

Gage County Board Minutes

The Gage County Board of Supervisors met on November 27, 2024, at 8:48 a.m. as per public notice given on the county website and in the Beatrice Daily Sun on November 14, 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 \$1,000,399.32 which does not include claim #24110201 to Hard Rock Quarries in the amount of \$687.15, to be voted on separately; 4. approve correspondence received and place on file; 5. Approve Designating the balance of remaining ARPA dollars (after Administration fees paid) to the Boardroom Audio/Visual project.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	182,444.89
Adams Rescue	Qrtrly EMS svc.	4500.00
Advanced Auto Dealers	Shf website maint.	29.00
All Copy Products	Ext Offc copy overage	45.59
Beatrice Board of Public Works	Utilities	5315.14
Beatrice Public Schools	Juvenile svc grant	3206.73
Black Hills Energy Det 8852	Utilities	198.39
Black Hills Energy Ext 5089	Utilities	93.65
Black Hills Energy Shf 1674	Utilities	114.01
Blue360 Media	Manuals	298.35
Charter Communications Spec 2019	Cable/phone svc	409.96
Cidnet	Data	999.90
City of Beatrice	Gbg svc, prob offc lease	14,751.56
City of Wymore	Qrtrly EMS svc	10,000.00
Clerk of Dist. Court	Court costs	104.00
CMH Clinics	Medical exam	40.00
Critical Hire	Empl profile	25.00
DAS St Acctng Cntrl Fin 6507	Data processing	196.00
Diode Technologies	Monitoring	90.89
Heather Doxon	Election consulting	1295.45
Eakes Office Solutions	Offc supplies	65.85
Sandra Eltiste	Prior svc retirement	12.00
First Wireless, Inc.	Equip rental, lic. Fee	585.00
Fox Funeral Home	Coroner expense	300.00
Gage County	Fund trnsfr to 911 Emer Mgmt Fund	200,000.00
Gage Co. Sheriff	Shf fees/mlg	653.50
GBE CPA	Auditing	4000.00
Gleason Dental Clinic	Inmate dental	1930.00
Great Plains Uniforms	Uniforms	1235.00
Green Way Lawn Services	Mowing, trimming	435.00
HD Supply Facilities Maint., Ltd.	Janitorial supplies	295.94
Hometown Leasing	Atty copier lease	152.41
Isolved Benefit Svcs.	Admin fees	144.50
Jerry Shelton, Atty	Atty fees	2090.00
Jones Automotive	Shf veh repairs	8155.19
Joyce A Kassing	Prior svc retirement	20.00
Kravec Maurstad Law	Child Suppt Enf Atty	2398.05

Land Survey Tech	Co Surveyor operating expns	4116.83
Lynn Peavey Co.	Blood alcohol kits	201.60
Mosley Info. Technology, LLC	Prob offc equip	3041.57
NACO	Conf. registrations	1440.00
NACO	Mbrshp dues	2917.40
NE Health & Human Svcs.	St Inst.	372.00
NE Public Health Env. Lab	B/A test	105.00
Nelson, Clark & Timan	Public Defender	6346.15
NI Government Svcs.	911, MSAT	345.52
Paper Tiger Shredding	Doc shredding	206.50
Physician's Laboratory, PC	Autopsy expns	300.00
Pickrell Rural Fire Dist.	Qrtrly EMS svc.	1500.00
Precision Signs & Graphics	Shf veh graphics	825.00
Priority Printing	Env., bus. Cards	217.96
Quadient Finance USA, Inc.	Shipping fees	154.86
Quadient, Inc.	Equip lease	1004.26
Quill.com – Prob.	Offc supplies	275.44
Quill – Treas	Offc supplies	520.87
Region V Systems	EPC billing	3638.00
Sapp Bros. Petroleum	Shf/Jail fuel	4833.93
Secretary of State	Cert copies	40.00
Sheridan Industries	Ext Offc janitorial svcs	150.00
Soap Opera Laundry	Mop & rag cleaning	22.75
Spectrum – Charter	EM cable TV	11.53
Stanard Appraisal Svcs.	Appraisal maint.	2430.00
Summit Food Svc.	Jail meal svc.	2953.44
Sunrise Bakery	Elec. Trng. Supplies	139.70
The Univ. of NE Med. Center	Toxicology	101.00
Verizon Wireless EMS 8923-1	EM cell phones	218.87
Washington Co. NE Shf.	Boarding inmates	195.00
Washington Co. KS Shf.	Boarding inmates	13,950.00
Windstream – Fillmore Co.	Phones	466.39
Zoellner Ford of Beatrice	Shf veh repair	2800.59

