

Pierce County Board Minutes



COMMISSIONERS PROCEEDINGS

May 2, 2022

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, May 2, 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, Co. Attorney Ted Lohrberg, Zoning Adm. Heather McWhorter, Sign Supt. Brad Albers, Murt Meierhenry, Leigh Fuhrman, Merlin Milander, Scott Pfeifer, Todd Dickie, Marshall Petersen, Jason Fuhrman 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 9:12 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 Wragge, seconded by Kuether, to amend the agenda to add Approve Rd Agreement with Marshall Petersen for the Osmond North JEO Project No. 211556. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

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 18, 2022 was approved as printed.

The legal was read for the opening of sealed bids for the sale of a 2006 Dodge Caravan VIN #1D4GP24R76B510246.

The following bids were opened in the presence of all present: David Polt for \$1,769.00; Rick Gardner for \$1,050.00; Linda Mattson for \$1,550.00 and Donald Zimmerer for \$1,350.00.

Motion by Schmit, seconded by Kuether, to accept the bid for the 2006 Dodge Caravan VIN #1D4GP24R76B510246 from David Polt for \$1,769.00. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on applying for the Scrap Tire Grant Project for 2023 with NE DEQ.

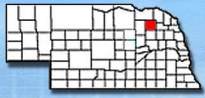
Motion by Wragge, seconded by Schmit, to authorize the Clerk to apply for grant funds for the Scrap Tire Grant Project for 2023 with Nebraska Dept. of Environmental Quality Waste Management Division, with the project to be held at the Pierce Shop if granted. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to authorize and approve Board Chairman to sign Pay Application #1 (\$39,674.00) for the 2022 Cracksealing JEO Project No. 220365 with Bader's Hwy & Street Maintenance, Norfolk, NE. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on 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 ¼ Northwest ¼ 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 ¼ Southwest ¼ Section 22, Township 25, Range 1 west of the 6th P.M., Pierce County, Nebraska, Tax Lot 1 & South 50 acres in the West ½ Southeast ¼ Section 21, Township 25, Range 1 west of the 6th P.M., Pierce County, Nebraska.

The public hearing was opened and closed by Chairman Wragge on Monday, April 18, 2022 and decision was tabled to Monday, May 2, 2022 at 9:20 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 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, proper 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.

Motion by Schmit, seconded by Wragge, to approve Resolution 2022-8 as follows:



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RESOLUTION #2022 - 8

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

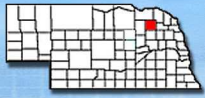
1. The application is consistent with the Pierce County Comprehensive Plan.
2. The application is consistent with the Pierce County Zoning and Subdivision Regulations.
3. There was a Conditional Use Permit for Christensen Sub Lot 1 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of 22-25-1 however the rest of the property that currently has implements does not have a Conditional Use Permit.
4. The property east of Hwy 81 is zoned C-3, Highway Services. The property west of Highway 81 is zoned A-3, Ag Transitional.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a Conditional Use Permit to Scott Pfeifer to operate a business for the sale of used farm equipment, trucks, and trailers on the following described land:

(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.), (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.), all in 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 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.
2. This conditional use permit is for the sale of used farm equipment, farm trucks and trailers.
3. A State of Nebraska Vehicle Dealer's License must be obtained by the owner/operator of the lot if required.
4. Access to the business must be moved as per NDOT arrangements. The current driveway must be vacated. There will be no dropping off, loading, or unloading in the ditches, along the highway or in the right of way, must occur only in designated area.
5. Parking lot must be installed with two loading facilities per Pierce Zoning requirements. Must be engineered and plans presented to Zoning Administrator. This must occur within six months of the date of permit approval. A cleared area for parking and unloading must be made immediately for use by the current loading dock while the parking lot is being constructed.
6. There will be no implements stored or displayed on the property on the west side of Hwy 81. All implements currently stored there must be moved within six months of approval of the permit.
7. Any lights on the lot shall face away from Highway 81 or toward the ground and not pointed to the east.
8. Any repair work done on-site must be done inside a building on a paved surface.
9. Holding tanks for oil and other automotive fluids shall be installed if repair work is being done.
10. This conditional use permit shall be valid for one year and will renew for an additional year after review if no verifiable complaints exist and if all conditions have been met. If the annual review shows no complaints after five years, the permit will renew for a five-year period at that time.
11. A sign must be installed identifying the business name, contact number and location of parking lot to load and unload.
12. Equipment must be moved to allow for Emergency Access Routes in case of fire. Safety inspection of access routes must be discussed with Fire Department.



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13. All Conditions must be completed within 6 months of the approval of the 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 2nd day of May 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.

Discussion was held on the bridge inspector position for 2022.

Motion by Kuether, seconded by Schmit, to authorize and approve Randy Stromberg to inspect the bridges that need to be done in 2022 at a cost of \$125.00 per bridge with the option of increase if fuel costs continue to rise. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Hwy Supt Brian McDonald and Marshall Petersen were present and discussion was held on the Osmond North project and the rd agreement with Petersen.

Motion by Schmit, seconded by Kuether, to award the bid for the Osmond North-JEO Project No. 211556 to John Prouty Construction, Inc, O'Neill, NE, at a total cost of \$220,482.30 with a start date of June 20, 2022. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Schmit, seconded by Kuether, to approve the Road Use and Maintenance Agreement with Marshall Petersen whereas Petersen is reimbursing Pierce County for the improvements made to 867th Rd and paying all costs associated with the Osmond North-JEO Project No. 211556 with John Prouty Construction, Inc, O'Neill, NE, at a total cost of \$220,482.30 with a start date of June 20, 2022. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Discussion was held on problem roads and bridges.

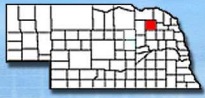
Co. Attorney Ted Lohrberg, Co. Treasurer Christine Bahr, Co. Sheriff Rick Eberhardt and Deputy Co. Sheriff Dan Hallock were present.

Motion by Wragge, seconded by Schmit, to go into executive session at 9:58 a.m. regarding a litigation against the county. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Kuether, to come out of executive session at 10:42 a.m. regarding a litigation against the county. Roll call vote: Aye: Kuether, Schmit and Wragge. Nay: None. Motion carried.

Motion by Wragge, seconded by Schmit, 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: Black Hills Energy-service-\$42.57; Nancy Dolesh-wages-\$120.00; ES & S-Primary 2022 election supplies-\$3,081.86; Elite Office Products-agreement fee-\$20.00; Ewalt Law Office-court appointed costs-\$12,963.39; First Concord Benefits Group-deductibles & fees-\$1,605.66; J&S Plumbing-service-\$171.09; Madison National Life-monthly premiums-\$104.76; Magdanz-supplies-\$230.13; Midwest Bank-co share-\$4,111.24; Menards-supplies-\$230.13; NE NE News Co-ads-\$48.24; NE Health & Human Services-March 22 Boarding-\$186.00; NIRMA-liability coverage provided for claim-\$530.70; Pierce City-utilities-\$3,569.04; Plainview News-ads-\$1,165.96; Prime Stop-gas-\$148.16; Quill-supplies-\$73.98; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,823.96; St of NE-network server-\$448.00; Tom's Service LLC-gas & repairs-\$357.86; US Postal Service-supplies-\$18.90; Payroll-\$57,370.35.



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COUNTY HIGHWAY FUND: Brad Albers-reimb. for printing postcards-\$116.62; Bader's Hwy & Street Maint-2022 Cracksealing Pay Application #1-\$39,674.00; Bomgaars-supplies-\$392.09; CenturyLink-service-\$78.63; JEO Consulting Group Inc-engineering-\$13,521.25; Key Sanitation LLC-service-\$28.50; Kimball Midwest-supplies-\$772.34; Lawson Products-supplies-\$1,684.65; Manzer Equipment-repair parts-\$443.99; Meisinger Oil Co-oil-\$9,365.67; Midwest Bank-co share-\$2,319.67; Northeast Glass-repairs-\$1,050.00; Northeast Power-utilities-\$241.00; Pierce Auto Repair LLC-repairs-\$118.50; Pierce City-utilities-\$179.47; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,015.99; Sapp Bros Norfolk-supplies-\$209.68; Tom's Service LLC-gas & repairs-\$745.14; US Postal Service-meter mail-\$500.00; Wattier True Value-supplies-\$51.65; Payroll-\$31,490.60.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: 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: AT & T-service-\$44.91; CenturyLink-service-\$42.20.

E911 WIRELESS FUND: CenturyLink-service-\$282.41.

COVID AMERICAN RESCUE FUND: Protex Central-install new fire alarms-\$16,326.20.

INHERITANCE FUND: J's Place-prisoner meals-\$2,240.00; Tiger Town-prisoner food-\$178.81.

COURTHOUSE & JAIL SINKING FUND: Jenkins Electric-law library remodeling-\$2,511.62; TWD Lock, Safe & Key-law library remodeling-\$769.99.

The Board did the quarterly jail and courthouse inspection and all three returned.

There being no further business, Chairman Wragge adjourned the meeting at 11:18 A.M. and will meet again at a regular meeting on Monday, May 16, 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
