

Pierce County Board Minutes



COMMISSIONERS PROCEEDINGS October 18, 2021

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, October 18, 2021, at 9:10 A.M. with the following members present: Tom Kuether, Jim Schmit and Terry J. Wragge. Co. Clerk Shannon Wragge, Jerid Starkel, Tracy Starkel, Elizabeth Gubbels, Angie Brodersen 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 October 4, 2021 were approved as printed.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application of Jerid & Tracy Starkel for approval of the Final Plat for the Starkel Subdivision on property located in the W ½ 1-25-2.

A call was placed and Zoning Adm. Heather McWhorter was put on speaker phone so she could answer questions the board had on the plat and 2 CUP's.

Chairman Wragge opened the hearing at 9:11 a.m. Jerid Starkel and Tracy Starkel were present and answered questions the Board had on the Final Plat for the Starkel Subdivision. There were no written comments or objections and no one from the public was present for the hearing. Chairman Wragge closed the hearing at 9:20 a.m.

Motion by Schmit, seconded by Kuether, to approve the Starkel Subdivision in the W ½ Section 1, Township 25 North, Range 2 West of the 6th P.M, Pierce County, NE upon the recommendation of the Pierce County Planning & Zoning Board. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The legal was read for the 9:13 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Ryan Brodersen to operate a medium sized hog operation of up to 1,450 head equivalents on property located in the SE ¼ 9-27-1.

Chairman Wragge opened the public hearing at 9:25 a.m. Angie Brodersen was present and answered questions the Board had on the CUP for Ryan Brodersen to operate a medium sized hog operation of up to 1,450 head equivalents. There were no written comments or objections and no one from the public was present for the hearing. Chairman Wragge closed the hearing at 9:27 a.m.

Motion by Wragge, seconded by Schmit, to approve Resolution #2021-38 as follows:

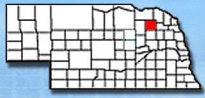
RESOLUTION #2021-38

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 Aaron Stech:

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. Located in the A-1 Ag Intensive district.
4. The proposed hog barn would be outside of setbacks to the nearest homes.



Pierce County Board Minutes



NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants Conditional Use Permit to Ryan Broderson to operate a medium hog operation of up to 1,500 head equivalents under Section 40 Subsection B, Part 29, "A-1" Primary Agricultural District, Pierce County Zoning and Subdivision Resolution, on the following described land:

Southeast ¼ of Section 9, Township 27, Range 1 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:

1. This is a Medium Livestock Feeding Operation Conditional Use Permit for an operation of up to 1,500 head equivalents of swine.
2. All manure shall be applied on property as shown on the manure management plan developed by the applicant in accordance with Nebraska Title 130.
3. This conditional use permit shall be for a period of twenty-years and will become effective with the adoption of this resolution. This permit is subject to all the Pierce County Zoning and Subdivision Regulations and the governing power of the State of Nebraska and shall be constructed to meet both groups.
4. This conditional use permit shall become invalid if the application with Nebraska Department of Environmental Quality is not approved within one year of adoption of this resolution.
5. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.

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 at Pierce, Nebraska this 18th day of October 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 9:15 a.m. public hearing to receive public comments concerning a Conditional Use Permit to allow Gabriel Gubbels to construct a home on less than 40 acres on property located in the pt NE ¼ 3-27-2.

Chairman Wragge opened the public hearing at 9:30 a.m. Elizabeth Gubbels was present and answered questions the Board had on the CUP for Gabriel Gubbels to construct a home on less than 40 acres. There were no written comments or objections and no one from the public was present for the hearing. Chairman Wragge closed the hearing at 9:37 a.m.

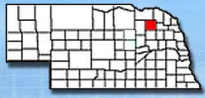
Motion by Wragge, seconded by Kuether, to approve Resolution #2021-39 as follows:

RESOLUTION #2021-39

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



Pierce County Board Minutes



1. The property is zoned A-1 Ag Intensive and meets the density requirements of the zoning district.
2. There is access to an improved county road.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Gabriel Gubbels to construct a home on less than 40 acres 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 Northeast ¼ of Section 3, Township 27 North, Range 2 west of the 6th P.M., Pierce County, Nebraska (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 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.

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 18th day of October 2021.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Chairman

/s/ Tom Kuether, District #1 Commissioner

/s/ Jim Schmit, District #2 Commissioner

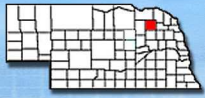
ATTEST: /s/ Shannon Wragge, Pierce County Clerk

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 Wragge, to approve and authorize Chairman to sign Pay Application #3 for \$282,453.22 for the Foster NW and Pierce NE-JEO Projects #190704 & 200261 with Theisen Construction Inc., Norfolk, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

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 now \$50,000. A call was placed to Ed Jarmer with Protex to answer questions the Board had on the replacement. No decision was made.

Discussion was held on the roof. Troy Pospisil with Northeast Nebraska Energy Systems Inc, Norfolk, NE, had submitted a bid to the County Board for 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



Pierce County Board Minutes



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.

Motion by Wragge, seconded by Schmit, to approve Resolution #2021-40 as follows:

RESOLUTION # 2021 - 40

WHEREAS, due to Sections 13-315 of the Nebraska Revised Statutes, the 2021-2022 Budget includes a transfer of funds from General to Pierce County Economic Development Fund, and

WHEREAS, the 2021-2022 County Budget was balanced by a fund transfer of from the General Fund (0100) to the Pierce County Economic Development Fund (2606) for wages and benefits for the PCED Director,

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 for wages and benefits for the PCED Director for July 2021 thru Sept 2021:

General Fund (0100)	\$8,637.29	to
Pierce County Economic Development Fund (2606)	<u>\$8,637.29</u>	
Total	<u>\$8,637.29</u>	

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

Dated this 18th day of October, 2021

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Terry J. Wragge, Board Chairman

/s/ Jim Schmit, District #2 Commissioner

/s/ Tom Kuether, District #1 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 and authorize Chairman to sign the Maximus Certification for the Cost Plan for 2021/2022 FY. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

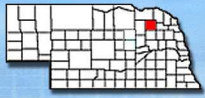
Motion by Kuether, seconded by Schmit, to approve the under crossing of a county road for Jeff Zautke by Flesner Electric LLC, with a 3" electrical line, approximately 1,396' east of 551 Ave and undercrossing 859 Rd in the SW ¼ of Section 25, Township 27 North, Range 2 West, Pierce County, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the Re-Districting Boundaries for County Commissioner lines in Pierce County due to the 2020 Census numbers.

Motion by Schmit, seconded by Kuether, to approve the Re-Districting Proposal No. 4 submitted to the County Board by GWorks for the County Commissioner District lines in Pierce County, which will follow the past lines, but now equally splitting Cleveland Township vertically. 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 Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for September 2021; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for September 2021 and placed on file in the County Clerk's office, total \$4,409,618.03 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: Mark Albin-court appointed attorney-\$327.75; Avera Medical Group-prisoner medical-\$534.00; Donald Blecha-prior service-\$45.00; BCBS-health premiums-\$29,955.42; Classic Rentals-service-\$208.32; Dollar General-supplies-\$3.00; Rick Eberhardt-reimburse travel & lodging-\$463.43; Elite Office Products-supplies-\$307.30; Ewalt Law Office-court appointed attorney-\$923.90; Faith Regional Health Services-prisoner medical-\$5,364.00; First Concord-deductibles-\$1,547.72; Floor Maintenance-supplies-



Pierce County Board Minutes



\$454.48; FP Finance Program-meter rent-\$154.09; GWorks-web GIS subscription-\$6,875.00; Dan Hallock-reimburse uniform-\$149.75; Hausmann Physical Therapy-prisoner medical-\$34.00; Jack's Uniforms & Equipment-uniforms-\$372.65; Johnson's Inc-repairs-\$1,725.17; Kate M. Jorgensen PC LLO-public defender-\$4,166.67; LexisNexis-law library-\$140.00; Magdanz-supplies-\$59.31; Linda Mattson-reimburse equipment-\$130.44; Maximus-service-\$350.00; Microfilm Imaging Systems-scanning services-\$92.00; Midwest Bank-co share-\$3,940.51; MIPS-IT services, website, micro filming-\$2,635.54; NE NE News-ads-\$1,530.84; NE Sheriffs' Assoc-Dues-\$195.00; Osmond Mini Mart-gas-\$349.69; Physicians Laboratory Serv-service-\$70.00; Pierce Auto Repair-repairs-\$25.00; Pierce Co Court-fees-\$803.50; Pierce County Leader-ads & supplies-\$2,229.02; Pierce Co Treasurer-transfers to Pierce Co. Economic Devel. Fund for wages & benefits for July-Sept 2021-\$8,637.29; Pierce Telephone-service-\$2,123.24; Plainview Family Pharmacy-prisoner meds-\$47.00; Porter & Company PC-service-\$7,275.00; Premier Estates of Pierce-prisoner meal service-\$270.00; Prime Stop-gas-\$83.90; Vickie Prince reimburse travel-\$152.06; Randolph Farm Supply-gas-\$35.50; Region IV Inc-quarterly contract fee-\$2,340.25; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,666.35; Sanne Repair-services & supplies-\$7,223.33; Schroeder Land Surveying-service-\$430.00; NE Secretary of State-supplies-\$20.00; Security Shredding-service-\$105.00; Robert Seegebarth-prior service-\$33.00; State of NE Central Finance-computer service-\$45.88; Stratton, DeLay, Doe-court appointed attorney-\$3,390.30; Tiger Town-prisoner food-\$686.54; VISA-postage & jail supplies-\$122.17; Western Oil LLC-gas-\$495.36; Payroll-\$55,161.96.

COUNTY HIGHWAY FUND: AKRS-supplies-\$68.24; Appera-uniforms-\$20.00; B's Enterprises-blades-\$3,313.00; Backus Sand & Gravel-gravel-\$34,573.40; Black Hills Energy-utilities-\$33.92; Carlson Home & Auto-propane-\$1,418.56; Classic Rentals-service-\$188.81; Dinkel's-repair parts-\$110.29; Eastern NE Telephone-service-\$111.79; Elite Diesel-repair parts-\$871.18; Farmer's Pride-diesel-\$5,257.28; Filtercare of NE-services-\$68.75; ITC Supply-equipment-\$49.47; Kimball Midwest-repair parts-\$1,400.38; Leiting Auto Supply-repair parts-\$169.98; Lorenz Automotive-repair parts-\$61.20; Matheson Tri-Gas-supplies-\$77.65; Meisinger Oil Co-diesel-\$2,909.00; Midwest Bank, NA-co share-\$2,341.75; NE NE News-ads-\$94.40; NMC Cat-repair parts-\$6,159.92; North Central Public Power-utilities-\$186.19; Osmond Mini Mart-gas-\$169.61; Paul's Welding-supplies-\$42.50; Pierce Co Leader-ads-\$84.00; Pierce Telephone-service-\$178.60; Plainview Auto Supply-repair parts-\$30.92; Plainview Telephone-service-\$100.28. City of Plainview-utilities-\$81.97; Randolph Farm Supply-gas & diesel-\$3,005.25; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$1,997.87; Sapp Brothers-oil-\$123.00; Steinkraus Service-gas & tires-\$2,529.20; Theisen Construction-road work-\$282,453.22; Wattier's True Value-supplies-\$264.70; West Hodson Lumber & Concrete-supplies-\$59.28; Western Oil-gas-\$238.00; Payroll-\$31,762.68.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: BCBS-health premium-\$902.98; Midwest Bank, NA-co share-\$89.68; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$117.66; Payroll-\$1,743.08.

E911 FUND: GeoComm-GIS maintenance contract-\$862.81; Pierce Telephone-service-\$71.22; Plainview Telephone-services-\$19.63.

E911 WIRELESS FUND: GeoComm-GIS maintenance contract-\$5,774.19; Pierce Telephone-service-\$409.69; Plainview Telephone-service-\$131.37.

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

VISITOR PROMO FUND: NE NE News-ads-\$6.27; Pierce Co Leader-ads-\$5.85.

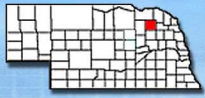
GRANTS FUND: Five Rule-comprehensive plan-\$11,202.00.

INHERITANCE FUND: Jones Automotive-E-citation equipment-\$2,367.48.

Discussion was held on the Coronavirus American Rescue Plan Act Federal Funds received from the US Treasury and the using of those funds to implement the statewide radio system countywide so all areas of Pierce County would benefit.

Courthouse & Jail Inspection was tabled.

There being no further business, Chairman Wragge adjourned the meeting at 10:36 A.M. and will meet at a regular meeting on Monday, November 1, 2021 at 9:10 A.M. as County Board of Commissioners, said



Pierce County Board Minutes



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
