

November 3, 2015
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, November 3, 2015 at 9:01 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Schindler, Bolling, Koinzan, Henery, Kerkman, Williby, and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's Office. Agenda for said meeting was sent to all members of the County Board of Supervisors.

Chairman Schwager signed 3 warrants for Antelope County. Chairman Schwager signed Weed Department Trailer Title to be sold on Big Iron. Supervisor Schwager authorized time on John Hruby time claim as Funeral Leave. Auditor's letter discussed. Handed out Dental ID cards for Greg Koinzan and Jerald Schwager. Chairman Schwager signed Thiessen Construction Agreement (x 3).

Larry Bartee, Elkhorn Valley Real Estate Broker, met with the Supervisors regarding auctioning of the Old Jail, Old Museum and the land surrounding these buildings. He recommends an absolute auction; he would advertise on his website which typically gets 20-30 hits a day, advertise locally, and usually uses the Neligh News and Leader for printing, cost of advertising would be on the county and he guesimates it running \$600.00-800.00. His fee is 6% or \$1000.00 minimum. He recommended holding the auction before the end of the year, and would allow a possible (3) weeks for advertising. Discussion held regarding a date for auction. The discussion of a Friday auction was agreed upon. Mr. Bartee suggested the first week or two in December. Auction will be held in the Supervisors Meeting Room, Antelope County Courthouse Annex. He would like to be able to show it before hand, and have it opened that morning. Property will be sold "As Is." As an absolute auction buyer would assume all risk and responsibility of property. At no time will the Log Cabin be for sale. It is the property of the Historical Society and they will move it off of property.

Supervisor Bolling asked about another parcel of ground the County owns in Frenchtown Township. This property is an approximately seven (7) acre parcel surrounded by ground currently owned by Omar Hoffman. The ground has a small lake and might be ideal for a hunting/recreational campground. Supervisors agreed it might be beneficial to have Elkhorn Valley Real Estate Auction both properties at the same "Auction." County Assessor, Kelly Mueller investigated the property through her office. Discussion led to the legality of this type of sale of real estate owned by the county. Supervisor Schwager left the meeting at 9:10 AM to discuss issue with County Attorney, Joe Abler. He would ask if Mr. Abler could attend the meeting and advise the board as to what, how property should/could be sold. Supervisor Schwager returned at 9:12 AM, and reported County Attorney, Joe Abler would be joining the meeting in a short while.

Discussion led to a small track north of Tilden also owned by the County. As discussion progressed it was decided the property in question was Antelope County Property on Madison County side of the road, and the property is currently owned by Antelope and Madison Counties jointly. No further discussion on the property north of Tilden.

County Attorney Joe Abler joined the meeting at approximately 9:24 AM. He advised the board to make sure they had a clear title to and a good and complete legal if they were going to sell property. He had no suggestions on how to sell property. County Attorney Abler did advise the board to have the County Clerk advertise for three (3) consecutive weeks the Counties intention to sell the property at public auction, and notify the public of time and place. Motion was made by Supervisor Koinzan, seconded by Supervisor Williby to hire Elkhorn Valley Real Estate to Auction off both the Old Jail/Museum site and buildings and the 9.98 Acres in Frenchtown Township. To have the County Clerk publicize the intention notice, and to hold such auction on Friday, December 11, 2015 at 10:00 AM, in the meeting room of the Antelope County Courthouse Annex. Voting aye: Koinzan, Kerkman, Williby, Henery, Schindler, Bolling and Schwager. Nays none. Motion carried. Supervisor Schwager signed the agreement papers set forth by Larry Bartee, of Elkhorn Valley Real Estate.

Grant Township: John "Dave" Wilcox of Grant Township (there were approximately 10 Grant Township Land owners also in attendance) met with the Supervisors regarding current road conditions in Grant Townships. Currently, these roads are part of the Road Agreement with Invenergy. The roads currently have 4-5 inches of Red Rock Gravel, (which is like a clay mixture) on them, and are in good condition when all is dry. However, if a little moisture gets on these roads, they become a slick, slimy mess. They are impossible to pass during wet times. They have tried to maintain the area however; if it gets wet at all problems start to occur. They are happy at this point (at it has been dry), however as winter approaches, and the wet days of rain, snow, and thawing this spring if this will create an impossible situation. They do not want to find themselves in a jam. Currently, the roads in question are under the Road Agreement with Prairie Breeze. Supervisors discussed the problems and options at hand. Supervisors discussed a way to help the situation, and if it was possible for Antelope County to assist with maintaining, gravel, etc. It was discussed to contact Marlin Conry, Invenergy Road Supervisor to see if he could help or had a suggestion for the area. Supervisor Schwager suggested dropping 60 to 80 yards of gravel and packing it in to the red rock gravel, and Gravel from Lyle Hockenmeier's west for one (1) mile. The supervisors were in agreement to grade the road, put gravel on it and see if that holds up to any moisture.

Brian McDonald Met with the supervisors regarding Prairie Breeze Plan Changes. Mr. McDonald stated they wanted to update 528th Avenue, one mile east of cemetery; they wanted to update the road, and make it more driver worthy. They also proposed an upgrade to 524th Avenue two and a half (2½) miles east of Elgin, at approximately three-fourths (3/4) of a mile going north. The plan is to grade up the existing road and resurface and gravel the road. Discussion continued. The board acknowledged the "questions" Grant Township laid out and any other questions and problems that have arisen. Mostly, all of the concerns have been handled very timely and professionally. Supervisor Kerkman made a motion to accept both plan changes as explained by Highway Superintendent, Brian McDonald. Motion was seconded by Supervisor Henery. Voting aye: Kerkman, Henery, Koinzan, Williby, Schindler, Bolling and Schwager. Nays none. Motion passed. 528th Avenue to ¾ mile north of 839th Road and 528th Avenue to ¼ mile north of 841st Road.

Brian McDonald also presented the Road and Bridge Contracts Report. The report is Armor Coating of \$23,865.00 and Project No. C-2(312) Culvert NW of Tilden (Klabenes) \$201,805.78 and Project No C-2(372) Culvert South of Clearwater (Klabenes) \$ 88,780.60 and Millings and Paid Hauling \$126,845.67. Board of Public Roads Classifications and Standards. Discussion held. Motion was made by Williby, 2nd by Bolling to approve signing filing compiled by Brian McDonald. Voting aye: Bolling, Koinzan, Williby, Kerkman, Schindler, Henery, and Schwager. Nays none. Motion carried.

Orchard Law Enforcement Contract was discussed. This summer the Antelope County Supervisors approved a \$50.00 to \$100.00 monthly increase to the town/village Law Enforcement Contracts. Recently, the Village of Orchard denied the increase and returned the contract with a decrease of \$42.00. Discussion held. Orchard has had a tight budget year, and the slight increase of the contract cost was an increase they did not want to endure. As such, the Village of Orchard approved the contract at \$1000.00 a month. Sheriff Moore expressed to the board the Village of Orchard did not want to sign the agreement to have Antelope County provide services. He stated the agreements with Elgin, Clearwater and Oakdale have been signed and are on file. After discussion it was decided Sheriff Moore would talk with the Village of Orchard again and ask them to sign the current contract at \$1092.00. The contract has been at \$1042.00 for four (4) years. If the Village does not agree to the increase, the county may not provide service to the community at which time it is up to the community to make arrangements for their own law enforcement coverage. Motion was made by Koinzan, seconded by Bolling to leave the contract fee at \$1092.00. Voting aye: Koinzan, Bolling, Henery, Williby, Schindler, Kerkman and Schwager. Nays none. Motion carried.

Interviewed David Henery, Casey Dittrich and Monte Shabram for Road Boss position. The fourth candidate, Marty Widger, was ill and it was determined by the Supervisors to interview him on Tuesday, November 10, 2015 during the Supervisor Meeting.

10:15 to 10:18 Jerry left room to talk to take phone call.

11:04 to 11:06 Eddie left room.

Bob Snodgrass asked to have his Motor Grader Bid discussion moved to next Tuesday, November 10, 2015.

Correspondence was reviewed and put on file: Ford Spark Plug Settlement Recall (no action); NDOR Past Due Bridge Inspection; Antelope County Historical Society Grand Opening and 50th Anniversary Celebration on Saturday, November 7th, 2015 1-5 PM; Nebraska Public Service Commission (TransCanada Keystone Pipeline, LP Notice of application; Letter from UNL Extension Educator, Libby Slack; Big Iron Settlement (\$1,586.64); Commissary Account Summary; Source Gas Pipeline Safety Flyer; Thank you letter from Deb Fischer, United States Senator regarding mobile office hours; Lodging reservations for NACO December convention; NUCOR letter regarding safety walk through; Nebraska Regional Interoperability Network seminar on November 18, 2015; State Auditor Letter stating they will be doing audit, and audit procedures, responsibilities, and reporting; NIRMA Safety Shorts; Elgin Volunteer Fire Department request for donations; Step Wisely Flyer; NACO letter with the Audit Report from Dana Cole & Co regarding NACO audit.

NDOR Past Due Bridge Inspections listed the bridge at 1st and D Streets in Neligh. Discussion held whether bridge was Antelope County or City of Neligh Bridge. Discussion held something about running water bridges have to remain the County responsibility. Questions then arose about the Old Mill Bridge. Decision was made to double check with Brian McDonald, Highway Superintendent.

For the election of NACO officers during the NACO convention in December, the board has to confirm the appointment of who is appointed and will be casting the vote for Antelope County. Discussion held regarding attendees. Supervisor Kerkman said he will be attending. Motion by Williby, seconded by Henery to appoint Jerry Schwager as Board Chairman, and Supervisor LeRoy Kerman as an alternate to cast the vote for Antelope County. Voting aye: Williby, Henery, Bolling, Koinzan, Kerkman, Schindler and Bolling. Nays none. Motion passed.

Clerk Payne asked the Supervisors about rooms for the Annual NACO convention in Kearney, December 9-10-11, 2015. Currently, we have 12 rooms reserved and all rooms have to have a name on them by November 10, 2015. Supervisor Kerkman plans on attending all three days and will commit to a room Wednesday and Thursday nights. Supervisor Schwager plans to attend, but required no room assignments at this time. No other supervisors requested a room.

11:15 AM Board of Equalization

The Antelope County Board of Supervisors convened as a Board of Equalization on Tuesday, November 3, 2015 at 11:15 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Schindler, Bolling, Koinzan, Henery, Kerkman, Williby, and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

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County Assessor, Kelly Mueller. County Treasurer, Deb Branstiter. And County Attorney, Joe Abler were in attendance.

6 Tax List Corrections were reviewed and approved:

#1	Greg Koinzan	Parcel # 991623 – 2014 Personal Property never filed. Penalty and Interest.
		Previous Value \$0 Previous Taxes \$0
		Current Value \$22,405 Current Taxes \$324.82
#2	Greg Koinzan	Parcel # 991623 – 2013 Personal Property never filed. Penalty and Interest.
		Previous Value \$ 0 Previous Taxes \$ 0
		Current Value \$ 9610.00 Current Taxes \$ 165.42
#3	Anthony Kern	Parcel # 991319 – 2014 Personal Property.
		Previous Value \$2456.00 Previous Taxes \$53.46
		Current Value \$0 Current Taxes \$0
#4	Joseph and Maria Cooper	Parcel # 8537 – TY 2015 IO LL was missing an ATR – they owned in 2012
		Previous Value \$ 0 Previous Taxes \$ 0
		Current Value \$ 11025.00 Current Taxes \$ 156.96
#5	Jarrell Knievel	Parcel # 991681 – 2014 Personal Property never filed. Penalty and Interest.
		Previous Value \$0 Previous Taxes \$0
		Current Value \$81,894.00 Current Taxes \$2230.04
#6	Jarrell Knievel	Parcel # 991681 – 2013 Personal Property never filed. Penalty and Interest.
		Previous Value \$ 0 Previous Taxes \$ 0
		Current Value \$ 78,559.00 Current Taxes \$ 2357.68

Motion was made by Supervisor Henery, Seconded by Supervisor Kerkman to accept all tax list corrections as presented by County Assessor, Kelly Mueller. Voting Aye: Supervisors Henery, Kerkman, Williby, Bolling, Schindler and Schwager. Koinzan abstained. Nays none. Motion carried.

County Treasurer, Deb Branstiter, presented 22 Distress Warrants for delinquent personal property and mobile homes were issued for a total of \$7,656.65 as of October 28, 2015. They were delivered to the Sheriff on October 30, 2015. Discussion held as to procedures at this time. Motion was made by Supervisor Koinzan, seconded by Supervisor Williby to instruct county attorney to proceed with a letter to foreclose on the properties. A letter informing the delinquent taxes must be paid by December 31, 2015, and to place back on the agenda for January 5, 2015 to follow up. Voting aye: Koinzan, Kerkman, Henery, Williby, Schindler, Bolling and Schwager. Nays none. Motion carried.

11:37 AM Motion by Henery, seconded by Williby to go out of Board of Equalization. Voting aye: Kerkman, Williby, Kerkman, Henery, Schindler, Bolling and Schwager. Nays none. Motion carried.

11:37 AM Supervisor and Chairman Schwager announced Board of Supervisors was back in regular session.

Neligh Young Men's Club requested funds from the Improvement Fund to use toward purchase of a newer hearse to use as a promotional tool during their multiple events. Discussion held. The Improvement Committee had denied this claim. On the advisement of the Improvement Board, Supervisor Henery made a motion, seconded by Supervisor Kerkman, to go with the recommendation of the Improvement Fund Board and deny the claim. Voting aye: Henery, Kerkman, Koinzan, Williby, Bolling and Schwager. Schindler casted a no vote. Motion carried.

Clerk Payne asked the Supervisors to be good stewards of Antelope County moneys. She referred back to the John Prouty bill approved during the October 13, 2015 Supervisors Meeting when the board approved a \$37,505.00 claim for John Prouty Construction which did not have supporting documentation. Since that time, she had obtained various dates of service and a breakdown of hours. And the claim currently has sufficient breakdown documentation. Supervisor Schwager stated he has all of the documentation (i.e. load counts) at his barn to support the claim. Discussion continued. Supervisor Koinzan asked that all documentation be returned to the Clerk's office so documentation can be with, verified and maintained in the clerk's office. Supervisor Koinzan again reiterated the importance of keeping this documentation with the claims. He wants to insure claims are not approved until all documentation is in the hands of the Accounts Payable team members. Discussion continued. With the majority of Supervisors agreeing the documentation should and must remain with the claim. It was stated the County needs to purchase their own equipment. Supervisor Koinzan, said this is not a matter of buying our own equipment, it is about being responsible to Antelope County Tax Payers. All loads of anything going in and out of a barn or work site should have a ticket by barn, by vendor, etc.

11:57 AM Supervisor Bolling left the meeting.

Motion by Kerkman, seconded by Schindler to approve the application for permit submitted by Charles Meis/CP Meis Farms to place a permanent electric line beneath 849th Road in Antelope County, Nebraska, CP Meis Farms – owner, Dan Zwingman – contractor. Electric lines will be used for irrigation well. All work to be done according to State and County specs. Those voting aye: Kerkman, Schindler, Henery, Williby, Koinzan, and Schwager. Nays none. Bolling absent. Motion carried.

Motion by Kerkman, seconded by Schindler to approve the application for permit submitted by Bolling Farms Inc/Gary Bolling to place a permanent electric line beneath 845th Road in Antelope County, Nebraska. Bolling Farms – owner, Two River Irrigation – contractor. Electric lines will be used for irrigation well and pivot. All work to be done according to State and County specs. Those voting aye: Kerkman, Schindler, Henery, Williby, Koinzan, and Schwager. Nays none. Bolling absent. Motion carried.

Motion was made by Kerkman, seconded by Schindler to approve the application for permit submitted by Charlie Allemang/Allemang's Inc. to place a permanent electric line beneath 849th Road in Antelope County, Nebraska. Allemang's Inc. – owner, Anson Electric – contractor. Electric lines will be used for irrigation well. All work to be done according to State and County specs. Those voting aye: Kerkman, Schindler, Henery, Williby, Koinzan, and Schwager. Nays none. Bolling absent. Motion carried.

Discussed township billings. Crawford Township \$20,880.82; Elgin Township \$5,832.02; Oakdale Township \$5,911.88; Burnett Township \$2,100.00; Bazile Township \$12,240.26. Clerk Payne brought this to the attention of the Supervisor for Information only. No Action

Miscellaneous receipts. The following is a list of receipts received or generated through the clerk's office: NIRMA dividend check \$15,360.00; Big Iron Settlement \$1586.64; Sonya Glup overpayment on claim \$20.00; Crownell & Pepin PC payment for copies attorney \$14.83; Stewart Title (Colorado) (payment for records on disc \$500.00, copies \$110.75 and plat book \$15.00 - \$625.75 Total; and two (2) Transfers of Funds \$650,000.00 out of general to road and bridge, and \$20,000.00 out of general to law enforcement bond and \$400,000.00 from general to road and bridge.

DEQ letter and booklet regarding NAMTROW regarding received application (gave all to Zoning Administrator).

DEQ letter and miscellaneous from O&W Dairy expansion was reviewed and given to Zoning Administrator.

Motor Fuels. Clerk Payne informed the board she had not timely filed the Motor Fuels payment, the county received a penalty of \$308.00 and a \$4.00 late filing fee. After talking to the local liaison for the Department of Revenue, the clerk will file an abatement request with the Department of Revenue.

Shared a letter, from the NEOC, regarding the suit filed against Antelope County Assessor, Kelly Mueller. Diane Borer, filer amending the original filing by including age discrimination in her suit. No action.

In the October meeting the appointment to the Northeast Nebraska RC & D Council was discussed. At the time it was discussed to appoint Ms. Alexandra McClanahan-Shively was discussed, however, no motion was made. Motion was made by Supervisor Henery, seconded by Supervisor Williby to appoint Alexandra McClanahan-Shively to Northeast Nebraska Resource and Conservation & Development Council. Voting aye: Koinzan, Kerkman, Williby, Schindler, Henery, Bolling and Schwager. Nays none motion carried.

Sheriffs October 2015 Fee Report was reviewed and put on file.

Sheriffs September 2015 Fee Report was reviewed and put on file.

Commissary Account Summary (July-October) was reviewed and put on file.

Ray Ahrens, Antelope County Historical Society member met with the board. He inquired about the jail site and the log cabin on site. The intentions of the Board are to sell the property, and they will need to move the Log Cabin at their earliest convenience. Ray indicated Rutjens Construction was helping them move the Log Cabin to the Historical Societies property just south of their. Mr. Ahrens stated they would work on having the log cabin moved in a reasonable amount of time. He will keep us informed.

Supervisor Henery left meeting at 12:15 PM.

Motion by Supervisor Kerkman, seconded by Supervisor Schindler to adjourn meeting. Voting aye: Kerkman, Williby, Schindler, Koinzan, and Schwager.

Meeting adjourned at 12:20 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne