

Pierce County Board Minutes



COMMISSIONERS PROCEEDINGS

March 8, 2021

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, March 8, 2021, at 9:10 A.M. with the following members present: Tom Kuether, Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Zoning Adm. Heather McWhorter, PCED Susan Norris, Co. Attorney Ted Lohrberg, Lisa Ludden, Travis Caspersen, Luke Winkelbauer, Curt Raabe, Kiel Kalin, Ken Venteicher, Eric Venteicher, Shirley Staver, Marci Flood, Adam Venteicher, Kaylyn Venteicher, Josh Freudenburg, Paula Freudenburg, Dawn Winkelbauer, Chad Schomberg, Brian Oestreich, Renea Oestreich, Derek Oestreich, Jay Meier, Joseph Matuska, Keith Petersen, Ryan Zimmerman, Bronson Stonacek, Jill Stonacek, Darrel Garber, Rachel Simpson, Beau Simpson 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 9:11 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 Kuether, seconded by Schmit, to approve the agenda. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The minutes of February 22, 2021 were approved as printed.

The legal was read for the 9:12 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Doug & Lisa Ludden to construct a home on less than 40 acres on Ludden's Lot Split on property located in pt of the NW ¼ NW ¼ 26-26-1.

Chairman Wragge opened the hearing at 9:12 a.m. Zoning Adm. Heather McWhorter and Lisa Ludden were present and 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 for the hearing. Chairman Wragge closed the hearing at 9:13 a.m.

Motion by Schmit, seconded by Wragge, to approve Resolution #2021-7 as follows and the Ludden's Lot Split on property located in pt of the NW ¼ NW ¼ Section 26, T26N, R1W, Pierce County, NE:

RESOLUTION 2021 - 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).

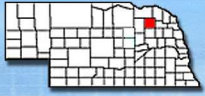
Finding of Facts

1. The property is zoned A-1 Ag Intensive and meets the density requirements of the zoning district.
2. Currently a foundation is located within the requested lot split building setback.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Doug and Lisa Ludden to construct a home on less than 40 acres on LUDDEN'S LOTSPLIT as per Section 402: A-1 Agricultural Primary District, of the Pierce County Zoning and Subdivision Regulations, on the following described land:

Part of the NW ¼ of the NW ¼ of Section 26, Township 26 North, Range 1, West of the 6th P.M., Pierce County, (see attached)

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.



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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. Permit will not be approved with the foundation within the building setback line.

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 8th day of March 2021.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Chairman

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

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Lucas Winkelbauer to operate a large cattle feedlot operation of up to 10,000 head on property located in pt S ½ 25-25-3.

Chairman Wragge opened the public hearing at 9:15 a.m. Chairman Wragge allowed each side 15 minutes to speak. Lucas Winkelbauer and his engineer Settje Agri Services & Engineering presented a Power Point presentation and answered questioned the Board had on the Conditional Use Permit. The opposing side presented a petition along with other reasons the feedlot should not be approved. Zoning Adm. Heather McWhorter stated that Luke Winkelbauer wants to expand his current operation of up to 10,000 head on property described as pt S 1/2 25-25-3. Property located along the intersection of 545 Ave and 847 Rd. She stated that he is outside of the required setbacks and meets all the requirements. PCED Susan Norris spoke on the economic benefits of the feedlot. Chairman Wragge closed the hearing at 10:12 a.m.

Motion by Schmit, seconded by Wragge, to table the decision to Monday, March 22, 2021 at 10:00 a.m. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

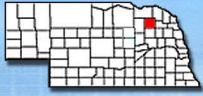
Zoning Adm. Heather McWhorter, Beau Simpson and Rachel Simpson were present for the approval of the Simpson Lot Split in pt NW ¼ 5-27-1.

Motion by Schmit, seconded by Kuether, to approve the Simpson Lot Split in pt NW ¼ Section 5, Township 27 North, Range 1 West (6.47 acres). Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the updating of the Comprehensive Plan by Five Rule.

Ryan Zimmerman and Zoning Adm. Heather McWhorter discussed with the Board the fees for Commercial Solar and Commercial Wind Energy.

Motion by Schmit, seconded by Wragge, to approve the fee for a Commercial Wind Energy Conditional Use Permit to be \$3,000 and \$1,000 per tower permit. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.



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Motion by Schmit, seconded by Kuether, to approve the fee for a Solar Energy Conditional Use Permit to be \$130 and .20 per acre with a minimum of \$300. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Below is the Pierce County Planning & Zoning Dept. Fee Schedule:

PIERCE COUNTY PLANNING DEPARTMENT FEE SCHEDULE

Zoning Permits: (All Zoning Permits issued are subject to inspection and are subject to fees based on use not zoning district.)

Base Fee applicable to all Zoning Permits \$ 50.00

These structures shall pay the base fee of \$50.

- Agricultural buildings/structures other than residences & garages located on an agricultural operation of 20 acres or more.
- Buildings, structures, additions & decks <650 sq. ft.
- Temporary buildings
- After the Fact x5 for all above

Annually

These structures shall pay the base fee of \$50 plus the additional fee listed below.

- Non-Ag Accessory Buildings >650 sq. ft. \$ 0.02/sq. ft.
- Residences, Commercial and Industrial Buildings and additions \$ 0.20/sq. ft.
- Secondary Non-Farm Residence \$ 0.20/sq. ft.
- Secondary Farm Residence \$ 0.20/sq. ft.
- Commercial Wind \$ 1,000/tower
- Commercial Solar (min of \$300) \$ 0.20/acre
- After the Fact x5 for all above

Plats:

- Non-Farmstead Agricultural Land Lot Splits \$ 65.00
- Preliminary Plat \$ 65.00/\$5 Lot
- Final Plat \$ 65.00/\$.50 Lot
- Lot Boundary Change (Legal Description or Survey review) \$ 50.00
- After the Fact x10 for all above

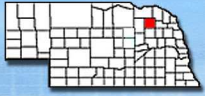
Other:

- Rezoning \$ 130.00
- Comprehensive Plan Amendment \$ 130.00
- Conditional Use Permit After the Fact x10 \$ 130.00
- Conditional Use Permit for a Dwelling on less than 40 Acres After the Fact x10 \$ 130.00
- Conditional Use Permit Wind Energy (Commercial) \$ 3,000.00
- Conditional Use Permit Solar Energy (Commercial) \$ 130.00
- Livestock Feeding Operation Conditional Use Permit (matrix) \$ 130.00
- Livestock Conditional Use Permit (permit renewal issued prior to 7/2003) \$ 130.00
- Site Plan Review (cities only) \$ 100.00
- Formal Complaint \$ 250.00
- Copy of Comprehensive Plan or Zoning Regulations \$ 50.00
- Copy requests (non-owner) \$.25 /pg
- Copy requests electronic (based on time to complete request) \$ 20.00/hr
- Floodplain Development Permit (non-government) After the Fact x10 \$ 75.00

Board of Adjustment:

- Variance After the Fact x10 \$ 130.00
- Appeal \$ 130.00
- Map Interpretation \$ 130.00

All fees shall be paid prior to action being taken or public hearing being conducted by the Zoning Administrator, County Planning Commission, Board of Adjustment, and/or County Board of Commissioners. "After the Fact" for building projects is defined as any



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construction other than excavation or dirt work except in cases where a Floodplain Development Permit is required. "After the Fact" for all other applicable categories applies after the "USE" is in place and being pursued.

For Rezoning, all Conditional Use Permits, Subdivisions and Board of Adjustment applications, the applicant must furnish a list of property owners and address within 300 ft. for Pierce County and 1,000 ft. in the Madison County. The list must be certified by a registered land abstractor. All checks must be made payable to the applicable County Treasurer.

Motion by Wragge, seconded by Kuether, to Authorize Chairman to sign Change Order #1 (increase \$3,718.71) and Pay Application #3 for \$132,427.29 for the Plainview South Overlay-JEO Project #190171 with A & R Construction Co, Plainview, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Kuether, seconded by Wragge, to authorize Chairman to sign the Interlocal Agreement and Resolution 2021-8 with NE Dept of Roads for Project #STP-13(112). Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to approve the fee reports as submitted by Rick Eberhardt, County Sheriff for January 2021; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for February 2021; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for February 2021 and placed on file in the County Clerk's office, total \$1,277,183.12 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: Kuether, Schmit and Wragge. Nay: None. Motion carried.

