

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS June 5, 2017

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, June 5, 2017, 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, LeRay Zierke, Rick Otto, Dawnn Tucker, Donna Kahny, Kathy Lauer, Billy Schomberg, Terin Vinson and Donna Christiansen 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 9:10 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 Wragge, to approve the agenda. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

The minutes of May 22, 2017 were approved as printed.

Motion by Albers, seconded by Elwood, to recommend approval to the NE Liquor Control Commission for the request for 9 special designated liquor licenses for Shane Taylor DBA The Whitehouse/Taylor's Bar & Grill for the following events at the The Willow Unique Stay, Pierce in 2017: July 1 & 29, August 12 & 19, September 9, 16, 23 & 30 and October 21 all from 4:00 p.m. to 12:00 a.m. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Albers, to recommend approval to the NE Liquor Control Commission for the request for a special designated liquor license for Fight'N River Saloon, LLC for an event at the The Willow Unique Stay, Pierce, on Saturday, July 8, 2017 from 4:00 p.m. to 12:00 a.m. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Elwood, to recommend approval to the NE Liquor Control Commission for the request for a special designated liquor license for the Pierce County Ag Society for the Pierce County Fair and the dates of the event is July 19 thru July 23, 2017 from 8:00 a.m. to 1:00 a.m. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Motion by Albers, seconded by Elwood, to approve Resolution #2017-16 as follows:

### RESOLUTION #2017-16

WHEREAS, due to Section 39-1904 of the Nebraska Revised Statutes, the 2016-2017 County Road Fund budget does not include a property tax dollar request, and

WHEREAS, the 2016-2017 county budget was balanced by a fund transfer of \$2,150,000.00 from the General Fund to the County Road Fund,

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Commissioners that the Pierce County Clerk is directed to transfer the following funds thru the claim process as follows:

Road/Bridge Fund	<u>\$550,000.00</u>
Total	\$550,000.00

of the Property Taxes collected by the General Fund to above list. Disregard any previous resolutions on transfers.

Dated this 5<sup>th</sup> day of June, 2017

PIERCE COUNTY BOARD OF COMMISSIONERS

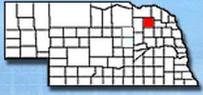
/s/ Terry J. Wragge, Chairman

/s/ Marvin Elwood, Jr., District #1 Commissioner

/s/ Brad Albers, District #2 Commissioner

ATTEST: /s/ Shannon Wragge, Pierce County Clerk

Whereas the original for said resolution is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Elwood, Wragge and Albers. Nay: None. Motion carried.



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Discussion was held on political subdivisions subject to county, municipal, or municipal county levy authority and they shall submit a preliminary request for levy allocation to the County Board, whom is responsible for levying such taxes, on or before August 1<sup>st</sup> (SS 77-3443). The County Board will then determine final allocation of levy authority for its subdivision on or before September 1<sup>st</sup>. The County Board informed those subdivision representatives present that they would like the subdivisions to submit no more than a 2% increase from what was requested last fiscal year.

Donna Christiansen, Donna Kahny and Dawnn Tucker were present to discuss the three local city library budgets for 2017-2018 fiscal year. They received only \$12,000 or \$4,000 per library for 16/17, but should have received \$15,900 or \$5,300 as approved in budget. Clerk Wragge will make the correction and send each library an additional \$1,300 from the 16/17 FY budget. The 3 libraries agreed that \$15,900 or \$5,300 is acceptable for the 17/18 fiscal year. The Board will take this into consideration when working on the county budget.

LeRay Zierke, Kathy Lauer and Billy Schomberg with Pierce County Agricultural Society were present to visit with the Board about levy allocation for 2017/2018 fiscal year and would like to see money given to their general fund as well as their building fund. The Ag. Society had been receiving approximately \$90,000 for the General Fund and \$90,000 for the Building Fund each year from 2009-2014. In 2013 they received an additional \$37,000 for the building fund so they could get the pavilion note paid down and the monies were not to be inter-mingled as per state statute. In 2014, the Co. Board gave approximately \$92,000 for only the General Fund and then paid \$209,193.77 directly to the bank to pay off the pavilion note. In 2014 it was suggested by Mike Pommer, County Auditor, that the County approves one levy for the Ag. Society for their General Fund and that money could then be used for general purposes, new buildings or building repairs and maintenance and the Ag. Society would not have to keep monies in two separate funds, so in 2015-2016 the County only gave them money for the General Fund of approximately \$96,599.17 and the County agreed to pay for a portable fence at a cost of \$27,843.00 and \$2,180.00 for school exhibit frames. The Ag Society presented the cost of entertainment to the Board as \$102,400 for 2016 entertainment and fair costs plus expenses of \$72,635.40 not included in fair entertainment along with 2016 fair gate receipts coming in at \$34,461.00 (emailed to Clerk later in the day). They would like to build a new headquarters and handicap accessible bathrooms in the near future so would like additional building fund money. The Ag. Society will need to submit a preliminary request for levy allocation to the County Board, whom is responsible for levying such taxes, on or before August 1<sup>st</sup> (SS 77-3443). The County Board will then determine final allocation of levy authority for its subdivision on or before September 1<sup>st</sup> for the 2017/2018 fiscal year.

