



Gage County Board Minutes

The Gage County Board of Supervisors met on December 11, 2024, at 8:45 a.m. as per public notice given on the county website and in the Beatrice Daily Sun on , 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, Don Schuller, Erich Tiemann, Eddie Dorn, Dave Swavely and Gary Lytle present, Emily Haxby absent.

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 \$2,111,919.00 which does not include claim #24120123 to Hard Rock Quarries, LLC. in the amount of \$330.66, #24120126 to Johnny's Welding, Inc. in the amount of \$205.22 & # 24120132 to R.L. Tiemann Const. Inc., in the amount of \$74,741.82 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 November, 2024; 6. Approve Utility Permit #1319 to Robbie Hofeling. Mr. Hofeling will be installing a new electrical line under Maple Road, approximately 4,485' East of the intersection of 134th and Maple. Mr. Hofeling's contractor will trench a 4" wide by 48" deep trench from South grader ditch to the North grader ditch for new electrical line and backfill to county specs. All other work will be on private property. Located South of Section 28 and North of Section 33, T-3-N, R-8-E, Sherman Township.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	178,476.53
Advanced Correctional Healthcare	Jail on-site medical svcs	7657.84
All Copy Products, Inc.	Copy overage	89.91
Amazon Capital Svcs.	Offc supplies	57.32
Applied Connective Tech.	IT svcs, maint.	22,371.26
AT&T Mobility Accounts	Shf phones	1,036.83
Daniel & Brooke Barr	Pioneer cemetery maint.	1000.00
Beatrice Humane Society	Funding	8500.00
Blue360 Media	Manuals	397.80
Capital One NA	Prob supplies	34.33
Cardinal Assessment Group	Appraisal svcs	4275.00
Carrot-Top Ind.	3 sets of flags for cths	754.90
Clearly Communications	Co. phones	2801.19
Clerk of Dist. Court	Court costs	495.98
Column Software	Publications	738.44
Community Memorial Healthcare	Pre-employment exam	140.60
Consolidated Management	Meals at trng	127.35
Correctional Risk Svcs.	Inmate medical	185.00
DataShield Corp.	Doc shredding	24.00
Diode Technologies	Monitoring	90.89
Eakes Office Solutions	Offc supplies, equip.	9018.06
Echo Group	Elec. Box covers	687.41
Election Systems & Software	Ballots	7151.02
FAC	Court calendars	38.25
Gage County	Fnd trns Rd/Br Snk, 911, Ins., Bldg, Ec Dev	1,522,595.88
Gage Co. Petty Cash	Pstg	32.00
Gage Co. Treasurer	Shf veh title, reg, tire tax	42.50
General Election Help	Poll wkrs, elec nite help, canvass bd.	11,555.70
Hometown Leasing	Atty & Prob copier leases	369.12
Jerry L Shelton, Atty	Atty fees	3158.75
Kraviec Maurstad Law	Child Suppt. Enf.	2398.05

Lincoln Journal Star	Publications	5664.21
Microfilm Imaging Systems	Scanning equip. rent	457.00
Midwest Process Services	Civil process fees	264.40
MIPS, Inc.	Data processing	5216.49
Murray Law	Atty fees	7647.50
Natl Assn of Counties	Mbrshp	450.00
NE Weed Control Assn.	Dues	125.00
Nelson, Clark & Timan	Public Defender	6346.15
Northeast Auto	Veh lease	550.00
Pinpoint Communications	Co. internet	270.17
Precision Signs & Graphics	Shf veh graphics	825.00
Quill – Ext.	Offc supplies	140.28
Quill – Prob	Offc supplies	377.43
Quill – Treas	Offc supplies	53.52
Region V Systems	EPC billing	3638.00
Sack Lumber	Laminate, rope clamp	262.92
SE NE Communications	Falls City Prob phones	114.67
Security Services	Monitor Shf/Jail	68.50
Stanard Appraisal Svcs.	Appraisal maint.	540.00
Summit Food Svc.	Jail meals	8535.42
T.O. Haas Tire	Oil chngs	145.95
Thomson Reuters, West Pmt Ctr.	Law Library subscr.	3619.54
TK Elevator Corp.	Elev. Maint.	265.63
US Bank – Purchase Cards	Supplies	2,154.76
Verizon Wireless GCSO	Shf cell phones	480.12
Verizon Wireless Prob 339-1	Cell phones	394.16
Washington Co. KS Shf	Boarding inmates	187.88
Windstream Wilber Prob	Phones	54.94
Woods & Aitken	Prof legal svcs	5083.74
Zultys, Inc.	Prob phones	472.68

