

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS March 22, 2021

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, March 22, 2021, at 9:10 A.M. with the following members present: Tom Kuether, Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Co. Treasurer Chris Bahr, PCED Susan Norris, Zoning Adm. Heather McWhorter, Jim Maas, Dave Praeuner, Dennis Coufal, Tim Braithwait, Jane Haase, Fred Weber, Brian Oestreich, Renea Oestreich, Derek Oestreich, Joseph Matuska, Travis Caspersen, Luke Winkelbauer, Curt Raabe, Chad Schomberg, Shirley Staver, Perry Staver, Tom Wingert, Dawn Winkelbauer, Brian Bruckner, Eric Venteicher, Jill Stonacek, Sara Sindelar, Adam Venteicher, Ryan Zimmerman, Kiel Kalin 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 Kuether, seconded by Schmit, to approve the agenda. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The minutes of March 8, 2021 were approved as printed.

Discussion was held by the Board on the Public Tax Sale which is now closed, but private sales continue. Co. Treasurer Chris Bahr notified Board that she sold a total of 39 tax sale certificates amounting to \$77,672.23 as of Friday, March 19, 2021.

Motion by Wragge, seconded by Schmit, to approve the Public Tax Sale which is now closed, but private sales continue. The Pierce County Treasurer's Office sold a total of 39 tax sale certificates amounting to \$77,672.23 as of Friday, March 19, 2021. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

At 9:14 a.m. the legal was read for the opening of sealed bids for culverts, signs, posts, grader blades and gravel. The bids were opened in the presence of all present, read, copied and given to all present.

Motion by Wragge, seconded by Kuether, to honor and accept all sealed bids as presented by each vendor for culverts, signs, posts, grader blades and gravel for the 2021/2022 Fiscal Year. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the ROW/undercrossing applications.

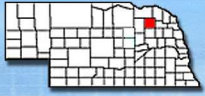
Motion by Schmit, seconded by Wragge, to approve the application for Great Plains Communications for the undercrossing/occupying ROW along approximately 13 plus miles of Pierce County roads with ½" fiber optic lines in Thompson & Plum Grove Townships in Pierce County, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Kuether, seconded by Schmit, to approve the application for Evan Aschoff for the undercrossing/occupying ROW of a county road with a 8" tile line, approximately 30' south of 865 Road and undercrossing the intersection of 865 Rd/540 Ave in the NE ¼ of Section 36, Township 28 North, Range 4 West, Pierce County, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Kuether, to authorize and approve the Board Chairman to sign Disaster Grant Drawdown #6 for \$3,448.32 payable to NE Nebraska Economic Development District for Request for NE Affordable Housing Trust Funds (NAHTF). Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, 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:** Debra Allemann-Dannelly-mileage-\$31.36; Antelope Co Sheriff-prisoner housing-\$40.00; BCBS-health premiums-\$29,907.76; Classic Rentals-service-\$211.03; Co Veteran's Service Officers Ass'n-registration-\$60.00; Digital-Ally-law equipment-\$315.00; Dollar General-jail supplies-\$67.25; Egley,



# Pierce County Board Minutes



Fullner, Montag, Morland, Easland PC-public defender-\$2,500.00; Elite Office Products-maint. agreement- & supplies-\$109.31;fees-\$5.00; First Concord-adm costs & deductable paid-\$2,177.91; FP Finance Program-meter rent-\$154.09; Hometown Auto-repairs-\$1,167.62; Kim Huwaldt-mileage-\$26.10; Jenkins Electric-repairs-\$195.93; Johnson's Inc-repairs & equipment-\$4,001.56; Kate M. Jorgensen PC LLO-public defender-\$2,500.00; Mary Kruger-mileage-\$19.20; Gloria Kudera-mileage-\$13.45; Lon's Johns, LLC-service-\$298.75; M&M Sanitation-service-\$255.00; Microfilm Imaging Systems, Inc-equipment rent-\$46.00; Midwest Bank-co share-\$3,806.59; MIPS-equipment-\$617.71; Angela Mortensen-mileage-\$54.88; NE NE News Company-publishing-\$21.23; ; NE Health & Human Services-Dec. 2020 boarding-\$168.00; One Office-supplies-\$111.98; Osmond Mini Mart-gas-\$423.81; Pierce Co Petty Cash-reimbursement-\$165.17; Pierce County Leader-ads-\$533.43; Pierce Lockers-prisoner food-\$867.40; Plainview News-ads-\$489.08; Prime Stop-gas-\$212.98; Quill-office supplies-\$975.41; Region 4 Behavioral Health System-quarterly installment-\$5,730.50 Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,536.20; Monica Rotherham-mileage-\$40.32; RRJ-supplies-\$116.72; Schindler Elevator-repairs-\$2,296.00; Schroeder Land Surveying-survey corners-\$1,400.00; State of NE Central Finance-computer service-\$79.88; Tiger Town Food Center-prisoner food-\$1,285.55; Weston Torson-reimburse supplies-\$179.99; US Postal Service CMRS-FP-meter postage-\$1,200.00; VISA-sheriff & jail supplies-\$127.06; Walmart-supplies-\$248.12; Western Oil-gas-\$435.29; Janet Wiechelmann-mileage-\$47.04; Lori Wragge-mileage-\$11.15; Jury Duty Fees-\$2,091.04; Payroll-\$53,754.41.

**COUNTY HIGHWAY FUND:** AKRS-supplies-\$378.91; B's Enterprises Inc-blades-\$15,620.00; Bauer Built-tires-\$66.56; Big John Mfg-supplies-\$3.72; Black Hills Energy-utilities-\$866.94; Carlson Home & Auto Inc-propane-\$1,985.35; CenturyLink-telephone service-\$76.38; Classic Rentals-service-\$247.91; Jerry's Hilltop-gas-\$87.00; K Porter Construction-crushed concrete-\$462.83; Kimball Midwest-shop supplies-\$316.00; Lawson Products-repair parts-\$299.78; M&M Sanitation-service-\$75.00; Manzer Equipment-repair parts-\$92.00; Meisinger Oil Co-diesel-\$3,244.80; Mike McPlumbing/Electric-service-\$2,199.998; Midwest Bank, NA-co share-\$2,191.01; N & B Gas Co-propane-\$675.60; North Central Public Power-utilities-\$290.56; Osmond Farm Supply-diesel-\$2,185.36; Osmond Mini Mart-gas-\$321.75; City of Osmond-garbage fees-\$66.00; Pierce Automotive Supply-repair parts-\$374.36; Pierce Co Petty Cash-reimbursement-\$40.00; Randolph Farm Supply-gas, diesel-\$497.81; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,931.37; Wattier True Value-supplies-\$82.14; Western Oil-gas-\$120.07; Zee Medical Service-supplies-\$198.30; Payroll-\$29,776.08

**GRANTS FUND:** NE NE Economic Development-affordable housing draw down #6-\$3,448.32.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** Hollman-hosting agreement-\$84.95; Midwest Bank, NA-co share-\$147.11; MIPS-equipment-\$308.86; News Channel Nebraska-ads-\$200.00; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$114.23; Payroll-\$1,923.08.

CPA Fred Weber with Porter & Company, PC, was present to present and discuss with the Board the 2019/2020 fiscal year audit and report.

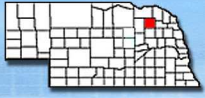
Motion by Schmit, seconded by Kuether, to accept and approve the 2019-2020 Fiscal Year Audit Report as submitted and placed on file in the Pierce County Clerk's office. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The County Board discussed the past public hearing whereas they received 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. No one was allowed to speak unless questioned by the County Board since the public hearing has now been closed. 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.

Motion by Schmit, seconded by Wragge, to approve Resolution #2021-6 as follows:

## RESOLUTION #2021-6

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 SOLUTION AND LEGISLATIVE BILL 186 (1978)



# Pierce County Board Minutes



WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners, having given notice and holding public hearings as provided by law and under the authority of and subject to the provisions of 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 Luke Winkelbauer:

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. There are cattle currently on the property; this is an expansion to 10,000 head.
4. The proposed expansion would be outside of the ¼-mile setbacks to the nearest homes.
5. Applicant has begun the process of expanding the permit with NDEQ.
6. The property is zoned A-1, Agriculture Intensive.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Luke Winkelbauer for a Livestock Feeding Operation for 10,000 head of feeder cattle under Section 20-261, Subsection B, Part 29, "A-1" Primary Agricultural District, Pierce County Zoning and Subdivision Resolution, or the following described land:

**South ½ minus the west 1300 feet of Section 25, Township 25 North, Range 3 West of the 6th P.M., Pierce County, Nebraska. (see attached map)**

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Pierce County Zoning and Subdivision regulations:

#### Recommended Conditions:

1. This is a Livestock Feeding Operation Conditional Use Permit for an operation of up to 10,000 head of feeder cattle.
2. This Conditional Use Permit shall be for a period of twenty (20) years from the date of this resolution and may be renewed automatically pending no verifiable complaints.
3. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska and shall be constructed to meet both groups.
4. DEQ permits shall be made part of the file.
5. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.

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, previously adopted by reference, and the zoning map is hereby reincorporated as a part of the Pierce County, Nebraska Zoning and Subdivision Resolution as amended.

ADOPTED at Pierce, Nebraska this 22<sup>nd</sup> day of March 2021.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Chairman

/s/ Jim Schmit, District #2 Commissioner

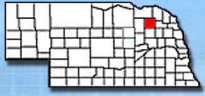
ATTEST: /s/ Shannon Wragge, Pierce County Clerk

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: Wragge and Schmit. Nay: Kuether. Motion carried.

There being no further business, Chairman Wragge adjourned the meeting at 10:19 A.M. and will meet at a regular meeting on Monday, April 5, 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

/s/ Shannon Wragge  
Pierce County Clerk



# Pierce County Board Minutes



Board of Commissioners

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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