

September 5, 2017
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 5, 2017 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Kerkman, with the following board members responding to roll call: Schindler, Jacob, Henery, Schwager, and Kerkman. Chairman Kerkman stated that the open meeting laws are posted on the east wall of the Commissioners' 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 Commissioners.

Pledge of Allegiance was recited.

Correspondence was reviewed: Roger Napton Conditional Use Permit from Zoning Administrator; NIRMA Safety Shorts; NDOR Past Due Bridge Inspection; Tobin Buchanan, Jail Bond Re-issue update – not at this time; Keystone XL Pipeline Response Dinner and Exercise; NIRMA Annual Membership Meeting and Luncheon & Dividend Distribution; NIRMA Nomination/Election of NIRMA Board Members; Reminder of the Northeast District Meeting in Columbus on September 15th, 2017.

Receipts: none.

Road Boss Report: Casey reported they started grinding on the eight-mile road west of Elgin. He believes if they rent the zipper from Rutjens, the south mile would not have to be ground. With the time/weather constraints. The road is nice and wide, and Casey thinks they can fix it. The second mile will be ground. And shoot oil next week, depending on the amount of gravel and material we have to add. We can still armor coat the south mile. The Armor Coaters should be here between the 12th and the 18th. Hopefully not push them off till the third week. There is approximately 1100 gallons in the patching machine. The road east of Neligh needs to be patched. The first roads patched will be the ones getting amour coated. We will do a little over 4 miles on the eight-mile road. The patching crew is up on the Copenhagen Road, there is about a two (2) mile stretch on the south end that. We will probably get most of that today. The road three (3) miles south going west – Invenergy Road there has been a report of a crack. LeRoy requested attention before moisture gets under it. Bridges opening bids next week for the Koinzan Bridge and Clearwater Bridge. Both of these are high travel harvest roads. Currently, these bridges are marked one lane to slow traffic.

NMC Customer Service: The new CAT machine in Brunswick is available for a service contract. They would pay for everything but the engine oil. They send the material and parts to us we do the oil changes, and will come out and do the 1,000 hour and 2,000 hour work and check the fluids, and entire machine. This contract runs \$6,258.00, which works out to be \$780.00 per service. The board requested a contract to be paid per service time, not a flat rate. Will place on agenda next week.

Vacation Schedule. Compensatory time is working very well. We have talked about getting the employees to use their vacation. However with the work schedule and the weather. The commissioners believe the employees should be forced to use the vacation. All vacation should be used by January 1, 2018. Any max or vacation time not used by January 1, 2018 will be lost. The anniversary date of accruing vacation will remain, and anniversary dates in January and February will be topping out within a month. All employees need to be aware of this. A letter will be enclosed in paychecks.

Discussion on weight limit on **Oakdale Cut Across Road.** Clerk will check to see if there is a resolution regarding tonnage on bridge. Discussion also centered around speed limit on that road. Brian McDonald believe the tonnage on the weight limit should have been a 90 Spring/Fall temporary resolution, and should not be permanently signed. As for the speed limit on the Oakdale cut across it is probably signed correctly. Brian will complete the sign study by Heath Snodgrass, 858th Road and 518th Avenue. **Bridge north of Royal** will be placed on next weeks agenda. Hopefully, we have some kind of insurance settlement.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. Ms. Doerr shared the review of the Roger Napton Conditional Use Permit. Mr. Napton seems to be cooperating with the permit. However, there are some issues. Additionally, with the proposed Zoning Regulations, this parcel will be considered a RCI – Rural Commercial/Industrial parcel. Meaning, no conditional use permit will be needed. The RCI is located along the highway corridor to allow for business growth/expansion. Liz is also noticing a few typing errors and discrepancies that will need to be updated on the Zoning Regulations.

*****Roger Napton Conditional Use Permit*****
Bar ZZ Ranch and Repair
8-29-17

Antelope County Zoning Administrator Report

The Conditional Use permit was approved on 12-08-15 for a Truck and Trailer Repair and Sales business.

The conditions upon approval were as underlined with my comments on my 8-25-17 review inspection:

1. **No right of way parking.** When I did my inspection, there was nothing parked in either the Highway or county road rights of way.



The first picture is looking north with the R.O.W. marker by the post. The second picture is looking south. Napton is standing on the R.O.W. line. The angle makes it appear as if the white truck is on the R.O.W. but you can tell from the first picture that it isn't.

2. **Keep the right of way clear.** See the pictures above. The right of way was clear when I was there.



3. **All work shall be done on premises, there has to be a place on site for trucks to pull in.**

The left picture is a driveway that angles in from the corner along the highway. According to Napton, there is room for 3 pots to park here. He is probably correct but the middle pot would be blocked in. The second picture shows my blue pickup parked off of the road in front of the shop. There was also room to the left (north) of the shop for more parking. While there is room for improvement, it technically meets the condition.

- 4. **Yearly review in December.** My review was not done in December due to the extra work being done on the wind farm and regulations update. The delay was not caused by Napton.
- 5. **All cleanup work and organization shall be done by the first of June.** This condition is rather vague but it is my understanding that it was intended to clean up the right of way. If it was meant for cleanup off of the right of way, it should have been more specific.

My Suggestions:



There are some trucks parked on the west side of the road on Richard Rader's property. Napton said that he has permission to park trucks that are finished there although that tract is not included in his conditional use permit. He should submit a signed document from Rader stating that he has allowed Napton to park trucks on his property along with any stipulations that he may have. They are parked off of the right-of-way. If the update to the map and regulations is approved as in the draft, this site will then be zoned RCI (Rural Commercial-Industrial) and this type of business will be allowed but no longer need a conditional use permit.

I suggested to Napton that he add a warning sign about no parking on the right of way. He is willing to do this.

If we change the regulations, I recommend that Mr. Napton submit a statement from Richard Rader stating that he is giving him permission to park trucks on his property and that he put up the no parking sign. I can then update the file.

If we decide to hold a hearing and amend the conditional use permit, I suggest that we should add the following:

Trucks that are ready can be parked on Richard Rader's parcel in the E ½ 6-27N-6W if a signed statement, and any conditions allowing Napton to park trucks there, is received from Richard Rader and is placed on file.

There shall be a warning sign erected for no parking in the right of way.

Conditions #4 and #5 can be deleted.

*Liz Doerr, Zoning Administrator ******

Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the **Interlocal Agreements** received from the City of Neligh, Village of Clearwater, City of Tilden, and the Village of Orchard for funding between Antelope County and the Antelope County Library Associations. Those voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Interlocal Cooperation Agreement

Between Village of Orchard, Clearwater and the Cities of Tilden and Neligh and Antelope County

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN Antelope County, Nebraska, a Political Subdivision, by and through its Antelope County Board of Commissioners, (hereinafter referred to as "County") and the Antelope County Library Association consisting of the public libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Orchard, Clearwater, and Oakdale, each being Municipal Corporations, by their respective Mayors, Chairpersons, and Trustees, respectively.

WHEREAS, Nebraska Revised Statute Section 13-801 Et. Seq., R.R.S. 1943 (reissued 1997), the "Nebraska Interlocal Cooperation Act" authorizes the parties hereto to unite their efforts and resources to accomplish the intent of this agreement; and

WHEREAS, the Antelope County Library Association, by and through their respective community libraries does agree to provide all services and materials to the residents of Antelope County, Nebraska, whom are not residents of the respective Municipal Corporations, under the same terms and conditions as provided to the residents of such Municipal Corporations;

WHEREAS, the Antelope County Library Association's mission statement is to serve the communities of Neligh, Elgin, Tilden, Brunswick, Orchard, Clearwater and Oakdale as well as all residents of rural Antelope County, Nebraska, as a resource for information, entertainment, cultural opportunity, and educational development, thereby enhancing and enriching the lives of the users. That the libraries within said communities shall be active and progressive institutions providing materials that reflect the needs and interests of its patrons. That said Library Association shall seek equitable funding, share materials and solutions to problems, provide access to resources beyond each of their individual facilities by cooperative agreements with library organizations at the local, regional and state levels and to strive to make use of all possible resources and ideas to meet the needs of the patrons of each of the communities and of the residents of the entire county.

WHEREAS, Nebraska Revised Statute Section 77-3442 R.R.S. 1943 (reissue 1996) provides that \$.05 per \$100.00 of taxable valuation of property subject to the county levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.

NOW THEREFORE, in consideration of the foregoing recitals and their mutual covenants here and after expressed, the parties agree as follows: Each of the communities, Brunswick, Orchard, Clearwater, Neligh, Elgin, Oakdale and Tilden by and through their public libraries commonly referred to as the Antelope County Library Association shall provide all services and materials currently available through the public libraries, to non-residents of their community so long as such residents are residents of the county, under the same terms and conditions as such services and materials are provided to the resident of their respective communities.

That the County agrees to contribute financially to the Antelope County Library Association and agrees to implement a levy not to exceed \$.05 per \$100.00 of taxable valuation of property on an annual basis to the Antelope County Library Association, by paying to the respective libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Orchard, Clearwater and Oakdale the applicable amount as provided by this agreement. That a like amount shall be included in the County's budget, reviewable, on an annual basis. This funding to be supplemental funding and not replace other funding.

That this agreement shall have an effective date of July 1, 2017, and shall continue in full force and effect for a period of one year.

This agreement shall not be construed as to form an additional political subdivision. The parties hereto agree to comply with any and all laws, rules and regulations, whether same be local, state or federal, required in the administration and execution of the terms and provisions of this agreement. Further, that no party will assign any rights granted under this agreement.

This agreement shall be administered by the Antelope County Clerk, as directed by the respective board of the parties hereto.

IN WITNESS WHEREOF, the parties have executed the agreement on the dates appearing directly above their signatures.

VILLAGE OF CLEARWATER, NEBRASKA

Date approved by the Village Board August 15th, 2017

Steve Hankla /s/

Chairman, Village of Clearwater

Attest: Tina Snider /s/

Village Clerk

VILLAGE OF ORCHARD, NEBRASKA

Date approved by the Village Board: August 14, 2017
Dennis Clifton /s/ Attest: Brenda Harrison /s/
Chairman, Village of Orchard Village Clerk

CITY OF NELIGH, NEBRASKA

Date approved by the City Council: August 8, 2017
V. Joe Hartz /s/ (SEAL) Attest: Danielle Klabenes /s/
Mayor, City of Neligh City Clerk

CITY OF TILDEN, NEBRASKA

Date approved by the City Council: August 8th, 2017
Leo Botsford Pat Leckron
Mayor, City of Tilden City Clerk

ANTELOPE COUNTY, NEBRASKA

Antelope County Commissioners
Date approved by the Antelope County Board of Commissioners: September 5, 2017
LeRoy Kerkman, Chairman /s/ Eli Jacob /s/ Ed Schindler /s/
Charles F. Henery /s/ Jerald Schwager /s/

Greg Koinzan, former Supervisor inquired about an antique **roll-top desk** in the old surveyor office in the basement of the old courthouse. This desk, and other antique furniture in the basement was discussed during the November 7, 2016 meeting. At that time it was determined this item along with other items should be available to be sold - at market value - pending county attorney approval. It was discussed to have items possible advertised. Will follow up the further discussion later this fall.

Motion by Commissioner Schindler, seconded by Commissioner Jacob to **approve August 29th, 2017 Commissioner Board Meeting** as written and presented. Voting aye: Schindler, Jacob, Henery, Schwager and Kerkman. Nays none. Motion carried.

Clerk of the District Court August Fee Report was reviewed and put on file.

Nebraska Traveler. A yearly publication inquired into Antelope County sponsoring an ad. Last week it was discussed, after checking with the promotional fund board it was determined to be too costly at this time. The commissioners made no action at this time.

Road Access Permit: Motion by Commissioner Henery, seconded by Commissioner Schwager to approve the application for permit submitted by Frank Morrison to install two (2) permanent road access in the SW¹/₄ of Section 30, Township 27, Range 6 West of the 6th P.M., Antelope County, Nebraska. The access is along 522nd Avenue and 859th Road. Road Boss, Casey Dittrich suggested the east/west driveway to be placed at the peak of the Hill. Frank Morrison - owner, accesses to be used for field access, all work to be done according to County and State specs. Those voting aye: Henery, Jacob, Schwager, Schindler, and Kerkman. Nays none. Motion carried.

Budget funds were reviewed. Levy Authority is excess of the lid limit. Clerk continues to work to balance budget with lid limit and exceptions.

County Assessor, Kelly Mueller met with the Commissioners to discuss her **budget.** She was attending meetings last week and could not at the budget discussion meeting. She expressed to the board the need to increase her budget. After much discussion, the commissioners agreed to raise her Assessor office budget the 3.5% agreed last week (\$125,578.62), and her Appraisal budget to \$25,000.00.

Sheriff Moore met with the Commissioners regarding the bid for the **ENRON Tower construction.** Total erection cost is \$111,217.75. He would like to move on this yet this fall. Antelope County has been in agreement and working with this project for over a year. It is time to make progress. Platte Valley Communications will handle from start to finish, and there should be no hidden costs. The bid price should include all new cable, and transferring of hanging dishes on the new tower. Region 11, Emergency Management is behind this project and will assist with information as needed. The existing tower has no value. Dean Bly, City of Neligh Superintendent said the tower can be left were it is. Commissioner Henery, seconded by Commissioner Schwager motioned to give the tower to the city of Neligh. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried. 10% down is due to initiate construction. Also in this discussion Sheriff Moore discussed the need to replace the current generator supporting the tower. The current one, although working appears to be outdated, not able to support the new system and does not complete its regular monthly check. He presented a quote from Boyd's Electrical Service, Inc. for \$7,750.00. The commissioners agreed this was a very necessitated item. 10% payment and the generator will be placed on the agenda for September 12, 2017.

Motion was made by Commissioner Schwager seconded by Commissioner Jacob to adjourn. Voting aye: Schindler, Jacob, Henery, Schwager, and Kerkman. Nays none. Motion passed.

Meeting adjourned at 11:12 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, LeRoy Kerkman

Attest: _____
County Clerk, Lisa Payne