



# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS

August 27, 2018

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, August 27, 2018, at 9:10 A.M. with the following members present: Marvin Elwood, Jr., Brad Albers and Terry J. Wragge. Co. Clerk Shannon Wragge, Eldon Wostrel, Kate Valentine, Kevin Connot, Thadd Barker, Bryan Markes, Richard Koenig, Lonni Forsch, Stacy Vogt, Troy Anderson, Jim Schmit, Marty Thies, Rick Otto, Jerry Moritz, Joshua Pinkelman, Adam Hervert, Steve Prince, Mylan Wostrel and News Reporter Randee Falter 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 Elwood, to approve the agenda. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

The minutes of August 13, 2018 were approved as printed.

Discussion was held on the Subgroup Agreement between Pierce County and Nebraska Health & Human Services for the Child Support Enforcement Program and the benefits/grant funding available to the County/Clerk of District Court office.

Motion by Albers, seconded by Elwood, to authorize and approve the Board Chairman to sign the 2018/2019 Subgroup Agreement between Pierce County and Nebraska Health & Human Services for the Child Support Enforcement Program. 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 recommend approval to the NE Liquor Control Commission for the request for a special designated liquor license for Pierce American Legion for an event at the Pierce Pavilion on Saturday, September 29, 2018 from 3:00 p.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 authorize the Chairman to sign the Agreement and Notice to Proceed for the 2018 Microsurfacing, JEO Project No. 180136.00, with Martin Resource Management Corp dba Monarch Oil, Omaha, NE, with a start date of October 1, 2018 and a total base bid of \$846,745.45 to micro surface approximately 19 miles of hard surfaced roads in Pierce County. Roll call vote: Aye: Elwood, Albers and Wragge. Nay: None. Motion carried.

Mike Pommer, County CPA, was present and discussion was held on the 18/19 FY budget and on the levy allocations for the subdivisions. The budget hearing for the 18/19 fiscal year will be on Monday, September 10, 2018 at 9:30 a.m.

Zoning Adm. Heather McWhorter was present and discussion was held on the Conditional Use Permit (CUP) that was approved April 11, 2016 for Krista Schluns to operate a business renting the applicants home, outside venue, reception hall and guest house on property located in pt NW ¼ 9-25-2. Some of the conditions in the CUP were that Schluns is to maintain all the roads within subdivision, place signs regarding speed limits, stop signs, child safety and property boundaries. Numerous written complaints have been received in the last week and individuals were present at meeting to let the Board know the road conditions within the subdivision are not good and would like the Board to revoke the CUP. The Board directed Zoning Adm. Heather McWhorter to send a letter to Krista Schluns letting her know that she is not in compliance with her CUP and she has 30 days to comply or her CUP will be revoked.

Troy Anderson, Josh Pinkelman and Kate Valentine were present to discuss the conditional use permits and lot split being applied for.



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The legal was read for the 9:30 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Josh Pinkelman to build a house on less than 40 acres on Lindsay Anderson Lot Split on property located in part of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  34-26-1.

Chairman Wragge opened the hearing at 9:31 a.m. McWhorter, Anderson and Pinkelman 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 9:34 a.m.

Motion by Wragge, seconded by Albers, to approve Resolution #2018-22 as follows and approve the Lindsay Anderson Lot Split in pt of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  34-26-1:

## RESOLUTION 2018-22

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, having given proper notice and holding a public hearing as provided by law and under the authority of and subject to the provision the 2003 Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

### Finding of Facts

1. This application is consistent with the Comprehensive Plan.
2. This application is consistent with the Zoning and subdivision Regulations and the Zoning Map.
3. The property is zoned A-1 Agricultural Intensive.
4. Density requirements for this zoning district allow for only two houses per quarter, this will be the only home on the quarter section.
5. There is access to an improved county road.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Joshua Pinkelman to build a house on less than 40 acres on LINDSAY ANDERSON LOT SPLIT, as per Section 402: A-1 Primary Agricultural District, of the Pierce County Zoning and Subdivision Resolution, on the following described land:

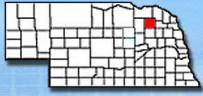
The NE $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 34, Township 26 North, Range 1 West of the 6th P.M., Pierce County, Nebraska

NOW, THEREFORE, BE IT ALSO RESOLVED, the below listed conditions must be complied with by all current and future owners of the property described above and failure to comply with said conditions may result in forfeiture of this Conditional Use Permit.

1. This Conditional Use Permit allows a Single Family Home of less than 40 acres.
2. This Conditional Use Permit is permanent and may be transferred between owners.
3. With the passage of this permit, the applicant realizes that the new residence is going to be subject to livestock odors, dust and general nuisance. This does not, however, mean that the applicant is giving up the right to be protected by Pierce County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County board of Commissioners.
5. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.
6. A zoning permit must be approved before construction of the home begins.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown of 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.

ADOPTED at Pierce, Nebraska this 27<sup>th</sup> day of August, 2018



# Pierce County Board Minutes



## 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.

The legals were read for the two 9:30 a.m. public hearings to receive public comments concerning Conditional Use Permits to allow Haystack Wind Project LLC to construct temporary meteorological towers on property located in part of the SE  $\frac{1}{4}$  15-27-1 and on property located in pt SW  $\frac{1}{4}$  11-26-1.

Chairman Wragge opened the hearings at 9:34 a.m. McWhorter and Kate Valentine answered questions the Board had on the Conditional Use Permits. There were numerous individuals present both for and against the two CUP's. There were no written comments. Chairman Wragge closed the hearing at 9:47 a.m.

Motion by Albers, seconded by Elwood, to approve Resolution #2018-23 and Resolution #2018-24 as follows: Roll call vote: Aye: Elwood and Albers. Nay: Wragge. Motion carried.

