



Pierce County Board Minutes



COMMISSIONERS PROCEEDINGS

February 10, 2020

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, February 10, 2020, at 9:10 A.M. with the following members present: Marvin Elwood, Jr., Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Co. Attorney Ted Lohrberg, Zoning Adm. Heather McWhorter, Co. Assessor Jean Lubke, Deputy Assessor Linda Peekenschneider, Ryan Zimmerman, Addison Fairchild, Ken Beaudette, Rich Koenig, Alex Loroff, William Wilkins, Aaron Zimmerman, Jamie Zimmerman, Rich Lutz, Steve Dolesh, David Levy, Jerry Guenther, Philip Clement, Bruce Zimmerman, Connie Zimmerman, Susan Norris, Nate Weber, Celestine Wood, Kimberly Dickey, Orand Unkel, Polly Unkel, Daniel Timmerman, Jim Bessmer, Dennis Leach, Brian Bussey 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 Elwood, seconded by Schmit, to approve the agenda. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

The minutes of January 27, 2020 were approved as printed.

Motion by Wragge, seconded by Elwood, to authorize the County Clerk to advertise for certain quantities of culverts, gravel, signs & blades with bids to be opened Monday, March 23, 2020 at 9:11 a.m. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Elwood, to approve agreement with Maximus and authorize the County Clerk and Board Chairman to sign agreement for the 19/20 fiscal year. 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 a special designated liquor license for the Pierce County Ag Society for an event on Saturday, March 21, 2020 from 12:00 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.

Discussion was held on mowing of roadways.

Motion by Schmit, seconded by Elwood, to approve and authorize 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 2020 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. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Pierce County Emergency Manager Rich Lutz was present to ask the Board if he could purchase a printer to make Pierce County ID cards which would be used for all fire, rescue, dispatch and police force at a cost of \$3,301.50. Clerk Wragge said money from 911 Fund could be used for such purchase.

Motion by Schmit seconded by Elwood, to authorize and approve EMS Rich Lutz to purchase a printer, supplies and support for \$3,301.50 from Midwest Card and ID Solutions. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Zoning Administrator Heather McWhorter was present and discussion was held on Jeff D. Lambrecht's Lotsplit in pt of the W ½ SW ¼ 25-26-4 (6.99 acres).

Motion by Schmit, seconded by Wragge, to approve the Jeff D. Lambrecht's Lotsplit in pt of the W ½ SW ¼ in Section 25, T26N, R4W, Pierce County, NE. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Elwood, to approve the fee reports as submitted by Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for January 2020; approve the 2019 Jail Standards Report; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for January 2020 and placed on file in the County Clerk's office, total \$1,207,049.09 and to audit and allow the following claims



Pierce County Board Minutes



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: Black Hills Energy-utilities-\$19.50; Bailey Carpenter-mileage-\$152.95; Co Veterans Service Officer Assn-dues-\$110.00; Dugan Printing-supplies-\$1,220.07; Eakes Office-supplies-\$130.12; Elite Office Products-maint. agreement-\$30.00; First Concord-deductibles & fees-\$211.50; Floor Maint Supply-supplies-\$470.15; Gutter Monkeys LLC-repairs-\$145.00; Johnsons Inc-repairs-\$567.10; LexisNexis-law library software-\$140.00; Madison County Sheriff-paper service-\$16.29; Madison Natl Life Ins-premiums-\$56.79; Magdanz Inc-supplies-\$151.37; Midwest Bank-co share-\$3,754.10; MIPS Inc-website, microfilming, support-\$746.90; City of Norfolk-Region 11 19/20 FY costs-\$18,663.00; NE NE News Company-ads-\$621.29; Olson Tree Service-service-\$525.00; One Office-supplies-\$149.00; Pierce County Court-court costs-\$354.38; Pierce County District Court-court costs-\$108.00; Pierce Telephone-service-\$3,956.91; Prime Stop-gas-\$310.13; Kathy Prince-reimb. jail supplies-\$76.97; Quill-supplies-\$517.62; R & D Welding-repairs-\$10.00; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,452.06; Rowley Auto Co-repairs-\$250.00; Shelbie Schulte-mileage-\$141.45; Sioux Sales Police Store-supplies-\$38.90; Stonacek Memorial Chapel-removal for autopsy & mileage-\$765.00; Tiger Town Food Center-prisoner food-\$935.14; Tom's Service LLC-gas & repairs-\$897.19; US Postal Services, CMRSFP-meter postage-\$2,600.00; Western Oil-gas-\$168.00; Payroll-\$53,503.66.

COUNTY HIGHWAY FUND: Appeara-service-\$105.50; B's Enterprises Inc-blades-\$962.40; Bazile Aggregate Co LLC-gravel-\$788.74; Chad's Tire Service-repairs, tires-\$10,782.00; Cornhusker Intl Trucks Inc-repairs-\$247.44; Eastern NE Telephone-service-\$109.04; Farmers Pride-diesel-\$2,569.71; Filter Care-repair parts-\$19.70; Gary Backhaus Gravel LLC-gravel-\$5,383.56; Green Line Equipment-repairs-\$98.28; Hoffart Repair-repairs-\$7.50; JEO Consulting Group Inc-engineering-\$6,150.00; Leiting Auto Supply-repair parts-\$48.35; Little Detroit Body Shop-repairs-\$250.00; Lorenz Automotive-repair parts & supplies-\$667.33; Magdanz Inc-supplies-\$141.82; Martin Marietta-rock-\$1,428.48; Matheson Tri-Gas-supplies-\$75.19; Meisinger Oil Co-oil-\$1,957.54; Menards-supplies-\$371.07; Midwest Bank-co share-\$1,934.93; Mitch's Food Center-supplies-\$56.76; NE Machinery Co-repairs-\$1,015.79; North Central PPD-service-\$318.80; Overhead Door-repairs-\$120.00; Paul's Welding-repairs-\$833.80; Pierce Automotive Supply-repair parts-\$75.65; Pierce Telephone-service-\$62.09; Plainview Auto Supply Inc-repair parts-\$106.74; Plainview Telephone-service-\$48.26; Plainview City-utilities-\$64.53; Randolph Farm Supply Inc-gas-\$2,162.14; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,705.85; Rollin Coal Trucking LLC-crushed rock-\$1,119.51; Steinkraus Service-repairs-\$30.00; Tom's Service-gas-\$448.15; Western Oil LLC-gas-\$557.09; Payroll-\$25,958.28.

REGISTER OF DEEDS FUND: MIPS-computer service-\$320.34.

INHERITANCE FUND: Midwest Bank, Pierce-Loan Acct for Pierce Ag Society for Pavilion remodel-\$20,000.00.

E911 FUND: Pierce Telephone-service-\$71.64.

E911 WIRELESS FUND: Pierce Telephone-service-\$349.32.

HIGHWAY BONDS FUND: JEO Consulting Group-engineering-\$200.00.

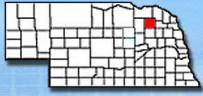
The legal was read for the 9:25 a.m. public hearing to receive public comments concerning the Conditional Use Permit for Boulevard Associates LLC to construct Goldenrod Solar Farm on property located in SW ¼ 14-25-3; E ½ 19-25-3; pt 21-25-3; W ½ 22-25-3; pt 23-25-3; 26-25-3; and N ½ 28-25-3.

Chairman Wragge opened the hearing at 9:25 a.m. Zoning Adm. Heather McWhorter, Bruce, Ryan and Aaron Zimmerman and Nextera employees were present and answered questions the Board had on the Conditional Use Permit. There were numerous comments for and two individuals against said Conditional Use Permit. Chairman Wragge closed the hearing at 10:05 a.m.

Motion by Wragge, seconded by Elwood, to approve Resolution #2020-2 as follows:

RESOLUTION #2020-2

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)



Pierce County Board Minutes



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 Madison County Comprehensive Plan and with the Pierce County Zoning and Subdivision Regulations
2. The solar array will be 443 MW and be located on approximately 2500 acres
3. Is located in an Ag Intensive district that allows the use with a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Boulevard Associates LLC to construct Goldenrod Solar Farm as per Section 6.04.01 Solar Farms of the Pierce County Zoning and Subdivision Resolution, on the following described land:

All of Section 21, Township 25 North, Range 3 West minus Charlies Lot Split, a 21.26-acre tract in the N $\frac{1}{2}$; N $\frac{1}{2}$ of Section 28, Township 25 North, Range 3 West;
W $\frac{1}{2}$ of Section 22, Township 25 Range 3 West;
All of Section 23, Township 25, Range 3 West minus 2 tracts in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ totaling 17.25 acres; and minus E $\frac{1}{2}$ of NE $\frac{1}{4}$;
All of Section 26, Township 25, North Range 3 West;
SW $\frac{1}{4}$ of Section 14, Township 25 North, Range 3 West;
All properties lying 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.

Recommended Conditions:

1. This Conditional Use Permit allows applicant to build a 443 MW Solar Farm.
2. Applicant must obtain necessary permits from the State of Nebraska and follow all local permitting as well.
3. Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Pierce County Regulations.
4. An approved zoning permit must be obtained before construction of solar array 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 10th day of February, 2020

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.

Osmond Mayor Jim Bessmer and City Council Member Daniel Timmerman were present to discuss with the Board the contracting of law enforcement for the City of Osmond by the Pierce County Sheriff's Dept.



Pierce County Board Minutes



Tentative estimated budget produced by the Sheriff proposed a cost of \$78,340 yearly for Pierce County Sheriffs Dept. to cover law enforcement in Osmond. No decision was made.

Murphy Tractor salesman Ken Beaudette was present and discussion was held on the purchasing of a motor grader for District 1 road dept.

Motion by Elwood, seconded by Schmit, to approve and authorize the Clerk to advertise for bids for a new motor grader, with the trade in of Equipment #102, bids to be opened on Monday, March 23, 2020 at 9:30 a.m. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

County Attorney Ted Lohrberg, Assessor Jean Lubke, Deputy Assessor Linda Peekenschneider and Susan Norris were present.

Motion by Wragge, seconded by Elwood, to go into executive session at 10:40 a.m. regarding litigation issues. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Elwood, to come out of executive session at 11:29 a.m. regarding litigation issues. Roll call vote: Aye: Elwood, Schmit and Wragge. Nay: None. Motion carried.

There being no further business, Chairman Wragge adjourned the meeting at 11:30 A.M. and will meet at a regular meeting on Monday, February 24, 2020 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
