

COMMISSIONERS PROCEEDINGS

July 8, 2024

The Pierce County Board of Commissioners met pursuant to adjournment on Monday, July 8, 2024, at 9:10 A.M. with the following members present: Tom Kuether, Brad Albers and Carl Martinson. Co. Assessor Jean Lubke, Co. Clerk Shannon Wragge, Co. Treasurer Christine Bahr, Co. Attorney Ted Lohrberg, Clerk of District Court Vickie Prince, Zoning Adm. Heather McWhorter, Hwy Supt. Brian McDonald, Anson Dockhorn, David Levy, Matthew Jones, Kelly Hodson, Bob Wehrer, Josh Sirek, Chad Anderson, Jeremy Tarr, Tom Meyer and News Reporter Randee 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 9:10 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 Martinson, seconded by Albers, to approve the agenda. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

The minutes of June 24, 2024 were approved as printed.

The legal was read for the 9:11 a.m. public hearing to receive public comments concerning the application for Anson Dockhorn to operate a medium hog finishing facility on property located in pt of the E ½ SW ¼ 32-28-1.

Chairman Kuether opened the 9:11 a.m. public hearing at 9:12 a.m. Zoning Adm. Heather McWhorter and Anson Dockhorn 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 9:13 a.m.

Motion by Albers, seconded by Martinson, to approve Resolution #2024-12 as follows:

RESOLUTION # 2024 - 12

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:

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. There are no homes inside the ¼ mile setback.
5. Permit is for up to 1,200 (480) H.E.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Pierce County, Nebraska, hereby grants a Conditional Use Permit to Anson Dockhorn to operate a medium hog operation of up to 1200 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 located in Section 32, Township 28 North, Range 1 West of the 6th P.M., Pierce County, Nebraska

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 1,200 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. The barns and manure application must be setback at least 150 from the county road right of way and manure application cannot occur within 1,320 feet from the cemetery located to the west of the property.
4. 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.
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 8<sup>th</sup> day of July 2024.

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, Board 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.

David Levy and Matthew Jones with Golden Rod Solar were present to present to the Board a Solar Decommissioning Agreement and Road Use Maintenance Agreement. No decision was made and item will be placed on the July 22, 2024 agenda at 9:11 a.m.

The Pierce County Economic Development (PCED) Board was present and presented an updated Interlocal Agreement to the Pierce County Board of Commissioners. PCED has created a nonprofit 501C6 as a local development corporation due to the withdraw of Pierce County from the current interlocal agreement as of June 30, 2024, which at that time PCED is no longer under the county budget authority as suggested by the state and county auditors. The PCED Board is asking for approval of an updated interlocal agreement which consists of \$90,000.00 per year (with an increase each year) in financial support from the County for 2 years beginning July 1, 2024, into said nonprofit, leased office space for \$1.00, ownership to all office furniture in the PCED office and all money in the PCED County Fund 2606 at the Pierce County Treasurer. The towns of Pierce, Plainview, Osmond and Hadar would contribute to this said nonprofit \$4.00 per resident (followed by an increase each year) for the fall 2024 and \$5.00 per resident for fall 2025. No decision was made and item will be placed on the July 22, 2024 agenda at 9:30 a.m.

Motion by Kuether, seconded by Martinson, to recommend approval to the NE Liquor Control Commission for the request for a special designated liquor license for the Pierce County Ag Society for the 2024 Pierce County Fair/beer garden and the dates of the events are July 24 thru July 28, 2024, from 8:00 a.m. to 1:00 a.m. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Discussion was held on the Koehler Bridge.

Co. Treasurer Christine Bahr was present and discussion held on the approval of the County Treasurer's Semi-Annual Statement and Uncollected Taxes Report.

Motion by Albers, seconded by Martinson, to approve the Pierce County Treasurer's Semi-Annual Statement and Uncollected Tax Statement as presented by the County Treasurer. 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 Resolution #2024-13 as follows:

RESOLUTION # 2024 - 13

WHEREAS, due to Sections 13-315 of the Nebraska Revised Statutes, the 2023-2024 Budget includes a transfer of funds from General to Pierce County Economic Development Fund, and

WHEREAS, the 2023-2024 County Budget was balanced by a fund transfer from the General Fund (0100) to the Pierce County Economic Development Fund (2606) for wages and benefits for the PCED Director,

NOW, THEREFORE BE IT RESOLVED, by the Pierce County Board of Commissioners that the Pierce County Clerk is directed to transfer the following funds thru the claim process as follows for wages and benefits for the PCED Director for the month of June 2024.

General Fund (0100)	\$4,676.91	to
Pierce County Economic Development Fund (2606)	<u>\$4,676.91</u>	
Total	\$4,676.91	

Dated this 8<sup>th</sup> day of July, 2024

PIERCE COUNTY BOARD OF COMMISSIONERS

/s/ Tom Kuether, Board 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 Martinson, seconded by Albers, to approve the application for Chris Unsel for the under crossing of a county road with a 1" water line approximately 750' east of 539 Ave and undercrossing 857 Rd between Sections 1/12, Township 26 North, Range 4 West, Pierce County, NE. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Albers, to authorize and approve Change Order #2 (increase of \$22,763.75 to adjust quantities and new items to as-built conditions) with a new total of \$227,245.95, Pay Application #2 (final) for \$64,558.75 and the Certificate of Substantial Completion for the Pierce West - JEO Project #240852 with Theisen Construction Inc. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to authorize and approve Pay Application #2 (final) for \$1,577.00 and the Certificate of Substantial Completion for the 2024 Paint Stripe - JEO Project #24090 with Traffic Solutions Inc. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Albers, seconded by Martinson, to approve the fee reports as submitted by Vickie Prince, Clerk of District Court and Shannon Wragge, County Clerk for June 2024; approve Treasurer's receipts for various funds for Christine Bahr, County Treasurer, for June 2024 and placed on file in the County Clerk's office, total

\$328,235.01 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, Atty-court appointed attorney-\$1,452.05; Antelope Co Sheriff-jail housing-\$440.00; Applied Connective Technologies-IT service-\$3,729.20; Joe Aschoff-mtg mileage-\$54.54; Bishop Business-supplies-\$61.68; Black Hills Energy-utilities-\$47.31; Ryan Brodersen-mtg mileage-\$70.45; Candlewood Suites Kearney-lodging-\$305.90; Carney Law-court appointed attorney-\$370.34; Cintas-supplies-\$83.65; Comfort Inn-lodging-\$359.85; Eagley,Fullner,Montage,Morland-court appointed attorney-\$200.48; Guy Ellsworth-mtg mileage-\$53.58; Ann Fenton-reimbursed supplies-\$192.51; Fitzgerald,Vetter,Temple-court appointed attorney-\$1,593.82; Dwaine Hoffman-mtg mileage-\$68.85; Gerry Krueger-mtg mileage-\$22.08; Bonita Lederer-mtg mileage-\$79.85; LexisNexis-law library-\$177.00; Madison Natl Life-insurance premiums-\$43.36; Magdanz-supplies-\$435.74; Microfilm Imaging Systems Inc-scanner rent-\$92.00; MidAmerica Admin & Retirement Solutions-HRA contribution for 1<sup>st</sup> qtr-\$16,600.00; Midwest Bank-co share-\$4,789.03; MIPS-hardware/software & website support-\$2,837.18; Moyer,Moyer,Lafleur-court appointed attorney-\$4,709.17; Tom Nathan-mtg mileage-\$79.14; NE NE News Company-ads-\$425.19; One Office Solution-supplies-\$175.85; Pierce Automotive Supply-repairs-\$93.99; Pierce Co. Court-court costs-\$367.00; Pierce Co Treasurer-transfer to PCED-\$4,676.91; Pierce District Court-court costs-\$73.00; Pierce Telephone Co Inc-services-\$1,840.47; Prime Stop-gas-\$200.40; Quill-office supplies-\$523.56; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$4,136.41; Sanne Repair-repairs-\$889.98; Larry Schaefer- mtg mileage- \$206.12; Schroeder Land Surveying-services-\$660.00; St of NE Adm Serv Central Financing-IT service-\$701.95; Terminix Processing Center-services-\$107.00; Tiger Town Food Center-prisoner food-\$221.24; Tom’s Service-gas/repairs-\$1,052.60; Weston Torson-reimburse equipment-\$138.03; Ryan Zimmerman-mtg mileage-\$46.68; Payroll-\$64,626.63.

**COUNTY HIGHWAY FUND:** AKRS Equipment Solutions-repair parts-\$12.85; Altwine Hardware & Home-supplies-\$5.69; Appeara-service-\$100.40; Bazile Aggregate-gravel-\$15,493.98; DD Steel-repairs-\$21.94; Farmers Pride-diesel-\$10,621.06; Filtercare of NE-repairs-\$145.70; Heartland Fire Protection-services-\$1,352.50; JEO Consulting Group Inc-engineering-\$34,096.06; Kayton International-repair parts-\$868.83; Kimball Midwest-supplies-\$536.83; Magdanz-supplies-\$179.99; Matheson Tri-Gas Inc-fuel-\$90.16; Meisinger Oil Co-fuel-\$4,986.03; Midwest Bank-co share-\$2,747.37; North Central PPD-service-\$200.68; Northeast Power-services-\$254.00; Osmond Farm Supply-diesel-\$2,428.80; Pierce Automotive Supply-repair parts-\$178.17; Pierce Telephone Co Inc-service-\$1,472.34; Plainview Auto Supply Inc-repair parts-\$58.32; Plainview Telephone-services-\$96.66; Plainview City-utilities-\$86.32; Retirement Plans Division of Ameritas Life Ins. Corp-co. share-\$2,351.11; Safety-Kleen Protective Serv.-supplies-\$302.50; Theisen Construction-bridge repair-\$64,558.75; Tom’s Service-gas-\$373.07; Traffic Solutions-road improvement-\$1,577.000; Truck Center Co-repair parts-\$88.75; True AG & Turf-supplies-\$413.06; Wattier True Value-supplies-\$84.11; West Hodson Lumber & Concrete Co.- crushed concrete-\$700.00; Payroll-\$37,195.84.

**REGISTER OF DEEDS FUND:** MIPS-tech support-\$351.12.

**PIERCE COUNTY ECONOMIC DEVELOPMENT FUND:** NE Nebraska News Company-publishing-\$7.00.

**E911 WIRELESS FUND:** Pierce Telephone Co Inc-service-\$341.15; Plainview Telephone-service-\$151.00.

Motion by Martinson, seconded by Kuether, to go into executive session regarding a possible litigation at 10:35 a.m. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Motion by Martinson, seconded by Kuether, to come out of executive session regarding a possible litigation at 11:05 a.m. Roll call vote: Aye: Kuether, Albers and Martinson. Nay: None. Motion carried.

Discussion was held on the PCED Interlocal Agreement, solar project and problem roads and bridges

There being no further business, Chairman Kuether adjourned the meeting at 11:16 A.M. and will meet at a regular meeting on Monday, July 22, 2024, 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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