

COMMISSIONERS PROCEEDINGS  
May 30, 2023

The Pierce County Board of Commissioners met pursuant to adjournment on Tuesday, May 30, 2023, at 9:10 A.M. with the following members present: Tom Kuether, Brad Albers and Carl Martinson. Co. Clerk Shannon Wragge, Zoning Adm. Heather McWhorter, Ken Beaudette, Richard Reed, Randy Wolken and News Reporter Rande Falter.

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 Kuether called the meeting to order at 9:14 A.M. and presided. Chairman Kuether 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 Albers, seconded by Martinson, to approve the agenda. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

The minutes of May 15, 2023 were approved as printed.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application for Richard & Jody Reed to build a home on less than 40 acres on property located in pt of the SE ¼ SW ¼ 20-26-4.

Chairman Kuether opened the 9:11 a.m. public hearing at 9:155 a.m. Zoning Adm. Heather McWhorter and Richard Reed were present and answered questions the Board had on the application. There were no written comments or objections and no one from the public was present for the hearing. Chairman Kuether closed the hearing at 9:17 a.m.

Motion by Martinson, seconded by Albers, to approve Resolution #2023-10 as follows:

RESOLUTION #2023-10

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 property is zoned A-1 Ag Intensive and meets the density requirements of the zoning district, will be the second home on the quarter section.
2. There is access to an improved county road.
3. This application is consistent with the Pierce County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Richard and Jody Reed to build a home on less than 40 acres on the following described land:

**Polt's Lotsplit #3 located in SE ¼ SW ¼ of Section 20, Township 26 North, Range 2 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 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.
7. The residential well must be at irrigation depth or deeper than the 4 surrounding irrigation wells.

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.

APPROVED and ADOPTED at Pierce, Nebraska this 30th day of May 2023.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, District #1 Commissioner

/s/ Brad Albers, District #2 Commissioner

/s/ Carl Martinson, District #3 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, Albers and Martinson. Nay: None. Motion carried.

Zoning Adm. Heather McWhorter discussed with the Board the opening on the Planning & Zoning Board and discussed the 5 applicants that submitted a letter of interest.

Motion by Albers, seconded by Martinson, to approve the following to a 3 Year Term (May 2023-May 2026) to the Pierce County Planning & Zoning Board: Bonita Lederer. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Fred Weber with Porter & Co. PC was unable to appear at scheduled time and re-scheduled for the June 12, 2023 board meeting.

Madison County Veterans Service office employee Rachele Pospisil called and requested to be removed from the agenda.

Discussion was held on the implementation of the GWORKS Road/Streets tab/software to the county GWORKS program at a cost of \$8,000.00 for implementation and \$4,500.00 yearly cost. No decision was made.

A call was placed to Hwy Supt. Brian McDonald and discussion held on the Pierce Neligh Rd Project.

Motion by Albers, seconded by Martinson, to authorize and approve Chairman to sign Change Order #5 (add \$14,927.32 to adjust quantities with new total of \$2,678,004.85) and Pay Application #3 for \$923,607.86 for the Pierce-Neligh Rd 543-544 Ave Unbonded Concrete Overlay-JEO Project #211073 with A & R Construction Co, Plainview, NE. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Eddie Bomar with NE Machinery and Ken Beaudette with Murphy Tractor were present and discussion was held on the purchasing of a new motor grader by state bids and or Sourcewell. This meeting will be recessed to Thursday, June 1, 2023 at 9:00 a.m. to allow time for Murphy Tractor to submit a bid for a motor grader.

Motion by Albers, seconded by Martinson, 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, Albers and Martinson. Nay: None. Motion carried.

**GENERAL FUND:** Avera-physical-\$150.00; Candlewood Suites Kearney-lodging-\$439.85; Cintas-supplies-\$228.34; Coast to Coast Solutions-supplies-\$586.12; Dollar General-supplies-\$61.05; Elite Office Products-maintenance agreement & supplies-\$601.82; GWorks-software & support-\$27,477.00; Jack's Uniforms & Equipment-supplies-\$29.90; Johnson's Inc-repairs-\$698.00; Kate M. Jorgensen-public defender-\$4,166.67; Nan Kment-mileage-\$33.58; Mary Kruger-mileage-\$20.48; Jean Lubke-reimb. supplies-\$79.97; Madison County District Court-court costs-\$50.00; Madison County Sheriff-paper service-\$29.65; MidAmerican Adm. & Retirement Solutions-adm. fees-\$372.00; Midwest Bank-co share-\$4,625.65; MIPS-IT services, website, microfilming-\$538.94; NE Co. Attorney Association-dues-\$1,057.00; NE Health & Human Services-boarding-\$180.00; Norfolk Transmission-repairs-\$5,224.69; Physicians Laboratory PC-autopsy-\$4,589.00; Pierce Auto Repair LLC-repairs-\$103.50; Pierce County District Court-court costs-\$36.00; Pierce Pharmacy-prisoner medical-\$36.40; Pierce City-utilities-\$2,267.04; Plainview News-ads-\$273.26; Prime Stop North-gas-\$186.53; Quill-supplies-\$268.92; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,990.31; State of NE Central Finance-support-\$506.88; Tiger Town-prisoner food-\$553.47; Tom's Service LLC-gas & repairs-\$833.34; Dan Unseld-mileage-\$29.65; US Postal Service-metered mail-\$2,300.00; Verizon-service-\$424.76; VISA-supplies-\$63.77; Lori Wragge-mileage-\$11.31; Payroll-\$60,465.70.

**COUNTY HIGHWAY FUND:** Ag & Industrial Equipment-supplies-\$155.00; Bauer Built-repair parts-\$2,187.20; Bazile Aggregate-gravel-\$14,150.84; Black Hills Energy-gas-\$146.84; Bomgaars-supplies-\$57.95; Cintas-supplies-\$559.14; Jebro Inc-hot mix-\$4,480.20; JEO Consulting Group Inc-engineering-\$37,317.50; Lind-Gubbels Inc-supplies-\$20.82; Manzer Equipment-repair parts-\$222.99; Meisinger Oil Co-diesel-\$5,522.06; Midwest Bank, NA-co share-\$2,512.50; Northeast Power-utilities-\$225.00; Pierce Auto Repair LLC-repairs-\$1,831.46; Pierce City-utilities-\$186.37; Plainview News-ads-\$84.00; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,096.96; Safety Kleen Systems Inc-repairs-\$266.54; Sapp Bros Norfolk-repair parts-\$457.43; Tom's Service LLC-gas & repairs-\$1,212.51; Wattier's True Value-supplies-\$135.09; Payroll-\$32,842.70.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** Gold Shovel-website & support-\$8,800.00; Midwest Bank, NA-co share-\$137.34; News Channel Nebraska-ads-\$250.00; Plainview News Inc-ads-\$8.90; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$121.19; Payroll-\$1,795.37.

**E911 FUND:** AT & T-service-\$47.78; CenturyLink-service-\$63.81; Page My Cell-service-\$600.00.

**E911 WIRELESS FUND:** CenturyLink-service-\$148.89.

**HWY BOND FUND:** A & R Construction Co- Pay App 3 for Pierce-Neligh Rd Project 211073-\$923,607.86.

Motion by Kuether, seconded by Martinson, to recess County Board meeting to Thursday, June 1, 2023 at 9:00 a.m. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Chairman Kuether recessed the meeting at 10:10 a.m., Monday, May 30, 2023 and will reconvene at 9:00 a.m. on Thursday, June 1, 2023.

Chairman Kuether reconvened the meeting on Thursday, June 1, 2023, at 9:00 A.M. with the following members present: Tom Kuether, Brad Albers and Carl Martinson. Co. Clerk Shannon Wragge, Ken Beaudette and Eddie Bomar 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 Kuether

called the meeting to order at 9:03 A.M. and presided. Chairman Kuether 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.

Eddie Bomar with NE Machinery and Ken Beaudette with Murphy Tractor were present and discussion was held on the purchasing of a new motor grader by state bids/Sourcwell. 2 Bid Quotes were submitted to the County Clerk.

The opening of sealed bid quotes per State Bids/Sourcwell Contract #032119 for one new motor grader less the trade-in of equipment #103, 2004 Cat 160H Motor Grader S/N CAT0160HVCCP00226. The bids were read in the presence of all present. Two bids were received from two companies: (1) Nebraska Machinery Co., Norfolk, NE: (1) 2023 Cat 140 AWD Motor Grader, 0 hours, cost of \$354,250.10 less \$72,800 for trade in of one 2004 Cat 160H Motor Grader S/N CAT0160HVCCP00226 with a total cost to Pierce County of \$281,450.10 with a 5 years/5000 hours full warranty and \$12,000.00 parts credit and (1) Murphy Tractor & Equipment Co. Sioux City, IA: (1) 2023 John Deere 772G 6WD Motor Grader, 0 hours, cost of \$438,648.00 less \$75,000.00 for the trade-in of one 2004 Cat 160H Motor Grader S/N CAT0160HVCCP00226 with a total cost to Pierce County of \$363,648.00 with a 7 years/5000 hours full warranty.

Discussion was held on the motor grader bids received.

Motion by Martinson, seconded by Kuether, to approve and accept the bid from (1) Nebraska Machinery Co., Norfolk, NE: (1) 2023 Cat 140 AWD Motor Grader, 0 hours, cost of \$354,250.10 less \$72,800 for trade in of one 2004 Cat 160H Motor Grader S/N CAT0160HVCCP00226 with a total cost to Pierce County of \$281,450.10 with a 5 years/5000 hours full warranty and \$12,000.00 parts credit. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

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

There being no further business, Chairman Kuether adjourned the meeting at 10:16 A.M. and will meet again at a regular meeting on Monday, June 12, 2023 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/ Tom Kuether  
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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