

# Pierce County Board Minutes



## COMMISSIONERS PROCEEDINGS

April 18, 2022

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, April 18, 2022, at 9:10 A.M. with the following members present: Tom Kuether, Jim Schmit and Terry J. Wragge. Co. Assessor Jean Lubke, Co. Clerk Shannon Wragge, Zoning Adm. Heather McWhorter, Co. Attorney Ted Lohrberg, Hwy Supt. Brian McDonald, Custodian Linda Mattson, Clerk of District Court Vickie Prince, Donald Miller, Diane Dickey, Todd Dickey, Leigh Fuhrman, Merlin Milander, Marshall Petersen, Scott Pfeifer, Chris Riha, John Prouty, Lisa M. Schmit, Amy Codr, Nathaniel Codr, Bradley Lewon, Matt Johnson, Wade Theisen 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 Schmit, seconded by Kuether, to approve the agenda. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

The minutes of April 4, 2022 were approved as printed.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application of Industrial Tower West LLC for a Tower Development Permit to construct a cell phone tower on property located in pt of the SE ¼ 33-27-3.

Chairman Wragge opened the hearing at 9:11 a.m. Zoning Adm. Heather McWhorter and Industrial Tower West LLC representative Chris Riha were present and answered questions the Board had on the application for a Tower Development 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 9:15 a.m.

Motion by Wragge, seconded by Kuether, to approve Resolution #2022-9 as follows:

### RESOLUTION #2022 - 9

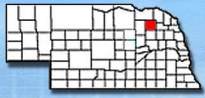
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF PIERCE, NEBRASKA UNDER AUTHORITY GRANTED BY THE PIERCE COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

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 application is consistent with the Pierce County Comprehensive Plan.
2. The application is consistent with the Pierce County Zoning and Subdivision Regulations.
3. The property is zoned A-1 Agricultural Intensive.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a Tower Development Permit to Industrial Tower West LLC to construct a cell phone tower on the following described land:



# Pierce County Board Minutes



Part of the Southeast  $\frac{1}{4}$  of Section 33, Township 27, Range 3 West of the 6th P.M., Pierce County, Nebraska.

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 shall be for a period of fifty-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 powers of the State of Nebraska.
2. The applicant must provide a lease, purchase agreement or easement to secure rights to the required setbacks of one foot for every foot of height of the tower.
3. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access.
4. If the tower shall cease to be used for a period of one (1) year, the Pierce County Zoning Administrator shall determine if the tower has been abandoned. Once the Zoning Administrator has determined the tower to be abandoned, the tower shall be removed in 75 days after receiving notice from the Zoning Administrator.
5. This tower may co-locate up to four individual antennas. Prior to installation of collocated antennas on the tower, a permit must be secured from the Pierce County Zoning Administrator.
6. This conditional use permit shall become invalid if construction of the tower is not begun within one-year of the date of approval of this application.
7. This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than Viaero Wireless Communications within the fifty-year time limit of this permit.

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 April 2022.

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.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application of Scott Pfeifer for a Conditional Use Permit to operate a business for the sale of used farm equipment, trucks and trailers on property located in the following:

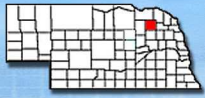
Part of Lot B, Lenton's Subdivision in Section 22, Township 25 North, Range 1 west of the 6th P.M.,

Part of the Northwest  $\frac{1}{4}$  Northwest  $\frac{1}{4}$  Replat of Milander's Lot Split, 8.86 acres, Lot 1, Section 27, Township 25, Range 1, West of the 6th P.M., Pierce County, Nebraska,

Lot 1, Christensen Subdivision in the Southwest  $\frac{1}{4}$  Southwest  $\frac{1}{4}$  Section 22, Township 25, Range 1 west of the 6th P.M., Pierce County, Nebraska,

Tax Lot 1 & South 50 acres in the West  $\frac{1}{2}$  Southeast  $\frac{1}{4}$  Section 21, Township 25, Range 1 west of the 6th P.M., Pierce County, Nebraska.

Chairman Wragge opened the hearing at 9:18 a.m. Zoning Adm. Heather McWhorter and Scott Pfeifer were present and answered questions the Board had on the CUP application. There were numerous individuals



# Pierce County Board Minutes



against the equipment sitting on the west side of Hwy 81 which Pfeifer does not have a permit for, no fire lanes among the equipment sitting on both sides of Hwy 81, better turn off lanes from Hwy 81 which is very dangerous, proper parking lot for loading and unloading equipment, equipment parked in the state right-of-way and most spoke on the safety on Hwy 81. Chairman Wragge closed the hearing at 10:25 a.m.

Motion by Schmit, seconded by Kuether, to table the decision to Monday, May 2, 2022 at 9:20 a.m. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on the Meier Lot Split in pt SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  25-27-1.

Motion by Schmit, seconded by Kuether, to approve the Meier Lot Split in pt SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 25, T27N, R1W, Pierce County, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Hwy Supt Brian McDonald was present.

The legal was read for the 9:30 a.m. opening of sealed bids for the Osmond North JEO Project #211556. The sealed bids were opened in the presence of all present. Four bids were received: Detlefsen Construction, Laurel, NE, at a total cost of \$241,720.00 with a start date of April 22, 2022; Husker Engineering, Burwell, NE, at a total cost of \$349,000.00 with a start date of September 19, 2022; John Prouty Construction, Inc, O'Neill, NE, at a total cost of \$220,482.30 with a start date of June 20, 2022 and W. Theisen Grading, Norfolk, NE, at a total cost of \$250,356.75 with a start date of July 1, 2022.

Awarding of the bid was tabled to the Monday, May 2, 2022 board meeting at 9:40 a.m. so McDonald can check numbers.

Chairman of the Pierce County GOP Republican Party was present along with other members Lisa Schmit, Nathaniel Codr and Amy Codr, to discuss with the County Board and Shannon Wragge, Election Commissioner, the election integrity in Nebraska and in Pierce County. He presented information from the Voter Accuracy Project of fraudulent activity that went on in the 2020 elections.

Matt Johnson with Johnsons Inc and Custodian Linda Mattson were present to propose labor and material to the County Board for the upgrade of the 1970's heating and cooling units that have been causing trouble in the courthouse. At a total cost of \$193,246.00, Johnson's Inc would remove, discard and replace 19 heat pumps and 3 existing air handlers and air conditioners. Johnson's Inc has been doing all repairs and replacements to the system for 20 plus years. Because the courthouse could be a possible shelter for the public if needed, therefore, ARPA Funds could be used for this upgrade for the safety of the community.

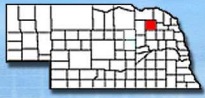
Motion by Wragge, seconded by Kuether, to authorize and approve the upgrade of the 1970's heating and cooling units that have been causing trouble in the courthouse at a total cost of \$193,246.00 with Johnson's Inc removing, discarding and replacing 19 heat pumps and 3 existing air handlers and air conditioners. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Kuether, seconded by Wragge, to authorize Chairman to sign the Notice of Award, Notice to Proceed and Agreements for the Pierce-Neligh Rd 543-544 Ave Unbonded Concrete Overlay JEO Project No. 211073 with A & R Construction Co., Plainview, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to authorize Chairman to sign the Notice of Award, Notice to Proceed and Agreements for the 2022 Cracksealing JEO Project No. 220365 with Baders Hwy & Street Maint. Inc., Norfolk, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on giving double pay for holidays worked by county employees. No decision was made.

Motion by Schmit, seconded by Kuether, to approve the fee reports as submitted by Rick Eberhardt, County Sheriff, for January, February and March 2022; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for March 2022; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for March 2022 and placed on file in the County Clerk's office, total \$895,157.47 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.



# Pierce County Board Minutes



**GENERAL FUND:** Mark Albin-services-\$2,202.93; Donald Blecha-prior service-\$45.00; BCBS-health premiums-\$25,462.96; Classic Rentals-service-\$346.67; Election Systems & Software-supplies-\$37.22; Elite Office Products-maintenance agreement-\$127.94; First Concord-adm costs & deductibles-\$249.06; FP Finance Program-meter rent-\$180.09; Dan Hallock-reimburse garnishment-\$284.63; Hometown Auto Repair-repairs-\$605.23; Intoximeters-supplies-\$1,762.40; Kate M. Jorgensen PC LLO-public defender-\$4,166.67; LexisNexis-law library-\$140.00; Magdanz-supplies-\$148.45; Microfilm Imaging Systems-scanning services-\$92.00; Midwest Bank-co share-\$4,294.89; MIPS-IT services, website, microfilming-\$2,635.54; NE NE News-publishing-\$1,569.75; NE Clerk of District Courts-registration-\$75.00; Osmond Mini Mart-gas-\$395.31; Physicians Laboratory-autopsy costs-\$2,050.00; Pierce Co Court-court cost-\$396.92; Pierce County Leader-ads-\$1,269.56; Pierce District Court-court costs-\$36.00; Pierce Telephone-telephone-\$1,788.76; City of Plainview-dispose refuse-\$208.25; Police Officer's Assn of NE-supplies-\$55.08; Precision Technology-software support-\$67.50; Prime Stop-gas-\$68.00; Quill-supplies-\$346.11; R.S. Technologies-IT service-\$500.00; Region IV-quarterly billing-\$2,340.25; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,884.09; Schroeder Land Surveying-service-\$320.00; Security Shredding-service-\$105.00; Bob Seegebarth-prior service-\$33.00; State of NE Central Finance-computer service-\$45.88; Tom's Service-gas & repairs-\$897.84; US Postal Service-postage-\$250.00; Verizon-service-\$425.57; VISA-postage-\$47.31; Western Oil LLC-gas-\$232.50; Payroll-\$59,770.70.

**COUNTY HIGHWAY FUND:** American Broadband-telephone-\$107.39; Appeara-uniforms-\$108.25; Backus Sand & Gravel-gravel-\$4,855.10; Black Hills Energy-utilities-\$466.19; Carlson Home & Auto-propane-\$2,549.56; Chad's Tire Service-tires and repairs-\$175.00; Classic Rentals-service-\$281.04; Cornhusker International Trucks-repair parts-\$447.23; Elite Door-repairs-\$773.68; Farmer's Pride-diesel & propane-\$5,373.60; Filtercare of NE-services-\$27.15; Jerry's Hilltop-gas-\$265.47; Kayton International-repair parts-\$409.00; Lawson Products-supplies-\$657.92; Lind-Gubbels-supplies-\$37.68; Lorenz Automotive-repair parts-\$420.97; Magdanz-supplies-\$62.62; Manzer Equipment-repair parts-\$232.76; Matheson Tri-Gas-supplies-\$79.84; Meisinger Oil Co-diesel-\$4,949.49; Midwest Bank, NA-co share-\$2,323.64; Mitch's Food Center-supplies-\$13.95; NMC-repair parts-\$10,678.78; North Central Public Power-utilities-\$225.93; Osmond Mini Mart-gas-\$883.92; Paul's Welding-supplies-\$139.86; Pierce Telephone-services-\$175.68; Plainview Auto Supply-repair parts-\$15.72; Plainview Telephone-telephone services-\$95.62; City of Plainview-utilities-\$84.95; Randolph Farm Supply-gas & diesel-\$3,891.07; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,019.52; Safety Kleen-repairs-\$283.95; Steinkraus Service-gas-\$719.45; Tom's Service-gas & diesel-\$1,161.59; Wattier's True Value-supplies-\$50.47; Western Oil-gas-\$232.50; Shannon Wragge-reimbursed expenses-\$371.61; Payroll-\$31,543.07.

**VISITOR PROMO FUND:** Bargain Buyway-grant-\$500.00; Friends of the Library-grant-\$1,000.00; Village of Hadar-grant-\$300.00; NE NE News Co-ads-\$6.27; Norfolk Area Visitors Bureau-grant-\$2,000.00; Pierce Co Threshing Bee-grant-\$500.00; Pierce Co Leader-ads-\$5.85; Pierce Historical Society-grant-\$100.00.

**VISITOR IMPROVEMENT FUND:** Pierce Historical Society-grants-\$1,000.00; Plainview Historical Society-grants-\$1,000.00.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** BCBS-health premiums -\$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:** Pierce Telephone-services-\$69.06; Plainview Telephone-service-\$19.63; Racom-services-\$1,223.25.

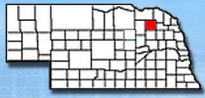
**E911 WIRELESS FUND:** Pierce Telephone-services-\$395.23; Plainview Telephone-service-\$131.37.

**GRANTS FUND:** Five Rule-RPIC-\$11,202.00.

**REGISTER OF DEEDS FUND:** MIPS-online services-\$328.45.

**COURTHOUSE JAIL & SINKING FUND:** DeJong Construction-library remodel-\$7,850.00; Magdanz-supplies-\$53.96.

**COVID AMERICAN RESCUE FUND:** Jenkins Electric-install alarm-\$4,319.21; Jones Automotive law enforcement supplies-\$3,059.97.



# Pierce County Board Minutes



**INHERITANCE FUND:** Avera Medical Group-prisoner medical-\$130.00; Dollar General-supplies-\$44.25; J's Place-prisoner meals-\$2,085.00; Pierce Pharmacy-prisoner meds-\$120.86; Diana Stanley-reimburse travel-\$460.98; Tiger Town-prisoner food-\$358.87; VISA-supplies-\$202.25; Wanek Pharmacy-prisoner meds-\$99.67.

There being no further business, Chairman Wragge adjourned the meeting at 11:55 A.M. and will meet at a regular meeting on Monday, May 2, 2022 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

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