

COMMISSIONERS PROCEEDINGS
November 13, 2023

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, November 13, 2023, at 9:10 A.M. with the following members present: Brad Albers and Carl Martinson; Tom Kuether was absent. Co. Clerk Shannon Wragge, Co. Assessor Jean Lubke, EMS Bobbi Risor, Zoning Adm. Heather McWhorter, Co. Attorney Ted Lohrberg, Hwy Supt. Brian McDonald, Michelle Reikofski, Blaine Bockelman, Shauna Gossman, Josh Gossman, Keith Sunderman, Bonita Lederer, Brent Neice, Sheryl Prince, and News Reporter Randee Falter were present.

Motion by Martinson, seconded by Albers, to appoint Brad Albers as Chairman Pro Tem due to the absence of Chairman Tom Kuether. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

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 Pro Tem Albers called the meeting to order at 9:10 A.M. and presided. Chairman Pro Tem Albers 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 Martinson, seconded by Albers, to approve the agenda. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

The minutes of October 30, 2023 were approved as printed.

Bobbi Risor, EM with Region 11, was present to explain to the Board the 2025 Lower Elkhorn NRD Hazard Mitigation Plan.

The legal was read for the 9:15 a.m. opening of sealed bids for the construction of Breslau North & Pierce North-JEO Project #221895 and #230074. The bids were opened in the presence of all present. The following two bids were received: (1) Vogtscapes, Bennet, NE, at a total cost of \$506,245.00 with a start date of March 2024 and (1) A & R Construction Co, Plainview, NE, at a total cost of \$467,581.53 with a start date of August 10, 2024.

Motion by Albers, seconded by Martinson, to approve and accept the bid from A & R Construction Co, Plainview, NE, at a total cost of \$467,581.53 with a start date of August 10, 2024, pending the review of the numbers by Hwy Supt. McDonald. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Brent Niece with Summit Carbon Solutions was present to give the Board an update of the carbon pipeline coming into Pierce County.

Motion by Albers, seconded by Martinson, to recommend approval to the NE Liquor Control Commission for the request of 2 special designated liquor licenses for Pierce American Legion for events at the Pierce County Fairgrounds Pavilion on Saturday, December 9, 2023 from 4:00 p.m. to 1:00 a.m. and on Saturday, December 16, 2023 from 4:00 p.m. to 1:00 a.m. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve the undercrossing application for Raymond Duerst for the under crossing of a county road, with a 2" electric line approximately 1,607' south of 858 Rd and undercrossing 541 Ave in pt of the SW ¼ Section 5, Township 26 North, Range 3 West, Pierce County, NE. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve the undercrossing application for Scott Clark for the under crossing of a county road, with a 2.5" electric line approximately 1,200' south of 854 Rd and undercrossing 540 Ave in pt of the NE ¼ Section 25, Township 26 North, Range 4 West, Pierce County, NE. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve and authorize Chairman to sign Change Order #1 (increase of \$636.05), Pay Application #1 for \$29,934. for the Pierce Southwest 2023-JEO Projects #211418 with Theisen Construction Inc., Norfolk, NE. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve and authorize Chairman to sign Pay Application #5 for \$11,637.50 for the Osmond South-JEO Projects #211903 with Dixon Construction Co. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to approve the Lorenz's Lot Split in pt of the NW ¼ NW ¼ Section 26, Township 28 North, Range 1 West, Pierce County, NE. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

The legal was read for the 9:30 a.m. public hearing to receive public comments concerning the application for Josh Gossman to operate a medium hog operation on property located in pt of the E ½ SW ¼ 10-25-1.

Chairman Pro Tem Albers opened the 9:30 a.m. public hearing at 9:32 a.m. Zoning Adm. Heather McWhorter, Josh Gossman and Shauna Gossman 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 against the application. Chairman Pro Tem Albers closed the hearing at 9:35 a.m.

Motion by Albers, seconded by Martinson, to approve Resolution #2023-30 as follows:

RESOLUTION # 2023 - 30

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, the Pierce County Planning Commission and the Pierce County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision the Pierce County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

WHEREAS, the Pierce County Planning Commission and the Pierce County Board of Commissioners have established the following Statement of Finding of Facts for the Conditional Use Permit application of Aaron Stech:

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. Located in the A-1 Ag Intensive district.
4. Waiver has been provided for the home that is inside the ¼ mile setback.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Josh Gossman to operate a medium hog operation of up to 1350 swine under Section 402, Subsection B, Part 29, "A-1" Primary Agricultural District, Pierce County Zoning and Subdivision Resolution, on the following described land:

E ½ SW ¼ minus a 5-acre tract located in Section 10, Township 25 North, Range 1 West of the 6th P.M., Pierce County, Nebraska. (see attached)

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Pierce County Zoning and Subdivision regulations:

1. This is a Medium Livestock Feeding Operation Conditional Use Permit for an operation of up to 1,350 swine.
2. All manure shall be applied on property as shown on the manure management plan developed by the applicant in accordance with Nebraska Title 130.
3. This conditional use permit shall be for a period of twenty 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 and shall be constructed to meet both groups.
4. This conditional use permit shall become invalid if the application with Nebraska Department of Environment & Energy is not approved within one year of adoption of this resolution.
5. The permit may be transferred to a new owner, provided the Zoning Administrator is notified at least 30 days prior to closing.
6. A zoning permit must be obtained before beginning construction on any buildings.

NOW, THEREFORE, BE IT FUTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on 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 13th day of November, 2023.

PIERCE COUNTY BOARD OF COMMISSIONERS

/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: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

A call was placed to Briana Duerst with the City of Norfolk to discuss the NE Solid Waste Coalition request to join by haulers. No decision was made.

Discussion held on 2024 holidays, meeting dates, pay claim dates.

Motion by Albers, seconded by Martinson, to approve the holidays, meeting dates and pay claim dates for 2024 as presented by the County Clerk. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

County Attorney Ted Lohrberg explained to Board about the Memorandum of Understanding between Pierce and Madison County.

Motion by Martinson, seconded by Albers, to Authorize Chairman to sign the Memorandum of Understanding between Pierce and Madison Counties stating that Madison County Attorney will be the lead county for the NE Crime Commission. Roll call vote: Aye: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve the fee reports as submitted by Co. Sheriff Rick Eberhardt for September 2023; Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for October 2023; approve Treasurer's receipt's for various funds for Christine Bahr, County Treasurer, for October 2023 and placed on file in the County Clerk's office, total \$466,345.44 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: Albers and Martinson; Kuether absent. Nay: None. Motion carried.

GENERAL FUND: Mark Albin-court appointed costs-\$3,583.83; Antelope County Sheriff-prisoner boarding-\$1,560.00; Applied Connective Technologies-IT service-\$3,647.62; Black Hills Energy-utilities-\$61.03; Bob Barker Co-supplies-\$141.80; Cintas-supplies-\$64.76; Classic Rentals-service-\$239.79; Crowne Plaza Kearney-lodging-\$243.90; Egley, Fullner, Montag, Morland & Easland PC-court pointed costs-\$2,284.20; Elite Office Products-supplies-\$136.14; FP Finance Program-meter rent-\$154.09; Gutter Monkeys-service-\$239.00; Kayla Hoffmann-mileage-\$78.60; Kim Huwaldt-mileage-\$28.34; Jack's Uniforms-supplies-\$507.58; Johnson's Inc-repairs-\$198.20; Nan Kment-mileage-\$33.58; BJ Koeppe-mileage-\$21.79; Brittany Kolterman-reimb. registration-\$165.00; Mary Beth Kruger-mileage-\$20.48; LexisNexis-software support-\$177.00; Lorenz Automotive-supplies-\$67.95; Madison Co Sheriff-prisoner boarding-\$1,600.00; Magdanz-supplies-\$961.93; Microfilm Imaging Systems-scanning services-\$46.00; Midwest Bank-co share-\$4,608.13; MIPS-IT service, website-\$2,762.44; NACO-2023 2nd ½ dues & registration-\$2,125.91; Natl Assoc. of Co. Vets Service Officers-dues-\$50.00; NE NE News-ads-\$408.37; NE Sheriff;s Assoc.-dues-\$320.00; Pierce Auto Repair LLC-repairs-\$128.50; Pierce Co Court-court costs-\$66.00; Pierce Telephone-service-\$1,835.45; Prime Stop-gas-\$271.89; Vickie Prince-mileage-\$78.60; Quill-supplies-\$171.98; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$3,982.05; Stratton, DeLay, Doele, Carlson, Buettner & Stover-court appointed costs-\$2,434.73; Tiger Town-prisoner food-\$428.98; Tom's Service-gas & diesel-\$1,997.09; Verizon-service-\$425.84; Western Oil LLC-gas-\$339.07; Whitey's Sprinklers-repairs-\$125.00; Lori Wragge-mileage-\$11.31; Payroll-\$61,939.61.

COUNTY HIGHWAY FUND: AKRS-supplies-\$1.20; Altwine Hardware & Home LLC-supplies-\$16.76; Appeara-uniforms-\$98.12; Backus Sand & Gravel-gravel-\$45,561.57; Bazile Aggregate-gravel-\$12,330.60; Carlson Home & Auto-propane-\$90.00; Chad's Tire Service-tires repairs-\$116.50; Classic Rentals-service-\$238.16; Colonial Research-supplies-\$399.12; Farmer's Pride-diesel-\$757.07; Fastwyre-telephone-\$111.62; Filtercare of NE-services-\$42.40; Hoffart Machine-repairs-\$35.70; Kayton International-supplies-\$1,036.46; Leiting Auto Supply-repair parts-\$369.03; Lorenz Automotive-repair parts-\$333.37; Magdanz-supplies-\$42.96; Matheson Tri-Gas-supplies-\$85.42; McLean Village-utilities-\$74.70; Meisinger Oil Co-diesel-\$6,760.26; Midwest Bank, NA-co share-\$2,474.04; Mitch's Food Center-supplies-\$29.35; NMC Cat-repair parts-\$1,214.94; North Central Public Power-utilities-\$173.98; Osmond Farm Supply-diesel-\$4,019.40; Paul's Welding-repairs-\$18.35; Pierce Telephone-service-\$179.56; Pierce City-crushed concrete-\$24,570.00; Plainview Auto Supply-supplies-\$14.79; Plainview Telephone-service-\$97.45; Plainview City-utilities-\$85.90; Randolph Farm Supply-gas & diesel-\$4,118.30; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,140.18; Rollin Coal Trucking LLC-freight-\$1,031.87; Sapp Brothers-oil-\$256.50; Steinkraus Service-gas & tires-\$802.55; Tom's Service-gas & diesel-\$1,706.41; West Hodson Lumber-supplies-\$15.49; Western Oil-gas-\$164.13; Payroll-\$33,454.13.

REGISTER OF DEEDS FUND: MIPS-IT service-\$349.12.

PIERCE COUNTY ECONOMIC DEVELOPMENT FUND: Midwest Bank, NA-co share-\$112.13; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$109.07; Payroll-\$1,615.83.

ARPA/COVID FUND: Motorola Solutions Inc-statewide radio-\$358.50.

E911 FUND: OPTK Networks-service-\$529.40.

E911 WIRELESS FUND: City of Norfolk-E11 service-\$149.12; Pierce Telephone-service-\$261.69; Plainview Telephone-service-\$151.00.

ROAD/BRIDGE BUYBACK FUND: Dixon Construction Co-Pay Application #5 for Osmond South JEO Project 211903-\$11,537.50.

BOND FUND: BOK Financial-bond interest payment-\$5,221.25; Theisen Construction Inc-Pay Application #5 for Pierce Southwest JEO Project 211418-\$29,934.93.

There being no further business, Chairman Pro Tem Brad Albers adjourned the meeting at 9:50 A.M. and will meet at a regular meeting on Monday, November 27, 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/ Chairman Pro Tem Brad Albers
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