Road Fund

Highway Department Employees	Salaries	42,456.50
Beatrice Area Solid Waste Agency	Rubbish disposal	150.00
Beatrice Board of Public Works	Utilities	370.83
Beatrice Concrete Sand & Gravel	Rock & gravel	57,818.64
Beatrice Iron & Metal	Supplies	623.06
Black Hills Energy Hwy 6863	Utilities	66.72
Black Hills Energy Hwy 8861	Utilities	41.40
Cather & Sons Construction	Asphalt	3492.38
City of Beatrice	Gbg svc	74.24
Constellation NewEnergy Gas Div.	Utilities	30.92
Diversified Drug Testing	Drug testing	180.00
Filtercare of NE, LLC	Filters	100.95
First Wireless, Inc.	Equip rental	350.00
Hard Rock Quarries, LLC	Rock	687.15
Landmark Implement, Inc.	Parts	1348.00
Larry's Tire & Service	Changeovers, tire repairs	255.00
Mainelli Wagner & Associates	Engineering consulting	32,510.26
NE Dept. of Transportation	Hwy Supt lic renewal	75.00
Norris Public Power	Utilities	275.03
O'Reilly Auto Parts	Parts, supplies	126.32
Sapp Bros. Petroleum	Fuel, oil	12,880.81
Sign Solutions USA, LLC	Signs	156.99
Village of Odell	Utilities	49.50
Winter Equipment Co., Inc.	Parts	399.77

Road & Bridge Sinking Fund

Mainelli Wagner & Associates	Consulting	22,105.44
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Insurance Fund

Gage County Health Insurance	Empl. Hlth ins claims paid	33,009.80
Lucent Health Solutions	Admin fees	442.92
Mutual of Omaha	Empl. elective ins premiums	553.82
Smith Health, Inc.	Admin fee	3248.80

Diversion Program Fund

Beatrice Public Schools	Juvenile diversion	3635.00
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911 Emergency Management Fund

City of Beatrice	Qtrly 911 svc fee	60,288.28
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County Buildings Fund

Masonry Construction, Inc.	Phase 13 courthouse exterior renovation	151,197.00
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General Fund

Ameritas	County share of Employees Retirement	13,166.28
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Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	13,295.39
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Gage County Clerk – Health Plan	Co. share of Empl. health insurance	27,941.26
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Road Fund

Ameritas	County share of Employees Retirement	2,865.79
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Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,107.36
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Gage County Clerk – Health Plan	Co. share of Empl. health insurance	9,011.75
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Motion made by Dorn, seconded by Swavely to approve the consent agenda. Motion carried 7-0.

Motion made by Dorn, seconded by Swavely to approve claim #24110201 to Hard Rock Quarries. in the amount of \$687.15, bringing the total amount of claims paid through November 27, 2024 to \$1,001,086.47. 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/Winter Lights, Tiemann on Equalization and Human Resources, Jurgens on Finance/Insurance, and Haxby on Road & Bridge. Items discussed were Winter Lights went well with lighting of the Courthouse and a tree with blue lights in memory of J.T. Thornburg who started the courthouse lighting project years ago.

Extension Educator Nicole Stoner presented an Extension update and introduced Carly Applegarth as the Food and Nutrition Educator. Carly said she's excited to be in Gage County and work here. She talked about the number of 4-H Clubs and an upcoming program at Tall Tree Tastings on December 12th on house plants. She also said there is a pesticide training in February.

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

Sheriff Gustafson and Corrections Sergeant Trevor Rue presented annual statistics reports for the Jail, Courthouse, and Sheriff Dept.

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

Discussion on granting extension to contract with Vogtsapes.

Motion by Lytle, seconded by Jurgens to approve granting contract extension to Vogtsapes until May 1, 2025 with box 1262 held until grant is determined. Motion carried 7-0.

Discussion on Interlocal Agreement between Saline County, NE and Gage County, NE on County Bridge Match Program #7.

Motion by Lytle, seconded by Dorn to approve Interlocal Agreement between Saline County, NE and Gage County, NE on County Bridge Match Program #7. Motion carried 7-0.

Discussion on agreement between Gage County, NE and Washington County, KS on section of shared road on the state line with one bridge on it. A draft of the agreement proposed by Washington County stated they pay for inspections which would be \$500-\$600 every 2 years, and Gage County would pay for yearly maintenance up to \$5,000, then split the cost of anything over that. Gage County proposed just splitting all fees but they want to avoid the constant back and forth billing between counties doing it that way. Haxby suggested lowering the \$5,000 yearly maintenance amount before splitting costs to make it more even since they will only be paying

approximately \$600 every 2 years for inspections. Also discussed keeping bridge on their inventory, bidding requirements, and the difference between replacement and maintenance – Co. Atty. Roger Harris will inquire about that.

Motion by Haxby, seconded by Lytle to approve making a counter offer to Washington County, KS of a cap of \$1,500 yearly maintenance to be paid by Gage County before splitting costs over that amount, and that Washington County to continue paying the inspection fees. Motion carried 7-0.

RESOLUTION NO. 24-21

**RESOLUTION
& STATEMENT OF FACTS**

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2024-7 for the placement of a Telecommunications Tower;

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 Telecommunications Tower located in an agricultural zoning district on a tract of land in the SE 1/4, Section 34-2-8, of the Island Grove Township, Gage County, Nebraska.
2. On September 24, 2024, the Planning Commission held public hearings to receive input on SUP #2024-7. Public comments were heard 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 #2024-7.
4. In recommending approval of SUP #2024-7, the Planning Commission found that the Application complied with the guidelines of Article 6.2 of the Gage County Zoning Regulations and that the proposed tower would provide greater access to broadband internet to citizens, improving their quality of life.
5. On November 13, 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 #2024-7.
6. On November 27, 2024, the Board held a meeting to consider whether the Application met all the requirements of the Gage County Zoning Regulations and held a vote to approve or disapprove SUP #2024- 7.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA that the special use permit #2024-7 for the placement of a Telecommunications Tower in the SE 1/4, Section 34-2-8 in Island Grove 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 Haxby, seconded by Schuller to adopt the foregoing Resolution.

All members present as listed and voted as follows:

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

Nay: None

November 27, 2024
Dated

By: /s/ Erich Tiemann
Erich Tiemann, Chairman

Subscribed and sworn to before me this 27th day of November, 2024.

/s/ Dawn Hill
Gage County Clerk

Motion by Haxby, seconded by Schuller to approve adopting Resolution #24-21 granting Special Use Permit #2024-7, for the placement of a telecommunications tower to be located on a portion of the Southeast quarter in Section 34–2–8 of Island Grove Township in Gage County, Nebraska. Haxby stated for the record the reasons for recommending approval as: 1) this application meets the requirements of section 6.2 of the Zoning Regulations, 2) it is not a detriment to adjacent properties, 3) had great community involvement, and 4) had no opposition to the application. P&Z Administrator Lisa Wiegand stated that the P&Z Commission unanimously recommended approval with the support of the Village of Liberty also. Motion carried 7-0.

Short break at 9:48 a.m. Back in session at 9:46 a.m. with all members previously listed present.

RESOLUTION NO. 24-22

**RESOLUTION
& STATEMENT OF FACTS**

WHEREAS, the Gage County Board of Supervisors has been presented with a request for a special use permit, (SUP) #2024-5 for the placement of a Telecommunications Tower;

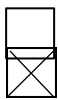
WHEREAS, the Gage County Planning Commission (“Planning Commission”) and Gage County Board of Supervisors (“Board”) are duly authorized under the Gage County Zoning Regulations and are required to adopt a Statement Factual Findings according to Neb. Rev. Stat. § 23-114.01(6) (Reissue 2012);

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 Telecommunications Tower located in an agricultural zoning district on a tract of land in the S 1/2 of the SW 1/4 of Section 19-4-8, Filley Township, Gage County, Nebraska.
2. On September 24, 2024, the Planning Commission held public hearings to receive input on SUP #2024-5. Public comments were heard in support of, neutral to, and/or in opposition to the SUP.
3. On September 24, 2024, the Planning Commission voted 5-2 to recommend approval of the SUP #2024-5.
4. In recommending approval of SUP #2024-5, the Planning Commission found that the Application complied with the guidelines of Articles 6.2 and 6.5 of the Gage County Zoning Regulations and found that the proposed tower would provide a benefit to the community and meets the federal requirements of the FCC and FAA
5. On November 13, 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 #2024-5.
6. On November 27, 2024, the Board held a meeting to consider whether the Application met all the requirements of the Gage County Zoning Regulations and held a vote to approve or disapprove SUP #2024- 5.

