

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS

September 20, 2021

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, September 20, 2021 at 9:10 A.M. with the following members present: Tom Kuether, Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Hwy Supt. Brian McDonald, Co. Attorney Ted Lohrberg, Brad Albers, PCED Susan Norris, EMS Bobbi Risor, Zoning Adm. Heather McWhorter, Marshall Petersen, Ivan Petersen, Marlin Schmit 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 and minutes. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The minutes of September 7, 2021 were approved as printed.

Discussion was held on the following five bids for the McLean Northeast - JEO Project #181710: K. Porter Construction, Norfolk, NE at a total cost of \$88,126.00 with a start date of September 27, 2021; Husker Engineering, Burwell, NE at a total cost of \$89,567.00 with a start date of November 1, 2021; A & R Construction Co, Plainview, NE at a total cost of \$94,454.32 with a start date of November 22, 2021; High Plains Enterprises Inc, Martell, NE at a total cost of \$114,474.00 with a start date of November 1, 2021; Robert Woehler & Sons Construction Inc, Wayne, NE at a total cost of \$118,790.00 with a start date of September 27, 2021.

Motion by Schmit, seconded by Kuether, to approve and award the bid from K. Porter Construction, Norfolk, NE at a total cost of \$88,126.00 with a start date of September 27, 2021. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the 1 & 6 Year Road Plan, Randolph Bridge Project and on the Petersen CUP and the building of the road by Marshall Petersen at his cost.

Motion by Wragge, seconded by Schmit, to Authorize Clerk to advertise for the 1 & 6 Year Rd Plan for 21/22 FY with a hearing date planned for Monday, October 4, 2021 at 9:11 a.m. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Zoning Adm. Heather McWhorter discussed with the Board the request by Petersen's Attorney Steve Mossman to clarify/amend Resolution 2021-29 as to what is 7500 head.

Motion by Schmit, seconded by Wragge, to approve and amend Resolution #2021-29 as follows to clarify 7500 head:

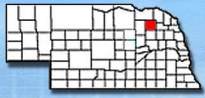
### AMENDED RESOLUTION #2021-29

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, the Pierce County Planning Commission and the Pierce County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision 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 Marshall Petersen:

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. Property is located on a minimum maintenance road and is in an Ag Intensive zoning district.
4. The proposed expansion would be outside of the 1,980-foot setback to the nearest homes.
5. Applicant has discussed the permit with NDEQ.



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6. A public Hearing was held on May 17, 2021. Testimony was heard in favor of and against the permit.
7. A new permit application was submitted lowering the requested number of livestock to 7500 H.E. and a public hearing was held on June 21, 2021. Testimony was received in favor of and against the permit. Motion was approved to table the decision to the July 26, 2021, meeting.
8. Application was removed from tabled status July 26, 2021, meeting with five of the eight Planning Commission members present. Vote was taken with three voting yes and two voting no to advance a positive recommendation to the Pierce County Board

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Marshall Petersen for a Confined Livestock Feeding Operation for a combination of feeder cattle and sheep not to exceed 7,500 H.E. under Section 402, Subsection B, Part 29, "A-1" Primary Agricultural District, Pierce County Zoning and Subdivision Resolution, on the following described land:

**East ½ of the North ½ of the Northwest ¼ of Section 20, Township 28 North, Range 2 West of the 6th P.M., Pierce County, Nebraska.**

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 7,500 H.E. of feeder cattle and sheep.
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. A five-year review of the permit will be conducted to verify compliance with conditions.
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. A road agreement must be in place with the County Board of Commissioners and any conditions completed, prior to beginning construction once the application for the Conditional Use is approved.
5. A copy of the signed permit must be recorded with the Pierce Register of Deeds office by the applicant.
6. All deceased livestock need to be incorporated into compost pile within 24 hours to minimize offensive odor and flies. All Manure will be hauled off-site and will be spread on fields or stockpiled along fields according to NDEE rules.
7. During Phase 1, all outside yards will be on a concrete pad to maintain cleanliness and prevent constant mud. After Phase 1, all livestock will be fed under roof and will no longer need to be residing in outside yards.

NOW, THEREFORE, BE IT FUTHER 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 said zoning map is hereby reincorporated as a part of the Pierce County, Nebraska Zoning and Subdivision Resolution as amended.

ADOPTED Amended Resolution at Pierce, Nebraska this 20<sup>th</sup> day of September, 2021.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Chairman

/s/ Jim Schmit, District #2 Commissioner

ATTEST: /s/ Shannon Wragge, Pierce County Clerk

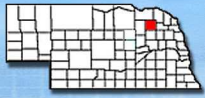
Whereas the original for said resolution is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Schmit and Wragge. Nay: Kuether. Motion carried.

Discussion held on the transfers as per the 21/22 FY approved budget.

Motion by Wragge, seconded by Schmit, to approve Resolution #2021-33 as follows:

**RESOLUTION #2021-33**

WHEREAS, due to Sections 13-518 to 13-522 of the Nebraska Revised Statutes, the 2021-2022 Budget includes a transfer of funds from General to Grants, and  
WHEREAS, the 2021-2022 County Budget was balanced by a fund transfer of \$50,000.00 from the General Fund (0100) to the Grant Fund (2605),



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NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Commissioners that the Pierce County Clerk is directed to transfer the following funds thru the claim process as follows:

General Fund (0100)	\$50,000.00	to
Grant Fund (2605)	<u>\$50,000.00</u>	
Total	\$50,000.00	

of the Property Taxes collected by the General Fund to above list. Disregard any previous resolutions on transfers.

Dated this 20<sup>th</sup> day of September, 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.

Motion by Kuether, seconded by Schmit, to approve Resolution #2021-34 as follows:

### RESOLUTION #2021-34

WHEREAS, due to Sections 13-518 to 13-522 of the Nebraska Revised Statutes, the 2021-2022 Budget includes a transfer of funds from General to Courthouse & Jail Sinking, and

WHEREAS, the 2021-2022 County Budget was balanced by a fund transfer of \$50,000.00 from the General Fund (0100) to the Courthouse & Jail Sinking Fund (4000),

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Commissioners that the Pierce County Clerk is directed to transfer the following funds thru the claim process as follows:

General Fund (0100)	\$50,000.00	to
Courthouse & Jail Sinking (4000)	<u>\$50,000.00</u>	
Total	\$50,000.00	

of the Property Taxes collected by the General Fund to above list. Disregard any previous resolutions on transfers.

Dated this 20<sup>th</sup> day of September, 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.

Motion by Schmit, seconded by Kuether, to approve and authorize Chairman to sign the Reserve Regulation Z Loan Disclosure for the Housing Disaster Grant with NE NE Economic Development District.

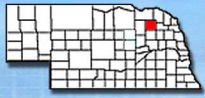
Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the courthouse roof that has hail damage and the fire alarm problems. Both will be placed on next agenda.

Motion by Schmit, seconded by Kuether, to approve the fee reports as submitted by Rick Eberhardt, County Sheriff; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for August 2021; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for August 2021 and placed on file in the County Clerk's office, total \$6,001,956.73 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:** Antelope Co Sheriff-prisoner housing-\$1,260.00; Avera Medical Group-prisoner medical-\$217.00; BCBS-health premiums-\$28,099.00; Bob Barker-supplies-\$330.00; Classic Rentals-service-\$198.56; Dollar General-supplies-\$15.75; Faith Regional Health Services-prisoner medical-\$2,523.00; First





