



Gage County Board Minutes



Board of Supervisors Meeting – August 12, 2020

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The Gage County Board of Supervisors met on August 12, 2020, at 8:46 a.m. with Terry Jurgens, John Hill, Erich Tiemann, Eddie Dorn and Dennis Byars present, Matt Bauman and Gary Lytle absent.

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 \$513,872.69 which does not include claim #20080003 to Beatrice Lawn Care in the amount of \$440.00, claim #20080034 and claim #20080078, both to R.L. Tiemann Const. in the amounts of \$2,658.04 and \$3,765.44, and claim #20080072 to Johnny’s Welding in the amount of \$318.00, 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 July, 2020; 6. Approve receiving County Offices Inventory Statements and place on file; 7. Approve Utility Permit #1156 for Windstream Nebraska LLC – will be boring in 270’ of 4” rigid conduit 8’ below flowline of the South grader & drainage ditch to replace 2 BFC 200-4 and 1 BFC 16-22 cables and a new pedestal will be place along right-of-way at the West end of bore. Located at the intersection of Railroad Street and Hoyt Street going West for 270’ on South side of road. NW ¼ Section 33 T-4N, R-6E (Midland); 8. Approve Utility Permit #1157 for Diller Telephone – will be plowing in approximately 6 ½ miles of 24 ct or 48 ct fiber cable. They will bore 5 – 10’ below every creek, road crossing and all culverts. Cable will be encased in 1 ¼” smooth wall pipe. Cable will be placed 24’ from center of road in North grader ditch and vaults will be placed along the 33’ right-of-way. Located in SE ¼ Section 20 & SE, SW ¼ Sections 21, 22, 23 & 24 T-3N, R-7E (Rockford Twp) and the SE, SW ¼ Sections 19, 20 & 21 T-3N, R-8E (Sherman Twp); 9. Approve Utility Permit #1158 for Windstream Nebraska LLC – will be plowing and boring in 5421’ of 48 ct fiber cable, 60” deep from the NW corner of S 96th & Apple Road to S 96th & Ash Road. Cable will be placed in West grader ditch 30’ from center of road for 4,200’ going South then bore under county road to East grader ditch and proceed South for 1,100’ to Ash Road. They will bore 3” diameter x 60” deep under roads and driveways and 15’ below flow line of creeks. Cable will be encased in 1.25 HDPE pipe. There will be 6 new pedestals placed along 96th Road right-of-way. Located in the SE ¼ Section 2; NE, SE Section 11 and SW ¼ Section 12 T-6N, R-7E (Nemaha).

<u>General Fund</u>	<u>Description</u>	<u>Amount Allowed</u>
Courthouse Employees	Salaries	131,496.78
Aumentum Technologies	Assr annl. maint. & support	23,707.00
Beatrice BPW	Utilities	6857.26
Beatrice Lawn Care	Mowing	440.00
Charles Bentjen, Atty	Atty fees	990.00
Butler Co. Court	Cert. copies	2.50
City of Beatrice	Prob. utilities, inmate medical	1632.89
Community Physicians Clinic	Pre-employment exam	162.60
Culligan of Lincoln	Water cooler	17.25
DAS St. Acctng. Cntrl Fin. 6506	AFIS chgs.	184.72
DAS St. Acctng. Cntrl. Fin. 6507	Statewide radios	417.00
Dept. of Correctional Svcs.	Boarding inmates	1627.28
Diode Communications	Monitoring	80.85
Diode Technologies	Video monitor, call box speaker, equip.	2213.31
Dr. Eric Thomsen	Mntl health hearings	180.00
Eakes Office Solutions	Offc. supplies	2265.68
Echo Group	Bulbs	81.30