Road Fund

Highway Department Employees	Salaries	43,134.25
Beatrice Concrete Sand & Gravel	Rock & gravel	53,573.54
Beatrice Iron & Metal	Tools	893.45
Bomgaars	Supplies, tool	378.38
Concrete Ind.	Asphalt sealant	8316.00
Filtercare of NE	Filters	39.60
Hard Rock Quarries	Co. rock	330.66
Independent Salt Co.	Road salt	2698.84
Jim Hawk Truck Trailers	Supplies	678.78
Johnny's Welding	Supplies	205.22
Medical Enterprises, Inc.	Drug testing	110.00
Midwest Unlimited	Shop supplies	82.08
MIPS, Inc.	Hwy data pkg	192.32
Pavers, Inc.	Asphalt	203.98
PowerPlan	Labor	561.75
R.L. Tiemann Const.	Twp gravel & hauling	74,741.82
Rock On, Inc.	Hauling material	6199.44
Rose Equipment LLC	Parts	44.97
Tractor Supply	Tow strap	24.99
U.S. Auto Force	Tires	1821.24
Verizon Connect Fleet USA, LLC	Veh GPS	390.55
Wrightsmen Plbg.	Shop furnace repair	247.50
Yant Testing Supply & Equip.	Decals	3.10

Visitors Promotion Fund

Beatrice Area Chamber of Commerce Lodging Tax		3779.95
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Register of Deeds Preservation & Modernization Fund

MIPS, Inc.	Deeds online w/ numerical indexes	220.08
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Insurance Fund

Debra Stiefvater	Ins. reimb.	96.79
Gage County Health Ins.	Employee hlth ins claims pd	64,426.01
Clabaugh Pharmacy	Employee flu shots	1835.00

County Buildings Fund

Masonry Construction, Inc. Scaffolding for cths exterior renovation 12,177.77

Motion made by Swavely, seconded by Dorn to approve the consent agenda. Motion carried 6-0.

Motion made by Dorn, seconded by Swavely to approve claim #24120123 to Hard Rock Quarries, LLC. in the amount of \$330.66 and claim #24120132 to R.L. Tiemann Const. Inc., in the amount of \$74,741.82. Motion carried 5-0-1 with Tiemann abstaining due to conflict of interest.

Motion made by Dorn, seconded by Swavely to approve claim #24120126 to Johnny’s Welding, Inc. in the amount of \$205.22, bringing the total amount of claims paid through December 11, 2024 to \$2,187,196.70. Motion carried 5-0-1 with Jurgens 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/Employee Relations, Jurgens on Finance/Insurance, Lytle and Lisa Wiegand on Law Enforcement/Emergency Management, and Jurgens and Mark Kuhnke on Road & Bridge. Items discussed were new wall pack flood lights at Veteran’s Office, cutting panels for board room, heat pump in 4th floor hallway to be replaced, draining water from outdoor light globes, EMS training, and solar project in Lancaster County.

Motion by Lytle, seconded by Dorn to approve Gage County Comprehensive Juvenile Community Plan to be submitted to the Nebraska Crime Commission and authorizing Chairman to sign plan. Motion carried 6-0.

Motion by Swavely, seconded by Lytle to approve Gage County Community-based juvenile Services Aid Application to be submitted to the Nebraska Crime Commission and authorizing Chairman to sign application. Motion carried 6-0.

RESOLUTION #24-23

A RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE BY THE BEATRICE AREA SOLID WASTE AGENCY (THE “AGENCY”) OF ITS SOLID WASTE DISPOSAL FACILITIES REVENUE BONDS, SERIES 2025, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND EQUIPPING A NEW LANDFILL AND ALL NECESSARY BUILDINGS AND ITEMS OF EQUIPMENT RELATED THERETO, FOR USE BY THE AGENCY; AUTHORIZING THE DESIGNATION OF ONE OR MORE SERIES OF THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF GAGE, NEBRASKA AS FOLLOWS:

Section 1. The Board of Supervisors (the “**Board**”) of the County of Gage, Nebraska (the “**County**”), hereby makes the following findings and determinations:

(a) The Nebraska Interlocal Cooperation Act, Sections 13-801 et seq., Reissue Revised Statutes of Nebraska, as amended (the “**Interlocal Act**”), permits public agencies, such as the County, to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; the Interlocal Act further provides that any power or powers, privileges, or authority exercised or capable of exercise by a public agency of the State of Nebraska (the “**State**”) may be exercised and enjoyed jointly with any other public agency of this state; and the Interlocal Act further permits a joint entity established thereunder to issue such types of bonds as its governing body may determine which may be secured by a pledge of any grant, subsidy, or contribution from any person or a pledge of any income or revenue, funds, or money of the joint entity from any source whatsoever or a mortgage or security interest in any real or personal property, commodity, product, or service or interest therein.

(b) Pursuant to the Interlocal Act, the County and the City of Beatrice, Nebraska (the “**City**”, and together with the County, the “**Public Agencies**”) entered

into an Interlocal Cooperation Act Agreement (the “**Interlocal Agreement**”) for the purpose of creating the Beatrice Area Solid Waste Agency (the “**Agency**”).

(c) The County and the City entered into the Interlocal Agreement and created the Agency for the purpose of acquiring or leasing, financing, constructing and operating a solid waste disposal facility (the “**Facility**”) and facilities for the collection, source separation, storage, processing and transportation of recyclable materials (“**Resource Recovery Facilities**”) and together with the Facility, the “**Facilities**”).

(d) The City and the Agency have entered into that certain Service Agreement dated as of September 1, 1996, as amended and supplemented (the “**City Service Agreement**”). The Agency has also entered into separate service agreements with the County (the “**County Service Agreement**”) and also with certain cities and villages located in the County (collectively, the “**Contracting Municipalities**”) (each a “**Municipality Service Agreement**”) and together with the City Service Agreement and the County Service Agreement the “**Service Agreements**”), all as on file in the offices of the Agency, as authorized by Sections 13-2001 through and including 13-2043 Reissue Revised Statutes of Nebraska, as amended, (the “**Solid Waste Act**”).

(e) It is necessary that the Agency finance the costs of constructing and equipping a new landfill and all necessary buildings and items of equipment related thereto, for disposal of solid waste to serve the City, the County and other Contracting Municipalities (collectively, the “**Project**”).

(f) To finance the costs of the Project, the Agency has determined to issue its Solid Waste Disposal Facilities Revenue Bonds, Series 2025, or such other designation as authorized herein, in or more series, in an aggregate principal amount not to exceed \$16,000,000 (the “**Bonds**”), which Bonds are to be paid from and secured by the revenues of the Facilities, including revenues from the City Service Agreement.

(g) Prior to the issuance of the Bonds, the Agency requires that the respective governing bodies of each of the County and the City approve the issuance of the Bonds by the Agency for the benefit of the Public Agencies.

(h) All conditions, acts and things required by law to exist or to be done precedent to the issuance by the Agency of one or more series of solid waste disposal facilities revenue bonds for the benefit of the Public Agencies as authorized in the amount not to exceed \$16,000,000 do exist and have been done in due form and time as required by law.

Section 2. The Board hereby authorizes and approves the continued participation of the County in the Agency pursuant to the Interlocal Act, the Solid Waste Act and other laws to provide financing, services and support to all members of the Agency including but not limited to issuance of bonds, retention of bond paying agent, record keeping and other administrative services relating to the financing of the Facilities for use of the Public Agencies, and for other lawful purposes. The Board hereby further directs the Chairperson, the County Treasurer and the County Clerk (each, including any person authorized or designated to sign on his or her behalf, an “**Authorized Officer**”), or each individually, to sign, execute, and deliver such documents, to act as the County’s representative on all matters related to all of such documents, and to take or cause to be taken any and all other action and sign any other documents as may be necessary to complete the transaction.

Section 3. For the purpose of financing the costs of the Project, funding necessary reserves and paying the costs of issuing the Bonds, the County, in accordance with its authority under the Solid Waste Act and the Interlocal Act, hereby authorizes the Agency to issue one or more series of Bonds for the benefit of the Public Agencies in an aggregate principal amount of not to exceed \$16,000,000 and with a maximum maturity date of December 31, 2055. The Bonds shall have such terms, conditions and limitations as set forth in that resolution adopted by the governing body of the Agency on December 2, 2024 (the “**Agency Bond Resolution**”) and in a certificate (the “**Award Certificate**”) executed at the time of sale of the Bonds by the Agency.

Section 4. The Authorized Officers, or each individually, is authorized to take all actions necessary to effect the delivery of the Bonds by the Agency to the Purchaser (as defined in the Agency Bond Resolution) and the structure of the financing as

contemplated in Section 11 of the Agency Bond Resolution, inclusive of the power and authority to execute such orders, certificates, receipts and other documents as may be necessary or desirable to effect such delivery. The Board further authorizes the various financing structures as set forth in Section 11 of the Agency Bond Resolution.