### RESOLUTION 2018-23

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, having given proper notice and holding a public hearing as provided by law and under the authority of and subject to the provision the 2003 Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

### Finding of Facts

1. The application is consistent with the Pierce County Comprehensive Plan and with the Pierce County Zoning and Subdivision Regulations per Section 6.03 Wind Energy conversion Facilities.
2. The height of the tower is proposed at approximately 197 feet. Pierce County regulation requires a setback of 1.1 times the height of the tower from any road or dwelling, which would be 217 feet.
3. Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

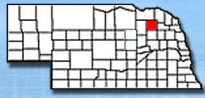
NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Haystack Wind Project LLC to construct a temporary meteorological tower on the following described land:

### **SE $\frac{1}{4}$ of Section 15, Township 27 North, Range 1 West of the 6th P.M., Pierce County,**

1. This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
2. Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
3. Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Pierce County Regulations 6.03 Wind Energy Conversion Facilities.
4. Applicant must apply for a zoning permit before beginning construction.

NOW, THEREFORE, BE IT ALSO RESOLVED, the below listed conditions must be complied with by all current and future owners of the property described above and failure to comply with said conditions may result in forfeiture of this Conditional Use Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown of 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 27<sup>th</sup> day of August, 2018

## 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.

### RESOLUTION 2018-24

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

WHEREAS, having given proper notice and holding a public hearing as provided by law and under the authority of and subject to the provision the 2003 Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

#### Finding of Facts

1. The application is consistent with the Pierce County Comprehensive Plan and with the Pierce County Zoning and Subdivision Regulations per Section 6.03 Wind Energy conversion Facilities.
2. The height of the tower is proposed at approximately 197 feet. Pierce County regulation requires a setback of 1.1 times the height of the tower from any road or dwelling, which would be 217 feet.
3. Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Haystack Wind Project LLC to construct a temporary meteorological tower on the following described land:

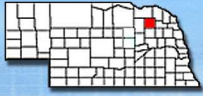
#### **SW ¼ of Section 11, Township 26 North, Range 1 West of the 6th P.M., Pierce County,**

1. This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
2. Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
3. Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Pierce County Regulations 6.03 Wind Energy Conversion Facilities.
4. Applicant must apply for a zoning permit before beginning construction.

NOW, THEREFORE, BE IT ALSO RESOLVED, the below listed conditions must be complied with by all current and future owners of the property described above and failure to comply with said conditions may result in forfeiture of this Conditional Use Permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown of 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.

ADOPTED at Pierce, Nebraska this 27<sup>th</sup> day of August, 2018



# Pierce County Board Minutes



## 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.

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: Albers, Elwood and Wragge. Nay: None. Motion carried.

**GENERAL FUND:** Antelope Co Sheriff-inmate housing-\$1,240.00; BCBS-health premiums-\$28,084.12; Cable One-service-\$113.46; Charm-Tex-jail supplies-\$162.22; Elite Office Products-maint. Agreement-\$28.81; Heartland Fire Protection-inspection & certification-\$262.75; Hometown Market-prisoner food-\$1,398.39; Kate M. Jorgensen-public defender-\$2,500.00; Madison National Life Ins. Co.-premiums, life, long term disability-\$67.33; Midwest Bank-co share-\$3,798.73; Morland, Eastland, Lohrberg PC-public defender-\$2,500.00; NACO-18/19 dues-\$1,942.22; NE NE Assn of Co Officials-registration-\$150.00; NE Health & Human Services-Jul 2018 housing-\$279.00; Brian Oestreich-prisoner food-\$40.00; One Office Solution-supplies-\$32.93; One Stop Fuels-gas-\$11.37; Pierce Lockers-prisoner food-\$348.00; Pierce City-utilities-\$2,975.43; Prince Auto Repair Inc-repairs-\$86.24; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,359.66; Security Shredding Services-service-\$70.00; State of NE-computer service-\$139.30; Thomsen Reuters West-law library-\$338.69; Tom's Service LLC-gas-\$1,272.76; TWD Lock Safe & Key-repairs-\$75.00; US Postal Service CMRSFP-meter postage-\$500.00; Walmart-jail supplies-\$42.42; Payroll-\$52,141.95.

**COUNTY HIGHWAY FUND:** A & R Construction Co-milling-\$13,440.00; Big John Mfg Co Inc-repairs-\$15.24; Black Hills Energy-utilities-\$41.16; Bomgaars-supplies-\$14.57; CenturyLink-telephone service-\$62.53; Gerhold Concrete Co Inc-crushed concrete-\$430.73; Jebro Inc-oil-\$2,113.55; Lawson Products-supplies-\$88.19; Midwest Bank, NA-co share-\$1,837.22; Northeast Power-utilities-\$263.00; Osmond Farm Supply Center Inc-diesel-\$2,264.90; Pierce City-utilities-\$112.00; Keith Pospisil-reimb. CDL-\$57.50; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,573.91; Steinkraus Service-diesel-\$4,196.97; Tom's Service LLC-gas & repairs-\$666.69; Verizon-service-\$80.07; Willow Creek Sand & Gravel-gravel-\$6,960.69; Zee Medical-supplies-\$136.20; Payroll-\$24,183.34.

**E911 FUND:** CenturyLink-telephone service-\$67.86.

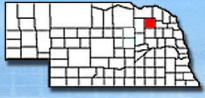
**E911 WIRELESS FUND:** CenturyLink-telephone service-\$255.27.

There being no further business, Chairman Wragge adjourned the meeting at 9:52 A.M. and will meet again at a regular meeting on Monday, September 10, 2018 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.



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/s/ Shannon Wragge  
Pierce County Clerk

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