

COMMISSIONERS PROCEEDINGS
October 30, 2023

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, October 30, 2023, at 9:10 A.M. with the following members present: Tom Kuether, Brad Albers and Carl Martinson. Co. Clerk Shannon Wragge, Co. Attorney Ted Lohrberg, Deputy Sheriff Dan Hallock, Zoning Adm. Heather McWhorter, Co. Treasurer Christine Bahr 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 October 16, 2023 were approved as printed.

Deputy Sheriff Dan Hallock visited with the Board about the placing of a new side mount antenna on the courthouse because the current tower is not able to hold the statewide radio equipment. Board all agreed to proceed with the side mount antenna, but would like to know the cost once Hallock finds out.

Motion by Albers, seconded by Martinson, to approve and authorize Chairman to sign Bid Proposal for Osmond South Project with Theisen Construction Inc for \$6,500.00 to excavate and use channel to straighten new wing addition. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Zoning Adm. Heather McWhorter was present and answered questions the Board had on the Conditional Use Permit that had an error in the legal description so needed to be corrected and approved.

Motion by Albers, seconded by Martinson, to approve Resolution 2023-27 and Amendment to Resolution 2020-2 as follows:

RESOLUTION #2023-27
AMENDMENT TO RESOLUTION #2020-2

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 Madison County Comprehensive Plan and with the Pierce County Zoning and Subdivision Regulations
2. The solar array will be 443 MW and be located on approximately 2500 acres.
3. Is located in an Ag Intensive district that allows the use with a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grant a permanent Conditional Use Permit to Boulevard Associates LLC to construct Goldenrod Solar Farm as per Section 6.04.01 Solar Farms of the Pierce County Zoning and Subdivision Resolution, on the following described land:

E ½ of Section 19, Township 25 North, Range 3 West

All of Section 21, Township 25 North, Range 3 West minus Charlies Lot Split, a 21.26-acre tract in the N ½;

N ½ of Section 28, Township 25 North, Range 3 West.

W ½ of Section 22, Township 25 Range 3 West;

All of Section 23, Township 25, Range 3 West minus 2 tracts in the NW ¼ of the NW ¼ totaling 17.25 acres; and minus E ½ of NE ¼.

All of Section 26, Township 25, North Range 3 West;

SW ¼ of Section 14, Township 25 North, Range 3 West.

All properties lying 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.

Recommended Conditions:

1. This Conditional Use Permit allows applicant to build a 443 MW Solar Farm.
2. Applicant must obtain necessary permits from the State of Nebraska and follow all local permitting as well.
3. Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Pierce County Regulations.
4. An approved zoning permit must be obtained before construction of the solar array 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 30th day of October 2023

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, Chairman

/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.

Motion by Albers, seconded by Martinson, to authorize and approve the Board Chairman to sign the 2023 Year End Certification of County Highway Superintendent form which determines incentive state and federal funds for highway allocations as submitted and Resolution 2023-28,

authorizing the signing of the Year End Certification by the County Board Chairperson. Whereas the original 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 Martinson, seconded by Albers, to approve the Underground/ROW Application for Pierce Telephone Co to lay fiber optic line for approximately 7 miles in Pierce, Slough, Logan and Allen Townships. 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 Change Order #1 (add \$545.28 to adjust quantities), Pay Application #1 (final) for \$129,168.48 and Certificate of Substantial Completion for the Bloomfield Road Repairs 2023 JEO Project 231163 with Asphalt Surface Technologies Corp aka ASTECH Corp. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

County Treasurer Christine Bahr was present and discussion was held on the Certification of Distress Warrants that have been delivered to the County Sheriff. After Distress Warrants are delivered to the Sheriff, the Sheriff then has 9 months or until August 1st to submit a report to the County Board for the amount collected and/or uncollected. Treasurer Wragge submitted to Attorney Lohrberg during the board meeting, a list of mature county tax sale certificates that need to be foreclosed on by Lohrberg.

Motion by Albers, seconded by Martinson, to approve the Notice that 18 Distress Warrants at a total of \$15,622.47 were delivered to the Pierce County Sheriff. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to authorize and approve Chairman to sign Resolution 2023-29, extend commitment to NIRMA and NIRMA II for the period of July 1, 2024 through June 30, 2027. Whereas the original 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.

Discussion was held on the hiring of a Weed and Sign Supt. as Commissioner Brad Albers will be resigning on December 31, 2023

Motion by Albers, seconded by Martinson, to approve and authorize Clerk Wragge to advertise for a Weed &/or Sign Supt. for Pierce County. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Discussion was held on the Hwy Supt. applications received.

Motion by Albers, seconded by Martinson, to approve the fee reports as submitted by Rick Eberhardt, Co. Sheriff, for August 2023; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk, for September 2023; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for September 2023 and placed on file in the County Clerk's office, total \$224,463.34 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: Antelope County Sheriff-prisoner boarding-\$1,930.00; Charm-Tex-supplies-\$343.80; Eakes Office-IT service-\$295.27; Ann Fenton-reimbursed lodging-\$63.18; Hilltop Drugs-prisoner medical-\$17.23; Kate Jorgensen PC-public defender-\$4,583.33; Jean Lubke-mileage-\$41.26; Madison County Sheriff-prisoner boarding-\$1,516.63; Jennie Martinez-mileage & meals-\$181.63; Midwest Bank-co share-\$4,854.21; NE State Fire Marshal Elevator Division-inspection-\$120.00; NE Health & Human Services-Sept. boarding-\$90.00; Pierce Automotive Supply-repair parts-\$50.47; Pierce Pharmacy-prisoner medical-\$16.55; Pierce City-

utilities-\$1,910.89; Plainview News-ads-\$328.05; Terese Polt-reimbursed mileage, lodging & registration-\$573.08; Prime Stop-gas-\$189.62; Quill-supplies-\$204.09; Randolph Times-subscription-\$47.00; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$4,144.82; RR Donnelley-supplies-\$154.84; State of NE-network charges-\$742.83; State of NE-network charges-\$213.75; Terminex-service-\$96.16; Tiger Town-prisoner food-\$568.54; Town & Country Ins-bonds-\$40.00; Payroll-\$63,453.52.

COUNTY HIGHWAY FUND: AKRS-repair parts-\$220.51; ASTECH Corp-Payment 1(final) for the Bloomfield Rd Repairs 2023-\$129,168.48; Bazile Aggregate Co LLC-gravel-\$1,751.83; Big John Mfg-repairs-\$27.83; Black Hills Energy-service-\$48.12; Bomgaars-supplies-\$60.45; Farmers Pride-diesel-\$4,358.18; GI Trailer-repair parts-\$207.04; JEO Consulting Group-engineering-\$30,445.00; Meisinger Oil Co-diesel-\$3,214.04; Midwest Bank-co share-\$2,502.94; NE Power-utilities-\$237.00; Pierce Automotive-repair parts-\$72.19; Pierce City-utilities-\$153.47; Plainview News-ads-\$48.00; Polt Bros Equipment-repair parts-\$447.33; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,105.66; Riverside Hydraulics Inc-repairs-\$799.00; Sapp Bros Inc-supplies-\$172.90; Wattier True Value-supplies-\$3.99; Payroll-\$32,717.81.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: Midwest Bank, NA-co share-\$123.61; Plainview News-ads-\$8.90; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$109.07; Payroll-\$1,615.83.

ARPA/COVID FUND: Electronic Engineering-statewide radio-\$6,098.28.

E911 FUND: AT & T-service-\$49.69; CenturyLink-service-\$61.23; Norfolk City-911 service-\$149.12.

E911 WIRELESS FUND: CenturyLink-service-\$142.87.

INHERITANCE FUND: WahlTek-phone recorders for Sheriff's Office-\$24,906.00.

There being no further business, Chairman Kuether adjourned the meeting at 9:45 A.M. and will meet again at a regular meeting on Monday, November 13, 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