No one with the Rural Fire Districts were present for discussion on tax asking for 17/18 FY. They will need to submit a preliminary request for levy allocation to the County Board, whom is responsible for levying such taxes, on or before August 1<sup>st</sup> (SS 77-3443).

Hwy Supt. Brian McDonald was present and discussion was held on the Plainview East and Pierce South Unbonded Concrete Overlay Projects #160973/#160974.

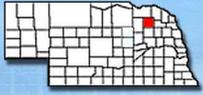
The following County Officials and Dept. Heads were present to meet with the Board on budget expectations and allowed increases for the 2017/2018 Fiscal Year: Peggy Wragge, Christine Bahr, Ann Fenton, Vickie Prince, Deb Theisen, Brian McDonald, Heather McWhorter and Verlyn Luebbe. The County Board would like everyone to keep their budget to a 2% increase for the 17/18 fiscal year.

The legal was read for the 9:45 a.m. opening of sealed bids to sell the 2003 Ford Expedition and 2011 Ford Crown Victoria. The following bids were received: from Rick Eberhardt-\$600 for Ford Crown Victoria and \$400 for Ford Expedition; from Gabe Hansen-\$355 for Ford Crown Victoria; and from Beth Blair-\$725 for Ford Crown Victoria.

Motion by Wragge, seconded by Albers, to accept the lowest bids on the 2003 Ford Expedition and 2011 Ford Crown Victoria: Rick Eberhardt at \$400 for Expedition and from Beth Blair at \$725 for Crown Victoria. Roll call vote: Aye: Elwood, Wragge and Albers. Nay: None. Motion carried.

Discussion was held on wind energy in Pierce County.

Zoning Administrator Heather McWhorter and Terin Vinson were present.



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The legal was read for the 10:00 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Vinson Farms to operate a livestock feeding operation for 2,400 swine or 55 pounds on property located in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  20-27-2.

Chairman Wragge opened the hearing at 10:00 a.m. McWhorter and Vinson answered questions the Board had on the Conditional Use Permit. There were no written comments or objections and no one from the public was present. Chairman Wragge closed the hearing at 10:07 a.m.

Motion by Elwood, seconded by Albers, to approve Resolution #2017-17 as follows:

## RESOLUTION 2017-17

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 for the Conditional Use Permit application of Marvin Stech:

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 hog barns would be within the  $\frac{1}{4}$ -mile setbacks to two properties.
4. A signed waiver is on file for the home to the west.
5. The property to the north is a building site and does not have a current residence on site.
6. A permit with DEQ is in process and is on file in the Zoning office.

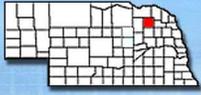
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Vinson Farms to operate a Confined Animal Feeding Operation under Section 402, Subsection B, Part 29, "A-1" Primary Agricultural District, Pierce County Zoning and Subdivision Resolution, on the following described land:

**The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 20, Township 27 North, Range 2 West of the 6th 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:

1. This is a Medium Livestock Feeding Operation conditional use Permit for 2,400 head of swine over 55lbs.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution.
3. All manure shall be applied on property as shown on the manure management plan developed by the applicant in accordance with Nebraska Title 130.
4. 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.
5. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.
6. This facility may be secured by fencing and gates to the facility. Any other security devices are strongly encouraged.
7. This conditional use permit shall become null and void if the application with Nebraska Department of Environmental Quality is not approved within one year of this application.

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,



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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.

ADOPTED at Pierce, Nebraska this 7th day of June, 2017.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Chairman

/s/ Marvin Elwood, Jr., District #1 Commissioner

/s/ Brad Albers, District #2 Commissioner

ATTEST: /s/ Shannon Wragge, Pierce County Clerk

Whereas the original for said resolution is on file at the office of the Pierce County Clerk and available for inspection.

County Attorney Verlyn Luebbe was present and asked to go into executive session regarding public defender contracts.

Motion by Elwood, seconded by Albers, to go into executive session at 10:11 a.m. regarding public defender contracts. Roll call vote: Aye: Elwood, Wragge and Albers. Nay: None. Motion carried.

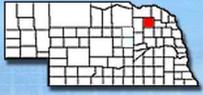
Motion by Albers, seconded by Elwood, to come out of executive session at 10:37 a.m. regarding public defender contracts. Roll call vote: Aye: Elwood, Wragge and Albers. Nay: None. Motion carried.