Section 5. (a) The County covenants and agrees that (i) it will comply with all applicable provisions of the Internal Revenue Code of 1986, as amended (the “Code”), including Sections 103 and 141 through 150, necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds, and (ii) it will not use or permit the use of any proceeds of Bonds or any other funds of the County nor take or permit any other action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds. In addition, the County will adopt such other resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the County.

(b) If applicable and in consultation with bond counsel, the Authorized Officers, or each individually, are authorized to designate one or more series of Bonds as “qualified tax-exempt obligations” as defined in Section 265(b)(3) of the Code. In connection with such designation, the County shall represent that:

(i) the aggregate face amount of all tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds” and certain refunding bonds) which will be issued by the County (and all subordinate entities thereof) during current calendar year is not reasonably expected to exceed \$10,000,000; and

(ii) the County (including all subordinate entities thereof) will not issue an aggregate principal amount of tax-exempt obligations (other than private activity bonds that are not “qualified 501(c)(3) bonds” and certain refunding bonds) during current calendar year, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of nationally recognized counsel in the area of municipal finance that the designation of the Bonds as “qualified tax-exempt obligations” will not be adversely affected.

Section 6. Without in any way limiting the power, authority, or discretion elsewhere herein granted or delegated, the Board hereby (a) authorizes and directs all of the officers, employees, and agents of the County to carry out, or cause to be carried out, and to perform such obligations of the County and such other actions as they, or any one of them shall consider necessary, advisable, desirable, or appropriate in connection with this Resolution, and the issuance, sale, and delivery of the Bonds, including, without limitation and whenever applicable, the execution and delivery of all other related documents, instruments, certificates, and opinions; and (b) delegates, authorizes, and directs to each Authorized Officer the right, power, and authority to exercise her or his own independent judgment and absolute discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by such officer of any such documents, instruments, certifications, and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the County’s and their approval of all changes, modifications, amendments, revisions, and alterations made therein, and shall conclusively establish their absolute, unconditional, and irrevocable authority with respect thereto from the County and the authorization, approval, and ratification by the County of the documents, instruments, certifications, and opinions so executed and the action so taken.

Section 7. All actions heretofore taken by the officers and officials of the County in connection with the issuance and sale of the Bonds by the Agency, including, without limitation the preparation and distribution of documents relating to such issuance and sale, together with all other actions taken in connection with any of the foregoing, be and the same are hereby in all respects authorized, adopted, specified, accepted, ratified, approved and confirmed.

Section 8. If any one or more of the provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed severable from the remaining provisions of this Resolution and the invalidity thereof shall in no way affect the validity of the other provisions of this

Resolution or of the Bonds and the owners of the Bonds shall retain all the rights and benefits accorded to them under this Resolution and under any applicable provisions of law.

If any provisions of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid in any particular case in any jurisdiction or jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstances, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 9. The issuance of the Bonds is subject to prior publication by the Agency of notice of its intention to issue the Bonds, as required by the Interlocal Act.

Section 10. This Resolution shall take effect and be in force from and after its passage as provided by law.

DATED: December 11, 2024.

THE COUNTY OF GAGE, NEBRASKA

ATTEST:

By /s/ Dawn Hill
County Clerk

By Erich Tiemann
Chairperson, Board of Supervisors

Motion by Jurgens, seconded by Lytle to approve adopting Resolution #24-23 on approving issuance by the Beatrice Area Solid Waste Agency of its solid waste disposal facilities revenue bonds, Series 2025 in an aggregate principal amount not to exceed \$16,000,000 for the purpose of financing the costs of constructing and equipping a new landfill and all necessary building and items of equipment related thereto, for use by the agency. Motion carried 6-0.

Motion by Schuller, seconded by Swavely to approve building entrance agreement with Unite Private Networks to supply internet to the Extension office. This agreement allows them to trench to and to access the building. Motion carried 6-0.

Break at 9:22 a.m. Jurgens left meeting during break. Back in session at 9:36 a.m.

Motion by Swavely, seconded by Dorn to move into closed session at 9:36 a.m. for negotiations. Motion carried 5-0.

Motion by Swavely, seconded by Dorn to come out of closed session at 10:41 a.m. Motion carried 5-0.

Motion by Schuller, seconded by Swavely to adjourn meeting at 10:48 a.m. Motion carried 5-0.

Chairman declared Board of Supervisors meeting adjourned at 10:48 a.m. until Tuesday, December 24, 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 11th day of December, 2024.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk