

## COMMISSIONERS PROCEEDINGS

August 7, 2023

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, August 7, 2023, at 9:00 A.M. with the following members present: Tom Kuether, Brad Albers and Carl Martinson. Co. Clerk Shannon Wragge, Co. Assessor Jean Lubke, Zoning Adm. Heather McWhorter, Co. Attorney Ted Lohrberg, Mike Pommer, Hwy Supt. Brian McDonald, Rick Adams, Emily Milewoski, John Palmtag 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 Kuether called the meeting to order at 9:10 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 July 24, 2023 were approved as printed.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application of Alltel Corporation dba Verizon Wireless for a Tower Development Permit on property located in pt of the NW ¼ 10-28-1.

Chairman Kuether opened the hearing at 9:12 a.m. Zoning Adm. Heather McWhorter and Verizon representatives Ricks Adams, Emily Milewoski and John Palmtag were present and answered questions the Board had on the application for the Tower Development Permit. There were no written comments or objections and no one from the public was present for the hearing. Chairman Kuether closed the hearing at 9:16 a.m.

Motion by Albers, seconded by Martinson, to approve Resolution #2023-15 as follows:

### RESOLUTION #2023-15

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. Property is in an A-1, Agricultural Intensive District.
2. Tower currently exists on the property approximately 900 feet from the proposed location of the new tower.
3. The nearest occupied structure is over 1,000 feet away.
4. A Removal Bond of \$50,000 has been provided to the Zoning Administrator.
5. A Determination of No Hazard to Air Navigation has been provided to Zoning Administrator from the Federal Aviation Administration.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a Tower Development Permit to Alltel Corporation dba Verizon on the

following described land:

**NW ¼ of Section 10, Township 28 North, Range 1 West of the 6th P.M., Pierce County, Nebraska**

NOW, THEREFORE, BE IT ALSO RESOLVED, the conditions below 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 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.
6. This conditional use permit may be transferred in any manner to an individual, or a partnership or corporation other than Alltel Corporation dba Verizon 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 7<sup>th</sup> day of May 2023.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, Board Chairman

/s/ Brad Albers, District #2 Commissioner

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

The legal was read for the 9:13 a.m. public hearing to receive public comments concerning an amendment to Article 2 of Pierce County Zoning Regulations to define a Shouse and the characteristics required.

Chairman Kuether opened the hearing at 9:20 a.m. Zoning Adm. Heather McWhorter was present and answered questions the Board had on the regulations. There were no written comments or objections and no one from the public was present for the hearing. Chairman Kuether closed the hearing at 9:27 a.m.

Motion by Albers, seconded by Martinson, to approve Resolution #2023-16 as follows:  
RESOLUTION #2023-16

A RESOLUTION AMENDING CERTAIN LANGUAGE IN THE PIERCE COUNTY ZONING AND SUBDIVISION RESOLUTIONS UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.01 THROUGH 223-114.05 AND 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a recommendation for approval from the Pierce County Planning Commission and proper notice was published and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby amends the Pierce County Zoning and Subdivision Resolution by amending the following language into the Zoning Regulations, specifically by amending, ARTICLE TWO CONSTRUCTION AND DEFINITIONS 2.01 Construction and General Terminology as follows:

Dwelling Unit, Special Types: Any dwelling type consisting of single-family attached, multifamily, mobile home that does not meet the typical construction style of traditional stick framed structures.

1. Cargo Container Dwelling: A dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping and meeting the definition of dwelling unit above. Must meet the aesthetic of the neighborhood.
2. Grain Bin Dwelling Unit: A dwelling unit constructed of one or more grain bins, new or used meeting the definition of Dwelling Unit above.
3. Quonset home: A home constructed beneath and in a structure referred to as a Quonset.
4. Shouse: A combination of a dwelling unit and machine shed under a common or connected roofing system. For purposes of a Shouse, these structures when on a farm, agricultural operation, or acreage shall not be classified as a farm building. In addition, the residence portion of the facility shall meet the definition of Dwelling Unit above.

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building.
3. Shouse homes shall have at least six hundred square feet of habitable space and at least one habitable room with not less than 100 sf of gross floor area.
4. Other habitable rooms shall have not less than 50 sf floor area, except for kitchens.
5. Habitable rooms shall not be less than seven feet in any horizontal dimension.
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
8. Shouses shall have a kitchen area and sink.

9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
10. All electrical shall follow all local, state and/or federal electrical codes.
11. The unit shall meet all egress requirements found in local, state, and/or federal codes.
12. Must meet the aesthetic of the neighborhood as determined by the Zoning Administrator
13. Must have finished walls separating the residential portion from the shed portion.
14. Must be submitted with a sketch showing the layout and minimum residential square footage required of six hundred square feet.

ADOPTED at Pierce, Nebraska this 7<sup>th</sup> day of May 2023.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, Board Chairman

/s/ Brad Albers, District #2 Commissioner

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

Motion by Albers, seconded by Martinson, to approve the Vavra Lot Split in pt of NE ¼ NE ¼ Section 19, Township 26 North, Range 1 West, Pierce Co. NE. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Hwy Supt. Brian McDonald was present and discussion was held on the 1 & 6 Year Road Plan for fiscal year 23/24. 1 & 6 Year Public Hearing will be Monday, Oct 16, 2023 at 9:11 a.m.

Accountant Mike Pommer was present and discussion was held on the 23/24 fiscal year budget and on the levy allocations for the subdivisions. The levy allocation for the subdivisions will be approved on Monday, August 21, 2023 at the 9:10 a.m. at commissioner meeting because no valuations from the Assessors have been received yet.

Motion by Albers, seconded by Martinson, to recommend approval to the NE Liquor Control Commission for the request of a special designated liquor license for Greenhorn Entertainment LLC dba The Greenhorn, Stanton, for an event on Saturday, October 21, 2023, from 4:00 p.m. to 1:00 a.m. at the Pierce County Fairgrounds Pavilion. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to recommend approval to the NE Liquor Control Commission for the request of 3 special designated liquor license for Pierce American Legion Tomek Post 72, for events on Saturday, Sept. 2, Sept. 9 and Sept. 30, 2023, from 3:00 p.m. to 1:00 a.m., all at the Pierce County Fairgrounds Pavilion. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve and authorize Chairman to sign Pay Application #2 for \$160,784.54 for the Osmond South JEO Project #211903 to Dixon Construction Co. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to approve the underground application for Pierce City Utilities for the under crossings and occupying the ROW of county roads for the replacing of 3 – 2” pipes across H & N Blvd and running along northside of H & N Blvd in Sections 34/27 of Pierce Township, Pierce County, NE. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to approve the fee reports as submitted by Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for July 2023; approve Treasurer's receipts and disbursements for various funds for Christine Bahr, County Treasurer, for July 2023 and all placed on file in the County Clerk's office 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, Albers and Martinson. Nay: None. Motion carried.

**GENERAL FUND:** Mark Albin-court appointed attorney-\$494.00; Anderson Ford-vehicle purchase for Sheriff's Dept.-\$48,887.00; Applied Connective Technologies-IT service-\$3,409.80; \$1,570.00; Black Hills Energy-utilities-\$45.64; Cintas-supplies-\$589.51; D&L Towing & Recovery-service call-\$75.00; Eakes Office Solutions-contract service-\$294.23; Faith Regional Health Services-prisoner medical-\$285.00; Heartland Fire Protection-inspection fees-\$768.62; LexisNexis-law library-\$168.00; Lynn Peavey Co-supplies-\$224.46; Madison Co Sheriff-service fees-\$29.65; Madison National Life Ins-premiums-\$86.72; Midwest Bank-co share-\$4,799.17; MIPS Inc-computer support-\$2,762.44; NE NE News-ads-\$566.72; Pierce Co Court-court costs-\$244.50; Pierce District Court-court costs-\$144.00; Pierce Telephone Co-service-\$1,904.88; PIP Marketing-supplies-\$107.29; Plainview News-ads-\$253.01; Prime Stop-gas-\$191.35; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$4,154.58; State of NE Central Finance-computer network service-\$653.22; Tiger Town-prisoner food-\$1,268.77; UNL Print & Copy Service-Supplies-\$347.60; Weston Torson-reimburse supplies-\$105.93; Payroll-\$64,600.59.

**COUNTY HIGHWAY FUND:** Appera-uniforms-\$98.12; Bomgaars-supplies-\$3998; Chad's Tire Repair-service-\$53.00; Cintas-supplies-\$197.97; Colonial Research-supplies-\$546.76; Dixon Construction-Osmond South project-\$160,784.54; Farmers Pride-diesel-\$3,107.36; Fastwyre-telephone-\$106.41; Kayton International-repair parts-\$97.25; Kimball Midwest-supplies-\$1,035.09; Manzer Equipment-repair parts-\$92.34; Matheson Tri-Gas-supplies-\$85.42; Meisinger Oil Co-diesel-\$8,226.75; Midwest Bank-co share-\$2,377.85; NE Power-service-\$412.00; Osmond Farm Service-diesel-\$1,699.44; Pierce Telephone-service-\$175.71; Plainview auto Supply-repair parts-\$25.54; Plainview Telephone-service-\$96.62; City of Plainview-utilities-\$85.27; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,059.44; Sapp Bros Inc, Norfolk-supplies-\$172.90; Wattier True Value-repair parts-\$116.51; West-Hodson Lumber & Concrete-crushed concrete-\$4,136.88; Larry Wiegert-reimburse supply-\$32.00; Payroll-\$32,258.05.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** Midwest Bank, NA-co share-\$125.87; NE Nebr News-subscription-\$43.50; Plainview News-ads-\$8.90; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$121.19; Payroll-\$1,795.37.

**E911 FUND:** AT & T-service-\$47.85; CenturyLink-service-\$62.28; City of Norfolk-share cost 911 equipment-\$44.74; Pierce Telephone-service-\$139.30; Plainview Telephone-service-\$45.30;.

**WIRELESS FUND:** CenturyLink-service-\$145.32 City of Norfolk-share cost 911 equipment-\$104.38; Pierce Telephone-service-\$325.05; Plainview Telephone-service-\$105.70.

**REGISTER OF DEEDS FUND:** MIPS-computer support-\$349.12.

**COVID AMERICAN RESCUE PLAN FUND:** Electronic Engineering-911 cable installation-\$7,177.08.

Discussion was held on the Public Defender Contract with Kate Jorgensen that is due Sept. 1, 2023 for renewal. Jorgensen would like an increase of \$5,000.00 per year said Co. Attorney Ted Lohrberg.

Motion by Albers, seconded by Martinson, to accept and approve the public defender contract with the current firm of Kate M. Jorgensen Law Office P.C., Wayne, NE, as Pierce County's Public Defender at a salary of \$55,000.00 per year for minimum of one year and maximum of two years. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

There being no further business, Chairman Kuether adjourned the meeting at 11:03 A.M. and will meet again at a regular meeting on Monday, August 21, 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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