendation of approval of Special Use Permit #2023-5 for the placement of a commercial ag business of 4 Generations Ag for a seed business and farm equipment shop in section 3-5-6, Holt Twp. Wiegand said Holt & Highland townships were notified and they're working with applicants for drainage tube placement. There was no opposition at the P&Z public hearing. The P&Z board voted unanimously to approve the recommendation with a 7-0 vote.

P&Z Administrator Lisa Wiegand gave the P&Z's recommendation on Special Use Permit #2023-4 for the placement of a Swine Feeding Operation in section 25 of Island Grove Twp. The P&Z Commission recommended approval with the following recommendations: 1. Manure to be applied by injection method except in the case of a catastrophic event or emergency; 2. must include 3 monitoring wells with locations to be determined by a licensed professional hydrologist; 3. must place 2 rows of red cedar trees, 15 feet apart, and placed alternately, on the west side of the building along 176th Road. Wiegand said the recommendation to approve passed on a 5-1-1 vote with James Lenners voting nay and Terry Acton recusing himself.

Motion made by Swavely, seconded by Haxby to approve an Agreement between the University of Nebraska Medical Center and Gage County for forensic and crime lab testing for the period of one (1) year and authorizing the County Attorney to sign the agreement. Motion carried 7-0.

Motion made by Jurgens, seconded by Swavely to disapprove accepting a late protest received on Oct. 6, 2023 on parcel #011768000, filed by Gloria Ottersberg. Motion carried 7-0.

Motion made by Dorn, seconded by Swavely to open public hearing at 9:15 a.m. to hear support and/or opposition from the public on Special Use Permit #2023-5, for the placement of a Commercial Agriculture Business to be located on a tract of land located on a part of the NW ¼ of the NW ¼ of section 3-5-6, in Holt Township. Motion carried 7-0.

Permit applicant Matt Helmke told the board the plan is to put up an insulated pole shed for use as a seed warehouse and farm equipment shop for 4 Generations Ag, LLC.

Motion made by Swavely, seconded by Dorn to close public hearing at 9:19 a.m. Motion carried 7-0.

Motion made by Haxby, seconded by Jurgens to approve proceeding with obtaining specs for future culvert projects on Cedar, Hickory and 82nd Roads. Motion carried 7-0.

Discussion on participating with Marshall County, KS on the State Line bridge. Jurgens said that since we share the road, we are responsible for splitting the cost of projects on that road. They are projecting a cost of between \$200,000 and \$250,000. We've been cooperative and would like to work together and we have suggested other options such as tubes which would be less expensive, but they want a bridge. Haxby said that this is a civil dispute and we need to stay away from it. She feels that if we do participate, the best option would be tubes at half the cost of a bridge. Tiemann said that Co. Atty Roger Harris did reach out to Marshall County to tell them it's a civil dispute and sent them copies of the easements. Swavely feels that we need to do a bidding process if it's over \$50,000. Lytle said we are not in a position to approve what they're asking and he agrees with Haxby that tubes are a better option. Roger Harris said he will put in a request for the Attorney General's opinion regarding the bidding process requirements. Lytle said we're not in a position to approve what they're asking, but agrees with Haxby that tubes are a better option. No action taken on this item.

Prior to opening public hearing on Swine Feeding Operation, Tiemann stated that he potentially has a conflict of interest in the Special Use Permit #2023-4 so he will recuse himself from participating in the public hearing. Tiemann turned the meeting over to Vice Chairperson Haxby to call for motion to open the public hearing. Haxby called for the motion.

Motion made by Swavely, seconded by Lytle to open public hearing at 9:31 a.m. to hear support and/or opposition from the public on Special Use Permit #2023-4 for the placement of a Swine Feeding Operation to be located on a tract of land located on a part of the SW ¼ of the NW ¼ of Section 25 of Island Grove Township. Motion carried 6-0-1 with Tiemann abstaining.

Steve Mossman (134 S 13th St., Lincoln NE) with Mattson Ricketts Law Firm appeared as the representative for Otto Acres, LLC of Dean & Hayden Otto, and Summit Pork. He stated that they are here with a 5-2 vote of the P&Z Commission for approval of the Special Use Permit with 3 conditions (listed above under P&Z recommendation) which are all acceptable to the applicants. Mossman turned it over to the applicants who were each sworn in prior to speaking. The applicants included Carl Jacobson, 1903 Rd. 9, York NE, with Summit Pork; Andy Scholting, 449 E Deere St., West Point NE, with Nutrient Advisors; and Dean Otto, 633 St. Hwy 43, Adams NE, with Otto

Acres. As proponents of the SUP, these points were brought forward: it is not corporate hog farming, it's modern hog farming; it's a local project using local businesses for construction; provides employment for 2-3 workers on daily basis; effective & efficient ventilation; 8-foot concrete pit; NDEE engineer approved; large waste storage structure; ½-mile setback met; have construction and operation permit; enough acres to utilize manure with back-up acres available if needed; will utilize soil and manure samples to budget nutrients being applied; operation is completely housed under roof and manure is in concrete pit; have a well permit from LBB NRD; will have a groundwater monitoring plan; would have 100' setback from streams, tile risers, etc., unless there's 35' of perennial vegetation; incinerator is in steel structure; semis are same width as ambulance and only 6" wider than Ford ¾ ton pickup; have quality assurance plan; have a closure plan.

Each person speaking at the public hearing was sworn in by Vice Chair Haxby. Those speaking were: Ralph Bodie, 70688 606th Ave., Liberty NE; Steve Janssen, 13005 E Locust Rd., Virginia NE; Margaret Haith, 104 W Granville Ave., Beatrice NE; Gregg Thomas, 38820 S 176th Rd., Liberty NE; Patty Barnard, 41928 S 176th Rd., Liberty NE; Vicky White, 48105 S 190th Rd., Liberty NE; Brian Boyarko, 708 Warren St., Liberty NE; Max Larsen, 16982 E Pine Rd., Liberty NE; Michael Tallant, 704 Webster St., Liberty NE; Mark Wieden, 13287 E B Line Rd., Blue Springs NE; Steve McDowell, 506 Warren St., Liberty NE; Ashley Mason, 1300 Lincoln St., Beatrice NE; Steve Goes, 502 Windsor St., Liberty NE; Robert Rhine, 37452 S 134th Rd., Blue Springs NE; Janet Rule, 60619 710th Rd., Liberty NE; Clinton Rule, 60619 710th Rd., Liberty NE; Brian Vrtiska, 31541 S 120th Rd., Holmesville NE; Don Wade, 706 Wayne St., Liberty NE; Larry Husa, 15235 E Plum Rd., Liberty NE; Dan Singleton, 13615 E Plum Rd., Wymore NE; Debra Kier, 109 S 10th St., Wymore NE; Kris Bousquet, 9019 S 72nd St., Lincoln NE; Steve Martin, 25255 S 54th St., Firth NE; Haden Otto, 255 St. Hwy 43, Adams NE; Tracy Zimmerman, 32741 S 162nd Rd., Virginia NE; Austin Zimmerman, 1235 W Pine Rd., Wymore NE; Scott Sobotka, with Lower Big Blue NRD, 805 Dorsey St., Beatrice NE; and Don Goebel, Rt. 4, Fairbury NE.

Items brought forward in the public hearing included: concern about nitrogen and antibiotics contaminating soil and/or water; drainage getting into Bloody Run Creek which is the main water feed for Rockford Lake; environmental and health effects from poor air quality from odor, insects it will bring, and use of antibiotics that affect immunity; owners/operators that live 30 miles away and out of state are profiting from something that will hurt those living close to the CAFO; affects to hunting land and guided hunts in the area; just because something is legal, doesn't make it right; regulations on CAFO's are being reviewed by P&Z for future projects (will not affect this permit); it is not providing economic growth; Co. Board Supervisors need to represent democracy, and uphold their oath to protect and act in the interests of the citizens of Gage County, not the entity; concern for family ponds being contaminated and harming fish, cattle, etc.; affect it will have on land and property values; the confinement needs to use a digester to reclaim methane gas produced to reduce pathogens and odor; it will only profit out of state and out of county producers in Summit Pork of Iowa and Livingston of Jefferson County; no one wants a neighbor of 6,000 hogs and a pit of manure; just not the right site; road needs to be cut down to get it up to State standards; safety concerns due to potential increase in traffic and increase in accidents/injuries; increased burden on township to maintain road; verbal information given conflicts with info written in permit; maps are not showing the proper location of CAFO; language in regs is not definitive, uses words like "may, might, can, and up to the discretion" which leave loopholes and "outs" in following the guidelines; what is defined as a "catastrophic event" that would allow surface application of manure instead of injection (defined as having no opportunity to apply by injection prior to frost and the pit is full); manure applied to frozen ground will not absorb, it will run off; don't approve something just because it doesn't directly affect you, you wouldn't want this next to your home; trees currently in place for hunting land would be removed if it affects hunting nearby land; have had to move cattle from Wolf Creek area as there is already a lack of water; a benefit is that having livestock provides direct demand for grain, benefiting farmers; land owners should have the right to do what they want with their land, especially if they meet the specifications of the regulations; manure is an organic nutrient and a replaces the application of commercial fertilizer, it is not applied in addition to fertilizer; organic nutrients bond better to soil and are less likely to run off; applicant chose Summit Pork because Iowa farmers spoke highly of how they keep their places up; technology in dealing with odor changes and improves; if we can't do this in rural Nebraska, then where can we do it; construction will benefit local dirt movers, construction and concrete companies, well drillers, and electric and gas companies; the economic benefits of injection application over surface applying manure are huge – 70% of manure value (nitrogen) will go into the air and disappear in surface application so injection will be used if at all possible; soil testing would be done before each application of manure to ensure levels aren't too high – if they are, manure would not be applied and they would move on to additional available acres and it would be reported to the State; plan is written for corn-on-corn rotation as corn utilizes nitrogen; soil testing and run-off control are all in permit plan; methane gas produced by hogs is the same as produced by humans and ventilation is made to mitigate that; Summit Pork invited public to visit any of their facilities. End of public comments.

Motion made by Dorn, seconded by Swavely to close public hearing at 12:21 p.m. Motion carried 6-0-1 with Tiemann abstaining.

Haxby reminded everyone that a vote on Special Use Permit #2023-4 will be at the next meeting in 2 weeks, on November 1, 2023. She also stated that the Board has asked the Planning & Zoning Commission to review regulations regarding CAFO's for future projects and they encourage the public to participate in that process, but that any changes made after the review would not affect this permit as the changes would not be in place yet.

Schuller talked about his experience of visiting Summit's hog facilities in Iowa. He said all but one had trees on 3 sides (the 1 was recently purchased and slated for new trees next Spring), but trees are not required in Iowa; he sat in driveway and there was no smell; noise from ventilation fans was minimal; they had an incinerator which produces a slight odor; and there was a cement area with cement walls for the rendering collection area.

Jurgens left meeting at 12:23 p.m.

Motion made by Swavely, seconded by Dorn to adjourn the Board of Supervisors meeting at 12:26 p.m. Motion carried 6-0.

Chairman declared Board of Supervisors meeting adjourned at 12:26 p.m. until November 1, 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 18th day of October, 2023.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk