



# Gage County Board Minutes

The Gage County Board of Supervisors met on October 30, 2024, at 8:45 a.m. as per public notice given on the county website and in the Beatrice Daily Sun on October 17, 2024, copy of the proof of publication being on file in the County Clerk’s Office. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk’s Office during normal business hours and was communicated in the advance notice of the meeting. The Board of Supervisors has the right to modify the agenda to include items of an emergency nature only at such public meeting. All of the proceedings hereafter shown were taken while in the convened meeting was open to the attendance of the public.

Supervisors Terry Jurgens, Emily Haxby, Don Schuller, Erich Tiemann, Eddie Dorn, Dave Swavelly and Gary Lytle present.

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 \$861,113.92 except claim #24100309 to Johnny’s Welding Inc. in the amount of \$102.49 & claim # 24100311 to R.L. Tiemann Const. Inc., in the amount of \$37,752.69 to be voted on separately below; 4. approve correspondence received and place on file; 5. approve reappointing Emily Haxby to another term on Blue Rivers Area Agency on Aging Governing Board. The new term begins January 2025; 6. approve Utility Permit #1317 to Windstream Nebraska, LLC. - Windstream will be installing a new communications line along Hoyt Road just East of 134<sup>th</sup> Road. Windstream will start at pedestal 89AC in the North grader ditch, bore a 2” diameter by 48” deep line under Hoyt Road to the South for 70’, then continue to plow the new line outside of ROW on private property. Located South of Section 28 and North of Section 33, T-4-N, R-8-E, Filley Township; 7. approve Utility Permit #1318 to Windstream Nebraska, LLC. Windstream will be installing a new communications line along SW 61<sup>st</sup> Road just south of Hoyt Road. Windstream will start at pedestal 477EE in the East grader ditch, bore a 2” diameter by 48” deep line under SW 61<sup>st</sup> Road to the West for 70’, then turn South to plow the new line in the outside of the ROW for 500’. Then Windstream will turn back West and continue work on private property. Located West of Section 31, T-4-N, R-6-E Midland Township and East of Section 36, T-4-N, R-5-E, Blakely Township; 8. approve NBCS Report for FY. 23-24.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	187,419.41
Advanced Auto Dealers	Shf. website maint.	29.00
Advanced Correctional Healthcare	Jail on-site medical svc.	146.37
All Copy Products	Copier lease/copies	563.98
Applied Connective Technologies	Repairs & svc.	567.50
AT&T/First Net	Shf. phone svc.	14.44
Auto Zone	Co. van repairs	74.34
Beatrice Board of Public Works	Ext. off. Utilities	267.17
Black Hills Energy 8852	Utilities	187.01
Black Hills Energy 5089	Utilities	48.45
Black Hills Energy 1674	Utilities	42.63
Charter Communications	Cable tv/internet	409.96
CIDNET	Shr. data purchased	999.90
City of Beatrice	Monthly trash svc.	23.00
Clearly Communications	Phone svc.	2,809.71
Consolidated Management Co.	Meals	318.50
Correctional Risk Services	Inmate medical	1,838.39
Credit Information Systems	Pre-employment screening	15.75
Crowne Plaza	Ext. off. – travel expense	124.95
DAS St. Accounting-Central 6507	Data processing	196.00
Election Systems & Software, LLC	Printing & publ.	7,251.91
First Wireless	Shf. tower rental	440.00
Gage County Sheriff	Shf. fees & mileage	296.60
Gleason Dental Clinic	Inmate medical	234.00
Great Plains Uniforms, LLC	Shf. uniforms	1,525.38

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Guardian RFID	Yearly system renewal fee	4,995.00
HD Supply	Custodial supplies	1,282.62
Jerry L Shelton, Atty	Atty fees	4,180.00
Ken’s Pest Control	Ext. off. maint. agreement	70.00
Kratz Law Office LLC	Atty fees	1,358.50
Kravec Maurstad Law, P.C.	Atty fees, reg. fees, shredding	3,854.23
LaQuinta Inn & Suites	Shf. travel expense	689.70
Matt Kosmicki Law, LLC	Atty fees	1,125.75
Microfilm Imaging Systems Inc	Scanning equip./rent	910.04
Midwest Automatic Fire Sprinkler	Fire sprinkler inspection	375.00
Mips	Postcards	1,746.50
NE Health & Human Services	St Inst	360.00
NE Law Enforcement Training Ctr.	Basic Training	175.00
NE Association of County Treasurers	Title & Registration Textbook	360.00
NE Department of Labor	Unemployment	6,208.00
Nelson, Clark & Timan, P.C.	Public Defender	6,346.15
Northeast Auto	Investigative exp.	1,100.00
O’Reilly Auto Parts	Shf. vehicle repair	27.35
Physicians Laboratory, PC	Autopsy exp.	600.00
Quadiant	Postage funding	173.20
Quill – Det.	Office supplies	105.98
Quill – Ext.	Office supplies	88.91
Quill – Prob.	Office supplies	751.51
Reagan Law Offices	Atty fees	430.50
Sherwin Williams	Paint, stripper, etc.	163.89
Smith Schafer Davis LLC	Atty fees	525.00
Spectrum	Subscriptions	23.06
Summit Food Services, LLC	Jail meals	8,675.05
Sunris Bakery	Election training	139.70
Tek84 Inc	Security system	150,400.00
Ten Tows Towing	Investigative exp.	150.00
The Fairbury Journal-News	Public hearing	15.11
Twin Rivers	Shf. vehicle repair	763.65
Verizon	Emerg. mgmt.. phones	218.87
Windstream	Dist. 1 probation phones	459.07
Woods/Aitken LLP	Prof. legal svcs.	2,415.00
Zoellner Ford	Shf. vehicle repair	387.92
Zultys	Prob. phone svc.	472.68

Road Fund

Highway Department Employees	Salaries	42,467.28
Beatrice Board of Public Works	Utilities	394.61
Beatrice Concrete Sand & Gravel	Rock & gravel	48,600.23
Black Hills Energy	Utilities	67.20
Black Hills Energy	Utilities	41.40
Bomgaars	Bolts & supplies	210.64
Cather & Son’s Construction	Asphalt	3,832.94
City of Beatrice	Bin rental	74.24
Duane Siems Estate	Easements	2,224.01
First Wireless, Inc	Repeater rental	350.00
Johnny’s Welding Inc	parts	102.49
Norris Public Power	Utilities	253.00
R.L. Tiemann Construction	Township Gravel/hauling	37,752.69
Rock On Inc	Towship gravel hauling only	11,290.91
Jason Siems	Easements	1,748.66
Jeremy Siems	Easements	150.79
Freightliner Truck Center	Parts & supplies	211.94
Westlake Ace Hardware	Supplies	20.05
Yant Equipment	Decals	233.00

Road & Bridge Sinking Fund

JJK Construction	Pickrell E, C-34(1300). Pay app. #3	180,816.82
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Visitor Promotion Fund

Beatrice Area Chamber of Commerce	Monthly lodging payment	7,994.65
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Insurance Fund

Gage County Health Insurance	Employee health insurance claims paid	41,483.43
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Lucent Health Solutions	Administration fees	75,621.44
Mutual of Omaha	County paid life insurance	556.80

General Fund

Ameritas	County share of Employees Retirement	13,566.80
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	14,337.57

Road Fund

Ameritas	County share of Employees Retirement	2,866.51
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,248.79

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

Motion by Dorn, seconded by Swavely to approve claim # 24100309 to Johnny’s Welding Inc. in the amount of \$102.49. Motion carried 6-0-1. Jurgens abstained due to conflict.

Motion by Dorn, seconded by Swavely to approve claim #24100311 to R.L. Tiemann Const. LLC. in the amount of \$37,752.69. This brings the total amount of claims paid through October 30, 2024 to \$898,969.10. Motion carried 6-0-1. Tiemann abstained due to conflict of interest.

No public present for comments or request for future agenda items.

Committee reports were given by; Dave Jones on Building & Grounds; Tiemann on Equalization & Human Resources; Jurgens on Finance; Wiegand on Emg Mgmt & Haxby on Rd & Bdg. Items discussed: Pickrell East should open by the end of the week – BIP grant due Friday and would include 5 bridges (Blue Spgs, Buss, 2 Dewitt & Clatonia)

Motion by Lytle, seconded by Swavely to approve adopting Resolution #24-17 directing the Gage County Attorney to institute action to foreclose delinquent real estate taxes. Motion carried 7-0.

Motion by Jurgens, seconded by Dorn to approve adopting Resolution #24-18 for NDOT Signing of the Year-End Certification of County Highway Superintendent 2024. Motion carried 7-0.

Motion by Jurgens, seconded by Dorn to approve Year-End Certification of County Highway Superintendent for Determining Incentive Payment in Calendar Year 2024. Motion carried 7-0.

Motion by Haxby, seconded by Schuller to approve Amended and Restated Agreement for the Formation of The Region V Community Human Services Program and Region 5 Systems. Motion carried 7-0.

Motion by Dorn, seconded by Swavely to go into public hearing at 9:15 a.m. to hear support and/or opposition from the public on Special Use Permit 2024-6 for the placement of a Class 2 Commercial Solar Energy Conversion System to be located on a portion of the South ½ of the Southeast quarter of Section 21–2–5 of Elm Township in Gage County, Nebraska. Motion carried 7-0.

Lisa presented the P&Z recommendation on the special use permit. The recommendation was approval.

Those speaking during the public hearing were Jerry Enns, Engineer Manager – Norris Public Power, 10011 E. Locust Rd., Holmesville, NE. He spoke about the similar sites that Norris has in Lancaster, Saline, Seward, Thayer counties.; Jeff Hays, 10472 W. Pine Rd. Diller, NE Jeff will be placing the solar farm on his ground. & Ron Novotny, 41169 SW. 103 road, Diller, NE spoke on the concerns of the line of the road. The road has shifted and he wants it shot on the section line. If they want to do something on the road, it will be correct. Tiemann asked Lisa (P&Z) if a road is not at a section line, what does she do. She indicated that she would refer it to the roads dept. and surveyor. Tiemann instructed highway supt. To have this before the next meeting when they vote. Haxby asked if plans were in place for visual barriers or native grasses. Enns said the company knew that they would have to adhere to the regulations. Schuller wondered if the section line was necessary as the regulations state from center of the road. Haxby asked that items required by the regulations be shown in the plan with the permit prior to the next meeting so that they could see the regulations were met before the vote.

Motion by Schuller, seconded by Swavely to come out of public hearing at 9:40 a.m. Motion carried 7-0.

Motion by Lytle, seconded by Swavely to approve recommendation of Robyn S. Mencl as Manager for One Stop Country Store. Motion carried 7-0.

Motion by Dorn, seconded by Swavely to approve going into public hearing to hear support and/or opposition from the public on Special Use Permit 2024-2, for modifications to the current City of Beatrice Wellhead Protection Planning Area Map, extending a portion of the existing South and East boundary lines, located in Section 1-4-5, Blakely Township and 36-5-5, Grant Township in Gage County Nebraska at 9:45 a.m. Motion carried 7-0.

Lisa gave P&Z recommendation. Planning and Zoning recommended disapproval.

Speaking for the Wellhead permit was Taylor Rivera, City Atty. He spoke on the permit process and stated this is their final step in the process. They do not have plans to drill wells at this time, just a measure to protect the area.

Mayor Bob Morgan, 2011 S. 19<sup>th</sup>, Beatrice stated that he doesn't look at today or tomorrow, but looks years down the road. They want to protect the water for future generations. Has not plans in his tenure to drill a well. They only use high nitrate water for business and industry.

Wes Cammack, 6237 W. Dogwood Rd., Dewitt, NE – echoes the position of the P&Z committee. Concerned about possible decrease in values and decrease in water resources. He asked, does the NDEE loan that the city received, interest free, require the wellhead protection area. Stated Beatrice hasn't grown in years, hopes that someday that isn't the case. He said they use 4 wells, using 1.6 million gallons. 130-acre pivot on a quarter section applying 8" if water equates to 28.2 million gals in a year, which is about 17.6 days of city use. Doesn't feel this is the right time. Need to wait until there is a need.

Jason Pohlmann, 10977 W. Hackberry, Dewitt, NE – Concerns similar to everyone else, look at what those within the protection area must follow.

Darcy Zimmerman, 6370 Hackberry Rd., Dewitt, Ne – has same concerns as everyone in the community. Concerns on affecting well that are currently there and have kids that want to build and around that. Want to make sure domestic wells were not included - would fall under the umbrella to need to ask the city for expansion.

Marilee Brinkmeyer, 801 Clearwater Circle, Beatrice NE – she has land in the current wellhead protection area and will have ground in the new proposed area. It is not needed and may not be needed for 10 years. She realizes that it protects water, but it also puts restriction on expansions for future. The city is planning ahead by purchasing land and planting alfalfa which does not use nitrogen. Their planning ahead doesn't give them the right to affect expansion for current use. Most of those in the area care about safe drinking water and do best farming practices. Maybe the city could offer programs for that area, for cover crops, flow meters, etc. instead of placing restrictions.

Taylor Rivera spoke again as a follow up. He mentioned regarding CAFO's, this doesn't prevent them from expansion – City just reviews the application and it comes back to P & Z. He stated this permit does not affect domestic wells, just irrigation wells. The Wellhead Protection area isn't a condition of the loan. They view this as an insurance policy for the future. Some of the regulations wouldn't affect any of the landowners. Taylor walked the board thru the county regulations. The map shows if the wells were put on the edge which is worst case scenario. He said they would likely be put more towards the center.

Tiemann commented, so there is no teeth in the city recommendation when it comes to livestock expansion? There can be drawdown with large water use by domestic wells? Are there any assurances to any landowner if there would be any issues to the domestic wells? Taylor said it would be out of our hands. Have you had any issues with domestic wells in the current wellhead protection area? Taylor indicated they have never had an issue and would likely put in center of the field. Tiemann said my thought would be more about the water table dropping.

Haxby said that she had spent several hours going through all of the information and had a number of questions. Some of the questions & comments were – This permit is to protect your investment, right? Even though you are not ready to drill? Taylor said that the longer we go without that protection, nitrates go up or contaminates get in. Haxby said a condition was offered in the interlocal of rules and regulations set forth in our regulations, shall not be enforced by the county until the city drills.. but then it was removed. She was curious why offer the condition if the intent was to protect the water. Taylor said the most recent version shouldn't have the condition. It was to assuage the landowners' concerns, but we realized we are trying to protect this, so we took it out.

Haxby said we have never with any other permit used a permit as a placeholder. For example, you can't file a permit now to build a home 30 years from now. Other concerns were with chemicals, anhydrous, fuel storage etc. associated with irrigation. Discussion continued on a previous concern with ROW permit, questions submitted to P&Z that went unanswered. Tiemann asked if they had any other plans to sell to any other villages or businesses? Taylor said we don't have any current plans and we have enough water now if we needed to. There were concerns expressed about water and drawdown of water. Water is a desired commodity. Lytle said he didn't need to know what the city's plans are. The city wells that are high nitrate were once used for drinking, now we are using different ones. Something could happen to them and you need new wells. Schuller indicated that drawdown and new wells, that's an NRD issue. There's a science to that in setting those regulations and beyond what we are looking at whether we approve this area or not.

Tyler Weishahn with LBB NRD answered questions that some of the board members had. He said spoke about ground water quality control; sample wells every year. Speaking about max contaminate level, size of area of water, soil samples, cover crops.

Lytle spoke to Cammack and asked what the issue was, are we scared of the change of the unknown? From what I know I don't there is going to be a lot of change Cammack said there is the unknown, but there could be a water grab but we all have concerns of water but we drink it too. Everyone needs clean water. But the drawdown needs to be considered, feels there is somewhat of a gray area. Lytle felt we had a good opportunity for ag producers and the city to be good partners in this. We should all work together. I think there is headbutting and the needless grinding is unnecessary. In the end, the city will punch those wells if they need it and there is water for everyone and if it goes to court it goes to court.

Marilee spoke again stating the city is talking about insurance. She wanted to know what is the landowner's insurance that that requirements won't change or water levels change? Why not have this hearing 10 years down the road? Conditions Change. Why not make the decision then.

Lytle said there will be hearing again whether we do the protection area or not. This is a quality thing and I don't see how this will hurt. He said the city will need those resources and will take them and then court discussions can happen. The city is just trying to plan ahead and it's a good thing. There are no restrictions. Marilee wanted to why not continue as is. We aren't polluting now. Farmers are good stewards Why restrict without justification? It limits the landowners from planning ahead.

Haxby felt this was similar to an irrigation well that you want to put in 10 years from now and you want to file a permit as a placeholder but then that restricts someone else from building in the meantime. It doesn't work that way. No regulations do. I would be happy to visit in the future but to put this in place as a placeholder, I am 100% opposed to.

Action on the permit will take place at the next board meeting.

Haxby out of meeting at 11:27 a.m.

Discussion took place on the interlocal agreement between Gage County and Board of Regents of the University of Nebraska for the provision of Cooperative Extension Services. No action taken.

Jurgens out of meeting at 11:32 a.m.

Motion by Dorn, seconded by Lytle to move into closed session at 11:59 a.m. for negotiations update. Motion carried 5-0.

Motion by Dorn, seconded by Swavely to come out of closed session at 12:49 a.m. Motion carried 5-0.

Chairman declared Board of Supervisors meeting adjourned at 12:49 a.m. until November 13, 2024.

Board minutes can also be viewed on the Gage County website at [www.gagecountyne.gov](http://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 30<sup>th</sup> day of October, 2024

(SEAL)

/s/ Dawn Hill  
Dawn Hill  
Gage County Clerk