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First Wireless	Monthly maint.	450.00
Gage Co. Sheriff	Shf. fees/mileage	337.90
Great Plains Uniforms	Corrections badge	118.50
Hometown Leasing	Prob. copier lease	255.99
Jerry Shelton, Atty	Atty fees	337.50
Janelle Kleveland, Atty	Atty fees	1604.00
Lammel Plumbing	Supplies, repairs	931.20
Latimer Reporting	Depo. transcripts	348.05
Lepant Law Office	Mntl. health hearings	180.00
Mahloch Law Office	Atty fees	414.00
MIPS, Inc.	Shf. equip., county computer support, programs	4539.59
NE Air Filter, Inc.	Filters	642.70
NE Notary Assn.	Notary renewal	146.99
Noakes Htng. & AC	Filter, repairs	570.83
Paper Tiger	Doc shredding	76.57
Quill – Ext.	Offc. supplies	445.01
Quill – Prob.	Offc. supplies	328.06
R.L. Tiemann Const.	Concrete	2658.04
Region V Systems	LB 204 & LB 302 funds	22,992.75
Kris Riekenberg	Mntl. health hearings	180.00
SE NE Communications	Prob. phones	130.05
Smith, Schafer, Davis, Gaertig	Atty fees	8130.00
Soap Opera Laundromat	Mop & rag cleaning	44.85
Spectrum Business	Jail cable TV	171.88
Stephen Kraviec, PC LLO	Child Support Enf. Atty.	2283.86
Summit Food Svc.	Jail meals	3799.18
The Home Depot Pro	Supplies	613.55
The Voice News	Publications	631.13
Wymore Arbor State	Publications	471.18
Lee Timan	Public Defender	6346.15
Tri County Credit Bulletin	Semi-annl. bill	165.00
Twin Rivers	Veh. repairs	631.14
U.S. Bank	Supplies, etc.	3691.66
USPS – Wilber	Prob. PO Box	120.00
Valvoline	Oil changes	467.66
Verizon – Shf.	Wireless phones	640.16
Verizon – EM	Ipad hot spot	170.09
Verizon – Prob.	Wireless phones	375.10
Vivial	Directory listing	26.25
Westlake Hardware	Supplies, chemicals, pipe	74.71
Windstream – Vets	Phones	365.03
Wrightsmen Plbg.	Shwr repair	262.50
Zultys	Prob. phones	406.09

Road Fund

Highway Department Employees	Salaries	46,194.41
Beatrice BPW	Utilities	597.72
Beatrice Concrete Sand & Gravel	Rock & gravel	36,720.73
Beatrice Iron & Metal	Parts, supplies	1071.59
Cather & Sons Const.	Asphalt	6740.40
City of Wymore	Utilities	76.71
Constellation	Utilities	24.54



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Conrhusker Intl. Trucks	Parts	669.64
Crete Lumber	Ice	76.50
Dakota Fluid Power, Inc.	Repairs	106.46
Eakes Office Solutions	Offc. supplies	22.38
Filtercare of NE	Cleaning filters	28.10
Jim Hawk Truck Trailers	Parts	233.11
Johnny’s Welding	Seal kit, labor	318.00
LandMark Implement	Parts	160.83
Medical Enterprises, Inc.	Drug/alcohol testing	110.00
Midwest Service & Sales	Project pipe	22,301.64
MIPS, Inc.	Hwy program	179.53
O’Reilly Auto	Parts	603.12
R.L. Tiemann Const.	Hauling material	3765.44
Rock On, Inc.	Hauling material	7417.59
Rockmount Research & Alloys, Inc.	Supplies	278.93
Rose Equipment	Parts	1480.85
Schwarz Paper Co.	Supplies	63.73
Surplus Center	Parts	71.83
The Voice News	Publications	8.69
Tractor Supply	Bolts, supplies	131.64
Westlake Hardware	Supplies	116.62

Visitor’s Promotion Fund

Beatrice Area Chamber of Commerce	Lodging tax	3333.96
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Register of Deeds Preservation & Modernization Fund

Capital Business Systems	Copier lease	150.00
MIPS, Inc.	Deeds online svcs. w/ numerical indexes	214.89

Insurance Fund

Gage County Health Insurance	Employee ins. claims paid	55,081.69
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Community/Economic Development Fund

NGage	Economic Dev. expenses	29,583.35
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General Fund

Ameritas	County share of Employees Retirement	8,854.44
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	9,473.72
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	27,030.55

Road Fund

Ameritas	County share of Employees Retirement	3,118.08
Security First Bank	Co. share of Empl. Soc. Sec. & Medicare	3,366.14
Gage County Clerk – Health Plan	Co. share of Empl. health insurance	11,295.30

Motion made by Byars, seconded by Jurgens to approve the consent agenda. Motion carried 5-0.

Lytle joined meeting at 8:53 a.m.

Motion made by Byars, seconded by Dorn to approve claim #20080003 to Beatrice Lawn Care in the amount of \$440.00, claim #20080034 and claim #20080078, both to R.L. Tiemann Const. in the amounts of \$2,658.04 and \$3,765.44. Motion carried 5-0-1 with Tiemann abstaining due to conflict of interest.



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Motion made by Hill, seconded by Dorn to approve claim #20080072 to Johnny's Welding in the amount of \$318.00, bringing the total amount of claims approved through August 12, 2020 to \$521,054.17. Motion carried 5-0-1 with Jurgens abstaining due to conflict of interest.

Yvonne Mihulka-Poole spoke under public comments regarding wind regulations.

Committee reports were given by Dave Jones on Bldg. & Grounds/Winter Lights, Jurgens on Finance/Insurance, Lisa Wiegand on Law Enf./ Emergency Management, and Hill on Road & Bridge.

Motion made by Hill, seconded by Dorn to approve Resolution #20-16 directing County Highway Superintendent to make a report on possible Minimum Maintenance Road Classification. Motion carried 6-0.

P & Z Administrator Lisa Wiegand spoke on the Commission's recommendation to approve Special Use Permit #2020-2 for an RV Campsite in Section 23 of Blakely Township. They recommend approval of the permit.

Motion made by Lytle, seconded by Dorn to approve a Wildfire Protection Plan. Motion carried 6-0.

Discussion on setting date and time for a public hearing on changes to wind regulations. It was decided to hold off until later in the meeting to obtain confirmation of location.

Tiemann discussed the budget process for the county's budget.

Short break at 9:23 a.m. Back in session at 9:30 a.m.

Motion made by Dorn, seconded by Byars to open public hearing at 9:30 a.m. to hear support and/or opposition on Special Use Permit #2020-2, for the placement of an RV Campsite in Section 23 of Blakely Township, applied for by Raymond Rohr of Beatrice, NE. Motion carried 6-0.

Rohr spoke about how the proposed campsite can be used for construction workers, etc., who come in for jobs in the area.

Motion made by Byars, seconded by Dorn to close public hearing at 9:33 a.m. Motion carried 6-0.

Recessed meeting at 9:36 a.m. Back in session at 9:45 a.m. with all members previously listed being present.

Motion made by Dorn, seconded by Hill to move into closed session at 9:45 a.m. for an update on mediation/litigation. Motion carried 6-0.

Motion made by Dorn, seconded by Hill to move out of closed session at 10:20 a.m. Motion carried 6-0.

Motion made by Jurgens, seconded by Dorn to approve setting the date and time for a public hearing on changes to wind regulations for August 26, 2020 at 4:30 p.m. at the Hevelone Center located in the Beatrice High School, 600 Orange Blvd., Beatrice NE. Motion carried 6-0.

Joel Bacon with Keating, O'Gara spoke to the board about the MOU agreements with EMC, NIRMA and the excess insurance carriers regarding Beatrice 6 insurance litigation. The County will be receiving a total amount of \$5,980,000.00.

Motion made by Jurgens, seconded by Hill to approve a MOU of lawsuit/claims against Employers Mutual Casualty Company (EMC) regarding the Beatrice 6 litigation. Motion carried 6-0.



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Motion made by Jurgens, seconded by Hill to approve the authorization of the Chairman to execute the MOU Agreement and General Releases on behalf of Gage County, Nebraska with Employers Mutual Casualty Company (EMC) regarding the Beatrice 6 litigation. Motion carried 6-0.

Motion made by Jurgens, seconded by Hill to approve MOU of lawsuit/claims against Nebraska Intergovernmental Risk Management Association (NIRMA) regarding Beatrice 6 litigation. Motion carried 6-0.

Motion made by Jurgens, seconded by Hill to approve the authorization of the Chairman to execute the MOU Agreement and General Releases on behalf of Gage County, Nebraska with Nebraska Intergovernmental Risk Management Association (NIRMA) regarding the Beatrice 6 litigation. Motion carried 6-0.

Motion made by Jurgens, seconded by Hill to approve the MOU of lawsuit/claims against Westport Insurance Corporation, The Travelers Indemnity Company, United National Insurance Company and American Alternative Insurance Corporation (excess carriers) regarding the Beatrice 6 litigation. Motion carried 6-0.

Motion made by Jurgens, seconded by Hill to approve the authorization of the Chairman to execute the MOU Agreement and General Releases on behalf of Gage County, Nebraska with Westport Insurance Corporation, The Travelers Indemnity Company, United National Insurance Company and American Alternative Insurance Corporation (excess carriers) regarding the Beatrice 6 litigation. Motion carried 6-0.

Hill thanked Joel Bacon and Joel Nelson of Keating, O’Gara for their work on the litigation and acknowledged Senator Myron Dorn for beginning the process.

Motion made by Hill, seconded by Dorn to adjourn the Board of Supervisors Meeting at 10:29 a.m. Motion carried 6-0.

Chairman declared Board of Supervisors meeting adjourned at 10:29 a.m. until August 26, 2020.

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

/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 12th day of August, 2020.

(SEAL)

/s/ Dawn Hill
Dawn Hill
Gage County Clerk