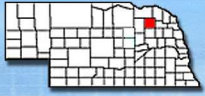
GENERAL FUND: Black Hills Energy-service-\$43.39; Dollar General-supplies-\$73.50; Jenkins Electric-repairs-\$417.38; Johnson's Inc-repairs-\$114.00; LexisNexis-law library-\$140.00; Magdanz Inc-supplies-\$228.29; Microfilm Imaging Systems Inc-scanner rent-\$46.00; Midwest Bank-co share-\$4,021.06; MIPS-hardware/software & website support-\$2,598.86; NE Assn of Co. Treasurers-dues-\$50.00; NE NE News Company-ads-\$793.14; One Office Solution-office supplies-\$141.99; Pathology Medical Services of Siouxland-autopsy-\$1,792.22; Pierce County Court-court costs-\$248.00; Pierce High School-janitor supplies-\$72.00; Pierce Telephone Co Inc-services-\$2,242.97; Pierce City-utilities-\$4,256.82; Prime Stop-gas-\$311.86; Quill-office supplies-\$41.27; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,732.47; State of NE Networking-service-\$448.00; Tiger Town Food Center-prisoner food-\$1,794.92; Tom's Service LLC-gas & repairs-\$827.34; US Postal Service CMRS-FP-meter mail-\$300.00; Payroll-\$56,557.99.

COUNTY HIGHWAY FUND: A & R Construction-Plainview South Project Pay Application#3-\$132,427.29; Appeara-service-\$42.30; B's Enterprises Inc-signs & chain-\$1,848.25; Bomgaars-supplies-\$257.90; Cornhusker Intl Trucks-repair parts-\$764.24; Dinkel's-repair parts-\$45.66; Eastern NE Telephone-service-\$112.05; Farmers Pride-diesel-\$3,207.26; Filter Care-repairs-\$42.20; JEO Consulting Group Inc-engineering-\$10,388.00; Leiting Auto Supply-repair parts-\$404.97; Lorenz Automotive-repair parts-\$241.65; Magdanz Inc-supplies-\$248.82; Matheson Tri-Gas Inc-supplies-\$73.27; Meisinger Oil Co-oil-\$2,317.88; Menards-supplies-\$407.27; Midwest Bank-co share-\$2,087.59; Mitch's Food Center-supplies-\$4.99; NE Machinery Co-repairs-\$10,214.74; NE Power-utilities-\$210.00; Osmond Farm Supply-diesel-\$1,770.12; Paul's Welding-repairs-\$403.23; Pierce Auto Repair LLC-repairs-\$359.82; Pierce Telephone Co Inc-service-\$184.56; Pierce City-utilities-\$208.98; Plainview Auto Supply Inc-repair parts-\$170.26; Plainview Telephone Co-service-\$96.66; Plainview City-utilities-\$94.81; R & D Welding-repairs-\$546.18; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,840.11; Steinkraus Service-gas-\$411.45; Tom's Service-gas-\$661.90; Wattier True Value-supplies-\$320.53; Payroll-\$28,424.18.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: Curtiss Law Office-services-\$1,296.00; Five Rule Rural Planning-RPIC February 2021-\$11,202.00; Midwest Bank, NA-co share-\$147.11; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$114.23; UNL-ECap costs-\$1,250.00; Payroll-\$1,923.08.

E911 FUND: AT & T-service-\$48.04; CenturyLink-service-\$62.10; Pierce Telephone Co Inc-service-\$88.08; Plainview Telephone Co-service-\$28.69; Racom-repairs-\$191.75.

E911 WIRELESS FUND: CenturyLink-service-\$264.75; Pierce Telephone Co Inc-service-\$332.88; Plainview Telephone Co-service-\$122.31.



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GRANTS FUND: NE NE Economic Development-Nebr. Affordable Housing Drawdown #5 addl costs-\$301.50.

HIGHWAY BONDS FUND: JEO Consulting Group Inc-engineering-\$872.50.

REGISTER OF DEEDS FUND: MIPS-tech support-\$328.45.

COURTHOUSE JAIL & SINKING FUND: Magnolia Home Décor & Design-second payment for 23 office shades-\$2,800.00.

Weed/Sign Supt. Brad Albers was present.

Discussion was held on the expansion of the Winkelbauer Feedlot, Co. Govt Day on March 31, 2021 and hiring of weed sprayers.

Tabled was the 19/20 FY audit report from Fred Porter.

Co. Attorney Ted Lohrberg was present and asked to go into executive session regarding personnel.

Motion by Wragge, seconded by Kuether, to go into executive session at 11:33 a.m. regarding personnel issues. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Kuether, to come out of executive session at 11:45 a.m. regarding personnel issues. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

There being no further business, Chairman Wragge adjourned the meeting at 11:50 A.M. and will meet at a regular meeting on Monday, March 22, 2021 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
