

Pierce County Board Minutes



COMMISSIONERS PROCEEDINGS

October 4, 2021

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, October 4, 2021, at 9:10 A.M. with the following members present: Tom Kuether and Jim Schmit; Terry J. Wragge was absent. Co. Clerk Shannon Wragge, Hwy Supt. Brian McDonald, Co. Attorney Ted Lohrberg, Custodian Linda Mattson and News Reporter Randee Falter were present.

Motion by Kuether, seconded by Schmit, to appoint Jim Schmit as Chairman Pro Tem due to the absence of Board Chairman Terry J. Wragge. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

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 Pro Tem Schmit called the meeting to order at 9:10 A.M. and presided. Chairman Pro Tem Schmit 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 and Schmit; Wragge absent. Nay: None. Motion carried.

The minutes of September 20, 2021 were approved as printed.

Discussion was held on the upgrading of the fire alarm system in courthouse due to problems with the 1988 system. Protex Central, Hastings, NE, has always done the repairs and system checks on the system. Two new panels will be replaced in the next couple of weeks at a cost of \$4,176.99 by Protex Central but the fire alarms throughout the courthouse need replaced at an approximate cost of \$30,000.

Motion by Schmit, seconded by Kuether, to approve costs to upgrade the fire alarm system at the Pierce County Courthouse at an approximate cost of \$30,000.00 by Protex Central, Hastings, NE. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

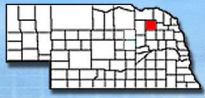
The legal was read for the 9:11 a.m. public hearing of the 2021/22 Fiscal Year Pierce County 1 & 6 Year Road Plan. Chairman Pro Tem Schmit opened the hearing at 9:17 a.m. There were no written comments or objections from the public and no one from the public was present pertaining to the hearing. Discussion was held on the 1 & 6 Year Road Plan projects and Hwy Supt. McDonald answered questions the Board had on the plan. Chairman Pro Tem Schmit closed the hearing at 9:25 a.m.

Motion by Kuether, seconded by Schmit, to approve and adopt Resolution #2021-30, the One and Six Year County Road Plan for Pierce County for 2021/2022 FY as presented by Brian McDonald, Hwy Superintendent. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Motion by Kuether, seconded by Schmit, to authorize Chairman Pro Tem Schmit and Hwy Supt. McDonald to sign, approve and adopt Resolution #2021-31, the County Annual Certification of Program Compliance Form for 2021 for Public Roads Classifications & Standards. Whereas the original is on file at the office of the Pierce County Clerk and available for inspection. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Motion by Kuether, seconded by Schmit, to authorize Chairman Pro Tem Schmit to sign the Agreement and Resolution #2021-36 with NE Dept of Roads for Project #NH-20-5(112). Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Discussion was held on the Randolph Bridge Project and the monetary and machinery support of the project. Randolph City is asking the County Boards from both Cedar and Pierce to financially help replace and widen the structure for removal from the 1977 Flood Plain Map at a cost to each county of \$120,000.00. Pierce County gave \$75,000 to the project in 2018, but Randolph City is asking for \$120,000 from each county. No decision was made.



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A Zoom meeting was held with Tyson Larson with GWorks pertaining to adding tabs to the county GIS website and the re-districting of Pierce County due to the 2020 Census numbers.

Motion by Kuether, seconded by Schmit, to approve and authorize Chairman Pro Tem Schmit to sign the Agreement with GWorks to add the Clerk's tab to the GIS Pierce County Website for Election purposes. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Troy Pospisil with Northeast Nebraska Energy Systems Inc, Norfolk, NE, was present to discuss with the County Board hail damage on the courthouse roof. The east side was sprayed with a foam sealant in August 2020 and has a 25-year warranty. To replace the foam on the east area it is a cost of \$56,241.07. A cost to repair and foam the west side is an additional cost of \$75,508.14. County is still discussing with NIRMA on the coverage of roof. No decision was made.

Zoning Adm. Heather McWhorter was present and discussion held on the renewal of the CUP from Sept. 1996 for a pig nursery for Prairie Hill Farms/Ron Paulsen in pt SW ¼ SW ¼ 18-25-3.

Motion by Kuether, seconded by Schmit, to approve Resolution #2021-37 as follows:

RESOLUTION #2021-37

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)

Finding of Facts

1. Conditional Use Permit was granted by Pierce County Board of Commissioners September 25, 1996, for 13 nursery units to house 5200 head of baby pigs.
2. There was no opposition at the original meeting and no violations have been reported since the permit was approved.
3. Permit was originally granted to Mark Winkelbauer, Ronald C. Paulsen, and Cynthia S. Paulsen. The 20 acres the nursery sits on was granted to Ronald and Cynthia Paulsen April 20, 2015. (Instrument 201500526)
4. Property is zoned A-1 Intensive Agriculture.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Ron and Cynthia Paulsen for 13 nursery units to house 5200 head of baby pigs on the following described land:

Southwest ¼ of the Southwest ¼ of Section 18, Township 25 North, Range 3 west of the 6th P.M., Pierce County, (see attached)

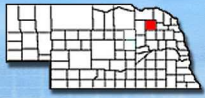
NOW, THEREFORE, BE IT ALSO RESOLVED, the below listed conditions must be complied with by all current and future owners of the property described above and failure to comply with said conditions may result in forfeiture of this Conditional Use Permit.

1. This is a Livestock Feeding Operation Conditional Use Permit for up to 5,200 head of nursery pigs.
2. This Conditional Use Permit is for a period of 25 years and will be renewed with no verifiable complaints. 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.
3. 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 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 4th day of October 2021.

PIERCE COUNTY BOARD OF COMMISSIONERS



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/s/ Tom Kuether, District #1 Commissioner

/s/ Jim Schmit, District #2 Commissioner and Chairman Pro Tem

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 and Schmit; Wragge absent. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to approve and authorize the Chairman Pro Tem Schmit to sign the Notice to Proceed and Agreements with K. Porter Construction, Norfolk, NE at a total cost of \$88,126.00 with a start date of September 27, 2021, for the McLean NE-JEO Project #171710. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to approve and authorize Chairman to sign the Addendum to the Administrative Agreement with First Concord for the deductible buydown plan whereas the \$1,500.00 will be paid to the employee and not the provider effective November 1, 2021. Roll call vote: Aye: Kuether and Schmit; Wragge absent. 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 and Schmit; Wragge absent. Nay: None. Motion carried.

GENERAL FUND: American Security Cabinets-ballot/drop box-\$3,212.00; Black Hills Energy-service-\$35.79; Eakes Office-supplies-\$196.07; Elite Office Products-copy charge-\$31.25; Engelhardt TV & Communications-equipment-\$419.00; Faith Regional Physician Services-prisoner medical-\$7,834.00; Fairfield-lodging-\$549.75; First Concord Benefits Group-deductibles & fees-\$2,146.39; Hausmann Physical Therapy-prisoner medical-\$510.00; Jack's Uniforms-supplies-\$130.94; Amanda Kowalewski-reimburse mileage-\$233.52; Ted Lohrberg-reimburse mileage-\$192.64; Jennie Martinez-reimburse mileage-\$173.60; Maximus-service-\$190.00; Becky McCracken-court reporting-\$90.11; Heather McWhorter-reimburse mileage-\$19.15; Midwest Bank-co share-\$3,926.93; Ne Public Health Environmental Lab-services-\$105.00; NE Health & Human Services-Aug boarding-\$186.00; Pierce Co Sheriff-paper service-\$18.50; Pierce District Court-court costs-\$180.00; Pierce Lockers-prisoner food-\$354.00; Pierce City-utilities-\$2,525.92; Plainview News Inc-ads-\$303.09; Precision IT-support-\$23.75; Prime Stop-gas-\$204.22; Kathy Prince-reimburse supplies-\$61.99; Protex Central-fire alarm inspection-\$270.00; Quill-supplies-\$48.47; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,645.17; Brett Rix-reimburse mileage-\$34.72; Tiger Town Food Center-prisoner food-\$758.13; Walmart-supplies-\$158.78; Payroll-\$54,984.30.

COUNTY HIGHWAY FUND: A&R Construction-millings-\$1,743.10; Bazile Aggregate Co LLC-gravel-\$2,384.28; Bomgaars-supplies-\$21.98; Cedar Beef LLC-crushed concrete-\$2,994.03; Century Link-service-\$79.38; Rick Gardner-reimburse CDL-\$59.50; Gaylon Gerdes-service-\$112.50; JEO Consulting Group Inc-engineering-\$5,423.75; Jerry's Hilltop-gas-\$173.82; Meisinger Oil Co-oil-\$3,130.80; Midwest Bank-co share-\$2,321.39; NE Weed Control Assoc.-registration-\$120.00; NE Power-utilities-\$270.00; Osmond Farm Supply-diesel-\$2,372.36; City of Osmond-service-\$66.00; Pierce City-utilities-\$194.66; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,945.09; Safety-Kleen-service-\$596.82; Wattier True Value-supplies-\$38.98; Payroll-\$31,496.25.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: Elite Office Products-copy charge-\$3.24; Midwest Bank, NA-co share-\$112.98; NE NE News-publishing-\$52.48; Plainview News-publishing-\$8.84; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$138.22; Payroll-\$2,047.70.

E911 FUND: AT & T-service-\$47.62; CenturyLink-service-\$42.53.

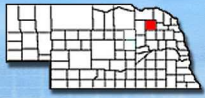
E911 WIRELESS FUND: CenturyLink-service-\$284.60.

HIGHWAY BOND FUND: Tom Hansen, CPA-service-\$13,880.00.

COURTHOUSE & JAIL SINKING FUND: Wragge Construction-repairs-\$5,040.00.

Motion by Schmit, seconded by Kuether, to go into executive session at 10:58 a.m. regarding litigation issues. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to come out of executive session at 11:08 a.m. regarding litigation issues. Roll call vote: Aye: Kuether and Schmit; Wragge absent. Nay: None. Motion carried.



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There being no further business, Chairman Pro Tem Schmit adjourned the meeting at 11:09 A.M. and will meet at a regular meeting on Monday, October 18, 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/ Jim Schmit
Chairman Pro Tem, 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