Discussion was held on the contracts for Public Defenders Ted Lohrberg and Kate Jorgensen which are due to expire on September 1, 2017. The Board wants to continue with Lohrberg and Jorgensen as our public defenders for another 2 years. Lohrberg and Jorgensen will come to the July 17, 2017 board meeting for discussion and a contracted amount.

Motion by Wragge, seconded by Elwood, to approve the fee reports as submitted by Rick Eberhardt, County Sheriff; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for May 2017; approve 2016/2017 Jail Compliance report; and approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for April 2017 and placed on file in the County Clerk's office, total \$1,307,736.10 and 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:** Avera Medical Group-prisoner medical-\$422.00; Black Hills Energy-utilities-\$25.93; Blaser Appraisal Inc-reappraisal-\$1,452.00; Carhart Kitchen & Bath-commissioner room remodeling-\$962.65; Ewalt Law Office PC-court appointed attorney-\$315.00; First Concord-deductibles & fees-\$273.33; Great American Financial Services-meter rent-\$119.00; Jean Lubke-mileage & meals-\$62.06; Madison County Sheriff-paper service-\$29.61; Magdanz Inc-supplies & equipment-\$190.88; Midwest Bank-co share-\$3,308.84; Amy K. Miller-meeting expenses-\$566.35; National Presto Industries Inc-supplies-\$89.99; NE NE News-ads-\$31.00; NE Child Support Payment Center-garnishment-\$217.38; Brian Oestreich-prisoner food-\$30.00; Pierce County District Court-claim fees-\$357.00; Pierce Co Leader-ads-\$460.51; Pierce County Petty Cash Fund-mileage, meals & supplies-\$199.24; Pierce County Treasurer-transfer to R&B and garnishment fee-\$550,002.50; Pierce County District Court-court costs-\$69.00; Pierce Telephone Co Inc-service-\$1,969.55; Prime Stop-gasoline-\$30.38; Quill-supplies-\$958.81; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,039.88; State of NE Networking-service-\$448.00; Diane Sullivan-reimb. office supplies-\$840.75; Tom's Service LLC-gas-\$420.05; Van Diest Supply Co-supplies-\$5,359.75; Walmart-supplies-\$108.84; Walton Appliance & Repair-fridge-\$550.00; Payroll-\$45,093.38.

**COUNTY HIGHWAY FUND:** Ago Finance LLC-CH2 CHL tractor payment-\$66,911.91; B's Enterprises Inc-culverts-\$5,683.10; Bazile Aggregate Co-gravel-\$4,085.64; Big John Mfg Co Inc-shop supplies-\$38.32; Bomgaars-supplies-\$20.98; Eastern NE Telephone-service-\$103.09; Gerhold Concrete Company Inc-gravel-\$899.91; Green Line Equipment-repair parts-\$722.98; Inland Truck Parts & Service-repair parts-\$811.04; Kimball Midwest-repair parts-\$455.90; Magdanz Inc-supplies-\$18.98; Matteo Sand & Gravel-gravel-\$5,696.40; Midwest Bank-co share-\$1,853.70; NE PPD-service-\$246.00; Pierce Automotive Supply-repair parts-\$132.25; Pierce County Petty Cash Fund-reimb. CDL-\$12.79; Pierce Telephone Co Inc-service-\$65.72; Plainview True Value-repair parts-\$78.00; Prime Stop-gas-\$51.79; R&D Welding-repairs-\$6.52; R & B Land Tiling & Construction-machine hire-\$375.00; Retirement Plans Division of Ameritas Life Ins. Corp-co.



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share-\$1,668.52; Safety Kleen-repairs-\$222.48; Tom's Service LLC-gas-\$118.26; West-Hodson-supplies-\$486.00; Willow Creek Sand & Gravel-gravel-\$3,738.20; Payroll-\$24,858.10.

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

**E911 FUND:** AT & T-service-\$9.66; CenturyLink-service-\$72.79; GeoComm Inc-911 system repairs-\$1,304.56; Pierce Telephone-service-\$104.52.

**E911 WIRELESS FUND:** AT&T-service-\$32.34; CenturyLink-service-\$243.68; GeoComm Inc-911 system repairs-\$4,367.44; Midwest Bank, NA-co share-\$137.72; Pierce Telephone-service-\$316.44; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$121.52; Payroll-\$1,800.00.

Discussion was held on mowing of roadways again and the Board authorized again the Clerk to place an ad in local newspapers notifying the public of the mowing of county roads to be done by the County in 2017 and if there is planting within 33' from the center of the county roads the growth will be mowed as per NE State Statute 39-1702 and 39-1811-1812.

There being no further business, Chairman Wragge adjourned the meeting at 10:55 A.M. and will meet again at a regular meeting on Monday, June 19, 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.

/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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