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Concord-deductibles-\$2,084.88; FP Finance Program-meter rent-\$154.09; Hausmann Physical Therapy-prisoner medical-\$340.00; Heartland Fire Protection-inspections-\$451.51; Jenkins Electric-repairs-\$75.00; Kate M. Jorgensen PC LLO-public defender-\$4,166.67; Levander Funeral Home of Newman Grove-co. burial #2021-5-\$2,435.00; LexisNexis-law library-\$140.00; M&M Sanitation-services-\$255.00; Madison Co Sheriff-inmate housing-\$50.00; Madison Co Treasurer-FY 20/21 probation expenses-\$9,481.01; Heather McWhorter-reimburse mileage-\$38.30; Microfilm Imaging Systems-scanning services-\$92.00; Midwest Bank-co share-\$4,495.04; MIPS-IT services, website, micro filming-\$2,635.54; NACO-registration & dues-\$1,974.35; NE NE Area Agency on Aging-2022 FY matching funds-\$4,339.00; NE NE Economic Development-dues-\$905.00; NE NE RC&D-dues-\$3,000.00; One Office Solution-supplies-\$419.90; Osmond Mini Mart-gas-\$229.78; Osmond City-library assistance-\$8,500.00; Pierce County Leader-ads-\$297.80; Pierce Co Treasurer-transfers to Grant Fund & Courthouse & Jail Sinking Fund-\$100,000.00; Pierce District Court-costs-\$35.00; Pierce Pharmacy-prisoner meds.-\$158.38; Pierce City-library assistance-\$8,500.00; Plainview City-library assistance-\$8,500.00; Pommer Accounting LLC-services-\$2,500.00; Precision Technology-software support-\$67.50; Premier Estates of Pierce-prisoner meal service-\$252.00; Prime Stop-gas-\$250.73; Quill-supplies-\$745.95; Region 4 Behavior System-quarterly billing-\$5,695.75; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$4,178.90; State of NE Central Finance-computer service-\$45.88; Stonacek Memorial Chapel-county burial #2021-6 & autopsy fee-\$3,045.00; Tiger Town-prisoner food-\$529.58; U.S. Postmaster-meter postage-\$2,000.00; VISA-postage & jail supplies-\$327.95; Wanek Pharmacy-prisoner medical-\$182.08; Western Oil LLC-gas-\$373.33; Payroll-\$62,410.74.

**COUNTY HIGHWAY FUND:** AKRS-supplies-\$541.11; Appera-uniforms-\$86.60; Backus Sand & Gravel-gravel-\$14,909.77; Bazile Aggregate Co-gravel-\$15,624.16; Black Hills Energy-utilities-\$36.79; Chad's Tire Service-tires and repairs-\$1,363.20; CHI Health Co. Care-employee medical-\$42.00; Classic Rentals-service-\$171.98; Colonial Research-supplies-\$191.43; Eastern NE Telephone-service-\$112.05; Elite Diesel-repair parts-\$783.54; Farmer's Pride-diesel-\$5,886.14; Filtercare of NE-services-\$71.70; G.I. Trailer-repair parts-\$547.26; Kayton International -repair parts-\$375.25; Kimball Midwest-repair parts-\$30.90; Lawson Products-supplies-\$58.25; Leiting Auto Supply-repair parts-\$335.67; Lorenz Automotive-repair parts-\$349.00; M&M Sanitation-service-\$75.00; Manzer Equipment-repair parts-\$484.10; Matheson Tri-Gas-supplies-\$79.84; Meisinger Oil Co-diesel-\$2,450.14; Midwest Bank, NA-co share-\$2,448.13; Mitch's Food Center-supplies-\$22.39; NE NE Tire & Trailer Sales-supplies-\$118.08; NMC Cat-repair parts-\$7,494.82; North Central Public Power-utilities-\$256.52; Osmond Farm Supply-diesel-\$2,208.96; Osmond Mini Mart-gas-\$346.76; Paul's Welding-supplies-\$203.42; Pierce Automotive Supply-repair parts-\$448.06; Plainview Auto Supply-repair parts-\$38.87; City of Plainview-utilities-\$84.71; Randolph Farm Supply-gas & diesel-\$3,907.83; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,143.69; Sapp Brothers-oil-\$485.60; Steinkraus Service-gas-\$485.60; Wattier's True Value-supplies-\$42.13; Weldon-repair parts-\$632.56; Western Oil-gas-\$316.86; 81 Auto Glass repairs-\$370.00; Payroll-\$33,152.70.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** BCBS-health premium-\$902.98; Midwest Bank, NA-co share-\$85.79; Pierce Co Leader-ads-\$7.65; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$114.23; Payroll-\$1,692.31.

**E911 FUND:** Plainview Telephone-services-\$19.63.

**E911 WIRELESS FUND:** Plainview Telephone-service-\$131.37.

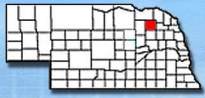
**REGISTER OF DEEDS FUND:** MIPS-online services-\$336.12.

Discussion was held on the redistricting by the legislation.

Co. Treasurer Christine Bahr was present and discussion held on the pledge and release of collateral, Distress Warrant Report which was to be submitted by County Sheriff by August 1, the list of past delinquent taxes and asked for authorization to have a county tax sale and the request to strike personal taxes from the active list.

Motion by Wragge, seconded by Schmit, to approve Resolution #2021-32, a request for permission to proceed with a County Tax Sales on the delinquent real estate taxes listed for real estate property taxes from the active list, as follows:

RESOLUTION #2021-32



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PARCEL #	NAME	YEARS DELINQUENT	AMOUNT (Principal Only)
700015302	Dillon Brown	2018-2020	\$659.30
700039490	Martin G. Grant	2018-2020	\$10.92
700012523	Mitch J. Jensen	2018-2020	\$198.52
700024843	Kevin Knaap/Laura Penny	2018-2020	\$316.17
700006013	Zeb Spaulding	2018-2020	\$252.04
700008991	Roger & Lindsay Stewart	2018-2020	\$31.30

## ADD SUBSEQUENT TAXES TO EXISTING COUNTY TAX SALES

700009415	Plainview City	2020	\$57.90
700009562	Joe Grof/Paul Blachard	2020	\$20.50
700016380	Jacob D. Gubbels	2020	\$75.46
700006797	Dawn M. Howard	2020	\$74.20
700009555	Pinnacle Telemarketing Ltd	2020	\$316.32
700013887	James A. & Deborah S. Schmit	2020	\$177.02

SIGNED, PASSED and ADOPTED: September 20, 2021, at Pierce, Pierce County, Nebraska.

/s/ Terry J. Wragge, Board Chairman

/s/ Tom Kuether, District #1 Commissioner

/s/ Jim Schmit, District #2 Commissioner

ATTEST: /s/ Shannon Wragge, Pierce County Clerk

Whereas the originals are 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.

Motion by Wragge, seconded by Schmit, to approve Resolution #2021-35, a request for permission to strike the following listed property taxes from the active list:

### RESOLUTION #2021-35

PARCEL #	NAME	YEARS DELINQUENT	AMOUNT
700036325-Mobile Home	Julie Carberry	2012-2017	\$119.76 (No Response)
000000180-Personal Property	Kallie & Jeremiah Johnson	2018-2019	\$696.68 (No Response)
000018003-Personal Property	Rex & Mary Rodgers	2013-2018	\$3,387.96(No Response)
TOTAL TO STRIKE			\$4,204.40

SIGNED, PASSED and ADOPTED: September 20, 2021, at Pierce, Pierce County, Nebraska.

/s/ Terry J. Wragge, Board Chairman

/s/ Tom Kuether, District #1 Commissioner

/s/ Jim Schmit, District #2 Commissioner

ATTEST: /s/ Shannon Wragge, Pierce County Clerk

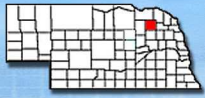
Whereas the originals are on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to approve the release of old collateral and pledge new collateral at Security Bank, Osmond, as submitted by Christine Bahr, Pierce County Treasurer and placed 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.

EMS Region 11 Director Bobbi Risor updated the Board about Region 11 grant funds to be used by Antelope, Pierce and Madison Counties and drone usage in Region 11 area.

Marlin Schmit visited with the Board on the CUP for Marshall Petersen and the building of the road to meet NDOR specifications at the cost of Marshall Petersen.

There being no further business, Chairman Wragge adjourned the meeting at 10:15 A.M. and will meet at a regular meeting on Monday, October 4, 2021 at 9:10 A.M. as County Board of Commissioners, said



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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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