



Gage County Board Minutes



Board of Supervisors Meeting – July 1, 2020

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The Gage County Board of Supervisors met on July 1, 2020, at 8:46 a.m. with Terry Jurgens, John Hill, Matt Bauman, Erich Tiemann, Eddie Dorn, Dennis Byars and Gary Lytle present.

Notice of said meeting was posted at the County Clerk’s Office and published prior to the meeting in compliance with State Statutes.

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 \$425,993.46; 4. approve correspondence received and place on file; 5. Approve District Court Summary Fee Report & Register of Deeds Fee Report for the month of June, 2020; 6. Approve Utility Permit #1151 for Northern Natural Gas – will be boring 3” diameter, 10’ below bottom of ditch and under county & township roads at 4 different sites to run cathodic protection rectifier cables. Site #1 located in SE ¼ Section 5 & SW ¼ Section 4 T-4N, R-7E (Logan Twp.). Site #2 located in the NE ¼ Section 35 & NW ¼ Section 36 T-6N, R-7E (Nemaha Twp.). Site #3 located in the NW ¼ Section 8 & SW ¼ Section 5 T-6N, R-8E (Adams Twp.). Site #4 located in the NW & SW ¼ Section 7 T-2N, R-6E (Sicily Twp.); 7. Approve Utility Permit #1152 for Norris Public Power District – will be boring an electric utility crossing 5’ below bottom of ditch under county road for 66’ for a 7.2 kv electric line encased in a 2” core-flex pipe to provide service for a new home located approximately 1770’ West of the NE corner of Section 14 & the SE corner 11 T-4N, R-7E (Logan Twp.); 8. Approve Utility Permit #1153 for Norris Public Power District – will be boring an electric utility crossing 5’ below bottom of ditch under township road for 66’ for a 7.2 kv electric line encased in a 2” core-flex pipe to provide service to a farmstead located approximately 1122’ East of the NW corner of Section 26 & SW corner of Section 23 T-2N, R-8E (Island Grove) Twp; 9. Approve Chairman signing letter of engagement for Audit services with State Auditors for fiscal year ending June 30, 2020.

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	136,783.63
Advanced Correctional Healthcare	Inmate medical	6.03
Auto Shop	Shf. vehicle repair	686.00
Charles Bentjen, Atty	Atty fees	288.00
Black Hills Energy	Utilities	210.45
Capital Business Systems	ROD copier lease overage	1.53
City of Beatrice	Inmate EMS	1151.53
Clerk of District Court	St. & Shf. fees	257.42
Culligan of Lincoln	Water	7.75
DAS St. Acctng. Cntrl Fin 6507	Statewide radios, AFIS	811.00
DAS St. Acctng. Cntrl Fin 6506	Network Serv. chgs.	184.72
Dept. of Correctional Svcs.	Boarding inmates	171.28
Diode Technologies	Equip., labor	5492.41
Sandra Eltiste	Prior svc. retirement	12.00
Fankhauser, Nelsen, Werts, et al	Atty fees	3937.50
Gage Co. Petty Cash	Saline Co. summons svc. fee	50.00
Hometown Leasing	Atty copier lease	138.82
Jerry Shelton, Atty	Atty fees	832.50
Joyce Kassing	Prior svc. retirement	20.00
Konica Minolta	Ext. Offc. copy fees	128.82
Latimer Reporting	Depo. transcript	46.50
Laughlin-Hoevet Funeral Home	County cremation	945.00



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Lynn Peavey Co.	Supplies	245.00
Mahloch Law Office	Atty fees	495.00
MIPS, Inc.	Labor	262.50
Murray Law, PC LLO	Atty fees	729.00
NE Health & Human Services	Patient care	279.00
NE Weed Control Assn.	Training	120.00
NE Assn. Co Clks, ROD, Elec Comm.	Mtg. registr.	250.00
NI Government Svcs.	MSAT subscr.	70.22
Philippi Electric, Inc.	ROD light, Shf. door power	239.04
Pinnacle Bank	ROD supplies	121.98
Quadient	Pstg. meter ink	343.54
Quill – Det.	Offc. supplies	91.41
<u>General Fund cont'd.</u>		
Secretary of State	Cert. copies	20.00
Sherwin Williams	Paint	26.58
Spectrum Business	Cable TV Jail	171.88
Stephen Kraviec, PC LLO	Child Suppt. Enf. Atty	2283.86
Summit Food Service	Jail meal svc.	3481.36
The Home Depot Pro Institutional	Equip.	239.04
Lee Timan	Public Defender	6346.15
U-Save Pharmacy	Inmate medical	37.06
U.S. Bank – Purchase Cards	Supplies, copies	1050.08
Windstream – Prob.	Phones	110.46
Windstream – Wilber Prob.	Phones	44.11
Windstream – Fillmore Co. Prob.	Phones	417.20
Windstream – Gage Co.	Phones	4131.94
Windstream – Vets. Offc.	Phones	359.05
Woods & Aitken	Prof. legal svcs.	6974.80
<u>Road Fund</u>		
Highway Department Employees	Salaries	46,616.85
Beatrice Concrete Sand & Gravel	Rock & gravel	40,045.93
Black Hills Energy	Utilities	50.21
Cather & Sons Construction	Asphalt	4768.20
Constellation	Utilities	73.18
First Wireless, Inc.	Repeater rental	300.00
Midwest Unlimited	Asphalt Lute	104.00
Norris Public Power	Utilities	236.61
Rock On, Inc.	Hauling	12,129.29
<u>Visitor's Promotion Fund</u>		
Beatrice Area Chamber of Commerce	Lodging Tax	2976.12
<u>Visitor's Improvement Fund</u>		
City of Blue Springs	Grant Johnson cabin museum preservation	19,000.00
<u>Insurance Fund</u>		
Gage County Health Insurance	Employee hlth. ins. claims paid	22,136.12
Lucent Health Solutions, LLC	Ins. premiums, admin. fees	30,299.88
<u>Emergency Management Fund</u>		
City of Beatrice	Qtrly EMS svcs.	1672.09



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General Fund

Ameritas	County share of Employees Retirement	9,345.51
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	9,871.22
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	27,355.30

Road Fund

Ameritas	County share of Employees Retirement	3,146.60
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,398.45
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	11,295.30

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

Emily Haxby, 8867 Sw 86th Rd., Clatonia NE spoke under public comments regarding zoning regulations.

Committee reports were given by Jurgens, Hill & Tiemann on Finance/Insurance – slight increase in insurance premiums and no changes in coverage; Shf. Gustafson on Law Enforcement – office is at phase 3 regarding restrictions, asking visitors health questions, taking temperatures, etc. for visitations; Lisa Wiegand on Emergency Management – damage from wind & water in northern Gage County, currently have 50 cases of COVID 19 in Gage County, the last 4 were younger residents; Hill on Road & Bridge – last of the Fall allotment has started, still low on rock & gravel in the area, easement for City of Beatrice, ditches full of water.

Motion made by Byars, seconded by Lytle to approve Community-based Juvenile Services Grant documents and authorize Chairman to sign the grant documents. Co. Atty. Roger Harris said this is an annual grant with the money coming from the Crime Commission. Byars spoke in favor of the grant saying it’s been very beneficial to Gage County. Motion carried 7-0.

Motion made by Bauman, seconded by Hill to approve the Memorandum of Understanding regarding the use of GrantVantage, an online federal and state grant management system. Motion carried 7-0.

Motion made by Byars, seconded by Bauman to approve the County Health Insurance Plan for 2020-2021. Tiemann stated that the county is self-insured and that there will be no changes in coverages. There had been discussion on changing deductible amounts but with the possibility of potential COVID-related costs it was decided to leave the amounts as they currently are. Brad Swaggart and Amber Anderson with NW Mutual of Lincoln presented a recap of coverages and Swaggart said they met with the Insurance Committee and recommended staying with Bardon Insurance who quoted current coverages with only a 6.02% increase in premiums as Gage County insureds are fortunately fairly healthy. Motion carried 7-0.

Motion made by Hill, seconded by Bauman to approve Radio Maintenance Contract between Gage County and FirstWireless, Inc., for a term of 7/1/2020 through 6/30/2021, in the amount of \$450.00 per month. Emer. Mgmt. Director Lisa Wiegand said the agreement makes sense to her as without the radio system there is the possibility of not being able to make calls which would immensely affects public safety. The cost is \$15 per day to have coverage for the county with approximately 22,000 residents. Hill suggested having more in-depth discussions on options next year prior to renewal of the agreement. Motion carried 7-0.

Motion made by Lytle, seconded by Dorn to approve a 1% increase for the lid on restricted funds. Tiemann stated that this doesn’t mean the lid would be increased, it just allows for the option to increase if it’s needed. Motion carried 7-0.

No action taken on the agenda item regarding granting the City of Beatrice an easement to install a sanitary sewer main on Gage County’s property at 11th & Caldwell as the city was unable to have their work session the last Monday of the month to discuss it. The city lets the county use the lot south of the county’s shop to store materials so those materials would all



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need to be moved to install sewer line and then moved back, and with only one gate into the lot there would need to be another access point for the county. This item will be addressed at a future meeting.

Discussion on the Resolution to study the existing zoning regulations related to wind energy. Tiemann stated that the intent of the resolution presented is to allow P & Z to move forward with decisions regarding wind energy regulations while there are no applications on the books. This process has been pushed back due to the Coronavirus pandemic and public gathering restrictions put in place. At a previous meeting the board took action to suspend accepting any special use permits, including those for wind energy. Co. Atty. Roger Harris told the board that if they suspend or cancel their own laws, they need to have a public hearing first and notify the public what they intend to discuss. David Bargen with Remboldt Ludtke, LLP, who represents landowners who support the text amendment, said there is no need for a public hearing and that the resolution is simply stating that wind energy special use permits will not be accepted until the wind regulations can be reviewed. David Levy with Baird Holm, LLP, who represents Nextera and Gage Wind, LLC, stated that the resolution denies applicants due process by denying special use permit applications. He urged the board to not adopt the resolution creating a moratorium which is an amendment to the current zoning regulations to stop accepting applications for legal use that the zoning regulations allow which, in turn, denies his client due process. Hill responded stating that not passing the resolution will just further hold up the process. Larry Alder, 2498 W Ash Rd., Cortland NE, said he was told when he submitted the text amendment over a year ago that it would be heard before any applications for wind farms are accepted. He also stated that if an app were to be submitted now, it would fall under the current regulations and would negate the purpose of the amendment which was submitted first. Leone Dieter also spoke in support of the text amendment. Jurgens asked the board why all special use permits are being held up. Bauman stated that this has gone on way too long and that we just need to find a way to move forward. A public hearing was discussed for the Planning & Zoning Commission for possibly late July or early August if a suitable venue can be found that meets the social distancing guidelines that are in place. Tiemann asked for a motion regarding the resolution.

Motion made by Jurgens, seconded by Lytle to disapprove Resolution #20-14 to invoke a 4-month moratorium on accepting wind farm applications and directing the Planning & Zoning Commission to review county zoning regulations. Motion carried 5-2 to disapprove, with Hill and Tiemann voting nay.

RESOLUTION #20-14 **DISAPPROVED**

WHEREAS, the County of Gage has a comprehensive development plan; and

WHEREAS, the County of Gage, Nebraska has zoning regulations in place which are intended to direct the location of specific uses and provide for proper separation of conflicting uses; and

WHEREAS, the County of Gage has seen an interest in additional wind energy conversion turbines; and

WHEREAS, the County Board of Gage County wishes to study the existing zoning regulations related to this use; and

WHEREAS, the likelihood of additional wind farms in Gage County is probable, the County Board desires to review regulations which are appropriate for the county and its residents; and

WHEREAS, the Gage County Planning Commission shall be directed to review the County Zoning Regulations and to then make specific recommendations for changes to the County Zoning Regulations dealing with wind energy before accepting, granting or recommending a conditional use permit for the construction of wind turbines; and



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WHEREAS, the County Board finds that the most appropriate way to work on said regulations is without the possibility of new applications coming forward during a time frame which allows consideration of appropriate wind energy conversion regulations.

NOW THEREFORE, in consideration of the foregoing statement, the County Board of Gage County, Nebraska, hereby adopts the following resolution:

“BE IT RESOLVED, by the County Board of Gage County, Nebraska, that a four (4) month moratorium on accepting any wind farm applications is hereby invoked and approved.”

“BE IT FURTHER RESOLVED, that this moratorium will be extended if necessary in order to allow the planning and zoning commission to conduct public meetings, including but not limited to public hearings, in direct regards to current and potential changes to regulations pertaining to wind farms; and to further allow any potential changes to be passed on to the Gage County Board of Supervisors for review, approval, or disapproval with the same previously mentioned considerations as allowed for the Planning and Zoning Commission.”

“BE IT FURTHER RESOLVED, that the Board of Supervisors of Gage County, Nebraska, hereby directs the Gage County Planning & Zoning Commission to review the county zoning regulations, to conduct any hearings, if necessary, and to make specific recommendations for changes to the county zoning regulations dealing with wind energy before accepting, granting or recommending a conditional use permit for the construction of wind turbines and that such recommendation shall be made within two (2) months of the signing of this Resolution.”

“BE IT FURTHER RESOLVED, that the said four (4) month moratorium shall become effective as of the date of the approval of this Resolution.”

Motion made by Jurgens, seconded by Lytle to **DISAPPROVE** adopting the foregoing Resolution. All members present as listed and voted as follows:

Yea (to disapprove): Jurgens, Bauman, Dorn, Byars, Lytle

Nay: Hill, Tiemann

/s/ Erich Tiemann
Chairman

Subscribed and sworn to before me this 1st day of July, 2020.

/s/ Michelle K. Bloomquist
Deputy Gage County Clerk

Motion made by Bauman, seconded by Jurgens to approve accepting Special Use Permits for all other purposes other than wind and solar permits. Atty. David Levy stated that by doing this the board would be right back to adopting a moratorium because they are still singling out a certain type of land use permit. After discussion Bauman withdrew his motion. Atty David Bergan countered that what Mr. Levy said is not true and that the board has the authority under zoning regulations to put a temporary hold on certain permits to review them. Hill suggested 2 week’s time to come to a resolution on the matter. Motion made by Hill, seconded by Jurgens to approve accepting all special use permits other



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than wind and solar at this time, and to place on the July 15, 2020 agenda to approve or disapprove accepting wind and solar special use permits. Motion carried 7-0.

Motion made by Dorn, seconded by Jurgens to adjourn at 10:38 a.m. Motion carried 5-2 with Bauman and Lytle voting nay.

Chairman declared Board of Supervisors meeting adjourned at 10:38 a.m. until July 15, 2020.

Board minutes can also be viewed on the Gage County website at www.gagecountynebraska.us.

/s/ Michelle K. Bloomquist
Michelle K. Bloomquist
Deputy Gage County Clerk

/s/ Erich Tiemann
Erich Tiemann, Chairman
Gage County Board of Supervisors

I, Michelle K. Bloomquist, Deputy 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 1st day of July, 2020.

(SEAL)

/s/ Michelle K. Bloomquist
Michelle K. Bloomquist
Deputy Gage County Clerk