

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS

December 19, 2016

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, December 19, 2016, at 9:10 A.M. with the following members present: Marvin Elwood, Jr., Brad Albers and Terry J. Wragge. Co. Clerk Shannon Wragge, News Reporter Randee Falter, Chase Warneke, Steve Prince, Zoning Adm. Heather McWhorter, Terry Rakowsky and Andy Scholting were present.

Notice of the meeting was given in advance as shown by the Certificate of Publication on file in the County Clerk's office. Availability of the agenda was communicated in the advance notice of the meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public. Chairman Wragge called the meeting to order at 9:14 A.M. and presided. Chairman Wragge stated that the Open Meetings Act is posted on the north wall of the board room with more copies available at the County Clerk's office.

Motion by Albers, seconded by Elwood, to approve the agenda. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

The minutes of December 5, 2016 were approved as printed.

The legal was read for the (1) 9:10 a.m. and (2) 9:20 a.m. public hearings to receive public comments concerning 2 Conditional Use Permits to allow Terry Rakowsky dba TK Pigs LLC (1) to expand a Swine Finishing Unit from 2,499 head to 6,499 head on property described as pt of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of 4-25-3 and (2) to expand a Nursery Unit from 6,000 head to 12,000 head on property located in pt of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  4-25-3.

Chairman Wragge opened the hearings at 9:20 a.m. Terry Rakowsky and Andy Scholting with Nutrient Advisors LLC were present to answer questions the Board had on the Conditional Use Permits (1) to expand a Swine Finishing Unit from 2,499 head to 6,499 head on property described as pt of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of 4-25-3 and (2) to expand a Nursery Unit from 6,000 head to 12,000 head on property located in pt of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  4-25-3. There were no written comments or objections from the public. Chairman Wragge closed the hearing at 9:23 a.m.

Motion by Elwood, seconded by Albers, to approve Resolution #2016-23 as follows:

### RESOLUTION 2016- 23

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF PIERCE, NEBRASKA UNDER AUTHORITY GRANTED BY THE PIERCE COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186(1978)

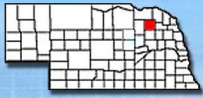
WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision the Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners have established the following Statement of Finding of Facts:

1. The application is consistent with the Pierce County Comprehensive Plan.
2. The application is consistent with the Pierce County Zoning and Subdivision Regulations.
3. The proposed expansion would be outside of the  $\frac{1}{4}$  setbacks to the nearest homes.
4. This is currently a Swine Finishing Unit with 2,499 head with a requested expansion of up to 6,499 head.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Terry Rakowsky d/b/a/ TK Pigs, L.L.C. to operate a Confined Animal Feeding Operation under Section 4.03: A-1 Primary Agriculture District, Part B Permitted Conditional Uses; on the following described land:

Part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 4, Township 25 North, Range 3 West of the 6<sup>th</sup> P.M. Pierce County, Nebraska.



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This conditional Use Permit shall be subject to the following conditions in addition to those established with the Pierce County Zoning and Subdivision Regulations:

1. This is a Medium Livestock Feeding Operation Conditional Use Permit for an additional 4,000 head for a total of 6,499 head.
2. All manure shall be applied of property as shown on the manure management plan develop by the applicant in accordance with Nebraska Title 130.
3. This permit is subject to all of the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be constructed to meet both groups.
4. This Conditional Use Permit shall become null and void if the application with Nebraska Department of Environmental Quality is not filed and approved within one year of adoption of this resolution.
5. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days proper to closing.

NOW, THEREFORE, BE IT FUTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on the Official Zoning Map of Pierce County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Pierce County, Nebraska Zoning and Subdivision Resolution as amended.

THIS RESOLUTION WAS Signed and Adopted this 19<sup>th</sup> day December, 2016, at Pierce, Nebraska. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Elwood, to approve Resolution #2016-24 as follows:

## RESOLUTION 2016-24

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF PIERCE, NEBRASKA UNDER AUTHORITY GRANTED BY THE PIERCE COUNTY ZOINING AND SUBDIVION REOSLUTION AND LEGISLATIVE BILL 186(1978)

WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision the Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners have established the following Statement of Finding of Facts:

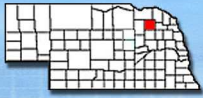
5. The application is consistent with the Pierce County Comprehensive Plan.
6. The application is consistent with the Pierce County Zoning and Subdivision Regulations.
7. The proposed expansion would be outside of the  $\frac{1}{4}$  setbacks to the nearest homes.
8. This is currently a Nursery Barn with 6,000 head with a requested expansion of up to 12,000 head.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Terry Rakowsky d/b/a/ TK Pigs, L.L.C. to operate a Confined Animal Feeding Operation under Section 4.03: A-1 Primary Agriculture District, Part B Permitted Conditional Uses; on the following described land:

Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 4, Township 25 North, Range 3 West of the 6<sup>th</sup> P.M. Pierce County, Nebraska.

This conditional Use Permit shall be subject to the following conditions in addition to those established with the Pierce County Zoning and Subdivision Regulations:

6. This is a Medium Livestock Feeding Operation Conditional Use Permit for an operation of up to 12,000 head of swine under 55 lbs. (480 Head Equivalent).
7. All manure shall be applied of property as shown on the manure management plan develop by the applicant in accordance with Nebraska Title 130.



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8. This permit is subject to all of the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be constructed to meet both groups.
9. This Conditional Use Permit shall become null and void if the application with Nebraska Department of Environmental Quality is not filed and approved within one year of adoption of this resolution.
10. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on the Official Zoning Map of Pierce County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Pierce County, Nebraska Zoning and Subdivision Resolution as amended.

THIS RESOLUTION WAS Signed and Adopted this 19<sup>th</sup> day December, 2016, at Pierce, Nebraska. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Discussion was held on the process of getting keno set up in rural Pierce County. Chase Warneke was present to answer questions the Board had.

Motion by Albers, seconded by Elwood, to approve and authorize the Chairman to sign the Lottery Operator Agreement between Pierce County and Advanced Gaming Technologies, Inc. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Albers, to approve Resolution #2016-25 as follows:

## RESOLUTION 2016- 25

BE IT ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF PIERCE NEBRASKA; New 1997 Option A - No restrictions on County officials, their families, or owners or officers of the sales outlet locations LOTTERY; PARTICIPATION; RESTRICTIONS.

(A) No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the County.

(B) No owner or officer of a lottery operator with whom the County contracts to conduct its lottery shall play the lottery conducted by the County. No employee or agent of the County, lottery operator, or authorized sales outlet location shall play the lottery of the County for which he or she performs work during such time as he or she is actually working at such lottery while on duty.

(C) Nothing shall prohibit the following persons from playing the lottery conducted by the County as long as such person is 19 years of age or older:

(1) Any member of the Governing Body, a County official, or the immediate family member or official; or (2) An owner or officer of an authorized sales outlet location for the County.

(D) No person, or employee or agent of any person or County, shall knowingly permit an individual under 19 years of age to play or participate in any way in the lottery conducted by the County.

(E) For purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

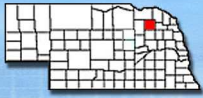
### IMMEDIATE FAMILY OF A MEMBER OF A COUNTY OFFICIAL

(a) A person who is related to the member of a county official by blood, marriage, or adoption and resides in the same household; or

(b) A person who is claimed by the member or official, or the spouse of the member or county official, as a dependent for federal income tax purposes.

Statutory reference: State provisions on participation restriction, Neb. Rev. Stat. 9-646

THIS RESOLUTION WAS Signed and Adopted this 19<sup>th</sup> day December, 2016, at Pierce, Nebraska. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood and Wragge; Albers abstained. Nay: None. Motion carried.



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Motion by Elwood, seconded by Albers, to approve Resolution #2016-26 as follows:

## RESOLUTION 2016- 26

BE IT ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF PIERCE NEBRASKA; A Resolution approving the Qualification Standards of Sales Outlets by Nebraska Revised Statutes Section 9-642.01

LOTTERY; SALES OUTLET LOCATIONS; APPROVAL REQUIRED; QUALIFICATION STANDARDS.

(A) Advanced Gaming Technologies, the lottery operator with whom the County of Pierce contracts to conduct its lottery, shall not operate the lottery at a sales outlet location other than the location of the lottery operator without prior approval of the sales outlet location by the County of Pierce. The County of Pierce shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards prescribed in Division (B) of this section.

(B) Any individual, sole proprietorship, partnership, limited liability company, or corporation which seeks to have its location approved as an authorized sales outlet location shall:

(1) Obtain a retail liquor license for consumption on the premises pursuant to Neb. Rev. Stat. Chapter 53, Article 1;

(2) Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity or fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level;

(3) Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any felony other than those described in Division (B)(2) within the 10 years preceding the filing of this application;

(4) Not have had a gaming license revoked or canceled under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;

(5) Be fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of the Nebraska County and City Lottery Act and the rules and regulations adopted and promulgated pursuant to the Act.

(C) If the person seeking to have its location approved as an authorized sales outlet location is a partnership, limited liability company, or corporation, the qualification standards shall apply to every partner of such partnership, every member of such limited liability company, every officer of such corporation and every stockholder owning more than 10% of the stock of such corporation.

(D) The County shall notify the Department of Revenue of all approved lottery locations within 30 days of approval.

Statutory reference: Requirements for sales outlet locations, Neb. Rev. Stat. 9-642.01

THIS RESOLUTION WAS Signed and Adopted this 19<sup>th</sup> day December, 2016, at Pierce, Nebraska. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood and Wragge; Albers abstained. Nay: None. Motion carried.

Motion by Elwood, seconded by Albers, to approve Resolution #2016-27 as follows:

## RESOLUTION 2016- 27

A Resolution endorsing a lottery game in conjunction with Advanced Gaming Technologies, dba Keno casino, and approving Clanceyz Bar and Grill as its sales outlet location in Pierce, Nebraska.

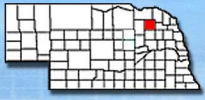
Whereas, the County Commissioners of Pierce County approve the contract between the County of Pierce and Advanced Gaming Technologies; and

Whereas, the County of Pierce approves the Qualification Standards for Sales Outlets as outlined by Nebraska statutes; and

Whereas, the location of said sales outlet shall be Clanceyz Bar and Grill in Pierce, Nebraska; and

Whereas the records shall be stored electronically online on a website provided by Advanced Gaming Technologies; and

Whereas, John Hassett and Chase Warneke are approved signers of Form 50G Schedule III, licensing forms for



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the lottery workers (keno writers).

THIS RESOLUTION WAS Signed and Adopted this 19<sup>th</sup> day December, 2016, at Pierce, Nebraska. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Albers, to audit and allow the following claims presented for payment and instructed the County Clerk to issue checks for payment of same on the various funds. Roll call vote: Aye: Elwood and Wragge; Albers abstained. Nay: None. Motion carried.

**GENERAL FUND:** Black Hills Energy-utilities-\$395.88; BCBS-co. share-\$28,632.36; Car Shop-repair-\$36.00; Bailey Carpenter-mileage-\$60.09; Classic Rentals-service-\$354.22; Dugan Business Forms-supplies-\$251.20; Elite Office Products-supplies-\$238.48; ERSI-computer support-\$400.00; Ann Fenton-dues, subscriptions-\$25.33; First Concord-deductibles-\$185.00; Floor Maintenance-supplies-\$321.14; Graham Tire Co-tires-\$229.26; Hometown Market-prisoner food-\$1,986.99; Johnson's Inc-repairs-\$523.86; Kate M. Jorgensen-public defender-\$2,083.33; LexisNexis-law library-\$370.80; M&M Sanitation-service-\$201.00; Madison Natl Life Ins Co Inc-premium-\$30.99; Magdanz Inc-supplies-\$393.00; Menards-supplies-\$19.98; Microfilm Imaging Systems-scanner rent-\$92.00; Midwest Bank-co share-\$3,130.79; Mips Inc-website, microfilming, support-\$573.79; Morland, Eastland, Lohrberg PC-public defender-\$2,083.33; NACO-yrly dues-\$1,899.55; NE NE News-ads-\$1,412.31; Nebr Emergency Service Commission-membership dues-\$45.00; Vicki Petersen-clerical-\$240.00; Pierce Automotive Supply-repair parts-\$50.06; Pierce County Court-court costs-\$305.00; Pierce Co Leader-ads-\$1,146.41; Pierce Telephone-service-\$2,065.37; Plainview News-ads-\$1,210.69; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,898.01; RR Donnelley-supplies-\$56.86; State of NE/IMS-service-\$92.88; University of Nebr-registration-\$95.00; Whitey's Sprinklers-repairs-\$140.00; Zee Medical Service-supplies-\$21.95; Payroll-\$42,328.56.

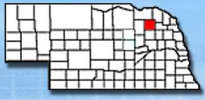
**COUNTY HIGHWAY FUND:** Appeara-uniform service-\$103.60; B's Enterprises-repair parts, signs-\$1,304.21; Backus Sand & Gravel-gravel-\$12,971.56; Bauer Built-tires-\$1,261.90; Bazile Aggregate Co LLC-gravel-\$243.00; CenturyLink-service-\$58.74; CHI Health-Occ Health-drug testing, physicals-\$350.40; Classic Rentals-service-\$191.02; Cornhusker Intl Trucks Inc-repair parts-\$188.00; Dinkel's-repair parts-\$3,411.50; Farmers Pride-diesel-\$2,524.09; Filter Care of Nebr-serive-\$143.15; JEO Consulting-engineering-\$4,825.00; Jerry's Hilltop-gasoline-\$286.30; Kayton International-supplies-\$53.65; Kimball Midwest-supplies-\$1,587.34; Leiting Auto Supply-repair parts-\$83.57; Lorenz Automotive-repair parts-\$297.51; M&M Sanitation-service-\$54.00; Magdanz Inc-supplies-\$26.52; Manzer Equipment Inc-repairs-\$404.48; Martin Marietta-crushed rock-\$1,644.98; Matheson Tri-Gas-supplies-\$45.60; Midwest Bank-co share-\$1,826.32; Mitch's Food Center-supplies-\$63.43; Mitteis Gravel LLC-gravel-\$3,653.65; Murphy Tractor & Equip-repair parts-\$75.87; NE Nebr Tire & Trailer Sales-tires-\$46.49; NE Nebr Public Power-service-\$54.00; Pierce Automotive Supply-repair parts-\$167.49; Pierce Telephone-service-\$64.62; Plainview Auto Supply-repair parts-\$335.92; Plainview Telephone-service-\$47.31; Plainview True Value-supplies-\$44.85; Plainview City-utilities-\$867.50; Randolph Farm Supply-repair parts-\$250.25; RDO Truck Center-repair parts-\$360.92; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,651.86; Sapp Bros Petroleum Inc-supplies-\$93.50; Schaefer Grain & Feed Co-road salt-\$1,589.75; St of NE Dept of Roads-road millings-\$15,762.00; Steinkraus Service-diesel-\$2,597.65; Verizon-service-\$80.07; Wattier's True Value-repairs parts & supplies-\$68.75; Western Oil-gas-\$351.79; Zee Medical Service-supplies-\$158.75; Payroll-\$24,471.50.

**REGISTER OF DEEDS FUND:** Mips-computer service-\$298.10.

**E911 FUND:** Pierce Telephone-service-\$104.69; Plainview Telephone-service-\$34.73.

**E911 WIRELESS FUND:** Midwest Bank, NA-co share-\$103.29; Pierce Telephone-service-\$316.99; Plainview Telephone-service-\$116.27; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$91.14; Payroll-\$1350.00.

There being no further business, Chairman Wragge adjourned the meeting at 9:44 A.M. and will meet at a regular meeting on Tuesday, January 3, 2017 at 9:10 A.M. as County Board of Commissioners, said meeting is open to the public. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the County Clerk.



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/s/ Terry J. Wragge  
Chairman, Pierce County  
Board of Commissioners

/s/ Shannon Wragge  
Pierce County Clerk

I, Shannon Wragge, Pierce County Clerk, do hereby certify that all the subjects contained in the foregoing proceedings are contained in the agenda for the meeting kept continuously current and available for public inspection at my office; that such subjects were contained in said agenda for at least 24 hours prior to the meeting; that the minutes of said meeting were in written form and available for public inspection within 10 working days and prior to the next convened meeting of said body; that any news media requesting notification concerning said meetings or said County Board were provided advance notification of the time and place of said meetings and the subjects to be discussed at said meeting.

/s/ Shannon Wragge  
Pierce County Clerk

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