



## Gage County Board Minutes

The Gage County Board of Supervisors met on February 21, 2024, 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 \$591,160.53, which does not include claim #24020227 to Hard Rock Quarries in the amount of \$2,231.15 to be voted on separately; 4. approve correspondence received and place on file; 5. Approve Caretakers for the Pioneer cemeteries for 2024 season; 6. Approve receiving and place on file the 2023 Annual report for Adams Rescue Squad; 7. Approve reappointing Terry Acton on Planning & Zoning Commission for 3-year term ending 1/2027; 8. Receive and place on file the Noxious Weed Evaluation report and authorize chairman to sign.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	169,113.68
Adams Rescue	Qtrly EMS svcs.	4500.00
Advanced Correctional Healthcare	On-site jail medical svcs.	7293.15
Applied Connective Technologies	Feb. mnthly IT, Vets computer, setup	9991.80
Beatrice Board of Public Works	Utilities	6544.18
Buffalo Co. Shf.	Shf svc fees	18.50
Capital Business Systems, Inc.	ROD copy overage	21.50
Capital One NA	Prob. supplies	30.11
Cardinal Assessment Group, LLC	Appraisal maint.	3675.00
Charm-Tex, Inc.	Inmate provisions	109.90
Charter Comm. (Spectrum 2019)	Prob. internet/phones	207.96
City of Wymore	Qtrly EMS svcs.	10,000.00
Classic Catering	Employee recog meals	2156.00
Clerk of District Court	Court costs	342.69
CMH Clinics	Pre-employment exam	123.00
Common Threads Upholstery	Treas. chairs	151.00
Correctional Risk Services, Inc.	Inmate medical	842.08
Countryside Event Center	Venue for employee recog. event	390.00
Crete Veterinary Clinic	Shf. expns	104.16
Culligan of Lincoln	Water coolers	190.00
DAS St Acctng Cntrl Fin 6501	Data processing	196.00
Dawgs Sports Specialties	Employee recog.	353.00
Douglas Co. Shf.	Shf svc fees	21.20
Eakes Office Solutions	Offc supplies, equip.	2661.65
Sandra Eltiste	Prior svc. retirement	12.00
Epona Horse Rescue, Inc.	Care of confiscated horses	7728.00
Farmer's Cooperative	B&G truck tires, oil change	618.20
First Wireless, Inc.	Lic. fees	145.00
Gage Co. Treasurer	Shf veh lic.	59.50
Guardian RFID	Supplies	20.00
Jerry Shelton, Atty	Atty fees	1235.00
Joyce Kassing	Prior svc. retirement	20.00
Matthew Kosmicki Law, LLC	Atty fees	530.42
Mead Lumber – Beatrice	Lumber, batteries	66.79
Microfilm Imaging Systems, Inc.	Ct scanning equip rent	457.00
Midwest Area Refuse Solutions	Gbg svc	362.20
Midwest Process Services	Civil process fees	470.80
MIPS, Inc.	Tax forms	316.95
NACO	SE Dist mtg dues	40.00

NE Assn of Co Clks, Reg of Deeds	Annl. dues	100.00
NE Health & Human Svcs.	St. Inst. patient care	192.00
Nelson, Clark & Timan	Public Defender	6346.15
NIRMA	Legal fees for claim	1735.80
Noakes Htng & Air Cond.	Replace heat pump, repair unit	6131.22
Norris Public Power Dist.	Tower utilities	50.98
Northeast Auto	Veh leases, towing	3045.00
O'Reilly Auto Parts	Shf veh supplies	51.92
Paper Tiger Shredding	Doc shredding, media destruction	189.75
Priority Printing	EM bus. cards	55.00
Prochaska & Assoc.	Needs assessment	2282.35
Quadient, Inc.	Enf. opener maint.	888.72
Quill – Prob.	Offc supplies	366.92
Quill – Treas.	Offc supplies	23.90
Region V Systems	EPC billing	2996.00
Sapp Bros. Petroleum, Inc.	Shf/Jail fuel	4360.38
SE NE Communications	Falls City Prob. phones	110.45
Secretary of State	Cert. copies	40.00
Security Services	Monitoring fire alarms	68.50
Sheridan Ind.	Ext Offc janitorial expns	150.00
Slims Body Shop	Shf veh repair	168.40
Smith Schafer Davis, LLC	Atty fees	2121.50
Soap Opera Laundry	Mop & rag cleaning	19.25
Stanard Appraisal Svcs.	Appraisal maint.	5590.00
Stephen Kraviec, PC LLO	Child Suppt. Enf. Atty, postage	2454.55
Summit Food Svc., LLC	Jail meal svc.	5596.56
T.O. Haas Tire	Shf veh repairs, oil changes, brakes	784.78
The Voice News	Publications	346.37
Thomson Reuters	Law Library subscr.	5569.38
Twin Rivers	Shf veh repair blower motor	445.50
U.S. Bank – Purchase cards	Shf equip.	1250.01
Verizon Wireless – GCSO	Shf cell phones	480.12
Verizon Wireless – Cnty EMS 6384-1	EM admin fees	328.07
Verizon Wireless – Prob 339-1	Prob. cell phones	393.91
Verizon Wireless – VSAT	Twr rntl	110.00
Mutual of Omaha	Employee ins premium	6.00
Washington Co., NE Shf. Offc.	Boarding inmates	3640.00
Willet & Carothers Law Offc.	Atty fees	396.00
Windstream – Wilber Prob.	Phones	55.11
Windstream – Ext 4344	Phones	298.27
Windstream – Fillmore Co Prob.	Phones	458.69
Windstream – Gen 1484	Phones	2089.26
Windstream – Hwy 1480	Phones	228.32
Windstream – Shf 4340	Phones	715.47
Wolfcom Enterprises	Jail equip repair	600.00
Zultys, Inc.	Prob. phones	467.42

Road Fund

Highway Department Employees	Salaries	40,897.51
Bauer Built	Tire	736.33
Beatrice Board of Public Works	Utilities	1114.04
Beatrice Iron & Metal Co.	Parts, supplies	1194.16
Beatrice Concrete Sand & Gravel	Road gravel	34,034.07
Blue Valley Door Co., Inc.	Svc call	165.00
City of Beatrice	Gbg svc	74.24
City of Wymore	Utilities	235.42
Constellation NewEnergy	Utilities	250.73
Diversified Drug Testing	Drug/alcohol testing	225.00
Eakes Office Solutions	Supplies	155.45
Farmer's Cooperative	Tire svc calls	889.00
Gage County Petty Cash	Reim. for purchase of 2021 John Deere tractor	68,650.00
Hard Rock Quarries	Rock	2231.15
Jim Hawk Truck Trailers	Tire chains, supplies	704.58
Landmark Implement	Parts	416.51
NMC	Parts	6399.43
O'Reilly Auto Parts	Parts, supplies	1355.87
PowerPlan	Equip. rental, parts, labor	6129.40
RDO Truck Center Co.	Parts	232.19

Sapp Bros. Petroleum	Fuel, oil, propane	38,608.27
Sunrise Bakery	Cookies for Twp. Annl. Mtg.	151.12
The Voice News	Publications	51.42
Truck Center Companies	Supplies	180.21
Verizon Connect	Veh GPS	255.05
<u>Register of Deeds Preservation and Modernization Fund</u>		
Capital Business Systems	Copier lease & overages	270.89
<u>Insurance Fund</u>		
Tonya Bragg	Ins. reimb.	96.79
Gage County Health Insurance	Employee health ins claims paid	26,108.98
Mutual of Omaha	Empl. elective ins. premiums	544.22
<u>General Fund</u>		
Ameritas	County share of Employees Retirement	12,383.83
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	12,381.77
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	26,546.08
<u>Road Fund</u>		
Ameritas	County share of Employees Retirement	2,760.58
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,000.04
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	8,632.08
<u>Insurance Fund</u>		
Ameritas	County share of Employees Retirement	6.53
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	7.40

It was brought to the chairman's attention that item #8 was thought to be a clerical error and should not have been included in the consent agenda. Tiemann asked for a motion to approve the consent agenda with pulling item #8.

Schuller requested that item #7 be removed.

Motion made by Dorn, seconded by Swavely to approve the consent agenda without items 7 and 8. Motion carried 7-0.

Schuller suggested the process for appointing members to the Planning & Zoning Commission be reviewed before reappointing anyone. Haxby said that the process might need to be reviewed, but the time to do that is not when a reappointment is on the agenda. Schuller made a motion to table the reappointment of Terry Acton for 4 weeks (2 meetings), Tiemann asked twice if there was a second, motion died for lack of second.

Motion made by Haxby, seconded by Dorn to approve the reappointment of Terry Acton to the P&Z Commission Board for a 3-year term ending January, 2027. Schuller requested an Executive Session to discuss the matter and have P&Z Administrator Lisa Wiegand and P&Z Board member Jeff Argo, who were present, to be included. Tiemann referred the request to Co. Atty. Roger Harris. Harris said that even with a motion on the floor, they could go into executive session and come back to the motion.

Motion made by Schuller, seconded by Jurgens to move into closed session at 8:52 a.m. for consent agenda item #7, with Wiegand and Argo included. Motion carried 7-0.

Motion made by Swavely, seconded by Lytle to come out of closed session at 9:14 a.m. Motion carried 7-0.

Tiemann restated the motion on the floor made by Haxby and seconded by Dorn to approve item #7 on the consent agenda for the reappointment of Terry Acton to the P&Z Commission, term ending January, 2027. Haxby agreed that the process may need to be changed to doing an application process, but not when an appointment is on the agenda and this is the way it's been handled in the past, we should discuss a new process in committees and then implement it moving forward.

Break in discussion for timed agenda item.

Motion made by Schuller, seconded by Swavely to close bidding at 9:15 a.m. on two pickup trucks for the Highway Dept. Motion carried 7-0.

Back to discussion on P&Z appointment. Schuller wants committee of 3 board members as liaison between board and P&Z – Haxby & Lytle, we have a committee that includes Law Enf/Emer. Mgmt./P&Z – Tiemann, Lisa gives P&Z report during committee reports. Harris cautioned the board to take their time and look at all their options when making a decision on the appointment/reappointment process.

Bids for 2 Highway Dept. trucks were received from Premier Chev of Beatrice in the amount of \$106,000; Husker Auto Group, LLC of Lincoln, NE in the amount of \$97,998; Twin Rivers of Beatrice, NE in the amount of \$99,246; and Gene Steffy Auto Group of Fremont, NE in the amount of \$89,490.

Motion made by Jurgens, seconded by Swavely to accept all bids and refer them to the Hwy Superintendent for review with a recommendation in 2 weeks. Motion carried 7-0.

Motion made by Dorn, seconded by Swavely to approve claim #24020227 to Hard Rock Quarries in the amount of \$2,231.15, bringing the total amount of claims paid through February 21, 2024 to \$593,391.68. Motion carried 6-0-1 with Tiemann abstaining due to conflict of interest.

Those speaking under public comments were: Patty Barnard, 41928 S 176<sup>th</sup> Rd., Liberty, NE – presented petition signed by 42 people within 5.5 mile radius of their area requesting setbacks for P&Z regs for Gage County; Ralph Bodie, 70688 606<sup>th</sup> Ave., Liberty, NE – do what’s right for next generation, protect water table, be a leader, going on too long, just vote.

Break for timed agenda item.

Motion made by Schuller, seconded by Swavely to close bidding at 9:32 a.m. on 2024 County Rock & Gravel. Motion carried 7-0.

Bids were received from Rock On, Inc., Hard Rock Quarries, LLC, R.L. Tiemann Construction, Inc., Gana Trucking & Excavating, and Beatrice Sand & Gravel.

Motion made by Jurgens, seconded by Lytle to refer bids to Hwy Superintendent for review with a recommendation in 2 weeks. Motion carried 7-0.

Back to public comments: Hayden Otto, 255 State Hwy 43, Adams, NE – don’t change regs, getting difficult for ag farmers to find a place for livestock, pushing younger generation farmers out, AG1 is for agriculture but if you increase setbacks you’re pushing agriculture out, had regs in place but didn’t follow them on the last CAFO; Jim Ensz, 26802 SW 142<sup>nd</sup> Rd, Beatrice, NE – keep regs as they are, people who live and work in agriculture aren’t here to speak for leaving regs the way they are because they are working, this morning they fed you, all of us here, in the county, state, and everywhere, that’s what they want to do, regs say AG1 is designated for ag use and is intended to preserve and protect agricultural production from encroachment by incompatible use, general farming and ranching activities include expansion of existing livestock facilities, proponent of AG1, if you live in AG1 you sign up for bad roads, dust, spray drift, and smells, if event center and 3 houses being built within my circle aren’t worried something isn’t adding up, no other business is more regulated regarding ground water contamination as we have to stay within parameters, farmer can apply 400-800 pounds of fertilizer and there are no regulations, CAFO’s formed out of necessity of wanting cheap food below the cost of production, just trying to make a living, we pay taxes, people want to feed you, let them do that; Michael Tallant, 704 Webster St., Liberty, NE – people asked Ensz to build next to his CAFO, no one by Liberty was asked if we want it, we don’t want it.

Committee reports were given by Dave Jones on Bldg. & Grounds, Jurgens on Finance/Insurance, and Haxby on Road & Bridge. Topics included lawn bids coming up, additional light posts coming soon, District Court desks coming March 1, Hwy pickup and rock & gravel bids, county exchanging section of road with township, motor grader bids, and RAISE grant application nearing completion.

Extension Educator Nicole Stoner gave an Extension update and presented reports of their activities in the county. She said they’re in the process of hiring a new Food & Nutrition Educator. Tiemann said an updated agreement between the county and UNL is being worked on. Haxby said Dave Jones did a great job on the entry and restroom remodel. The entry will now have handicap buttons.

Motion made by Lytle, seconded by Swavely to approve receiving the Extension reports and placing them on file. Motion carried 7-0.

Hwy Supt. Kuhnke presented comparison sheets on the 3 different bids for the 2 motor graders that were opened at the Feb. 7<sup>th</sup> meeting. He pointed out the differences, which specs were not met by them, and the cost comparisons. Kuhnke said that cost-wise he would go with CAT, though they were shy on a couple of the specs, and even though John Deere met all the specs, they were on the high end pricewise. Jurgens broke down the costs of the CAT units after trade-ins: for the 140 CAT, 4 wheel drive at \$346,932, trade-in 2012 CAT at \$50,000, and Parts credit of \$7,000, for a total of \$289,932; and 140 CAT, 6 wheel drive at \$376,918, trade-in 2018 John Deere at \$130,700, and Parts credit of \$7,000, for a total of \$252,448. That brings the total of both units to \$542,380, and we budgeted \$600,000. Lytle asked Co Atty Harris what action is allowed in the bidding process and how to proceed. Harris said the specs are for guidance to narrow the field and get as close to comparing apples to apples as possible. The purpose of competitive bidding is to get the lowest responsible bid. It seems like it mostly comes down to past experience with the equipment, replacement, and service availability. Discussion of options continued. Specs were written longer ago and may need to be reviewed.

Motion made by Jurgens, seconded by Dorn to approve awarding the bid from NMC for 2 CAT motor graders, one 4 wheel drive and one 6 wheel drive, and accept trade-in values and parts credit as presented, for a total amount of \$542,380. Motion carried 4-3 with Schuller, Swavely and Lytle voting nay.

Break at 10:40 a.m. Swavely left meeting at 10:45 a.m. Back in session at 10:46 a.m. with all present except Swavely.

Discussion on requesting designs for 6 concrete box culverts and call for bid lettings once design is complete for Clatonia-DeWitt Road (W Chestnut and SW 100<sup>th</sup> Rd.), Projects C-34(1262), E-28 Clatonia; (1236), E-16 Grant; (1237), E-16 Grant; (1240), N-20 Grant; (1239), N-21 Grant; and (1238), N-21 Grant. Haxby explained that the 6 projects would be split between 2 fiscal years but be done in this calendar year. The intent is to design and build the above box culverts as a commitment to the RAISE grant. Infrastructure improvements are important to Gage County and this application will help achieve these things.

Motion made by Haxby, seconded by Dorn to approve on requesting designs for 6 concrete box culverts and call for bid lettings once design is complete for Clatonia-DeWitt Road (W Chestnut and SW 100<sup>th</sup> Rd.), Projects C-34(1262), (1236), (1237), (1240), (1239) and (1238). Motion carried 6-0.

RESOLUTION NO. 24-04

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

WHEREAS, the Gage County Board of Supervisors propose to apply for assistance from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program for the purpose of the Clatonia-DeWitt and Hickory Road Transportation and Safety Project, and

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

WHEREAS, Gage County commits contingency funds to guarantee the project’s success if unforeseen challenges occur, 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); and

WHEREAS, the proposed application and potential need to use condemnation to acquire property rights-of-way will be 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 Rebuilding American Infrastructure with Sustainability and

Equity (RAISE) grant for the purpose of the Clatonia-DeWitt and Hickory Road Transportation and Safety Project.

Passed and approved this 21<sup>st</sup> day of February, 2024.

/s/ Erich Tiemann  
Chairman

ATTEST:

/s/ Michelle K. Bloomquist  
Deputy County Clerk

Motion made by Jurgens, seconded by Dorn to approve adopting Resolution #24-04 to apply for assistance from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program and to commit to its completion if selected. Haxby said it's a Resolution that shows our commitment to completing the project even if we see unforeseen costs that exceed the grant amount. We have figured a 5% contingency into the cost estimate as well as a commitment to hold 10% in reserve to ensure completion of the project. Also, if ROW is required to be obtained, we will go through the process according to federal standards to get it done. Motion carried 7-0.

Chairman declared Board of Supervisors meeting adjourned at 10:51 a.m. until March 6, 2024.

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

/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 21<sup>st</sup> day of February, 2024.

(SEAL)

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