



Gage County Board Minutes

The Gage County Board of Supervisors met on May 1, 2024, at 8:49 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 \$551,539.84 which does not include claim #24050059 to R.L. Tiemann Const. in the amount of \$19,196.55 to be voted on separately; 4. approve correspondence received and place on file; 5. Receive and place on file Gage County Audit Report for fiscal year ending June 30, 2023; 6. Approve receiving and place on file the 2023 Annual report for Odell Volunteer Fire & Rescue; 7. Approve Utility Permit #1302 to Windstream Nebraska LLC. Windstream will be removing a temporary line and replacing with new fiber line. Windstream will dig and splice a new fiber line West of existing cmp, place new pedestal and then bore a 2" diameter by 6' deep line under flow line approximately 50' under structure then splice new fiber to existing fiber East of the structure and place new pedestal. All work is in the North grader ditch of Belvidere Road approximately 500' East of SW 131th Road. Located South of section 5, T-3-N, R-5-E, Lincoln Twp.; 8. Approve receiving and place on file the 2023 Annual report for Odell Volunteer Fire & Rescue and Beatrice Fire & Rescue.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	163,756.13
Advanced Correctional Healthcare	Jail on-site medical svc.	156.52
All Copy Products	Copier lease/copies	329.59
Apace	County Contributions	9,928.50
Beatrice Humane Society	Quarterly funding	4,421.83
Black Hills Energy	Jail utilities	224.96
Black Hills Energy	Extension Office utilities	162.95
Black Hills Energy	Sheriff utilities	293.24
Bryan Medical Center	Investigative expense	84.50
City of Beatrice	Qtrly EMS svcs/Probation office utilities	46,648.19
Clerk of District Court	St. & svc. fees	511.86
Coast To Coast Computer Products	Toner	259.99
Comfort Inn	Emerg. mgmt.. travel expense	119.95
Dr. Eric Thomsen	Mental Health Hearing	95.00
Election Systems & Software	Printing & publ	6,843.05
Sandra Eltiste	Retirement prior svc.	12.00
First Wireless	Sheriff tower rental	440.00
Gage County Court	County court cost	1,486.00
Gage County Sheriff	Sheriff fees/mlg.	934.24
Jerry L Shelton, Atty	Atty fees	641.25
Joyce Kassing	Retirement prior svc.	20.00
Kratz Law Office	Atty fees	1,189.84
Kraviec Maurstad Law	Child Support Enf. Atty	2,398.05
Lancaster County Sheriff	Svc. fees – summons	18.00
Lepant Law Office	Mental Health Hearing	95.00
Mahloch Law Office	Atty fees	231.50
Microfilm Imaging Systems	Scanning equip. monthly rent	192.00
NACO	Clerk's workshop travel exp.	125.00
Nebraska Health & Human Svc.	Patient care	279.00
Nebraska Association of C. Tres.	Treas. workshop registration fee	150.00
Nebraska State Fire Marshal	Elevator inspection	120.00
Nelson, Clark & Timan, PC	Public def. atty fees	6,346.15
Odell Fire & Rescue	Qtrly. EMS svcs.	3,000.00
Polaris Law Group	Atty fees	1985.50
Precision Signs and Graphics LLC	Shrf. Vehicle repair	228.00

Quadient Finance USA	Postage funding	72.07
Quill – Ext.	Office supplies	106.19
Quill – EMS	Office supplies	426.96
Quill – Treas.	Office Supplies	22.72
Kristine Riekenberg	Mental Health Hearing	95.00
Secretary of State	Court costs	40.00
Sherwin Williams	Materials - stain	22.94
Soap Opera Laundry	Mop and rag cleaning	28.00
Summit Food Service LLC	Jail meals	2,821.49
The Home Depot	Janitorial supplies	936.31
Thomson Reuters	Dist. judge software subscription	2,784.69
Verizon Wireless	Emerg. mgmt.. phones	217.16
Washington County Sheriff	Inmate boarding	1,690.00
Washington County Sheriff	Inmate boarding	13,950.00
Willet & Carothers	Atty fees	1,929.50
Windstream – Ext.	Phone svc.	308.07
Windstream – Hwy	Phone svc.	308.07
Windstream – Vets Office	Phone svc.	137.79
Windstream – Cths	Phone svc.	2222.81

Road Fund

Highway Department Employees	Salaries	40,187.21
Beatrice Concrete Sand & Gravel	Rock & gravel	50,113.24
Black Hills Energy – Hwy 6863	Utilities	81.72
Black Hills Energy – Hwy 8861	Utilities	169.84
Bomgaars	Tools, supplies	243.62
Fastenal	Bolts	65.34
First Wireless	Repeater rental	350.00
Hotsy Equipment Co.	repairs	1,012.47
Norris Public Power	Utilities	444.22
RL Tiemann Construction	Township gravel & hauling	19,196.55
Rewound Power Motors	repairs	168.53

Visitors Promotion Fund

Beatrice Area Chamber of Commerce	Monthly lodging	4,522.78
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Insurance Fund

Gage County Health Insurance	Employee health insurance claims paid	45,316.42
Lucent Health Solutions LLC	Admin. fees	62,410.00

Inheritance Fund

Claude G. Stegeman Estate	Tax refund	99.94
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General Fund

Ameritas	County share of Employees Retirement	11,838.43
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	11,978.35
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	25,859.74

Road Fund

Ameritas	County share of Employees Retirement	2,712.64
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	2,946.03
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	9,011.75

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

Motion made by Dorn, seconded by Swavely to approve claim #24050059 to R.L. Tiemann Const. in the amount of \$19,196.55, bringing the total amount of claims paid through May 1, 2024 to \$570,736.39. 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, Shf. Gustafson on Law Enforcement, and Jurgens on Road & Bridge. Topics of discussion included referees for protests, surplus Shf. vehicle, school resource deputy, and bridge projects.

Tourism Coordinator Dakota Hurley presented a Visitor Improvement Grant for the Blue Springs Ball Diamond Association in the amount of \$4,000.00 to the board. Brent Schlake spoke about the project saying that currently there is no sign there to welcome folks at the entrance to the park.

Motion made by Lytle, seconded by Schuller to approve the Visitor Improvement Grant to the Blue Springs Ball Diamond Association in the amount of \$4,000.00. Motion carried 7-0.

Haxby spoke more on Road & Bridge committee, saying she got applications in for Sen. Fisher's community project funds grant and Congressman Smith's grant for Hickory Road and Adams bypass. She also spoke on request from someone to create a map of roads showing which are county and which are township.

Discussion on Utility Permit #1300 for Pinpoint Communications, Inc., to install new fiber lines per the submitted Utility Permit. Pinpoint will be plowing in the outer edge of the ROW and boring under all structures and roads where necessary. Pinpoint will be installing fiber lines in the West Grader Ditch ROW from Dorsey to Hickory, between S. 1st Road to S. 5th Drive. Located South of section 10 & 11, East of section 15, 22, 27, North of section 22 & 23, and IN section 26, T-4-N, R-6-E, Midland Twp. Tom Shoemaker with Pinpoint spoke on the permit, saying he feels it should be approved. They are for public use and have an agreement with Beatrice and are 99% complete with Beatrice build that was started 18 months ago. He said the permit is necessary to fulfill the grant obligation. He said that Pinpoint is rural community minded, they are good stewards of the grounds they work on, they clean up the area, and try not to disrupt where they don't need to be.

Haxby read a statement to the board and presented a picture timeline of events concerning the permit. In essence, her point was that the permit would cause an overbuild of broadband in the area, and using grant money for the overbuild which could otherwise be used elsewhere to increase coverage where there is none. Haxby said the debate is happening because the PSC didn't listen and dropped the ball on this. We are here to represent the people of our county who pay the taxes. Despite what some think, the grants come from tax dollars so it's our responsibility to watch over them. Haxby said that she wouldn't support allowing an overbuild of 2 government subsidized funds. Tom Shoemaker with Pinpoint stated that he feels the permit should be approved as they are 99% complete with the Beatrice build that was started 18 months ago.

Sen. Myron Dorn, Sen. Bruce Bostelman, Lowell Brooks (consultant with UBC), Tom Shoemaker and Andy Pollock (Atty for Pinpoint) all spoke on the Broadband Bridge projects and the Public Service Commission. The points brought out from them and members of the board are: that part of the grant process requires that there is no overbuild, and allowing this permit allows for overbuild in an area that has already been approved for grant funding. This grant also requires that it reaches the unserved and underserved first. The authority of permitting lies solely with the Board of Supervisors. Just because a company is awarded grant money from the PSC or the State, doesn't guarantee they will be granted a permit. Must act with the public interest of Gage County which has historically been to reach as many people as possible at the least cost. This is classified as a Tier 1 project and Tier 1 has language that prohibits public funding in areas that have already been funded by another public entity – Gage Co. has used ARPA money to fund a project, this permit would use Nebraska state funds. Gage Co. has not denied a permit in the last 5 years. The standard the county has used in the past in approving permits is "if it is for public use". The question of where the funding for permits is coming from has never been questioned. The questions regarding this permit are not anything against the permit applicant as they have already made a significant investment in the county and would like to make more. The issue here is the overbuild, when there are still so many not served in the county.

Motion made by Lytle, seconded by Schuller to approve Permit #1300 for Pinpoint Communications. Lytle asked if the board could go into closed session. Tiemann said they would entertain a motion for closed session at 10:34 a.m.

Motion made by Lytle, seconded by Schuller to move into closed session at 10:34 a.m. for potential litigation. Motion carried 6-1 with Dorn voting nay.

Motion made by Dorn, seconded by Swavely to come out of closed session at 11:02 a.m. Motion carried 7-0.

Tiemann reiterated that there was a motion and second to approve Utility Permit #1300.

Haxby asked Pinpoint how they would be paid for the project, they said it's a reimbursement situation for work they complete. Haxby stated that she would not be opposed to Pinpoint

building in the area if they were doing it on their own for friendly competition and weren't being subsidized with public funding in an area already using public funding. Brooks clarified that the criteria of the PSC for a Tier 1 project is an unserved area in NE which locations lack access to broadband internet of speeds of 25 or 3 and has not received public assistance for the development of a broadband network. If an applicant couldn't complete the project, they were awarded grant money for due to permitting or whatever reason, the grant funding would be re-awarded elsewhere and any adjustments in the area applied for would require a new grant application. Brooks added that the PSC is trying to work out any flaws in the process and the program is a work in progress where they're making adjustments as they grow. Haxby pointed out that everyone in the area of Pinpoints project area would be covered under the original grant and the permit that was approved in Sept., 2023.

Vote was taken on the motion by Lytle, seconded by Schuller to approve Utility Permit #1300 to Pinpoint Communications Inc., for new communications line located in sections N-27, E-27, IN-26, N-22, N-23 and IN-23 Midland Township T-4-N, R-6-E, as presented. Motion failed 2-5 with Schuller and Lytle voting aye, Jurgens, Haxby, Tiemann, Dorn and Swavely voting nay.

Lytle left meeting at 11:19 a.m.

Discussion on Resolution the County exchanging road miles with Blakely Township.

RESOLUTION NO. 24-06

WHEREAS, within the boundary lines of Gage County, Nebraska, both Townships and the County are responsible for road maintenance of certain and specified roads within said County, and

WHEREAS, certain roads under Township jurisdiction and maintenance become highly traveled and for the safety of the traveling public it becomes necessary that the County evaluates said roads, and

WHEREAS, after the County completes a traffic count and a traffic study, if said roads are determined to be of the volume to warrant County maintenance,

THEREFORE, BE IT RESOLVED, that the County will become responsible for all maintenance and new construction of the following described road:

BLAKELY TOWNSHIP: The portion of road along the North side of Sections 16, 17 and 18 T4N-R5E, that the Township currently maintains will become the responsibility of Gage County on May 15, 2024.

Or more simply stated: The County of Gage will be responsible for the 3 mile stretch of W Hickory Road between SW 103rd Road and State Hwy 103 in Blakely Township.

ALSO, PER THIS RESOLUTION, the Township of Blakely agrees to assume the maintenance of 2.76 miles of County Road within their Township at the following described locations:

BLAKELY TOWNSHIP: The portion of road along the East side of IN Section 14, Section 23, and the North ½ of the East side of Section 26, T4N-R5E, that Gage County currently maintains will become the responsibility of the Township on May 15, 2024.

BLAKELY TOWNSHIP: the 2.76 miles on SW 75th Road between W Hickory Rd. and State Highway 4

PASSED AND APPROVED THIS 1st DAY OF MAY, 2024.

Motion by: Haxby Second by: Jurgens

Vote: Aye - 6 Nay - 0

GAGE COUNTY BOARD OF SUPERVISORS

/s/ Erich Tiemann
Board Chairman – Erich Tiemann

ATTEST:

/s/ Dawn Hill
County Clerk, Dawn Hill

Motion made by Haxby, seconded by Jurgens to approve adopting Resolution #24-06 on exchanging miles between the county and Blakely Township - 3 miles from Blakely Twp to County and 2.76 miles from County to Blakely Twp. Motion carried 6-0.

Motion made by Haxby, seconded by Jurgens to approve an Agreement between Gage County and the State of Nebraska, Dept. of Transportation for Beatrice Southwest – Local Detour. Motion carried 6-0.

Motion made by Dorn, seconded by Haxby to approve recommendation for Special Designated Liquor License to Bottle Rocket Brewing, LLC for an event on June 8, 2024, located at The Barn Event Center, 2331 W Ash Rd., Cortland NE. Motion carried 6-0.

Jurgens left meeting at 11:23 a.m.

Discussion of needs assessment for Detention Center. Will meet with Prochaska after committee meetings on May 10th.

Motion made by Haxby, seconded by Swavely to move into closed session at 11:30 a.m. for negotiations update and personnel. Motion carried 5-0.

Motion made by Dorn, seconded by Schuller to come out of closed session at 11:50 a.m. Motion carried 5-0.

Chairman read into record that the changes in miles between the county and Blakely Twp. in Resolution #24-06 which was adopted earlier in the meeting, would be effective on May 15, 2024.

Haxby left meeting at 11:53 a.m.

Motion made by Dorn, seconded by Swavely to adjourn board meeting at 11:54 a.m. Motion carried 4-0.

Chairman declared Board of Supervisors meeting adjourned at 11:54 a.m. until May 15, 2024.

Board minutes can also be viewed on the Gage County website at www.gagecountyne.gov.

/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 1st day of May, 2024.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk