

The Gage County Board of Supervisors met on September 30, 2026, at 8:45 a.m. as per public notice given on the county website and in the Beatrice Daily Sun on September 17, 2026, 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 shown hereafter were taken while in the convened meeting which was open to the attendance of the public.

Supervisors Rex Adams, Rick Clabaugh, Emily Haxby, Erich Tiemann, Gary Lytle, Eddie Dorn, and Terry Jurgens 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 \$1,359,146.58; 4. approve correspondence received and place on file; 5. approve sheriff's distress warrant report; 6. approve striking personal property taxes where a distress warrant has been issued for at least 2 (two) years and remains uncollected; 7. approve receiving treasurer's list of delinquent taxes on parcels of real estate in the County, which remain unsold for want of bidders and directing the County Treasurer to issue county tax sale certificates; 8. approve cancelling check #25070005 to AutoZone in the amount of \$42.64; 9. approve specifications and call for bids on 2026-2027 snow removal for the courthouse, Sheriff/Jail, Veterans Office, Former Buss Stop location and parking lots. Bids to be opened October 14, 2026, at 9:15 a.m.; 10. approve Utility Permit #1354 to Windstream Nebraska, LLC, Windstream will be removing a temp communications line and replace with new buried communications line. Windstream will start at pedestal 1012/0153AH in the South grader ditch, bore the new line West for 250', then turn South and continue work on private property. Located North of Section 34, T-5-N, R-6-E, Holt Twp.; 11. approve Utility Permit #1355 to Windstream Nebraska, LLC, Windstream will be removing a temp communications line and replace with new buried communications line. Windstream will start at pedestal S851AD in the West grader ditch of 82nd Road, plow the new line North for 450', then tie-in to pedestal S841AD. Located East of Section 27, T-6-N, R-7-E, Nemaha Twp.; 12. approve Utility Permit #1356 to Nextlink, Nextlink will be adding a new communications line in the Adams area. Nextlink will start at LV-52 in the South grader ditch and plow a new line East for 285', then turn North and bore under Birch Road for 60' to North grader ditch and install new service box in the ROW and continue service line on to private property. Located in North Section 34, T-6-N, R-8-E, Adams Twp.; 13. approve receiving Step #3 on June 28 to July 11, 2026, paycheck grievance filed by FOP #45.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Gross pay	208,231.02
AT&T Mobility Accounts LLC	Shrff. phone svc – 4g cards	712.18
AutoZone	Shrff. & Corr. supplies	42.64
Badge & Wallet	Corr. nameplates	46.95
Beatrice Board of Public Works	Utilities	6595.34
Benchmark Government Solutions	Shrff. training – meals	139.50
Black Hills Energy 8852	Utilities	193.46
Black Hills Energy 5089	Utilities	62.80
Black Hills Energy 1674	Utilities	110.51
BraveBe Child Advocacy Center	Contractual svc Co. Atty.	7710.00
Charm-Tex Inc	Inmate provisions	1096.50
Charter Comm. (Spectrum 2019)	Jail-cable	249.00
City of Beatrice	Ext. & shrff. monthly trash svc.	378.00
City of Wymore	Quarterly EMS svc.	10000.00
Correctional Risk Services	Inmate medical	480.36
DAS St. Accting. Cntrl 6505	Postage	3384.41
DAS St. Accting. Cntrl 6507	District court fees	46.00
Datashield Corporation	Prob. doc shredding	24.00
Davis Design Inc	Jail contractual svc.	14,758.48
Dept. Correctional Svcs	Inmate board/medical	3013.90
Gage County	Trans. of funds general to road	500000.00
Gage Co. Register of Deeds	Tax foreclosure fees	80.00
Harman-Wright Mortuary	County Burials	2400.00
Heather Hagemeister	Office supplies	26.84

Jablonski Psysics Services	Scanner maintenance	700.00
Jacie Milius	Travel Exp. – mileage	328.32
Jefferson Co. Sheriff's Office	Shrff. fees	26.00
Jerry L Shelton Atty	Atty fees	468.75
Joyce Kassing	Prior svc. retirement	20.00
Kalkwarf & Smith	Atty. Fees	775.00
Ken's Pest Control	Shrff. office-pest control	400.00
Kraviec Maurstad Law, P.C.	Atty. Fees – child support contract	3076.92
Kristine Riekenberg	Transcript fees	184.00
Merchant McIntyre & Associates	Grant costs	8000.00
Midwest Process Services	District court fees	122.12
Midwest Special Services Inc	Prisoner transport	1536.95
Mips Inc	Office supplies	177.50
NACO	Registration fees	220.00
NE Health & Human Services	St Inst	744.00
NE Law Enforcement Training Ctr.	Rifle training	500.00
NE Weed Control Association	Membership fees	125.00
Nelson, Clark & Timan, P.C.	Puclic defender atty. Fees	7499.99
Nicole Stoner	Travel Exp. – mileage	88.16
Physcians Laboratory PC	Autopsy costs	2925.00
Quadient	Postage funding	323.02
Quill – Ext.	Office supplies	290.99
Quill – EMS	Office supplies	378.49
Quill – Prob.	Office supplies	29.44
Reagan Law Offices PC LLO	District court atty. Fees	1891.50
Riverside Technologies Inc	Office equip.	688.00
Sandra Eltiste	Prior svc. retirement	12.00
Spectrum	Subscriptions	11.47
Summit Food Service LLC	Jail meals	8134.53
Thomas Reuters	Law Library subscr.	3763.97
TreviPay – Walmart Business	Office supplies	147.07
Verizon Wireless – EMS 8923-1	Phones, hot spots	223.93
Washington Co. Sheriff's Office	Inmate boarding	14490.00
Wendy C Cutting	County court costs	144.50
Westlake Hardware Inc	Maintenance, repairs, supplies	361.60
Woods Aitken LLP	Prof. legal svcs.	6858.83

Road Fund

Highway Department Employees	Gross pay	44,984.84
Beatrice Board of Public Works	Utilities	462.89
Beatrice Concrete Sand & Gravel	Rock, gravel	47990.24
Black Hills Energy – Hwy 6863	Utilities	77.75
Black Hills Energe – Hwy 8861	Utilities	50.28
Bomgaars	Shop supplies	256.73
City of Beatrice	Gbg svc	78.00
Eakes Office Solutions	Office supplies	104.82
LTR Inc	Towing	785.48
Mainelli Wagner & Associates Inc	Consulting svcs.	171205.73
Norris Public Power	Utilities	231.59
Pavers Inc	Asphalt	8693.60
Vogt Enterprises LLC	Bridge, culverts	110020.34

Visitor Promotion Fund

Gage Development Coalition	July 26 lodging payment	17819.66
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Insurance Fund

Gage County Health Insurance	Employee health insurance claims paid	89508.73
Mutual of Omaha	County paid life insurance	507.62

Diversion Program Fund

Diversion Employees	Gross pay	2,054.24
Yellow Cab of Beatrice	Taxi vouchers	140.00

General Fund

Ameritas	County share of Employees Retirement	15,782.50
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	15,929.68

Road Fund

Ameritas	County share of Employees Retirement	3,036.48
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,441.37
<u>Diversion Program Fund</u>		
Ameritas	County share of Employees Retirement	93.77
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	157.14

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

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

Committee reports were given by Tiemann on Equalization & Human Resources; Jurgens on Finance; Lytle, Millard & Lisa on Law Enf & Emg Mgmt; Haxby & Mark on Rd. & Bdg. Items of discussion included animal carcasses on roadways & flooding that may occur.

RESOLUTION #26-22

WHEREAS, the Interlocal Cooperation Act of the State of Nebraska (Neb.Rev. Stat. 13-801 et.seq. and all amendments thereto) enables separate political subdivisions of Nebraska to cooperate on the basis of mutual advantage to provide for joint undertakings, services and facilities.

WHEREAS, Gage (county, municipality or other public agency), Nebraska believes it is in the best interest of its citizens to join with other Nebraska Public Agencies participating in the Nebraska Regional Interoperability Network

WHEREAS, the Nebraska Regional Interoperability Network is established by Public Agencies for the benefit of Nebraska citizens and allows information to be shared among emergency and communications centers on a real time, on demand, basis to help mitigate an emergency that threatens any location.

THEREFORE, BE IT RESOLVED, that the Gage County Board hereby:

- 1. Approves the document entitled “Agreement”, and
- 2. Enters into the Agreement for the formation and participation in the Nebraska Regional Interoperability Network until the Board of the Public Agency terminates the Agreement, and
- 3. The Chair of the Board of the public agency is hereby authorized to execute the Agreement on behalf of the Public Agency following passage and approval of this Resolution.

PASSED AND APPROVED this 30th day of September, 2026.

Attest:	Gage County Board
<u>/s/ Dawn Hill</u> County Clerk	<u>/s/ Erich Tiemann</u> Chair/Presiding Officer

Motion by Lytle, seconded by Jurgens to approve Interlocal Agreement & Resolution #26-22 for Cooperative Development and use of the Nebraska Regional Interoperability Network. Motion carried 7-0.

Motion by Jurgens, seconded by Lytle to approve following Governor Pillen’s Executive order 26-20 of Emergency Relief for Transportation of Seasonally Harvested Products. Motion carried 7-0.

Motion by Clabaugh, seconded by Adams to approve moving into closed session at 9:17 a.m. for pending litigation. Motion carried 6-0 with Dorn temporarily out.

Motion by Lytle, seconded by Dorn to approve moving out of closed session at 9:41 a.m. Motion carried 7-0.

RESOLUTION NO. 26-23

WHEREAS, Melinda Baxa, Sarah Williams, Jonathan Schmuck, Tiffani Moreno, Joseph Eppens, Amanda Gatrost, Desiree McCardle, Kennith Steelman, Trevor Rue, Michael Hager, Jacob Shepardson, Evan Praseuth, Kylee Schoen, Jacob Beville, Emily Trimble, Tim Hanson, John Patsch, Brock Juracek, and Matt Ernst (“Claimants”) are employees of Gage County (“County”) whose terms and conditions of employment are governed, in whole or in part, by a

collective bargaining agreement between the County and Claimant Fraternal Order of Police Local #45 (“Union”) (the “CBA”);

WHEREAS, the Claimants asserted that the County failed to pay certain wages allegedly due under the CBA, and the Claimants’ allegations were submitted and processed as a grievance pursuant to the grievance procedure established by the CBA;

WHEREAS, the CBA establishes a procedure for the presentation, consideration, and resolution of disputes concerning the interpretation, application, or alleged violation of the CBA, including disputes concerning wages;

WHEREAS, the Claimants’ grievance was presented to the County Sheriff, who reviewed the grievance and issued a written decision denying the grievance;

WHEREAS, the Claimants timely appealed the Sheriff’s denial to the County Board in accordance with the applicable grievance procedure;

WHEREAS, the County Board reviewed the Claimants’ written appeal, the Sheriff’s decision, the applicable provisions of the CBA, and the information and materials submitted for consideration by the Board;

WHEREAS, after consideration of the appeal, the County Board denied the grievance and affirmed the Sheriff’s decision, thereby resolving the grievance at the County Board level pursuant to the applicable CBA grievance procedure;

WHEREAS, pending the County Board’s denial of the grievance, the Claimants filed with the County Clerk a claim against the County pursuant to Neb. Rev. Stat. § 23-135, seeking payment of wages allegedly owed by the County based upon the same underlying facts and alleged contractual entitlement presented through the grievance procedure;

WHEREAS, the County Board has considered the § 23-135 claim and determines that the claim arises from the same alleged wage dispute that was presented, considered, and denied through the CBA grievance procedure;

WHEREAS, Neb. Rev. Stat. § 23-135 provides that claims against a county arising from labor or services must be filed with the county clerk within ninety days from the time the labor or services forming the basis of the claim were performed, subject to the exceptions contained in the statute;

WHEREAS, the County Board recognizes that § 23-135 establishes a statutory procedure for the presentation and disposition of claims against a county and that the County Board has authority to allow or disallow such claims;

WHEREAS, the County Board further recognizes that the existence of the § 23-135 claims procedure does not create a separate or duplicative procedure for relitigating a contractual dispute that has already been presented and resolved through a mandatory collective bargaining agreement grievance procedure;

WHEREAS, the County Board further recognizes that Nebraska law gives effect to mandatory contractual grievance procedures and requires compliance with applicable contractual procedures before a party may seek enforcement of rights arising under the contract where the contract makes exhaustion of the grievance procedure a condition precedent;

WHEREAS, the County Board has determined that the Claimants’ wage dispute was subject to the grievance procedure established by the CBA and that Claimants in fact invoked that procedure, received a decision from the Sheriff, timely appealed that decision to the County Board, and received a decision from the County Board denying the grievance;

WHEREAS, the County Board therefore finds that the contractual grievance procedure applicable to the Claimants’ dispute was exhausted at the County Board level, subject to any further contractual appeal rights expressly provided by the CBA;

WHEREAS, to the extent the CBA provides an additional contractual right to another form of final review following the County Board’s decision, the existence of such a contractual remedy does not establish that Claimants are entitled to a second merits determination by the County Board under § 23-135 concerning the same alleged contractual wage obligation;

WHEREAS, the County Board has independently considered the § 23-135 claim for purposes of determining whether the County owes the Claimants the amounts demanded and has determined that the claim should be disallowed;

WHEREAS, the County Board finds that the Claimants have not established any contractual, statutory, or other legal basis requiring the County to pay the additional wages claimed;

WHEREAS, the County Board incorporates into its consideration of the § 23-135 claim the factual and contractual determinations previously made in connection with the Claimants' grievance, including the Sheriff's denial and the County Board's prior decision affirming that denial, to the extent applicable to the same alleged wage or compensation obligation;

WHEREAS, the County Board further finds that allowing the § 23-135 claim would effectively permit the Claimants to relitigate through the county claims procedure the same contractual dispute that was presented and resolved through the CBA grievance procedure;

WHEREAS, nothing in this Resolution is intended to waive any contractual limitation, grievance deadline, statutory limitation, jurisdictional defense, or other defense available to the County concerning the Claimants' alleged entitlement to wages;

WHEREAS, the County Board further intends that this Resolution constitute the Board's formal action upon the § 23-135 claim.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Gage County, Nebraska, as follows:

Section 1. Receipt and Consideration of Claim.

The County Board hereby acknowledges receipt and consideration of the claim filed by Claimants pursuant to Neb. Rev. Stat. § 23-135.

The Board determines that the claim seeks payment from the County based upon alleged underpaid wages, allegedly arising under or in connection with the CBA.

Section 2. Applicability of CBA Grievance Procedure.

The County Board finds that the subject matter of the claim is governed by the CBA and that the CBA establishes a grievance procedure for resolving disputes concerning the interpretation, application, or alleged violation of the agreement, including disputes concerning wages.

The Board further finds that the Claimants invoked the CBA grievance procedure concerning the same underlying dispute that is the subject of the § 23-135 claim.

Section 3. Grievance Proceedings and Exhaustion.

The Board finds that:

1. The Claimants presented the grievance to the Sheriff;
2. The Sheriff considered and denied the grievance;
3. The Claimants appealed the Sheriff's decision to the County Board;
4. The County Board considered Claimants' appeal;
5. The County Board denied the grievance and affirmed the Sheriff's decision; and
6. The grievance therefore has been fully considered and decided by the County Board pursuant to the applicable CBA grievance procedure, subject only to any further contractual remedy expressly provided by the CBA.

The Board further finds that Claimants may not use the § 23-135 claims procedure to obtain a second determination by the County Board on the merits of the same contractual wage dispute.

Section 4. Timeliness Under Neb. Rev. Stat. § 23-135.

The County Board recognizes that § 23-135 requires claims against a county to be filed with the county clerk within ninety days from the time the materials or labor forming the basis of the claim were furnished or performed, subject to the statutory exceptions.

The Board has considered the date on which Claimants filed the § 23-135 claim and the dates of the labor or services alleged to give rise to the claim.

The Board finds that the § 23-135 claim was filed within the statutory ninety-day period. Accordingly, the Board's disallowance of the claim is based upon the merits of the claim and the prior resolution of the underlying contractual dispute, and is not based upon untimeliness under § 23-135.

Section 5. Disallowance of Claim.

After considering the Claimants' § 23-135 claim, the CBA, the grievance submitted by Claimants, the Sheriff's decision, the Claimants' appeal, and the County Board's prior decision denying the grievance, the County Board hereby **DISALLOWS AND DENIES IN FULL** the Claimants' claim against the County pursuant to Neb. Rev. Stat. § 23-135.

The Board determines that the Claimants have not established an entitlement to the wages sought in the claim.

The County shall not issue payment pursuant to the claim.

Section 6. No Waiver; Reservation of Rights.

The County Board's consideration and disallowance of the § 23-135 claim shall not be construed as:

- (a) An admission that Claimants are entitled to any wages, compensation, benefits, or other amounts;
- (b) A waiver of any provision of the CBA;
- (c) A waiver of any grievance requirement;
- (d) A waiver of any contractual deadline or limitation;
- (e) A waiver of any statutory limitation or defense;
- (f) An admission concerning the timeliness or sufficiency of any grievance, appeal, arbitration demand, or other proceeding; or
- (g) A waiver of any other defense, remedy, right, or position available to the County.

Section 7. Notice of Disallowance and Right to Appeal.

Pursuant to Neb. Rev. Stat. § 23-135(4), the County Clerk is directed to provide written notice to the Claimants, the Claimants' agent, or the Claimants' attorney of the County Board's disallowance of the claim within five days after the Board's decision. Notice mailed within such time shall be deemed sufficient.

The notice shall advise the Claimants that, if the Claimants elect to appeal the County Board's disallowance pursuant to § 23-135(4), the Claimants must cause written notice of appeal to be served upon the County Clerk within twenty (20) days after the County Board's decision and must execute and provide the required appeal bond with sufficient security, subject to approval by the County Clerk, as provided by statute.

The Board makes no determination by this Resolution concerning whether the Claimants will or will not pursue an appeal, whether an appeal will be timely or sufficient, or what issues may properly be presented in any such appeal.

Section 8. County Clerk's Record.

The County Clerk is directed to maintain this Resolution, the § 23-135 claim, the written notice of disallowance, and all materials constituting the County's record concerning the claim in the County's official records.

Section 9. Effective Date.

This Resolution shall be effective immediately upon its adoption.

Motion made by Adams, seconded by Lytle to adopt the foregoing Resolution. All members present as listed and voted as follows:

Yea: Adams, Clabaugh, Haxby, Tiemann, Lytle, Dorn, Jurgens

Nay: None

/s/ Erich Tiemann

Erich Tiemann, Chairman

Subscribed and sworn to before me this 30th day of September, 2026.

/s/ Dawn Hill

Dawn Hill

Gage County Clerk

Motion by Adams, seconded by Lytle to approve adopting Resolution #26-23 considering contract claims against the County for labor provided June 14, 2026, to June 27, 2026, pursuant to Neb. Rev. Stat. Section 23-135. Motion carried 7-0.

Motion by Adams, seconded by Clabaugh to approve Sheriff's decision on Step #3 June 28 – July 11, 2026, paycheck Grievance filed by FOP #45 and authorizing chairman to sign. Motion carried 7-0.

Chairman declared Board of Supervisors meeting adjourned at 9:43 a.m. until October 14, 2026.

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 30th Day of September 2026.

(SEAL)

/s/ Dawn Hill

Dawn Hill

Gage County Clerk