NOW, THEREFORE, BE IT RESOLVED BY THE GAGE COUNTY BOARD OF SUPERVISORS OF GAGE COUNTY, NEBRASKA that the special use permit #2024-5 for the placement of a Telecommunications Tower in the S 1/2 of the SW 1/4 of section 19-4-8 Filley 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 Haxby to adopt the foregoing Resolution.

All members present as listed and voted as follows:

Yea: Jurgens, Haxby, Dorn, Tiemann, Lytle

Nay: Schuller, Swavely

Gage County Board of Supervisors
By:

November 27, 2024
Dated

/s/ Erich Tiemann
Erich Tiemann, Chairman

Subscribed and sworn to before me this 27th day of November, 2024.

/s/ Dawn Hill
Gage County Clerk

Motion by Jurgens, to disapprove Resolution #24-22 granting 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. Jurgens stated his reasons for disapproval as: 1) 300 residents and landowners within a 6-mile radius signed a petition against the tower, 2) economic impact – two businesses and some agri-business within a little over a mile will be directly affected, 3) equipment being placed on the tower is questionable and still being used on other towers, 4) common sense tells me it’s the wrong location and should be East of Filley, and 5) that members of the community asked to meet with the Tower Company and they refused. Haxby seconded the motion. Schuller said this decision is a tough one because even though the people near the proposed site, some of whom are in his District, are against it and he wants to represent them, he also has to make decisions that are best for the entire county that he represents on the Board. It is speculation on how this will affect land values or ag business. They feel it is not needed because service is good now, but this extends further on than just that area. As tech is improved, they can expand services. He said the Board needs to be consistent in the process of approving or disapproving like business or infrastructure needs, Gage County needs the infrastructure. He doesn’t think about just himself; he thinks about the farmers and the people who work out of their homes. These companies spend a lot of money to research coming here, follow the guidelines the regulations allow, only to come here to get turned down. He is concerned that future businesses won’t look to come here because of the risk of being turned down. We have regulations but then tweak it for each situation and “move the goal post” for each applicant and then turn them down. Maybe we just need to have them come to the Board instead of P&Z before they invest all their money. He doesn’t think it is the Board’s business to determine the location, we aren’t in the telecommunications business. Tiemann stated that there has been no confirmation of the signatures to determine if they’re valid. He also pointed out that this is a cell tower, not a telecommunications tower. Schuller pointed out that broadband internet is essential for everyday living, not just for businesses. Haxby clarified that with broadband being part of this application, because the company reported speed capabilities to the FCC and the state that are higher than can actually be provided, it hurt the county’s ability to acquire grant funding. Schuller pointed out that in the proposed area it was found that buried cable was cost prohibitive, making towers necessary. Lytle asked if a super majority was required to approve or disapprove and Co. Atty Harris said the petition did not meet requirements so a super majority vote is not required. Haxby said that it is not fair to compare one application to another because each one is separate and must be considered that way to best serve our constituents of Gage County. She also reiterated that any decision would be based on Section 6.2 of the zoning regs and that Jurgens raised some valid issues as reasons for disapproval. Schuller added that you could defend either side of those points depending on how you look at them. All the differing viewpoints help the Board make the best decision for the citizens of Gage County. Tiemann asked for any further discussion, hearing none he asked for the vote. Motion carried 5-2 with Jurgens, Haxby, Dorn, Tiemann and Lytle voting yea, Schuller and Swavely voting nay. Tiemann confirmed that this motion denies adopting Resolution #24-22 on SUP 2024-5.

Motion by Dorn, seconded by Swavely to move into closed session at 10:08 a.m. for negotiations update. Motion carried 6-1 with Schuller voting nay.

Jurgens left meeting during closed session.

Motion by Swavely, seconded by Dorn to come out of closed session at 10:28 a.m. Motion carried 6-0.

Chairman declared Board of Supervisors meeting adjourned at 10:29 a.m. until December 11, 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 27th day of November, 2024.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk