

September 10<sup>th</sup>, 2019  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 10<sup>th</sup>, 2019 at 8:02 AM in the Commissioner Meeting Room, Antelope County Courthouse, Neligh, NE.

Notice of the meeting was given in advance thereof by publication in the two 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.

Chairman Borer opened the meeting at 8:00 AM. Responding to Roll Call: Commissioners Henery, Smith, Jacob, Bentley and Borer. Open Meetings poster is posted on the east wall of the Commissioner Meeting Room. Additional copies available in the County Clerk's Office.

Pledge of Allegiance was recited.

**Correspondence:** NIRMA Safety Shorts – September 2019; Union Bank and Trust Hospital Bond Refinancing September Statement; two DEQ letters 1) Thiele Dairy Concentrated Animal Feeding Operation and 2) Brandon and Sarah Christensen – approval to operate the Livestock Waste Control Facilities; copy of the Budget Hearing being published tomorrow; Bid Drawing for courthouse parking lot.

**Treasurer's August Fund Balance Report** was reviewed and put on file.

**Treasurer's August Miscellaneous Fee Report** was reviewed and put on file.

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

Review of **Payroll Claims**.

Review of **Vendor Claims**.

**Vendor Claims:** Motion by Commissioner Bentley, seconded by Commissioner Jacob to **approve vendor claims** as submitted. Voting aye: Henery, Smith, Jacob, Bentley and Borer. Nays none. Motion carried.

**General:** Antelope County Court, county court costs 198.00; Antelope County District Court, district court costs 236.00; Antelope Co Sheriff, return of service x 2, 40.88; Appeara, towel service 39.20; Applied Connective Technologies, internal hard drive, manage hosted exchange email service, SATA hard drive, 282.00; Big Red Motorsports, 6' whip flag, 11.95; Black Hills Energy, natural gas 324.93; Bob Barker Company, Inc, tactical boots 102.70; Bomgaars, wall scraper, masking tape, paint brush, sand paper, Kilz II, utility knife, caulk, Lixel, disinfecting wipes, screw driver set, drill bit, crud remover, shop towels, extension cord, max lawn fall food, 420.91; Dean Brown, prior service 25.00; Butch's Body's, replace windshield, 305.90; Carney Law, August service, justice 3,226.62; Casey's, gas/fuel 1,328.03; City of Elgin, recycling fee 250.00; Neligh City, sewer, water, electricity and recycling 5,831.61; Clearlyfy Communications, telephone, 164.44; Clearwater Public Library, library agreement 2,662.50; Cornhusker State Industries, dispatch chairs 1,294.00; Cubby's, fuel sheriff, county car 1,248.10; DAS State Accounting – Central Finance, network services charges 448.00; Dell Marketing, LP, toner cartridge 136.95; Dollar General, soap pads, ajax, bleach, Palmolive, Mr. Clean 144.10; Eakes Office Solutions, facial tissue, mousepad, folders, 4 packet folders, dust-off, portfolio guide file 211.55; Egley, Fullner, Montag, Morland & Easland, juvenile cases, 440.76; Elgin Appliance & More; washer belt and supply hoses 179.22; Elgin Public Library, library agreement 3,053.12; Elgin Review, meeting proceedings, road closing hearing notice, want ads, board of equalization, notice of bids, notice of elections, personal property taxes, 346.22; Elite Office, maintenance agreements clerk, treasurer, assessor, sheriff, attorney 445.97; Frontier Communication, telephone and internet 2,354.84; Government Forms and Supplies, blue case binder 316.87; Great Plains Communications Inc, internet and telephone 474.20; Sheryle Griffith, card for camera 12.99; Tessa Hain, sewing safety pins, meals 16.27; Darrell Hamilton, prior service 11.00; Lyle Hart, trucking commodities 200.00; Hometown Station, gas/fuel 62.55; Hughes Construction, refrigerant, labor, coil cleaning 237.40; Nadene Hughes, prior service 14.00; Jack's Uniforms & Equipment, cuff keys 102.49; Koinzan Enterprises, irrigation rotor, spray, nozzle 252.12; Madison County Treasurer, yearly contribution 16,682.51; Microfilm Imaging System, scanning equipment, external hard drive, rent 87.00; MIPS, Nebraska Taxes Online, payroll program, time and attendance, claims, budget, register of deeds, Nebraska Deeds Online 1,352.68; NACO, registration for Budget Meeting 45.00; Nebraska Health & Human Services, financial responsibility for the developmentally disabled 93.00; Neb Law Training Center, basic training session x 2 270.00; NSA & POAN Conference, conference fees 75.00; Nebraska Weed Control Association, fall training registration 240.00; Nielsen Insurance, notary renewal and bond 70.00; Oakdale Public Library, yearly contract 2,915.63; Office Depot, short on claim # 292999416001 from May 30.00; Valorie Olson, transcript of proceedings 45.50; Orchard Public Library, yearly contract 2,915.63; Donna Payne, prior service 25.00; Jeanne Peterson, contract labor treasurer 100.00; Petty Cash-(VSO), petty cash reimbursement 908.30; Petty Cash (County Sheriff), postage 10.69; Pierce County Sheriff, subpoena and paper service 61.92; Pinnacle Bank, tactical pants and fuel 142.26; Pitzer Digital, publication fees homestead, help wanted, meeting notices and proceedings, road closing public hearings 347.98; Quill Corporation, Lexmark black toner 424.99; Region 4 Behavioral, mental health substance abuse contribution 6,398.33; Janice Ridder, prior service 20.00; Caroline Siems, prior service 25.00; Sinclair WEX Bank fuel/gas, 384.09; Snider Memorial, county burial 2,000.00; Brittany Spieker, meals at fair 40.50; Stealth Broadband; telephone service 63.00; Chuck Thiemann, mowing at weed 30.00; Tilden Public Library, yearly contract 2,916.50; Neligh Post Office, box rent treasurer 150.00; UNL Its Comm, internet providing for ipad 91.04; US Cellular, sheriff cell phone bill 352.48; Verizon Wireless, cell phone 78.73; Clearwater Village, recycling 250.00; Lisa Welding, fuel, conference registration 80.02; Bonita Welke, prior service 22.00; Willie's Service, oil change and parts 42.82; Woods & Aitken, general labor, 232.00; CenTec Cast Metal Products, bronze grave markers, brass marker stake 190.56.

**General, Payroll:** AFLAC, insurance 1035.53; Ameritas, retirement 14,292.60; BC/BS, insurance 69,699.16; Garnishment, 957.30; Colonial Life, insurance 3.25; Federal Withholding, 9,171.67; First Concord Benefits, insurance 748.33; Liberty National, insurance 39.17; Madison National Life, insurance 69.86; State Taxes, 3941.78; NACO Vision, insurance 549.07; Social Security, 19,502.26; Washington National, insurance 722.72.

**Road & Bridge:** A & R Const, rock hauling 9,573.76; Antelope Memorial Hospital, random drug testing 108.00; B's Enterprises, 48" x 20' spiro culvert 1,080.00; Bank Of Elgin, motor grader payment 85,543.98; Bazile Aggregate, gravel/borrow 15,319.53; Beckman Lumber, oxygen refill 28.00; Black Hills Energy, natural gas 191.87; Blackburn Manufacturing, Co, large 21 w – 500 box 30.80; Aaron Boggs, CDL renewals 59.50; Bomgaars, gloves, machine screws, rain gauge, respiratory, spring water, grab & go sprayer, jungle jake, amazing tile tape, epdm gasket, protie, square pt shovel, air hose, dawn dish soap, hose mender, hose clamp, antifreeze, sprayer, scraper, adhesive windshield de-icer, bathroom tissue, brakleen, hand cleaner, disposable gloves, drill bit set, tool box, deck screws, blade set, socket set, liquid wrench, mirror mounting, tap splices, shop towels, paper towels, grease gun, letters/numbers, bathroom tissue 1,042.13; Carhart Lumber Co, 20 inch connector 7.99; Casey's, fuel & gas 164.62; Neligh City, electricity, water, sewer 98.00; Tilden City, water, sewer electricity 69.94; Constellation Gas, natural gas 17.45; Cubby's, gas/fuel 764.24; D & M Machinery, oil 18.72; Dean's Market, bath tissue 6.99; Casey Dittrich, transmission assembly 633.00; DLL Financial, tractor payment 19,749.75; Dusty's, gas/fuel 122.03; Echo Electric Supply, TCP LED Lumens, adapter 135.99; Elgin One Stop, bolt 35.50; Elkhorn Public Power, electricity 520.59; Emme Sand, road gravel 18,079.11; Equipment Blades, sharq RAM 2 foot mounting board 358.89; Farmer's Pride, diesel 21,053.85; Frontier Communications, telephone/internet 407.01; Funk Construction, culvert placement 848<sup>th</sup> Rd & 510<sup>th</sup> Ave, excavator hours, skid loader, grader & 3 culverts north of Royal 2,480.00; Great Plains Comm, telephone/internet 269.90; Green Line Equip, filter, filter kit, air fileter, sealing washer, muffler, hand prime, oring, filler cap, sensor, filter element 1,431.63; Gene Heithoff Trucking, transport of ¾" rock 3,929.49; Hillbill's Diesel, coolant, cap, carb clean, glow plug head gasket, arm assembly, rocker arm, t-stat kit, housing, cylinder head, lith grease, exhaust, antifreeze, seal kit, air filter, oil 13,409.82; Hinrichsen Sand, sand for bank run 13,433.12; Hometown Station, fuel/gas 4,792.48; Island Supply Welding Company, cylinder rental, acetylene, oxygen, 197.78; Joel Sinclair, 1" crushed rock 146,930.60; JEBRO, MC250, demurrage 71,599.38; JEO Consulting Group, Inc. engineering fees 484.50; Jonny Dodge, rear u joint in rear drive shaft, air leak, adjust brakes, water leak check, fuel filter, clutch adjustment, labor, radiator, driver brakes 3,628.25; Kayton International, hydraulic oil leak, brakes, replaced heater valve, shop work, thread tape, coupling, 5-gallon tr brake, air filter, service call 2,696.76; Knife River Midwest, cold mix asphalt, application for payment 2019 asphalt pavement improvements 15,411.32; Lawson Products, vision auto dark welding helmet, aerosol open and shut nut and bolt loosener, ogle glass cleaner, crawling and flying insect killer, safety glasses, 258.82; Lazy T Tire & Implement, filter, labor, hose clamp, power steering fluid, 35.26; Lichtenberg Tire Pros, tires, mount & dismount, disposal fee, flat tire repair, 3,002.00; Al Lind, weld axle straighten arm, install sleeve on pin of sheep's foot packer @ Oakdale, turn down PVC pipe slides for oil patching truck on lathe 220.00; George Majerus, hauling material 4,250.00; Matteo Sand & Gravel, small rock 27,374.50; Medical Enterprises Inc., 5 compliant drug testing panel 181.25; Mitteis Gravel, armor coat mudrock, dirt, clay, sand 27,186.01; Mr S's, gas/fuel 622.26; N & B Gas, propane 300.30; NACO, insurance premium 927.47; Nebraska Department of Transportation, millings from Backus & Verdigre, 20,468.00; Neligh Auto & Machine Inc, cleaner, dip brush head, 126.77; NMC Exchange, elements, filters, lube, bolt, strobe, lamp, gasket, bulb, plug kit 2,319.46; North Central Public Power District, electricity 180.33; NE Nebraska Telephone Company, telephone 99.64; Orchard Lumber, L grain leather driver 10.99; Orval's Auto Service, steering pump, belt tensioner assembly, batteries, oil filter oil washer fluid, antifreeze, 878.60; Pollock Redi Mix, oversize n pit co 1,442.08; Quick Serve Oil Co, diesel 921.20; Razor Tracking, monthly service

licensing, data processing, fleet service 750.00; Road Builders Machinery and Supply Co Inc., motor grader adjust blade and king pins will not take grease 54,426.37; Ryan's Truck & Tractor, check and fix AC 85.00; Sapp Bros Petroleum, oil, diesel 5069.76; Stealth Broadband, telephone/internet Neligh Barn 129.90; Tinsley Grain, 3/4 inch red rock 3,857.33; Truck Center, crankcase 67.55; Verizon Wireless, cell phones contract 327.46; Clearwater Village, sewer, water, electricity 135.00; Orchard Village, sewer, water, electricity, garbage 82.50; Spud Trucking, hauling, trucking rock and armor coat 17,295.76; Spud Const, grinding on the ZigZag 846<sup>th</sup> towards Elgin, windrow, back hoe, 195,917.20. WEX Bank fuel, gas 376.61

**Road & Bridge, Payroll:** AFLAC, insurance 181.87; Ameritas Life Insurance Corporation, retirement 9,850.06; BC/BS, insurance 29,629.10; Colonial Life, insurance 18.00; Garnishment, 957.20; Federal Withholding, 7,201.85; First Concord Benefits, cafeteria-insurance 373.11; Liberty National, insurance 70.92; Madison National Life, ins 53.07; State Taxes, 2,971.68; NACO Vision, insurance 191.41; Social Security, 14,377.58; Washington National, insurance 302.80.

**Visitor Promo Fund:** Neligh-Oakdale Teammates, promotional fees Rafts of Crafts 300.00; Young N Lively, promotional fee Treasurers in the Park 100.00.

**Reappraisal Fund:** ESRI, Assessor Maintenance Annual Desktop renewal 400.00.

**Register of Deeds:** MIPS, Register of Deeds Program and Nebraska Deeds Online 319.60.

**Disaster Fund:** Carol Anderson, dump truck, spreader 2,775.00; JEO Consulting Group Inc., General Engineering prepared information for FHWA funding request, met with EWP Board 6,867.50; Klabenes Construction, LLC Bridge Repair 520<sup>th</sup> Avenue south abutment south of 848<sup>th</sup> Road 8,520.00; Spencer Quarries, Inc. ¾ inch rock 917.14; Anderson Trucking LLC, machine hire 9,631.25.

**Inheritance Fund:** Antelope Co Treasurer, transfer \$850,000.00 Road and Bridge & \$50,000.00 Disaster 900,000.00.

**Law Enforcement:** Applied Concepts, Inc, Lidar Certificate, Operators manual, soft storage bags, Lidar battery, Lidar battery charger 1,912.50; Bomgaars, paint supplies, sandpaper, caulk, crud remover, brush set masking tape, 180.41; Cash-Wa Distributing, Lawry's Seasoning Salt, cinnamon, chili powder, flour, sugar, powder milk, kosher salt, black pepper, cracker, ham, potatoes, potato tots, sausage gravy, bottom round roast, biscuit dough 3,589.49; Columbus Community Hospital, doctor bill for inmate 488.40; Culligan of Norfolk, 5 gallon bottled water, equipment cooler 55.50; Faith Regional Health Services, doctor bills inmates 1,286.00; Hiland Dairy, milk 425.70; Precision Repair LLC, tires for Durango 708.00.

**Commissary Fund:** Bob Barker Company Inc, athletic orange shorts, ash fleece shorts 1,033.74; Cash-Wa Distributing, Reeses peanut butter cup, M&Ms, Twix, Butterfinger, snickers, popcorn, paper bags, 1,117.17; Christian Library International, books 100.00; Elgin Appliance & More, LLC ice maker 2,968.00; Keefe Supply Company, potato chips 144.00; Our Daily Bread, books 25.00; Pinnacle Bank, cheese crackers, movies, 129.46.

**Building Fund:** Hughes Const, Heating/Cooling System courthouse 2<sup>nd</sup> story 7,799.25; Warren Garage Door, service call door unhooked from operations 105.00.

Commissioner Smith gave a **'thank-you'** to Invenergy and Ned Porter for the meeting room sound system. Invenergy has purchased and installed a sound system for the meeting room. It was mentioned to have Bob Penne, who installed the system to get a cabinet to lock up the system to avoid curious fingers. Mr. Penne was in attendance and will order and install cabinet. An estimate submitted by Mr. Penne was \$629.99.

**Payroll Claims:** Motion by Commissioner Bentley, seconded by Commissioner Borer to **approve payroll claims** as presented. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion passed.

**Pledge Collateral Review:** \$3,010,000.00 Pledged, plus \$250,000.00 FDIC insured.

**Fund Balance Report:** Deb Branstiter reviewed the purpose of the report, and the cycle of the collections. Cash flow is tight during the months of September, October and November. With claims paid today, there is approximately \$800,000.00 in the Inheritance Fund. The 2019-2020 budget is passed at this time, but the revenue is not collected until December 2019.

**Minutes of the August 22<sup>nd</sup>, 2019 Board of Commissioner Minutes:** Motion by Commissioner Smith, seconded by Commissioner Bentley to amend minutes to add verbiage from audience member. Voting aye: Bentley, Borer and Smith. Nay: Henery and Jacob. Motion by Commissioner Smith, seconded by Commissioner Bentley to amend minutes to add gestures of an audience member. Voting aye: Bentley, Borer and Smith. Nay: Henery and Jacob. Motion carries. It is mentioned this is not County business. County Attorney, Joe Abler OK's both motions to be in the minutes. Motion by Commissioner Smith, Seconded by Commissioner Bentley to approve minutes with corrections. Voting aye: Smith, Bentley and Borer. Nays Jacob and Henery. Motion carries. Commissioner Bentley, and it is agreed by Commissioners Borer and Smith stated that at any time the minutes of previous meetings can be amended by a motion of the majority of the Board. You can amend them at any time.

#### **Road Superintendent Report:**

- **Belly Dump Truck (Klabenes):** The Klabenes Trail X Belly Dump Trailer has been utilized by the Road and Bridge Department since October 2018. Recently, Matt Klabenes has asked Casey what the County's intention was for the trailer. Klabenes offered a price of \$26,000.00 for the trailer. After discussing during the last couple of meetings, it was decided to find three (3) like items to compare for pricing. Casey presented 3 like items:
  - 2007 CPS, Idaho Falls, Idaho Tandem axle bottom dump trailer-40', 20-yard, leaf spring, steel wheels, electric tarp, 68,000#GVWR-- \$25,500.00
  - 2005 Trail King TKBD22-484 Williston, ND, Quad axle 48' Bottom belly dump trailer, 76,000 GVWR -- \$33,950.00
  - 2000 Roadmaster, Jackson Minnesota, Belly dump, 42' in length, tandem axle.

Motion by Commissioner Smith, seconded by Commissioner Henery to accept offer and purchase the Klabenes trailer. Voting aye: Smith, Henery, Jacob, Bentley and Borer. Nays none. Motion carried.

- **Road Access Permit: Richard Penne Access Permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for access permit for Grain Bin site submitted by Robert Penne to place a permanent field entrance along 529<sup>th</sup> Avenue in the N½ of Section 17, Township 24, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Richard Penne – owner. Access is along a gravel road. It will require a culvert, the County will put one in. Voting aye: Henery, Jacob, Bentley, Smith and Borer. Nays none. Motion carried. All work to be done according to County and State specs.
- Commissioner Borer asks if the Board should **hire a secretary** for the Road and Bridge Department. Casey refused. Commissioner Smith stated maybe they could hire somebody on a day to day basis.
- **FEMA Site Inspections**, should be completed by the 26<sup>th</sup> of September 2019. They are going well. There have been three (3) different inspection teams so far.
- **Poor Farm Bridge:** in the process. The west approach is dug out, they are getting ready to pour the dead man and pull the bridge back. The bearing plates were bad, it is a \$4,500.00 cost. Thiesen is good with it. From here Thiesen will go to Kevin Klabenes Bridge on 868<sup>th</sup> Road, two (2) miles west of Highway 13. They have ordered the material on the Bridge SW of Clearwater (Schlecht Bridge). If they can drive a wing piling and 2 h-piles and put a dead man cable in there, in two (2) days we can open it. That bridge should be opened before harvest. The plan is to have all three (3) bridges opened by the middle of October. Meyer tube: they are moving in equipment today. Starting tomorrow. We have a release date of October 1.
- LaVern Schroeder, surveyor has been contacted to survey the **Frey proposed Road Closures**. Casey will meet him onsite tomorrow.
- **Road Use Agreement with TransCanada** is being worked on via email with County Attorney, Casey Dittrich. Dan Forbes will be meeting with the Board.
- **Auction Time:** Sales guy will be out. There is other equipment that may need to be included in the auction time sale.
- **Milling on ZigZag almost complete.** We are picking up the final mile today. They are moving it all to Oakdale. The weather is not allowing us to shoot oil and lay it. We did get the Pierce-Neligh Road by working it an extra day, and a couple of 80-degree days. Commitment to laying 516<sup>th</sup> with the weather forecast is sketchy at best. Couple of options: grinder is working on the mile by Tom Thiele's house 516<sup>th</sup>. The north mile will be done today, moving on to the south mile.

- Board decision on contracting with **Prouty to run the millings through the concrete crusher**. They run it through and separate out the material for approximately \$8.00 a ton. Separating this will save a lot of oil. It would have to be stock piled – most likely the Clearwater Barn. We would have clean screen millings for laying and a dirt pile. It would be a great time for winter hours. The Commissioners talked favorably with this plan. It takes 82 trucks of material to get a mile of millings down. We could get five (5) or six (6) miles in Clearwater, and move everything else to Oakdale. Oakdale being along a state highway is convenient. Casey will talk with Prouty and get a better plan in the works.
- **Knife River** – a couple of trucks were sent to Knife River to get silvex and cold mix to fix 516<sup>th</sup> Avenue, because we have been waiting to put millings on it. We have got to do something to make that road last.
- **Road East of Neligh:** East of Escritt hill. It is rough. Possible put some cold mix there also.
- **Royal Road:** guys are working on it today. There is about a mile and half that has a big blow out.
- **Armor Coaters move in on Monday.** Six (6) of the seven (7) miles on the Pierce Road, everything except for the final mile. We are doing some fixing on that today. **Copenhagen 4 miles:** Between Willow Township and the Pierce Road. Tilden North – hot mix patching. **East of Elgin** – hot mix patching from Elgin to Million Dollar Corner. If there is anything left it will go to **Orchard Road** – unless the Board has different ideas.
- **Steel Roller** is on the overlay on the Neligh-Pierce Road.
- **Road Closed sign on the Neligh-Pierce Road** came down yesterday. There is still a detour sign on Copenhagen.
- **Oakdale Lots Neighbor** – the new tenant is placing junk on our right of way. Casey was hand delivered a notice this morning. Casey will check with Lavern Schroeder about lot lines. Sheriff Moore stated it is going to court already. Plan is to chill out for now.
- **Public inquiry into whether we were hiring out** – that is not the plan, this is intended for issues being forced on the County. However, we will work with the City/Villages in accordance to the plan.

**Dos and Don'ts regarding communications from County Attorney:** Joe Abler met with the Commissioners regarding his correspondence. He reminded everybody the correspondence from him should be considered Client-Attorney privileged information. His correspondence a couple of weeks ago, was released to the press. Reminding the Board, he is legal counsel. In the future, this is privileged information and should not be shared with members of the media. Things discussed with legal counsel is privileged information. This one was shared with the Secretary of States Office and the Attorney Generals Office. Joe commended the Board on their action on the 23<sup>rd</sup> of August to bring the County into compliance. There was no Board Member identified in this release. Commissioner Bentley clarified privileged emails between the elected officials cannot and should not be printed off and handed to the public. Joe, confirms probably not. Clerk asks about the public information – everything on her computer including her personal business is public information as long as somebody requests it. Joe confirms **that is** public information, but his correspondence, as legal counsel, to the board is confidential.

**Township Claims:** Motion by Commissioner Henery, seconded by Commissioner Borer to authorize Deb Branstiter, Antelope County Treasurer to pay Township Claims from Township Funds as presented. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion passed.

Township Claims:

Verdigris:	Bazile Aggregate Co LLC	\$1927.40
Bazile:	Bazile Aggregate Co LLC	\$4004.95
Bazile:	Bazile Aggregate Co LLC	\$1543.12
Bazile:	Bazile Aggregate Co LLC	\$ 459.24
Custer:	Mitteis Gravel	\$ 466.40
Verdigris:	Mitteis Gravel	\$ 818.58
Bazile:	Mitteis Gravel	\$ 625.38
Oakdale	Emme Sand & Gravel Inc	\$ 819.92
Logan:	Emme Sand & Gravel Inc	\$1398.75

**Parking Lot Quotes:** The Courthouse Parking Lot cement is flaking and in severe disrepair. Charlie met with Ed Schindler and Casey Dittrich regarding the parking lot. Three (3) bids were submitted.

Don Zegers Contracting LLC	\$12,978.44	
Parra Boyz Construction LLC	\$11,750.00	3-4 Days
Gates Construction LLC	\$15,676.00	

The coolness of the weather is not lending well to replacing cement this fall. Don Zegers was available for bid opening. He is suggesting patching the parking lot to get through the winter and addressing this in the spring. The curing process will be much better if it has the summer to cure before ice melt and chemicals are used on new concrete. Casey agreed to bring employees in a fill temporarily. Motion by Commissioner Henery, seconded by Commissioner Jacob to take no action at this time. Voting aye: Henery, Jacob, Smith, Bentley and Borer. Nays none. Motion carried.

**Liz Doerr, Zoning Administer introduced Public Hearing: 10:01 AM Fischer 10 Cattle.**

Public Hearing 9-10-2019

**10:01 AM** Motion by Commissioner Bentley; seconded by Commissioner Smith to open public hearing. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion passed.

**Liz Doerr:** This is a public hearing for a Conditional Use Permit for Fischer 10 North Cattle. This is a little different scenario than typical one. Down here is Brunswick-so that gives you an idea of where this is at. Let me zoom in. This is the aerial that was taken right after the flood. So, you can see this was water up there, and a little unit here. Their application is for this area down here and the reason why this is a little bit different is originally they had a different layout and it included some of this to the north. Then DBQ had told them what they needed to do, and it was going to be cost prohibitive to contain all the run off. So, they had several meetings with DEQ, and worked out a plan for down here and so they already have what they call an exemption from DEQ.

**Matt Fisher:** An 'exemption'

**Liz Doerr:** An 'exemption.' They can go to 3000 head of beef without any containment. Which is very unusual. We already have the approval; I have a copy of the letter. So, normally when we are at this point, they don't have approval from DEQ. So that is the difference there. So, anyway, then. You can see here is some pens. They needed to get some cattle moved so they did a permit to go to the 1000 head first which does not need a public hearing. And then they were going to go ahead and go to the—two (2) classes up would be 5000 head, but DEQ had approved 3000. So, it doesn't match up exactly with our regulations for the different classes. Well then, they needed to move some more, and so they did another permit to go to the 2500 head, so they can start building pens. (to Fischer) You are not at that number yet, are you?

**Matt Fischer:** No.

**Liz Doerr:** But they wanted to keep moving ahead with the 3000. When they were working on it, there is a home over to the SW, they have an impact easement so that didn't count. The only other home that would be in the setback to go to the class 3 for the 5000 head would be Mark Brookhouser, down her to the south. And he was going to sign the impact easement, then the more he thought about it and reading through it. He was concerned about future generations or any future owner that maybe would want to do something different. He was fine with what they did. So, we had our public hearing and he hadn't signed the impact easement at that time. So, the Planning Commission had their conditions put on it. You know they needed to get that impact easement signed and recorded. Well, then in the meantime, they decided they were going to amend the site plan. So, it is out in the corner here, that is impacted by the set back to Mak's place. So, what they are going to do is -keep the pens to the west and the north up here. So, it is out of the set back to the Brookhousers. So, the way we have the resolution written is... 'The applicant shall comply with NDEQ regulations.' From what I understand they will keep coming out and checking this and, 'the application shall be limited to the number of head approved by NDEQ.' So, at this point NDEQ has only approved 3000 head even though the permit is actually good for up to 5000. They would have to go through NDEQ for the extra 2000 head before they could put 5000 there. Because we have it limited to NDEQ regulations. And, this application shall be limited to the number of heads approved by NDEQ and the impact easement limits. That way, if say if Make Brookhouser would decide to sign an impact easement and negotiate out some terms, you know then they can go there. But this corner here could still be used if like they ever wanted to build a house there on something that is not part of the livestock feeding operations. Or plant it, or whatever they want to use there. So, I do have some photos here. This is part of the reason why DEQ gave them their exemption because it is really very flat. This is on the south east corner- looking northwest. This is a little more west, you can see it is really flat. These are the trees kind of on the west edge of the property. This is kind of in the middle. This is where they have like feeds storage, looking east. And this is by the feed storage looking north. This is a little bit northwest. And this is the west end looking north. And you can see it really is really flat in this area. These are those first pens for the up to 1000 head. So, I don't know if there is something you need to add, or if you have any questions?

**Smith:** Now this, I would just comment. I know this location pretty well. I drive by it almost every day. It is pry, anybody who knows that place, it is the best thing that ever happened to that farm. It was in tough, tough shape. And to get something going like that, it is a good deal. And it is flat as you say. It is really flat, so.

**Liz Doerr:** yeah, and that is what DEQ has said. Because this here is right after the flood. Was that about the time they were out?

**Mat Fischer:** They were out there right after it, yes.

**Doerr:** And they could tell, you know water wasn't leaving, it wasn't running in. That was part of their decision.

**Smith:** One good thing out of the flood, huh?

**Matt Fischer:** It was a test.

**Smith:** I do think, and this has nothing to do with that.. I visited with Matt the other day, and they will pry have to be, like I said it has nothing to do with this and just for the guys to know and Casey, there will probably have to be some road upgrading done sometime for the traffic that will be going in and out there – and the volume of trucks. The road is holding up so far. But when they get to peak livestock and so on, we may have to...I am not talking about cement and asphalt or anything like that. Just saying we may need road work done. But that has nothing to do with this and maybe I shouldn't have brought it up.

**Doerr:** Because it is not bad right now.

**Smith:** Right, right. And Matt is trying to keep the traffic so it is not up as much as he can on the truck traffic. I know my neighbors there anything, coming straight off of Hwy 14.

**Borer:** Any other questions for Liz? Is there any public comments at this time?

**Henery:** We need to do the for and against.

**Borer:** Yeah, is there any public comments for it? Terry?

**Terry Brookhouser:** I think these boys are trying to do things right. And I think it is a very positive thing for our community. And they are trying to work with the neighbors.

**Borer:** Any other questions for it?

**Lester Anson:** I like it. It is alright.

**Henery:** Les lives pretty close to it. (All agree.)

**Borer:** Yeah, you got a little....

**Doerr:** Yeah, he is just to the south of it on the west end.

**Anson:** I can live with it. I \_\_\_\_\_ all of my life. Good deal.

**Borer:** Any other comments for?..... Any comments against?..... Now is the time or forever hold your peace. Since there are no comments against, I would ask for a motion to close the public hearing.

**10:13 AM Smith:** I move to close the public hearing on Fischer 10 North.

**Jacob:** I will second it.

**Henery:** Should we not ask the Fischer Boys for comments?

**Borer:** Well, I thought they were going to be for it, but they...

**Henery:** They didn't say anything for it did they?

**Matt Fischer:** I think Liz did a pretty good job of presenting it.

**Doerr:** Yes, I have worked fairly closely with them on this, so they have been good to work with.

**Borer:** I just assume since nobody was against it you guys weren't going to say anything.

**Henery:** I make a motion to close the public hearing.

**Borer:** It was already made.

**Henery:** Where was I?

**Clerk:** You were asking about the Fischer Boys making comments.

**Borer:** We have a motion and a second to close the public hearing. Any discussion, comments?

**Henery:** My comment is. I have known these guys for a long time and they do a good job, and they are hard working people. I think they will make it work with the neighbors. I really feel that way.

**Borer:** I am going to start with you then. Charlie?, Dean?, Eli?, Allan?, and I will vote yes.

**Henery, Smith, Jacob, and Bentley:** Yes.

**Henery:** I make a motion to accept this Conditional Use Permit they way the resolution is written with the following conditions:  
The applicant shall comply with NDEQ regulations.

And; this application shall be limited to the number of head approved by NDEQ and the Impact Easement limits. That is the way I want the motion to read.

**Smith:** And that is how I would like to second it.

**Borer:** We have a motion and a second to approve the Conditional Use Permit as read. Any other discussion? (No response.) Allan?, Eli?, Dean?, Charlie?, and I will vote yes.

**Bentley, Jacob, Smith, and Henery:** Yes. **10:16 AM**

#### RESOLUTION #2019-09-\_\_\_\_\_

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of a public hearing held on the 13th day of August, 2019, at the Antelope County Courthouse on the Conditional Use Permit #CUP1902 for Fischer Ten North Cattle LLC to expand a confined animal feeding operation Class III for up to 5,000 animal units of beef in the Southeast Quarter of the Southwest Quarter and the South Half of the Southeast Quarter, all in Section 22, Township 28 North, Range 6 West of the 6th P.M., Antelope County, Nebraska, and

WHEREAS, the public hearing has been held pursuant to said notice and all statements received at the hearing have been duly considered by the Planning Commission; and

WHEREAS the Antelope County Planning Commission has reviewed the application and make recommendation to the Antelope County Board of Commissioners for approval with conditions; and

WHEREAS the applicant has submitted an amended site plan showing compliance with all setbacks,  
AND WHEREAS the Antelope County Board of Commissioners has given public notice as required by the Nebraska State Statutes, of a hearing held on the 10<sup>th</sup> day of September, 2019, at the Antelope County Courthouse in Neligh, Nebraska;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS, THAT THE FISCHER TEN NORTH CATTLE LLC CONDITIONAL USE PERMIT #CUP1902 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. Applicant shall comply with NDEQ Regulations.
2. This application shall be limited to the number of head approved by NDEQ and the Impact Easement limits.

Adopted this 10<sup>th</sup> day of September, 2019 at Neligh, Antelope County, Nebraska.

Commissioner: Henery\_\_\_\_\_ Commissioner: \_\_Smith \_\_\_\_\_

Moved to adopt said Resolution 2<sup>nd</sup> to the Motion to adopt said Resolution

Roll Call: \_\_\_5\_\_\_ Yea \_\_\_0\_\_\_ Nay

Resolution adopted, signed and billed as adopted.

#### ANTELOPE COUNTY BOARD OF COMMISSIONERS

\_\_\_/s/ Tom Borer \_\_\_\_\_ \_\_\_/s/ Dean Smith \_\_\_\_\_

Tom Borer, Dist. #5, Chairman, Dean Smith, Dist. #1

\_\_\_/s/ Eli Jacob \_\_\_\_\_ \_\_\_/s/ Allan Bentley \_\_\_\_\_

Eli Jacob, Dist. #2 Allan Bentley, Dist. #3

\_\_\_/s/ Charles Henery \_\_\_\_\_

Charles Henery, Dist. #4

ATTEST:

\_\_\_/s/ Lisa Payne \_\_\_\_\_

Lisa Payne, Antelope County Clerk

**Zoning Administer Report:** There is a Board of Adjustment meeting today. No other report.

**Budget Discussion:** After last week's discussion the clerk balanced the budget utilizing the discussed and majority ruled levy. It was published and a public hearing will be held on the 17th. Commissioner Borer stated he was against a 12% tax increase. He thinks it is bad timing because of the ag economy. He thinks we should be lowering the taxes to stimulate the economy. He thinks the board has other alternatives other than raising taxes. Raising taxes is an easy way out. He knows we can recoup some of our disaster loss, but just because we can he doesn't think it is right. The previous Boards built a rainy-day fund for disasters just like we had. He does not think it is right to ask the tax payers to pay a big junk of it back in one year. He believes the Board can manage the way through this without raising taxes. Commissioner Bentley stated 'it always seems to fall back on the tax payer.' He states he personally asks every Official, department head to see what we could cut. He states he asked to talk to them individually and was refused. So, we are going back to the taxpayer to make up the difference. Which he states is unfair. He states because the officials did not meet with him, he was not for the increase at all. Raising it 13% and dumping in the tax payers lap. He believes it can be managed within the budget we currently have, without increasing asking. It was clarified that the Officials did not refuse to talk to the Commissioners' Finance Committee, however, they wanted to meet in public session, not privately. Commissioner Smith stated last week he was believing to increase the levy to offset the increase in the disaster expenses. However, currently he is leaning to no increase at all in the tax levy from the 2018 levy. Again, discussing the options presented last week the conversation went from option 4 (\$0.025 increase) to option 6 (no increase). Commissioner Jacob clarifies without an increase in levy, the current road projects and any proposed comes to a halt. As the Road and Bridge Budget is the biggest expense. Casey,

Road Superintendent reported, to date the R&B Department has spent \$1.62 million dollars. With the current work load the R&B department is in line to spend another \$700,000.00 next month. The committed projects including armor coating, grinder, moving millings, hot mix asphalt, bridge match program, equipment and payments is another \$2.8 million. That has not moved a flake of snow, or paid a wage to the employees. The Disaster Fund, bridges committed today is \$850,000.00 committed. That includes no preparation for any of the projects. Casey suggested if the Commissioners planned on not increasing the levy that should have been discussed during the meeting where we went line item by line item – it was a complete waste of time without that piece of information. If there is a bad winter, we are going to need the cash flow. The proposed option 6 presented a \$2,000,000.00 cut from the proposed asking. Casey challenged the Commissioners to tell where they are planning on making the additional cuts. Commissioner Smith stated when the budgets were line itemed, he felt the budgets all seemed to be justified. He did not see anything that he felt was an out of line increase on any of the budgets. The current option (4 from last meeting) as presented still needs to cut almost \$670,000.00 off of the current proposed budget, option 4. Deb Fischer's Office told Commissioner Borer FEMA money is being dispersed first in first out. If \$670,000.00 is cut from the R&B Budget, 50% of the Road and Bridge Budget has already spent. Commissioner Bentley stated we might have to slow this down next week and make it till the first of July. Casey discussed we cannot stop the grinding it is committed with Invenergy. Armor Coating has been on the schedule since April, we will ruin the relationship with the contractor and we will never work with them again. Cemetery Road can be postponed till after July 1, 2020. Most of the projects proposed are long term fixes. So, in the future they should not be a budget drain. Commissioner Henery stated throttling Casey's work load back is not the thing to do, if we get these projects done in the next couple to six (6) years we should not have to ask the taxpayer for as much. Casey repeated going with option 6, right now, we would pull all of the hot mix and any future projects including 4 bridges, cemetery road project, and county bridge matching. The decision on the budget, does affect future budgets and the tax asking. We have to look to the future and get a comprehensive plan to make the proposed road and bridge projects move forward. With some confidence the majority of the Board agreed with the Budget Hearing as presented – utilizing the approximate \$0.25 increase. Questioning the Board Support of the 1% levy increase/override majority vote of the Board. Clerk left the room to figure it is an approximate \$50,000.00 difference if the 1% additional Board proposed increase is not passed.

No other issues to discuss.

Motion was made by Commissioner Bentley, seconded by Commissioner Jacob to **adjourn**. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion passed.

Meeting adjourned at 11:22 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, Tom Borer

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