

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS

April 8, 2019

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, April 8, 2019, at 9:10 A.M. with the following members present: Marvin Elwood, Jr., Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Ned Porter, Richard Koenig, Aaron von Rentzell, Dominic Hoffmann, Kayla Hart, Rodney Hart and News Reporters 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 Elwood, seconded by Schmit, to approve the agenda. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

The minutes of March 25, 2019 were approved as printed.

Motion by Wragge, seconded by Schmit, to recommend approval to the NE Liquor Control Commission for the request for a special designated liquor license for the Pierce American Legion for an event on Saturday, April 27, 2019 from 4:00 p.m. to 1:00 a.m. at the Pierce County Fairgrounds Pavilion. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Schmit, to recommend approval to the NE Liquor Control Commission for the request for 3 special designated liquor licenses for Jerry's Hilltop, Randolph, for the following events at the Pierce County Fairgrounds Pavilion: Saturday, May 4, 2019, Saturday, May 25, 2019 and Saturday, June 22, 2019, all from 3:00 p.m. to 12:30 a.m. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Wragge, to rescind the previous motion to approve the agenda and to amend the agenda to add the Approval of the Hart Lot Split in pt of S ½ of the SW ¼ 12-28-2. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

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

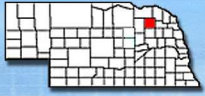
Motion by Schmit, seconded by Elwood, to approve the application for the undercrossing of a county road with a 2" Electrical line approximately 2,640' west of 552 Avenue and undercrossing 864 Road in pt of the NE ¼ Section 1, Township 27N, Range 2W in Pierce County, NE. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Phil Lorenzen, bond agent with D.A. Davidson & Co, Omaha, NE, was present and discussion was held on the bonding of flood damaged roads and bridges. Because of the approval of Resolution 2018-26 that was approved September 2018, said resolution states that if the County Board finds and determines that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds for payment of construction and engineering costs or certain road improvements this resolution allows them to call for such bonds. No decision was made.

Zoning Adm. Heather McWhorter was present and discussion held on the FEMA guidelines pertaining to flood zones. McWhorter and her staff will be working overtime to complete the tasks set forth by FEMA. Pierce County unanimously agreed to pay 50% of all overtime incurred with the Pierce/Madison County Zoning dept.

The legal was read for the 9:30 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Dominic Hoffmann to build a house on less than 40 acres on the Knox Lot Split on property located in pt of the NE ¼ NE ¼ 11-25-2.

Chairman Wragge opened the hearing at 9:40 a.m. Dominic Hoffmann was present and answered questioned 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 9:42 a.m.



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Motion by Schmit, seconded by Elwood, to approve Resolution #2019-7 as follows and to approve the Knox's Lot Split in pt of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  in Section 11, T25N, R2W (5.23 acres), Pierce County, NE:

## RESOLUTION #2019-7

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 property is zoned A-1 Agricultural Intensive.
2. Density requirements for this zoning district allow for only two houses per quarter, this will be the second home on the quarter section.
3. 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 Dominic Hoffman to construct a home on less than 40 acres on KNOX LOTSPLIT as per Section 402: A-1 Primary Agricultural District, of the Pierce County Zoning and Subdivision Resolution, on the following described land:

PT NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 11, Township 25 North, Range 2, 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 8<sup>th</sup> day of April, 2019

PIERCE COUNTY BOARD OF COMMISSIONERS

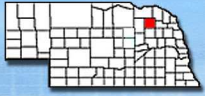
/s/ Terry J. Wragge, Chairman

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

/s/ Jim Schmit, 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, Schmit and Wragge. Nay: None. Motion carried.



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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 Kayla Hart to build a house on less than 40 acres on Hart's 2<sup>nd</sup> Lot Split on property located in pt of the SW ¼ SW ¼ 12-28-2.

Chairman Wragge opened the hearing at 9:49 a.m. Kayla and Rodney Hart were present and answered questioned 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 9:50 a.m.

Motion by Wragge, seconded by Elwood, to approve Resolution #2019-8 as follows and to approve the Hart's 2<sup>nd</sup> Lot Split in pt of the SW ¼ SW ¼ in Section 12, T28N, R2W (6 acres), Pierce County, NE:

## RESOLUTION #2019-8

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 property is zoned A-1 Agricultural Intensive.
2. Density requirements for this zoning district allow for only two houses per quarter, this will be the second home on the quarter section.
3. 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 Kayla Hart to construct a home on less than 40 acres on HART 2ND LOTSPLIT as per Section 402: A-1 Primary Agricultural District, of the Pierce County Zoning and Subdivision Resolution, on the following described land:

PT SW ¼ SW ¼ of Section 12, Township 28 North, Range 2, 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.

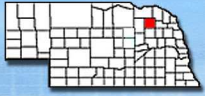
7. This Conditional Use Permit allows a Single Family Home of less than 40 acres.
8. This Conditional Use Permit is permanent and may be transferred between owners.
9. With the passage of this permit, the applicant realizes that the new residence is going to be subject to livestock odors, dust and general 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.
10. 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.
11. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.
12. 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 8<sup>th</sup> day of April, 2019

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/s/ Terry J. Wragge, Chairman

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

/s/ Jim Schmit, 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, Schmit and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Schmit, to approve the Hart Lotsplit in pt of the SW ¼ SW ¼ in Section 12, T28N, R2W (14.30 acres), Pierce County, NE. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Extension Agent Ann Fenton was present to inform the Board and public that UNL is a good resource to help those that have had flood damage and individuals can go to the website at [flood.unl.edu](http://flood.unl.edu) or can email [floodresponse@unl.edu](mailto:floodresponse@unl.edu) for information.

Hwy Supt. Brian McDonald was present and discussion was held on the re-building of Kaneb Road and Bridge, damaged roads and bridges from the flooding, bid quotes on said flood damaged roads and bridges.

Motion by Elwood, seconded by Wragge, to approve and authorize Hwy Supt. Brian McDonald to request bid quotes for emergency construction to provide access to the public on 857 Road and 548 Avenue. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Tabled was the approval of Resolution 2019-4, vacation or abandonment of 543 Avenue between sections 15/16 of Blaine Township.

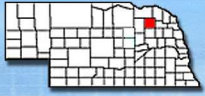
Motion by Wragge, seconded by Elwood, to go into executive session at 11:03 a.m. regarding personnel issues. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Elwood, seconded by Wragge, to come out of executive session at 11:12 a.m. regarding personnel issues. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Elwood, 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, Schmit and Wragge. Nay: None. Motion carried.

**GENERAL FUND:** Antelope Co Sheriff-inmate housing-\$40.00; Michael Bates-reimburse travel-\$77.25; Black Hills Energy-utilities-\$26.53; Bailey Carpenter-reimburse travel-\$198.82; Classic Carpet Care-supplies-\$224.06; Consolidated Management co-meals-\$194.72; Elite Office Products-supplies-\$636.96; First Concord-fees, deductible paid-\$5,385.97; Great American Financial Services-meter rent-\$119.00; J&S Plumbing-repairs-\$333.40; Eric Knutson-court appointed attorney-\$376.80; LexisNexis-law library-\$441.00; Ted Lohrberg-reimburse furniture-\$920.00; Richard Lutz-services-\$1,421.25; Magdanz-supplies-\$143.56; Microfilm Imaging Systems-microfilming-\$92.00; Midwest Bank-co share-\$3,652.11; MIPS Inc-website, microfilming, support-\$604.72; NE News-ads-\$484.19; Nebr. Law Enforcement-training-\$150.00; Northeast Community College-training-89.50; Valorie Olson-services-\$159.25; PierceAutomotive Supply-repair parts-\$7.49; Pierce Co Sheriff Exp. Acct-prisoner transport-\$70.93; Pierce Co Leader-publication-\$368.71; Pierce Lockers-prisoner food-\$1,379.50; Pierce Telephone-service-\$2,217.42; Pierce City-utilities-\$5,955.80; Plainview News-publishing-\$330.66; Prime Stop-gasoline-\$71.03; R&D Welding-services-\$124.89; RS Technologies Inc-software-\$500.00; Region IV Inc-4<sup>th</sup> quarter contribution-\$2,340.25; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,294.96; State of NE Networking-service-\$448.00; Terminex-service-\$62.00; Tiger Town-prisoner food-\$1,543.04; Payroll-\$50,214.94.

**COUNTY HIGHWAY FUND:** A&R Construction-services-\$161,076.30; Appera-supplies-\$84.40; Bauer Built-tires, repair-\$11,333.80; Burns Lumber Co-supplies-\$40.00; Chad's Tire Service-repairs-\$412.50; Classic Rentals-supplies-\$167.63; D&L Towing-services-\$730.00; Eastern NE Telephone-service-\$108.80; Farmers Pride-diesel, propane-\$4,192.42; Gerhold Concrete Co-crushed rock-\$5,441.50; Green Line Equipment-repair parts-\$26.20; JEO Consulting Group-engineering-\$6,787.25; Kimball Midwest-supplies-\$130.48; L.G. Everist-gravel-\$7,088.03; Leiting Auto Supply-repair parts-\$109.32; Lind-Gubbels-supplies-\$4.90; Lorenz Automotive-repair pparts-\$1,439.71; Lutz Embroidery-signs-\$74.00; Magdanz Inc-supplies-\$99.47; Matheson Tri-Gas-supplies-\$57.66; Matteo Sand & Gravel-gravel-\$893.44; Meisinger Oil-crushed rock-\$7,308.52; Midwest Bank-co share-\$2,193.03; Mitch's Food Center-supplies-\$55.82; NE Machinery



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Company-repairs-\$385.64; North Central Public Power-utilities-\$298.65; Osmond Farm Supply-diesel-\$4,314.25; City of Osmond-garbage-\$63.52; Paul’s Welding-supplies-\$10.10; Pierce Automotive Supply-repair parts-\$842.88; Pierce Telephone-service-\$67.55; Plainview Auto Supply-supplies & repair parts-\$43.72; Plainview News-publishing-\$3.49; Plainview Telephone-service-\$48.02; Plainview City-garbage-\$65.56; Powerplan-repair parts-\$499.09; R&K Motor Parts-repair parts-\$52.98; Randolph Farm Supply-gas, diesel-\$4,877.96; RDO Truck Centers-repair parts-\$395.35; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,916.78; Sapp Bros Norfolk-oil-\$66.55; Stech Construction-services-\$10,844.50; Steinkraus Service-diesel, supplies-\$113.95; Clark Vinson-services-\$3,259.16; West Hodson Lumber-supplies-\$3,426.83; Payroll-\$28,857.96.

**REGISTER OF DEEDS FUND:** MIPS-computer service-\$310.96.

**E911 FUND:** AT & T-service-\$43.86; Pierce Telephone-service-\$90.54; Plainview Telephone-service-\$31.71.

**E911 WIRELESS FUND:** Pierce Telephone-service-\$303.00; Plainview Telephone-service-\$119.29.

**VISITOR PROMOTION FUND:** NE NE News Company-ads-\$6.27.

**COURTHOUSE & JAIL SINKING FUND:** J&S Plumbing-extension kitchen remodel-\$650.00.

There being no further business, Chairman Wragge adjourned the meeting at 11:15 A.M. and will meet at a regular meeting on Monday, April 22, 2019 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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