



Gage County Board Minutes

The Gage County Board of Supervisors met on November 13, 2024, at 8:45 a.m. as per public notice given on the county website and in the Beatrice Daily Sun on October 31, 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 which was open to the attendance of the public.

Supervisors Terry Jurgens, Emily Haxby, Don Schuller, Erich Tiemann, Eddie Dorn, Dave Swavely 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 \$841,430.93, which does not include claim # 24110080 to R.L. Tiemann Const. Inc., in the amount of \$26,082.30 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 October, 2024; 6. Approve receiving the 2024 Distress Warrant Listing.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	177,618.42
Advanced Correctional Healthcare	Jail medical	7657.84
All Copy Products	EM copier lease	154.00
Amazon Capital Svcs.	Dist Ct supplies	188.99
Applied Connective Technologies	IT supplies/svcs	43,585.27
Beatrice Daily Sun	Publications	1300.72
Beatrice Mechanical Svc.	Svc call, parts	147.24
Blue Rivers AAA	Funding	34,273.28
Boy Scout Troop #221	Care of 11 pioneer cemeteries	11,000.00
Bragg Animal Control	Impound	150.00
Capital Business Systems	ROD copies	16.48
Charm-Tex, Inc.	Inmate provisions	864.50
Clerk of District Court	Court costs	834.18
Community Physicians Clinic	Inmate medical	242.00
Consolidated Management Co.	Meals	179.30
Crowne Plaza Kearney	Lodging	247.90
Culligan of Lincoln	Water cooler	203.50
Dept of Health & Human Services	Equip	200.00
Eakes Office Solutions	Offc supplies	2939.33
Echo Group	Supplies	1032.16
Electronic Contracting Co.	Fire alarm monitoring	600.00
Sandra Eltiste	Prior svc retirement	12.00
Farmers Coop	Fuel	1707.47
Great Plains Uniforms	Shf uniforms	452.93
Hampton Inn	Lodging	278.00
Harman Wright Mortuary	Cremation	303.09
Hometown Leasing	Prob copier leases	472.70
Jerry Shelton, Atty	Atty fees	1306.25
Joyce Kassing	Prior svc retirement	20.00
Ken's Pest Control	Spraying	400.00
Kraviec, Maurstad Law	Child Suppt Enf Atty	2432.00
Lammel Plumbing	Labor	384.20
Lepant Law Office	Atty fees	294.50
Masonry Construction, Inc.	Engineering plans	2500.00
Mead Lumber Co.	Supplies	419.51
Microfilm Imaging	Scanning	457.00
Midwest Automatic Fire Sprnklr	Replace pipe	1264.38

Midwest Process Svcs.	Civil process fees	373.70
MIPS, Inc.	Data proc.	5216.49
Nelson, Clark & Timan	Public Defender	6346.15
Norris Public Power	Utilities	45.20
North American Rescue, LLC	Medical supplies	1370.88
NSA	Dues	280.00
O'Reilly Auto Parts	Parts	24.50
Paper Tiger	Doc shredding	40.00
Pat Beach Const.	Mudjack sidewalk	2600.00
Pawnee Republican	Publications	29.00
Philippi Electric	Svc, parts	1734.02
Pickrell Lumber	Supplies	3103.00
Pinpoint Communications	Internet	280.17
Quadient Finance	Ink	601.35
Quill – Ct	Supplies	14.83
SE NE Communications	Prob phones	117.08
Security Svcs.	Monitoring	68.50
Summit Food Svc.	Jail meals	5729.04
T.O. Haas Tire	Tires, repairs, etc.	5736.86
Univ. of NE Med Center	Shf inv. Expns	466.00
Thomson Reuters	Subscr.	3619.54
TK Elevator Corp.	Elevator maint.	265.63
Twin Rivers	Veh repairs	1416.40
U.S. Bank – Purchase cards	Supplies, meals, fuel, etc.	2023.75
U.S. Post Svc. – Postmaster	Prob stamps	2060.00
Verizon Wireless – GCSO	Cell phones	480.12
Verizon Wireless – EMS 6384-1	Cell phones	328.16
Verizon Wireless – Prob 339-1	Cell phones	394.16
Westlake Hardware	Supplies	854.47
Willet & Carothers	Atty fees	675.50
Windstream – Wilber Prob	Phones	54.27
Zoellner Ford	Shf veh repair	387.92
Zultys, Inc.	Prob phones	472.68

Road Fund

Highway Department Employees	Salaries	42,505.83
All Copy Products	Copies	39.53
Bauer Built Tire	Tires	5225.73
Beatrice Concrete Sand & Gravel	Rock & gravel	21,572.19
Cather & Sons Const.	Asphalt	12,146.57
City of Wymore	Utilities	84.86
Constellation NewEnergy	Utilities	24.36
Eakes Office Solutions	Supplies	342.04
Farmers Coop.	Propane	34.43
Inland Truck Parts	Parts	52.46
MIPS, Inc.	Hwy program	192.32
R.L. Tiemann Const.	Twp gravel & hauling	26,082.30
RDO Truck Center	Parts, labor	3404.08
Rock On, Inc.	Hauling materials	8302.80
U.S. Bank – Purchase cards	Supplies	129.95
Verizon Connect	Veh GPS	412.16
Westlake Hardware	Supplies	8.98

Road & Bridge Sinking Fund

Vogtsapes, Inc.	Proj per contract, pay appl. #1	269,836.42
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Register of Deeds Preservation & Modernization Fund

Capital Business Systems	Copier lease	263.00
MIPS, Inc.	Deeds online	220.08

Insurance Fund

Gage County Health Insurance	Employee health ins. Claims paid	64,653.61
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General Fund

Ameritas	County share of Employees Retirement	12,729.02
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	12,918.76
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	27,941.26

Road Fund

Ameritas	County share of Employees Retirement	2,869.12
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,111.11
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	9,011.75

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

Motion by Dorn, seconded by Swavely to approve claim # 24110080 to R.L. Tiemann Const. Inc., in the amount of \$26,082.30, bringing the total amount of claims paid through November 13, 2024 to \$867,513.23. Motion carried 6-0-1 with Tiemann abstaining due to conflict of interest.

Margaret Haith spoke under public comments, thanking Dawn Hill and her staff for their work handling the election. She also thanked Dave Swavely and Don Schuller for their service on the Board.

Committee reports were given by Dave Jones on Bldg. & Grounds/Winter Lights, Tiemann on Equalization, Jurgens on Finance/Insurance, Lytle & Lisa Wiegand on Law Enforcement/Emergency Management, and Haxby and Mark Kuhnke on Road & Bridge. Topics of discussion were leak in detention center roof; VanLaningham coming to finish lights; the Legion put up flags for Veteran's Day; 3 & 33 meeting; Pickrell bridge; test cylinders; road re-opened; concrete short by 1 -2", whether to replace or take deduction.

Motion 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 #2024-7, for the placement of a telecommunications tower to be located on a portion of the SE quarter in Section 34-2-8 of Island Grove Township in Gage County, Nebraska. Motion carried 7-0.

P&Z Administrator Lisa Wiegand said they notified 120 landowners and after their public hearing, the P&Z Board recommends approval of the permit. Aaron Clark, 301 Washington St., Pickrell NE, representing Nextlink, stated that the potential coverage is between 3-5 miles or more with updated technology.

Motion by Swavely, seconded by Dorn to close public hearing at 9:25 a.m. Motion carried 7-0.

Back to discussion on Pickrell East.

Tiemann recognized Diana Schuerman from the County Attorney's Office for her years of service to the County.

Rachel Kreikemeier, NGage Executive Director presented the NGage Quarterly Report. She discussed the benefits of nuclear power being clean, reliable, affordable and safe.

Motion by Lytle, seconded by Swavely to approve receiving and placing the report on file. Motion carried 7-0.

Break at 9:42 a.m. Back in session at 9:48 a.m. with all members previously listed present.

Motion by Swavely, seconded by Dorn to open public hearing at 9:49 a.m. to hear support and/or opposition from the public on Special Use Permit 2024-5, for the placement of a telecommunications tower to be located on a portion of the South ½ of the Southwest quarter in Section 19-4-8 of Filley Township in Gage County, Nebraska. Motion carried 7-0.

P&Z Administrator Lisa Wiegand reported that the permit meets all of the regs and that the motion to recommend approval of the permit passed on a 5-2 vote of the P&Z Committee.

Those speaking during the public hearing were Chris Riha representing the applicant Industrial Tower West, LLC and Viaero, 1811 W 2nd, Ste. #55, Grand Island NE, A.J. Wiese, 12392 E Hoyt Rd., Filley NE, Christy Buhr, 8436 E Sargent Rd., Filley NE, Sheryl Wiese, 11162 E Juniper Rd., Filley NE, Denise Schlake-Ideus, 8994 E Juniper Rd., Filley NE, Calleen Ideus, 10873 E Hoyt Rd., Filley NE, Verna Parde, 615 N 12th St., Arlington NE, Corinne Kolm, 22876 S 94th Rd., Filley NE, and Duane Parde, 9876 E Dogwood Rd., Pickrell NE. Points brought out were: being proposed to boost coverage in the Filley area; would be a 220-foot tower with Viaero equipment on it; Filley Fire Dept. has communication issues to the East, not the West of Filley so wouldn't help them; no need for this tower; need to balance progress in technology with the health, well-being and values of the community; a petition with over 300 signatures of those in opposition to the tower and letter of opposition from Village of Filley were presented; fear of using Chinese equipment that has been deemed unsafe; the company's refusal to meet with constituents; being a detriment to the view of agri-tourism business, The Giving Tree Farm; cell service is fine in the

area; broadband internet cable is everywhere now; the residents do not want this and they hope the board listens to the constituents they represent.

Motion by Lytle, seconded by Swavely to close public hearing at 11:14 a.m. Motion carried 7-0.

Scott Prestidge, Manager of Tallgrass Energy, presented an update on the Trailblazer Project.

Gage County Tourism Director Dakota Hurley presented a Visitor Improvement Grant application from Beatrice Sertoma Club for the Sertoma Astro Park Playground Grant in the amount of \$20,000. Greg Leach, 1217 Jane Way, Beatrice NE, was present representing the Sertoma Club.

Motion by Swavely, seconded by Lytle to approve a Visitor Improvement Grant to the Beatrice Sertoma Club for the Sertoma Astro Park Playground in the amount of \$20,000. Motion carried 7-0.

Break at 11:40 a.m. Back in session at 11:47 a.m. with all members previously listed present.

RESOLUTION NO. 24-19

RESOLUTION
& STATEMENT OF FACTS

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2024-6 for the placement of a Class 2 Commercial Solar Energy Conversion System;

WHEREAS, the Gage County Planning Commission (“Planning Commission”) and Gage County Board of Supervisors (“Board”) are duly authorized under the Gage County Zoning Regulations and are required to adopt a Statement Factual Findings according to Neb. Rev. Stat. § 23-114.01(6) (Reissue 2012);

WHEREAS, the Planning Commission and County Board have established the following Statement of Factual Findings:

1. An Application was submitted for a Special Use Permit (“SUP”) for a Class 2 Commercial Solar Energy Conversion System located in an agricultural zoning district on a tract of land in the S 1/2 of the SE 1/4 of Section 21-2-5 in Elm Township, Gage County, Nebraska.
2. On September 24, 2024, the Planning Commission held public hearings to receive input on SUP #2024-6. The opportunity for public comments was held for testimony in support of, neutral to, and/or in opposition to the SUP.
3. On September 24, 2024, the Planning Commission voted 7-0 to recommend approval of the SUP #2024-6 finding that the location and land use are suitable to operate a Class 2 Commercial Solar Energy Conversion System and that the requested land use would be an opportunity for Gage County’s citizens to take advantage of the benefits of solar energy. The Planning Commission further found that the applicant, through Norris Public Power, is a good company with a proven record of providing utilities to the area.
4. In recommending approval of SUP #2024-6, the Planning Commission found that the Application complied with the guidelines of Articles 6.2 and 6.8 of the Gage County Zoning Regulations.
5. On October 30, 2024, after proper notice and publication, the Board held a public hearing and public comments were heard in support of, neutral to, and/or in opposition to the SUP #2024-6.
6. On November 13, 2024, the Board considered whether the Application met all the requirements of the Gage County Zoning Regulations and held a vote to approve or disapprove SUP #2024-6.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA, that the special use permit #2024-6 for the placement of a Class 2 Commercial Solar Energy Conversion System in the S 1/2 of the SE 1/4 of Section 21-2-5 in Elm Township, Gage County, Nebraska, shall be:



approved for the reasons stated on the record.



approved with conditions: _____.

disapproved for the reasons stated on the record.

Motion made by Jurgens, seconded by Lytle to adopt the foregoing Resolution.

All members present as listed and voted as follows:

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

Nay: None

Abstaining: Haxby

Board of Supervisors

November 13, 2024

By: /s/ Erich Tiemann

Dated:

Erich Tiemann, Chairman

Subscribed and sworn to before me this 13th day of November, 2024.

/s/ Dawn Hill
Gage County Clerk

Motion by Jurgens, seconded by Lytle to approve adopting Resolution #24-19 to approve 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. Discussion on sections 6.2 and 6.8 of regs, Haxby stated she wouldn't vote for something that doesn't give her all the plans. Motion carried 6-0-1 with Haxby abstaining.

RESOLUTION NO. 24-20

RESOLUTION
& STATEMENT OF FACTS

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2024-2 for the modification of the current City of Beatrice Wellhead Protection Planning Area, extending a portion of the existing south and east boundary lines;

WHEREAS, the Gage County Planning Commission (“Planning Commission”) and Gage County Board of Supervisors (“Board”) are duly authorized under the Gage County Zoning Regulations and are required to adopt a Statement Factual Findings according to Neb. Rev. Stat. § 23-114.01(6) (Reissue 2012);

WHEREAS, the Planning Commission and County Board have established the following Statement of Factual Findings:

1. An Application was submitted for a Special Use Permit (“SUP”) for the modification of the City of Beatrice Wellhead Protection Planning Area located in an agricultural zoning district on a tract of land in Section 1- 4-5 of Blakely Township and Section 36-5-5 of Grant Township, Gage County, Nebraska.
2. On June 18, 2024, the Planning Commission held public hearings to receive input on SUP #2024-2. The opportunity for public comments was held for testimony in support of, neutral to, and/or in opposition to the SUP.
3. On August 15, 2024, the Planning Commission voted 6-0 to recommend disapproval of the SUP #2024-2, finding that the modification to the Wellhead Protection Planning area would decrease the value of the affected property.
4. In recommending disapproval of SUP #2024-2, the Planning Commission found that the requested land use did not comply with the guidelines of Article 6.2 of the Gage County Zoning Regulations or the Gage County Comprehensive Plan.
5. On October 30, 2024, after proper notice and publication, the Board held a public hearing and public comments were heard in support of, neutral to, and/or in opposition to the SUP #2024-2.

- 6. On November 13, 2024, the Board considered whether the Application met all the requirements of the Gage County Zoning Regulations and the Gage County Comprehensive Plan and held a vote to approve or disapprove SUP #2024-2.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA, that the special use permit #2024-2 for the modification of the current City of Beatrice Wellhead Protection Planning Area, extending a portion of the existing south and east boundary lines in Section 1-4-5 of Blakely Township and Section 36-5-5 of Grant Township, Gage County, Nebraska, shall be:

- approved for the reasons stated on the record.
- approved with conditions: _____.
- disapproved for the reasons stated on the record.

Motion made by Schuller, seconded by Lytle to adopt the foregoing Resolution.

All members present as listed and voted as follows:

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

Nay: Haxby

Gage County Board of Supervisors

November 13, 2024
Dated:

By: /s/ Erich Tiemann
Erich Tiemann, Chairman

Subscribed and sworn to before me this 13th day of November, 2024.

/s/ Dawn Hill
Gage County Clerk

Motion by Haxby, to disapprove adopting Resolution #24-20 to approve 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. Motion died for lack of second.

Motion by Schuller, seconded by Lytle to approve adopting Resolution #24-20 to approve 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. Haxby discussed talking to other counties and the NDEE and they don't issue a permit until the well is being dug, I do think the city has plans for this and I do wish they were more forthcoming. questioned the city's plans for the site, requesting that the city be more forthcoming. City Administrator Tobias Tempelmeyer said that there are no immediate plans for this site. Jurgens stated he understands why they are doing this. Swavely asked if they were wanting the permit for the nuclear project that the NGage Director spoke about. Tobias said that was not the case.

Motion by Schuller, seconded by Swavely to call for the vote on the original motion. Past protocol requires a motion to first end discussion and call for the question, so Schuller and Swavely restated motion to call for the question. Motion carried 6-1 with Haxby voting nay. Vote was taken on the original motion to approve the Resolution. Motion carried 6-1 with Haxby voting nay.

Hwy Supt. Mark Kuhnke asked the board if there could be an extension granted to Vogtscapes on the 6 box culvert projects for Gage County due to delays from wet weather. After discussion, no action was taken.

Haxby and Jurgens left meeting.

Motion by Dorn, seconded by Swavely to move into closed session at 12:48 p.m. for personnel. Motion carried 5-0.

Motion by Swavely, seconded by Dorn to move out of closed session at 1:10 p.m. Schuller asked a question about a personnel issue, went back in session.

Motion made by Swavely, seconded by Dorn to come out of closed session at 1:12 p.m. Motion carried 5-0.

Chairman declared Board of Supervisors meeting adjourned at 1:15 p.m. until November 27, 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 13th day of November, 2024.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk