

August 4, 2015  
Antelope County Board  
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, August 4, 2015 at 9:00 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: Kerkman, Schindler, Koinzan, Henery, Schwager, Williby and Bolling. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' Meeting 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.

Short discussion on ownership of the area in front of the Grand Stand, in Riverside Park, at County Fair. Discussion was if the county owned the area. It was discussed that the County helped with some dirt work in conjunction with the fair board. However, Supervisors believe ownership relied with the City Park. Clerk will check on ownership.

Copy of the 2014-2015 budgets were passed out, for supervisors to work on their perspective budgets for the 2015-2016 fiscal year. These are due to the County Clerk on August 11, 2015.

Correspondence was reviewed: JEO Golf Outing; 2 NMC Fluid Analysis Test, City of Neligh Public Hearing Notice, NDOR Past Due Bridge Inspection, NIRMA Safety Shorts; Nebraska Jail Standards Adult Facility Inspection Report; DEQ JSMM Farms LLC, A-133 Audit base for Road Projects from State of Nebraska; TIF Reports from assessor, regarding The Willows in Neligh and Prairie View Assisted Living, LLC in Tilden; Blue Cross Blue Shield CHI Healthcare Joint Letter; Probation District 7 State of Nebraska Report;

Vendor claim submitted by employee John Hruby was discussed. Mr. Hruby was contracted to do some welding work for the county and had submitted a claim for this work. In the past, such claims had been discussed. The county clerk was looking for direction from the Supervisors as to how to pay claims, via vendor or through employee payroll. The vendor claim would not be generated with appropriate income tax assessed if not processed with the county payroll claims. The vendor claim will have to be approved to pay with payroll claims this month. Discussion ensued, it was determined to table the payment until further investigation by the board and county attorney, and contact with Pam Bourne, NIRMA lawyer.

District 5 submitted a claim from Wynn Auto Body and Mini Storage for payment. The claim, for a 20 foot tilt trailer purchased, had three (3) like bids attached. Was clarifying if we were to pay claim. The board discussed and claim will be submitted for payment with claims next week.

Clerk Payne shared copies of TIF paperwork for the Assisted Living Facilities in Neligh and Tilden, they were presented to the clerk by Kelly Mueller, Antelope County Assessor. This was a FYI item only.

Correspondence from Ameritas indicated individual dental rates will increase the first of October. Discussion held. Antelope County was interested in returning to Blue Cross Blue Shield of Nebraska Dental in January of 2016. Lisa Payne, clerk will check with Leslie Preston, NACO in regards to actions needing to happen. No further action at this time.

Motion was made by Henery, seconded by Williby to approve the minutes of the June 2<sup>nd</sup>, 2015, June 9<sup>th</sup>, 2015; June 23<sup>rd</sup>, 2015; July 7<sup>th</sup>, 2015; and July 14<sup>th</sup>, 2015 as submitted. Voting aye: Henery, Williby, Schindler, Kerkman, Koinzan, Bolling and Schwager. Nays none. Motion carried.

The agreements for the Antelope County Libraries were tabled until the budget discussion on August 18<sup>th</sup>, 2015.

June commissary account was reviewed by supervisors and put on file.

August 4, 2015 (Continued)  
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Job description for Road Supervisor was discussed. Currently, the description was reviewed, and approved as: "Road Boss will supervise employees in the construction and maintenance of the county's roads and bridges. Approve leave and overtime requests, take disciplinary action on said employees when required, make decisions on road and bridge maintenance and construction practices. Operate heavy equipment in performing a variety of skilled and unskilled tasks in the construction, repair, or demolition of bridges, box culverts, and roads, perform routine maintenance and repair on assigned vehicles and equipment, perform tasks requiring manual labor or heavy lifting. Oversees and ensures all aspects of the road department's safety programs are enforced. On 24 hour call in case of emergency road, bridge or sign repairs and accident investigations. Manage all aspects of the road department's safety programs."

It was discussed to add this individual will work closely with Supervisors/Commissioners and other County Employees, and will attend and report at Supervisor/ Commissioner meeting. County attorney, Joe Abler will approve and publication will be made.

Clerk discussed she would be publishing the salaries in with minutes this week.

Notice  
SALARIES: July 2015

The following salaries are to be published each year between July 15 and August 15, according to Nebraska State Statute 23-122, revised by LB299 in 1996. Antelope County Employees are paid on a monthly payroll. The salaries vary in each department, due to job titles and the number of years of employment. The following are payroll figures:

**GENERAL FUND:** Supervisors (6) \$14,000.00; (1) \$15,008.00 – annual; Officials (4) \$47,964.20 – annual; Deputies (2) \$34,534.22 – annual; Clerical hourly – (1) \$14.00; (1) \$13.95; (1) \$12.85; (2) \$11.00; (1) \$10.70; (1) \$10.00; (2) \$9.50; (1) \$9.00; Janitor (1) \$12.35; Custodian (1) \$12.45; Sheriff (1) \$51,079.09 – annual; Deputies (1) \$33,858.00 ; (1) \$32,893.56 ; (1) \$30,267.00 ; (1) \$28,728.00; - annual; part-time Deputies (1) \$14.75; (5) \$13.00; - hourly; Dispatchers (1) \$13.40; (1) \$12.52; (3) \$11.50; (1) \$10.50; (5) \$10.00; Attorney (1) \$48,796.79 - annual; Veterans Service Officer (1) \$30,087.96 – part-time-annual; Zoning (1) \$12.60 – part-time – hourly; Diversion Officer (1) – part-time \$10.00 – hourly; Weed Board Members (5) \$40.00 per meeting; Weed Superintendent (1) \$39,302.88 ; - annual; part-time Sprayers (1) \$12.70; (1) \$11.39 – hourly.

**ROAD & BRIDGE FUND:** Road Workers (21) \$16.15 – hourly; part-time road workers (3) \$12.25 hourly; Highway Superintendent (1) \$1,200.00 – annual.

Mr. Judd Allen with NACO introduced himself as the NACO Marketing Representative. He had not met with the Supervisors, and wanted to touch base. He is a contact person if we should need any help or direction on employee, governing issues, account management and health insurance. No action.

Char Carpenter, Antelope County Planning and Zoning Administrator met with the board regarding fees for structures being built in the Flood Plains in the county. She said in recent months, and after attending the Flood Plan Convention in Kansas City this year. The trials and flaws of the person building in these areas become a liability for county. She would like to see a permit fee for building in a flood plain to be more solid and attention getting to alert the individual to think twice if they want to build in the flood plain. Discussion was held by supervisors. Mr. Koinzan discussed he likes to see growth in Antelope County and freedom for the land owner. Motion was made by Koinzan, seconded by Williby to keep the building permit even in the flood plain at \$25.00, as it is in other areas. Voting aye: Kerkman, Williby, Bolling, and Koinzan. Voting nay: Schindler, Henery, and Schwager. Motion passed.

9:36 AM Public Hearing Andrew Starman for the addition to a house in Neiwohner set-backs. Roll Call: Bolling, Koinzan, Henery, Kerkman, Williby, Schindler, Schwager, all present. Char read notice. **NOTICE OF PUBLIC HEARING ANTELOPE COUNTY BOARD OF SUPERVISORS** Notice is hereby given that the Antelope County Board of Supervisors will hold a public hearing to review a conditional use permit submitted by Andrew Starman, located on the SW ¼ of 10-23-7 for the purpose of constructing an addition to an existing house. The hearing will be held Tuesday, August 4, 2015 at 9:30 am at the Antelope County Courthouse in Neligh, Nebraska. The application may be examined in the office of the Antelope County Clerk during normal business hours at any time prior to the public hearing. All interested parties may offer oral comments at the public hearings and/or may file written comments with the Antelope County Board of Supervisors provided such written comments are received by the Board prior to close of business July 30, 2015. Written comments may be mailed to: Antelope County Board of Supervisors, POBox 26, 501 M Street, Neligh, NE 68756. Chairman Schwager asked for comments from applicant if he was present. Andrew Starman: Addition to an existing brick home on the property. We are adding to the south of it. Supervisor Schwager affirms "you are just adding to it?" Mr. Starman affirms, "yes, just adding to it." Char Carpenter states the reason he has to appear before the board is because he is in Niewohner setbacks. Supervisor Schwager comments he understands that. Supervisor Schwager asks if that is it? Mr. Starman confirms "yes." Supervisor Schwager thanks Mr. Starman. Supervisor Schwager asks the Board of Supervisors if there are any questions, or comments? No one responds. Supervisor Schwager opens the comments to the public at 9:39 AM. Supervisor Schwager asks for people in favor to testify, and then asks for anyone opposed to testify. None heard. Supervisor Schwager asks the applicant to clarify any issues that might have come up, evidently, he does not have to as there are no issues that he can see. Supervisor Schwager asked for any other testimony then asked supervisors for questions. Supervisor Henery asked how did the Planning Commission vote on this, and is there a Impact Easement in place on this permit. Char answers yes there is an impact easement on file, and the Planning Commission voted six to nothing in favor to approve with no conditions. Motion by Schindler, seconded by Kerkman to close public part of the Hearing. Voting aye: Schindler, Kerkman, Koinzan, Bolling, Henery, Williby, and Schwager. Nays none. Motion passed. 9:40 AM Motion was made by Kerkman, seconded by Bolling to approve the permit, based on recommendations of the Planning and Zoning Board. Voting aye: Schindler, Kerkman, Koinzan, Bolling, Henery, Williby, and Schwager. Nays none. Motion carried. Andrew Starman, Conditional Use Permit, Addition to house, SW¼ 10-23-7. **FINDINGS:** YES 1. That the Zoning district in which the proposed use is to be located is Zoned AG-G (General Agricultural District). YES 2. That the proposed use that is the subject of this application is not a permitted use in such zoning district. YES 3. That the applicant has filed an application for conditional use. YES 4. That said application has been reviewed by the Antelope County Planning Commission. YES 5. That the Antelope County Planning Commission has held a public hearing as required by the Zoning Regulations. YES 6. That the Antelope County Planning Commission has recommended that the conditional use permit be granted. (If applicable-subject to certain conditions set forth in the recommendation). YES 7. That on August 4, 2015, a public hearing was held before this Board. YES 8. That Notice of hearing was published at least 10 (ten) days prior to the hearing, said date of publication being July 22, 2015. Said publication was in the Elgin Review, Neligh News & Leader, Orchard News and the Clearwater Record. YES 9. That the exhibits and comments introduced at the Planning Commission public hearing(s) are hereby incorporated into this record. That opportunity for additional evidence, comments and arguments was made. YES 10. That the proposed use is a conditional use, reasonably compatible with surrounding land uses with regards to traffic generation, noise, odors, dust, vibrations, and potential air, soil or water pollution or explosion or other hazards. YES 11. That this Board has considered the property, size and location of the requested improvement, the use of the improvement, location of access to public roadways, adequate access to water and sewage supply, parking considerations, nearby residences and other non-agricultural uses within one (1) mile of the property in question, water surface drainage and any issues regarding wetlands, as required by Zoning Regulation section 1002. YES 12. That said conditional use permit is compatible with the Antelope County Comprehensive Plan. 9:44 AM Motion was made by Schindler, seconded by Bolling to adjourn as Board of Equalization. Voting aye: Kerkman, Schindler, Williby, Henery, Bolling, Koinzan and Schwager. Nays none. Motion carried.

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PCORI, Patient Centered Outcomes Research Trust Fund Fee. This is a fee assessed by the Federal Government to issuers of specified health policies and plan sponsors. All fully insured and self-funded group health and accident plans are subject to this. Blue Cross and Blue Shield handles through their policy. This fee is for the \$750.00 deductible buy back. The letter was presented during the July 14<sup>th</sup>, 2015 meeting. However, at the time it was not understood what this was in regards to. This fee is due by the end of July, and the clerk did not file timely enough to get a claim paid in July. She is requesting approval of the claim of 108.00 at this time to make an electronic funds payment to the IRS. Discussion held. Motion was made by Schindler, seconded by Koinzan to authorize the Clerk to pay claim. Voting aye: Williby, Schindler, Kerkman, Koinzan, Bolling, Henery, and Schwager. Nays none. Motion carried.

The following subdivisions submitted preliminary request to the county board by the August 1, 2015 deadline: Rural Fire Districts of Brunswick, Elgin, Neligh, Oakdale, Orchard, and Tilden; Townships: Bazile, Cedar, Oakdale, Custer, Ellsworth, Blaine, Verdigris, Elgin, Lincoln, Stanton, Crawford, Burnett, Neligh, Eden, and Logan. Motion by Henery, seconded by Schindler to not allow the fire districts and townships to fall within the county levying authority. Those voting aye: Williby, Henery, Kerkman, Schindler, Bolling and Schwager. Nays none. Koinzan abstained, understanding. Motion carried.

Discussion on keeping the levy for Antelope County Townships and Rural Fire Departments under the Counties allotted \$0.50 limit. In the past all Townships had to levy their on taxes, as the county did not allow them under their levy. Motion was made by Henery, seconded by Schindler to not allow the Townships and Rural Fire Districts under the county levy. Voting aye: Schindler, Kerkman, Henery, Williby, Bolling and Schwager. Nays none. Abstained: Koinzan for lack of understanding. Motion carried.

Berggren Architecture requested the Board to look at their bid. This bid, for Tuckpointing was submitted in March, and no action was taken. Mr. Berggren requested the board revisit this bid, to see if they wanted to proceed. Discussion by the board, to help answer question and to clear confusion the Board requested tabling discussion until Mr. Berggren was able to meet with them. It was requested to call and see if Mr. Berggren would meet with the Supervisors at the August 11<sup>th</sup>, 2015 meeting. No action.

Brian McDonald, Antelope County Road Superintendent met with the Supervisors regarding various projects in Antelope County. He reported he was letting a Bid for the Thiele Dairy Bridge next month. This is a 90 foot precast bridge. He is hoping for spring construction and completion if the bids go well. Discussed a possible May 1<sup>st</sup>, 2016 deadline. Supervisor Bolling asked about a show fly to keep flow of traffic during construction. Mr. McDonald indicated this would increase the cost of the project and the impact may not be for the best. Discussion was held with the Board on a number of bridges and roads in the County.

One area of concern is the bridge east of the Million Dollar corner. An option for this bridge is a box culvert at the cost of \$80,000.00 - \$100,000.00. Again, we would be looking at spring construction.

Supervisor Henery asked about a bridge Northeast of Neligh, on 844<sup>th</sup> Road, currently in the NPPD project road usage plan. Bridge culvert, dike. The bridge is approximately one mile north and one mile east of Copenhagen Road.

Supervisors Kerkman, and Koinzan asked about a bridge 3 miles east of Beckman Lumber in Elgin, on 838<sup>th</sup> Road, between Section 16 and 7 in Cedar Township.

Mr. McDonald indicated this should be a good time for bid letting as some of the Rail Road Contract work fell through and some of the big construction companies are looking for projects. And, as usual there are more culvert builders, than bridge builders.

James William, with Invenergy - Prairie Breeze met with the board in discussion of the current Road Agreement with Prairie Breeze. This agreement is currently with the Prairie Breeze II, they are looking to expand the two (Prairie Breeze II and Prairie Breeze III) phases and are hoping to continue with a single contract, and bonding. The bonding currently is with Prairie Breeze II, and the energy is being sold to separate entities. The current road agreement covers the roads encompassed in Prairie Breeze II construction. Mr. Williams is proposing to amend the contract with the stipulations that the road engineer for the Prairie Breeze II and Prairie Breeze III would remain in Marlin Conry scope of expertise. The current \$1,000,000.00 bond would not see any changes, as he did not feel it was necessary to enact another bond if the maintenance and contracting would not be changing. Discussion between the Supervisors, Highway Superintendent, Brian McDonald, Mr. Williams, Joe Abler, Antelope County Attorney and the public. Mr. Williams has been working with Antelope County Attorney, Joe Abler. At which time Mr. Abler asked if the supervisors would maybe table this discussion until next week. At which time, Char Carpenter, Antelope County Zoning Administrator, could verify all of the parcels listed in agreement. Mr. Abler asked the board to consider some of the name blame that was happening on the road agreement already including some of the work being done at a slow pace. Mr. Williams added there has been no concerns with the Conditional Use Permit, and no concerns on the Road Agreement so far, and the Bond is at \$1,000,000.00 seems sufficient. Discussion to table all discussion until Tuesday, August 11, 2015 meeting.

Discussion on time clocks. Supervisors Koinzan, Kerkman and Williby requested to have MIPS present to the Board next Tuesday. They would like to met with them in person. County Clerk will call and make arrangements.

Discussion on Hruby claim again. County Clerk Lisa and County Attorney Abler left meeting to contact Pam Bourne, NIRMA lawyer. No answer. Tabled John Hruby claim until Tuesday, August 11, 2015 meeting.

Discussion by Supervisor Henery in regards to end guns on irrigation shooting into roads. He has talked to the land owners, and was looking for suggestions from other Supervisors and the County Attorney. Discussion held regarding these issues and leafy spurge and the prosecution effectiveness and costs. No action at this time.

Supervisor Schwager shared a rebuilding quote from NMC Cat. No action.

Motion by Bolling, seconded by Williby to adjourn. Voting aye: Bolling, Kerkman, Schindler, Henery, Williby, Koinzan and Schwager. Nays none. Motion passed.

Meeting adjourned at 11:45 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of the Board, Jerald Schwager

Attest: \_\_\_\_\_  
County Clerk, Lisa Payne