

October 10, 2017  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, October 10, 2017 at 8:00 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 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 Commissioners.

Pledge of Allegiance was recited.

Vendor claims were reviewed.

8:15 AM Connie Ofe, Antelope County Weed Authority Secretary met with the Commissioners regarding vacation time. She has worked for the Weed Authority since 1980. In 1986, the Weed Authority Board authorized a weeks' vacation for Connie during their regular meeting. Since that time Connie has been authorized to take the five (5) days' vacation during the latter part of the season. Since Antelope County implemented the finger touch clocking system, this has become an issue and Connie is requesting guidance on this. Connie, and Bruce Ofe, Antelope County Weed Superintendent met with the Commissioners for direction. After consulting with Joe Abler, Antelope County Attorney, he suggested he will need to study the classification of employees. He suggested she may be classified as a part-time/full-time during the summer months and drop down to part-time in the colder months. However, Connie does not work during the cold months (November – April?), so she really is considered seasonal. County Attorney Abler wanted to investigate this more. No action taken.

9:10 AM. Motion by Commissioner Schwager, seconded by Commissioner Schindler to pay all vendor claims as presented. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried. Warrant signed.

We, the Committee on Claims, report that we have examined and approved for payment the following claims:

**General:** Antelope County Court, court costs 272.50; Antelope County Sheriff, cost/mileage to serve subpoenas, court costs, transport fee 379.20; Appera, micro swipes, dust mops, textile maintenance, service charge 51.23; Applied Connective, remote IT services, service order charge/mileage 702.50; Arrowhead Scientific, evidence bags, evidence labels, freight charges 80.28; Ashburn Funeral Home, transportation for autopsy 681.00; Black Hills Energy, heating fuel 391.69; Bok Financial Service, semiannual paying agent fee 200.00; Bomgaars, fasteners, bulk bolts, dog food, war tags, drill bit, multi-ball with hook, hitch pin/clip, salt pellets, weed killer, earplugs, shelving, wash sponge, cleaner, poly rope, kwik weld, battery, tape, wheel, grub control, turf food 777.93; Boyd's Electrical, flush recap/cover, labor charges to change receptacle to 250V, labor charges to work on garage door 105.02; Eleanor Brady, prior service 25.00; Dean Brown, prior service 25.00; Carney Law, attorney fees, justice searches 3220.62; Casey's, fuel 537.41; Cash-Wa Distributing, dishwasher cleaner, dish detergent 335.36; Elgin City, monthly recycling fee 250.00; Neligh City, electricity, water, garbage, monthly recycling fee 5038.44; Clearly Communications, telephone service 210.18; Clearwater Record, notice of meetings, proceedings/bills, notice of bids, zoning regulation meeting, tax exempt list, board of equalization meeting 620.90; Antelope County District Court, court costs 105.00; Creative Products, tee shirts, awareness bracelets, essay winner pin, pencil grips, graduation pin packs, shipping 433.54; Cubby's, fuel 514.62; Danko Emergency Equip, safety vests, traffic cones, 538.40; Das State, teletype, date processing 448.00; Dollar General, paper towels, bleach, vinegar, Lysol wipes, toilet bowl cleaner, oxi-clean, dish brush 46.79; Dusty's, fuel 173.50; Eakes Office Solutions, DVD binder, tape dispenser, pre-inked stamp, dry erase markers 68.62; Elgin One Stop, fuel 116.54; Elgin Review, notice of meetings, proceedings, proceedings for zoning regulations, board of equalization, public notice 547.64; Elite Office Products, paper, laser printer, toner cartridge, monthly maintenance agreements, equipment repair & travel expense, monthly contract paid in the rears 3144.89; Fairfield Inn, hotel stay for T. Hain during state fair 134.95; Fitzgerald, Vetter & Temple, court appointed attorney fees (Case No. JV15-6) 1374.78; Floor Maintenance, paper towels, buff liners, toilet paper, hand soap 443.62; Frontier Communication, telephone service 2192.03; Great Plains Communications, telephone service 190.00; Green Line Equipment, oil, oil filter, detergent 25.89; Tessa Hain, meal reimbursement, gas for county vehicle 59.61; Heartland Fire Protect, service fee, annual fire extinguisher inspection and recertification 82.00; Nadene Hughes, prior service 14.00; Iowa Prison Industry, Nebraska sheriff striping 2" gold striping 50.40; Jonny Dodge, lube, oil, filter, service engine, 16 point inspection, rotate tires, paint, labor 66.51; Frank Kamphaus, prior service 16.00; Doug Kelley, witness fee, mileage 57.45; Koinzan Enterprises, hunter PGP adjustable rotors, pro spray nozzles, labor – lawn irrigation system 139.20; Law Offices of Jeffrey Doerr, court appointed attorney fees (JV17-5) 30.00; Madison County Court, copies 3.25; Maximus Consulting Services, preparation of 2016 cost allocation plan – 50% of estimated recovery 700.00; Microfilm Imaging, monthly scanning equipment rent 87.00; MIPS, data processing 684.59; Mr. S's, fuel 283.34; Nebraska Emergency Service Communications Association, 2017 NESCA Fall Conference (Kester, Ollendick) 190.00; Nebraska Health & Human Services, mental health financial responsibility – Norfolk regional/Beatrice State Hospital 186.00; Neligh News, public notice, proceedings/bills, notice of bids, notice of meetings, zoning regulation proceedings, tax exempt list, board of equalization 704.00; Neligh Public Library, 2017 Library Contribution 3494.00; Nielsen Insurance, notary bond renewal (Hanson), notary bond (Carr), fee for state 140.00; Office Depot, binders 5.62; Office Systems Company, staple for copier refill, freight 53.75; One Office Solutions, toner for fax machine 61.79; Orchard News, meeting notices, tax exempt properties, board of equalization, invitation to bid, noxious weeds notice, legals 351.72; Donna Payne, prior service 25.00; Clerk-petty cash, vehicle identification inspection 10.00; Sheriff-petty cash, postage 25.58; Pinnacle Bank, ex 88.05; Ramada Inn, hotel for NESCA conference 154.00; Region IV, services for the developmentally disabled for the second quarter (2017/2018) 2808.00; Secretary of State, Oct 2017 Election Workshop registration fee 35.00; Caroline Siems, prior service 25.00; Wex Bank (Sinclair), fuel 991.06; Sirchie Fingerprint Lab, evidence rifle box, evidence box, evidence tape, printed swab boxes, sterile swabs 296.61; Chuck Thiemann, mowing 9-20-2017 30.00; Uline, Purell dispenser, Purell foam refill 133.71; UNL Its Communication, internet for iPad 91.04; Urbanec's Furniture, vacuum bags 17.98; US Cellular, telephone service 694.05; Verizon Wireless, telephone service 230.11; Clearwater Village, monthly recycling fee 250.00; Bonita Welke, prior service 22.00; Willie's Service, oil change, labor 42.27; 319 Graphics, reflective safety vest lettering 14.00; Nebraska Weed Control Association, 2017 Fall registration fee 120.00; Quill Corp, dell keyboard, mouse, post-it treasure chest, tape, pens, ½" ring binder, padded mailer, ruled pads, receipt book, paper clips, sharpie markers 177.52.

**Road & Bridge:** At Large: Bomgaars, digital multi-meter, grinder tool, chisel set, cutting wheel, hammer, rubber mat, sprayer tip, dawn dish soap, screen, bleach, brakleen, shop towels, insect repellent, flex handle, mechanics set, star bit socket, adapter, screwdriver, pliers, 12VDC pump, spring water, mouse/rat bait, fan spray, hose mender 708.74; Carquest of Neligh, acetylene, conventional green, oil, switch, battery cables, air, stop leak, refrigerant 208.80; Casey's, fuel 57.92; Dusty's, fuel 124.92; Elkhorn Rural Public Power District, electricity 452.08; Emme Sand, rock 3258.73; Farmer's Pride, fuel 5758.78; Green Line Equip, air filter, alternator reman, freight, tractor rental 517.05; Hometown Station, fuel 2077.73; Island Supply Welding, acetylene 261.39; Eli Jacob, materials to make up detour signs 24.47; JC Trucking, chip overs 2093.98; Jebro, asphaltic oil, armor coating 106,825.60; JEO Consulting, engineering fees 8460.75; Jonny Dodge, bolt, stud, screw, gasket, air hoses, cable, oil filter, fuel filters, oil, antifreeze, lube, washers, element, air spring, exhaust, elbow, band clamp, lube filter, rotella, latch, lever assembly, diaphragm, flat washer, axel washer, hub seal, axle gasket, camshaft, cam kit, brake hoses, ignition assembly, torque arm, equalizer, lock nut, bolt kit, water separator, labor 4752.31; Kumm Gas, fuel 101.78; Lichtenberg Tire, flat tire repair, misc shop supplies 64.00; Mitteis Gravel, armor coat 12,150.00; Mr. S's, fuel 675.39; Neligh Auto, mud flap, diesel exhaust fluid 69.95; Netcom, speaker repair 155.00; Newman Signs, T SYM, stop ahead SYM 1156.00; Orval's Auto Service, oil filter, oil, antifreeze mix, brake caliper, brake fluid, air filter, labor 413.30; Road Builders, inbound freight, clamp, muffler, bail, line assembly, bowl, gasket, shop supplies, repair, labor 812.09; Royal One Stop, fuel 121.50; Ryan's Truck & Tractor, hand primer, filter assembly, mega fuse holder, fuse, battery lug, yellow shrink, slug, check valve, socket, plug, labor 1233.97; Sanne Service, air compressor, air filter, oil supply line, dryer ad, antifreeze, labor, engine mount, leveling valve, freight 3467.75; Schlecht Trucking, hauled chip overs 3681.33; Wex Bank (Sinclair), fuel 51.38; Spencer Quarries, chip overs 3994.44; Spud Truck, hauled armor coat gravel 10214.98; Sta-Bilt Construction, armor coat surfacing 21241.00; Nebraska Dept Revenue, Nebraska motor fuel tax 2951.00; Theisen Construction, cost to inspect and do cast estimate for materials & labor to restore damaged parts, mobilization & inspection time for the truss bridge damaged north of Royal 500.00; Three & Co Baking, rolls 20.00; US Safety, elastic protective coveralls 270.56.

**Brunswick Area:** Dinkel Implement, equipment rental 5238.00; Frontier Communications, telephone service 78.11; Kumm Gas, fuel 2163.42; Mitteis Gravel, road gravel 2900.34; North Central Public Power District, electricity 111.23; Pellatz Bros Paint, U-joints, shop supplies, tire repair, labor 189.98; Road Builders, reseal steering cylinder, repair air leak on foot valve, fright, mileage, seal kit, valve labor 3382.06.

**Orchard Area:** Black Hills Energy, heating fuel 41.83; Farmer's Pride, fuel 3186.60; Frontier Communications, telephone service 80.20; Lazy T Tire, tires, Nebraska tire fee, shop fee, tire disposal fee, U-joint, labor, tire repair 834.31; Mitteis Gravel, armor coat, sand, fill dirt, gravel 954.48; North Central Public Power District, electricity 57.48; Northeast Glass, urethane kit, labor to remove and install 225.00; Powerplan, window pane, freight 457.27; T-J's Corner Hardware, bolts, tool box, oil 21.97.

**Clearwater Area:** Black Hills Energy, heating fuel 37.32; Elkhorn Rural Public Power District, fuel 78.28; Emme Sand, rock 4836.08; Farmer's Pride, fuel 3823.08; Green Line Equipment, tractor rental 625.00; Hinrichsen Sand, bank run 171.40; Lawson Products, bench grinder wheel, wire wheel, gold cutting fluid/foam battery maintenance, freight 241.09; Kayton International, couplings 28.86; Northeast Nebraska Telephone Company, telephone service 201.13; Pollock Redi Mix, road gravel, oversize rock 4629.07; Powerplan, wiring, mileage charge, freight, labor 1632.31; Road Builders, rods, freight, mileage, spacers, gaskets, stud, oil filter, seals, washers, switch, nuts, labor 2845.10; Wex Bank, fuel 136.07; Clearwater Village, water, sewer, business 108.00.

**Neligh Area:** Farmer's Pride, fuel, oil 2317.28; Frontier Communications, telephone service 128.17; Klabenes Construction, move dirt on 826<sup>th</sup> Ave (Carpenter Road), 637 scrapers 3000.00; Mitteis Gravel, dirt 227.70; Pollock Redi Mix, road gravel 2295.11; Road Builders, mileage, fuse, fuse holder, shop supplies, labor 290.69.

**Tilden Area:** Black Hills Energy, heating fuel 27.67; Carhart Lumber, switch, five pack blades 13.97; Farmer's Pride, fuel 2721.69; Tilden City, garbage, sewer, water 104.82; D & M Machinery, B-392, tire tester, misc parts 53.44; Frontier Communications, telephone service 78.38; Matteo Sand, small rock 3241.20; Mr. S's, fuel 116.79; Pollock Redi Mix, road gravel 7331.85.

**Oakdale Area:** Black Hills Energy, heating fuel 38.72; Emme Sand, gravel 1137.20; Famer's Pride, fuel 1192.07; Great Plains Communications, telephone service 125.21; Hinrichsen Sand, gravel, bank run 619.01; Lichtenberg Tire, tire mount/dismount, misc shop supplies, valve stem 41.50; Mr. S's, fuel 54.00; Nebraska Public Power District, electricity 58.99; Pollock Redi Mix, road gravel 1826.11; Road Builders, mileage, hose, valve, seal, repair, labor 2890.28; Rutjens Construction, CAT backhoe rental 326.91; Bob Schiltmeyer, dig out driveway culvert at Merle Borer's 225.00.

**Elgin Area:** Beckman Lumber, red sealed round light 8.55; Black Hills Energy, heating fuel 66.41; Elgin City, garbage 56.25; Elkhorn Rural Public Power District, electricity 35.30; Emme Sand, gravel, rock 4040.68; Great Plains Communications, telephone service 139.43; Hometown Station, fuel 66.06; Mitteis Gravel, road gravel 1720.80; Neligh Auto, alternator 41.99; Pollock Redi Mix, road gravel 2886.75; Sapp Bros, oil, fuel 2042.29.

**Law Enforcement Bond:** Bok Financial, limited tax obligation jail bonds, series 2013, interest payments 424,608.75.

**Reappraisal Fund:** Megan Beckman, meal reimbursement 12.00; Kelly Mueller, meal reimbursement 26.00; Quill Corp, post-it notes treasure chest, brother series tape 136.93.

**Register of Deeds:** MIPS, data processing 302.40.

**Inheritance Fund:** Alan Golter, refund overpayment for inheritance tax 180.80; Janis Golter, refund overpayment for inheritance tax 180.81.

**Law Enforcement:** Applied Connective Technologies, Panasonic Toughbook, freight, onsite IT service 2264.00; Bob Barker, tactical pants for jail staff 415.43; Cash-Wa Distributing, ice cream cups, chicken breast patties, hoagie buns, diced peaches, diced pears, tomato juice, applesauce, pasta sauce, mandarin oranges, gelatin, elbow pasta, chicken leg quarters, ground beef, pork loins, ham, potatoes, pork ribs, gravy, frozen pizzas, biscuit dough, cinnamon, garlic salt, sandwich spreader, pear slices, instant yeast, flour, instant pudding, cheese slices, tater tots, fries, magnetic knife rack, paring knife, measuring cup set, sugar, cabbage dry slaw 4125.71; Dean's Market, orange juice, apple juice, ground beef 542.76; Elkhorn River Farms, potatoes 36.00; Faith Regional Physician Services, doctor visit for inmate 29.75; Keefe Supply, coffee, potato chips, jolly rancher candies 322.08; Madison County Sheriff, cost to board prisoner for 32 days 2405.00; Netcom, programmed/installed new radio, checked control point radio and antenna, checked radio found bad preamp on receiver 7455.00; Oasis Counseling, therapy session for inmate 98.00; Thriftway Market, milk, cookies, tortilla chips, potatoes, potato salad, macaroni salad, baked beans, Gatorade, ketchup, ruffles potato chips, dinner rolls, water bottles, butterfly chops, pork loin chops, milk, sandwich bags, sugar, peanut butter, tortillas, onions, tomatoes, quick oats, Kool-Aid, bananas, bread, powdered sugar, brown sugar, chest rub, daytime meds, Nyquil, Lysol, butter spread, grape jelly, taco shells 612.16; Uline Ship, white labels, recloseable bags, fresh scent wipes, wipe refills, super foam drainage mat, black chart tape 1359.32.

**Law Commissary:** Bob Barker Company, men's boxers, footwear, sports bras, underwear, deodorant 954.66; Cortech USA, property totes for inmates 717.75; Farner Co, commissary candy 53.20; Midwest Storage Solutions, property bags for inmates 182.29; Morrison Farms, popcorn 129.60; Office Depot, roll of tickets 14.97; Pinnacle Bank, ex 681.18; Protocall, phone cards 350.00.

**Building Fund:** Adams Electric, east and west bay radiant tube & heaters, misc parts 5400.00; Flenniken Electric, labor for installing new LED troughers, LED troughers, connectors, couplings, ½" EMT's, #12 THHN 1129.22; Total Fire Protection, annual inspection 550.00; Urbanec's Furniture, labor/material to repair wall tile in south hallway 75.00.

**General: Payroll** 90,896.52; AFLAC, insurance 911.96; Ameritas, retirement 13,651.33; BC/BS, insurance 59,098.76; Colonial Life, insurance 58.25; Federal Withholding, 10,618.56; 1st Concord Benefits, insurance 910.83; Garnishment, 544.00; Madison National Life, insurance 377.71; Nebraska Department of Revenue, state tax 3463.30; NACO Vison, insurance 437.15; Social Security, 18,438.70; Washington National, insurance 307.65.

**Road & Bridge: Payroll**, 47,621.94; AFLAC, insurance 388.31; Ameritas, retirement 7042.50; BC/BS, insurance 36,673.00; Colonial Life, insurance 18.00; Federal Withholding, 4349.33; 1st Concord Benefits, insurance 312.50; Garnishment, 313.37; Madison National Life, insurance 223.94; Nebraska Department of Revenue, state tax 1541.41; NACO Vison, insurance 199.80; Social Security, 9455.08; Washington National, insurance 133.40.

Ed Schindler /s/10-10-2017

Jerald Schwager /s/10-10-2017

Charles Henery /s/ 10-10-2017

Motion by Commissioner Henery to pay payroll claims except Eli Jacob's Road and Bridge, and commissioner pay. Motion was seconded by Commissioner Jacob. Voting aye: Henery, Schwager, Jacob and Kerkman. Schindler abstained. Nays none. Motion carried.

Motion by Commissioner Schindler, seconded by Commissioner Schwager to pay Eli Jacob's payroll road & bridge and commissioner claims. Voting aye: Schwager, Schindler, Henery and Kerkman. Jacob abstained. Nays none. Motion carried. Warrant signed.

Correspondence was reviewed: Real Delinquent Tax Report; NDOR Upcoming Bridge Inspection Reminder; NDOR Past Due Bridge Inspection Reminder; September 12, 2017 Public Hearing Minutes; October 3<sup>rd</sup>, 2017 Board of Commissioner Minutes for review; Cherry County Planning and Zoning Minutes of meeting of October 3, 2017 regarding Zoning Regulations; Maximus cost analysis of indirect costs for Health & Human Service System; Union Bank and Trust -Antelope Memorial Hospital Bond Refinance Monthly Statement.

Pledge Collateral was reviewed. Pinnacle Bank currently has \$1,900,000.00 coverage. This will be lowered after the deposits are made this week.

Motion by Commissioner Henery, seconded by Commissioner Jacob to approve claims for Janis Golter (\$180.81) and Alan Golter (\$180.81). These claims are **refunds of tentative inheritance tax** paid by the family of Authur E. Golter. Deb Branstiter, Antelope County Treasurer received this order from District Court. This represents an overpayment and was court ordered by Honorable Donna Taylor to refund the overpayment. Voting aye: Henery, Jacob, Schindler, Schwager and Kerkman. Nays none. Motion carried.

Antelope County Treasurer, Deb Branstiter, met with the Commissioners to review the **Delinquent Tax List**. The list consists of approximately 95 parcels. Although this is a long list the total outstanding debt is \$38,017.61, with the 2015 debt at \$21,506.68. There are just a few more three (3) year delinquent added this year. There was general discussion on a couple parcels including Parcel # 000839400 Ned & Tina Bertschinger this parcel is Improvement on Leased Land (IOLL) on School Land. The had a house on this parcel and something happened and the basically abandoned the property, in the meantime the house has been removed. Other parcels discussed are from last year's delinquent tax list and remain unpaid. However, there are some parcels in which the owners are making a true faith effort to pay the back taxes. The Commissioners appreciated Debs' efforts in collecting these, and requested she continue to work with the public. Motion by Commissioner Henery, seconded by Commissioner Schwager to have Deb discuss the names, parcels and amounts of the three (3) year delinquent tax payers with County Attorney, and to make a recommendation to have the County Attorney send a letter to the new three (3) year delinquent tax payers. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion passed.

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

**Sheriff's September Fee Report** was reviewed and put on file.

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

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

**Zoning Administrators Permit Report** was reviewed and put on file.

**Road Boss Report:** Casey met with the Commissioners. Hot off of the email was a letter from the Insurance Company adjuster of the unit that damaged the bridge north of Royal on July 4<sup>th</sup>, 2017 weekend. They have had the estimate and bridge repair detail for greater than six (6) weeks. Their correspondence referenced our need to replace the whole bridge they will pay the actual cash value of the bridge that was damaged. The bridge has to be repaired as the road is closed and cannot be used at this time, it remains impassable and closed. According to Brian, and his expertise, they cannot expend out the value of labor, the only thing they can expend out would be the materials, which are estimated to be \$2,000.00. Loss of use of the bridge was discussed however nobody knows how to figure this. Casey reported they had been out to the Koinzan Bridge, the bridge is built in a slight hole and Brian suggested an abutment. In order to get a truly smooth transition, Mr. McDonald suggested a 100-foot abutment. Casey *estimated* a 30-foot abutment would be \$12,670, a 60-foot abutment would be \$24,616.00 and the 100-foot abutment would be \$40,500.00 – figuring a square foot price for contract at \$ 9.05. Currently there is a 3 inch drop on the bridge which will be very hard on the wear of the bridge. Motion by Commissioner Schwager, seconded by Commissioner Henry to implement a change order to include a 60-foot abutment on the Koinzan bridge. Listing it as a change order, Klabenes will just do the work while he is out there. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Casey has corresponded with Mitteis Gravel regarding the prepaid **gravel for Willow Township**. Willow Township prepaid for 900 yards of gravel, and the trucking of same. Curt Mitteis has admitted he estimated the trucking high for this Willow Township purchase, and has agreed if Antelope County would pick it up (trucking) he would equalate this to an additional 700 yards of gravel to pay for the trucking.

**Township Claims** were presented for payment. Motion by Commissioner Schwager, seconded by Commissioner Henery to approve the Township Claims. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

**Township Claims:**

Smith Construction	Stanton Township	\$ 1,350.00	
Hinrichsen Sand & Gravel:	Elgin Township	\$ 1,567.14	
Emme Sand & Gravel	Blaine Township	\$ 614.68	Logan Township \$ 567.21
	Oakdale Township	\$ 191.57	Elgin Township \$ 795.85
	Stanton Township	\$ 610.28	
Mitteis Gravel:	Bazile Township	\$ 2,949.57	
	Sherman Township	\$ 556.02	
	Verdigris Township	\$ 4,017.69	
Pollock Redi-Mix	Blaine Township	\$ 1,206.74	Elgin Township \$ 234.90
	Clearwater Township	\$ 324.80	Oakdale Township \$ 254.93
	Frenchtown Township	\$ 1,432.58	

Dean Smith had requested on Friday to be on the agenda. However, inadvertently, the county Clerk did not get him added to the agenda. Dean asked about contacts such as NACO or NIRMA who have maybe experienced something like this, that would have some experience or expertise to help on the Bridge north of Royal conundrum. We are keeping in mind the bridge repair deals with the labor aside from materials needed. Dean presented a copy of an email from Stanton County’s Zoning wind regulation approvals. He also referenced the Cherry County Zoning Minutes that was distributed with correspondence. The email was from an individual involved in the process – no name was provided.

Met as **Board of Equalization** for approximately six (6) minutes.

The **notice to proceed** with the re-decking projects on the Clearwater North Bridge and the Neligh Southwest Bridge was presented for Klabenes Construction. Motion by Commissioner Jacob, seconded by Commissioner Schwager to accept and authorize chairman to sign the notices. Voting aye: Schwager, Jacob, Schindler, Henery, and Kerkman. Nays none. Motion carried.

Casey presented with the **56 Road Access Permits from Invenergy**. These permits encompass the first portion of the wind tower construction phase. The tower materials will be shipping and arriving in Antelope County this fall, before the end of the year. Currently, they will be unloading this in a central lay down, and Casey presented with the laydown yard access permits. These are approximately 700 and 1200 feet off of Highway 14, there is no culverts to consider. These are located in SW¼SW¼ 28-26-6. David Shrader owner. Motion by Commissioner Schindler, seconded by Commissioner Jacob to approve the 2 Access permits for the loading area. Voting aye: Schindler, Jacob, Henery, Schwager and Kerkman. Nays none. Motion carried.

**Road Use Agreement:** During the October 3<sup>rd</sup>, 2017 meeting the Road Use Agreement update was discussed. The Road Agreement was updated and approved on May 9, 2017. The agreement has a current list of Roads, and a map showing location. Josh Framel with Invenergy addressed the board and confirmed they would be utilizing this agreement, and asked the Commissioners to grant Casey the authority to manage the road use as needed through the winter months. No further action. Agreement made last week. Josh Framel from Invenergy touched base regarding same. Casey assured the commissioners at any time he would be able to tell them which roads were what.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. She did not have a lot. Awaiting the Zoning Regulation update meeting at 11:00 AM today. She questioned whether Dean’s comments should have been shared. Monthly permit was presented. No further discussion. She is awaiting the start of the Zoning Regulations discussion; Keith Marvin will be here at that time.

Steve Bartz from **Kidwell Inc.** met with the commissioners regarding **IT Services**. Kidwell is out of Lincoln, Nebraska. They have been in business since 1948. They provide special systems such as security, surveillance, access control, telephone systems and electrical contracting, data cabling, and have done IT services since 1992. The contract he presented would be a fully managed proposal it would include malware protections, email and web filtering. The proposal has unlimited hours. Desk top support, firewall, server support, computer networking. It would be a fixed budgeted amount. Any hard ware stuff would be additional however, all software support, computer support, and web would be completed.

Follow-up of the Zoning Regulations Public Hearing continued at 11:00 AM. Keith Marvin, Liz Doerr, and the Commissioners discussed for approximately 70 minutes. During this time discussion ranged on a variety of zoning issues including Livestock Facilities, ANSI standards regarding noise, flicker, ice braking and flooding regulations. Other issues were discussed. Commissioner Henery proposed a motion to accept and approve the Zoning Regulations as presented with the following exceptions and/or deletions:

- Updating the Wind Turbine setbacks to 2400 feet from a non-participating land owner dwelling, with no more than two wind turbines in a 3500-foot radius.
- There will be a 50-decibel noise level limit as measured with a 10-minute Leq. If there is a complaint, follow-up study and cost would be at the complainers’ expense.
- Setbacks for ice braking regarding wind turbines will be 1.5 x length of the blade measured from center of the road (or section line).
- Setbacks for other right of ways would be 1.5 x blade length. Rail Road, State & County Roadway Right of Ways.
- Decommissioning plan will remain as current regulations, to include a 180-day timeline to remove the turbines after declaration of inactivity.
- Wind turbine shadow flicker will be removed.
- Add subdivision regulations as written.
- No regulations regarding pipelines.
- Approve and Implement Zoning Map.
- Remove sign regulations.
- Insert language for flood plain appurtenant structure language from the state.

- AGG (also AGT & AGR) Grain bins and Agriculture structures shall meet the setbacks unless there are existing non-conforming agricultural structures with a lesser setback in which case the new structure can go no closer to the property line than the existing structure or 50% of the required setback whichever is greater.

**Planning and Zoning Regulation Update**

Antelope County, Nebraska

RESOLUTION NO. 2017-10-00001

A resolution, consistent with the Comprehensive Development Plan, Adopted for the purpose of promoting health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the county of Antelope, Nebraska, to regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, including tents, cabins, house trailers, and automobile trailers; the percentage of lot areas which may be occupied, building setback lines; size of yards, courts, and other open spaces; the density of population; the uses of buildings; and the uses of the land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses; to divide the County into districts of such number, shape, and area as may be best suited to carry out the purposes of this resolution to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of non-farm buildings or structures, and the use, conditions of use or occupancy of land in the unincorporated areas of the County; to provide for the adoption of a zoning map; to provide for a board of adjustment, its members, powers, and duties; to provide for off-street parking and loading area requirements; to provide for conditional uses by conditional use permit; to provide for non-conforming uses, to provide for the administration and the enforcement of these provisions, and for the violations of its provisions and the prescribed penalties, and including among others such specific purposes as:

Developing both urban and non-urban areas;  
 Lessening congestion in the streets or roads;  
 Reducing the waste of excessive amounts of roads;  
 Securing safety from fire and other dangers;  
 Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or run-off of storm or flood waters;  
 Providing adequate light and air;  
 Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;  
 Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;  
 Protecting the tax base;  
 Protecting property against blight and depreciation;  
 Securing economy in governmental expenditures;  
 Fostering the County's agriculture, recreation, and other industries;  
 Encouraging the most appropriate use of land in the County; and  
 Preserving, protecting, and enhancing historic buildings, places, and districts, all in accordance with the comprehensive plan.

WHEREAS Nebraska Revised Reissued Statutes, 1943, Sections 23-114 through 23-114.05 and 23-164 through 23-174.06 as amended, empowers the County to adopt a zoning and subdivision resolution and to provide for its administration, enforcement, and amendment; and

WHEREAS, the County Board of Commissioners of the county of Antelope, Nebraska deem it in the interest of the public health, safety, morals, convenience, order, prosperity, and welfare of said County and its present and future residents; and

WHEREAS, the County Board of Commissioners of the county of Antelope, Nebraska has adopted a Comprehensive Development Plan pursuant to Neb. R. R. S. 1943, Sections 23-114 through 23-114.03, as amended, and known as Antelope County Comprehensive Plan, as amended; and

WHEREAS, the Planning Commission of the county of Antelope, Nebraska has recommended the division of the unincorporated areas of the County into districts and recommended regulations pertaining to such districts consistent with the adopted Comprehensive Plan based on a future land use plan designed to lessen congestion on roads and highways, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to conserve agricultural land and values, to facilitate sewerage, schools, parks, and other public needs; and

WHEREAS, the Planning Commission of the county of Antelope, Nebraska has given reasonable consideration, among other things, to the prevailing agricultural and rural characteristics now predominant in the County, to the character of the districts and their peculiar suitability for the particular permitted uses, with a reasonable understanding of the objective to conserve the value of lands and improvements while encouraging the development of the most appropriate uses of land throughout the County; and

WHEREAS, the Planning Commission of the county of Antelope, Nebraska has made a preliminary report, held public hearings, submitted its recommended final report to the County Board of Commissioners; and the County Board of Commissioners have given due public notice of hearings relating to the Comprehensive Plan, to the zoning districts, regulations, subdivision regulations, and restrictions, and has held such public hearing; and

WHEREAS, The County Board of Commissioners of the county of Antelope, Nebraska have deemed it necessary to adopt the Comprehensive Plan, the zoning districts, regulations, subdivision regulations, and restrictions for the purpose of the conservation of the existing rural agricultural developments and land uses, of providing for the harmonious development and orderly expansion of urban areas radiating outwardly from existing rural communities, for the orderly extension and planned arrangements of county roads, utilities, for adequate sanitary facilities, for safe and health drinking water, and for reducing flood damage potentials; and

WHEREAS, the requirements of Neb. R.R.S. 1943, Section s 23-114 through 23-124.05, Sections 23-164 through 23-174, and Section 23-174.02, as amended, with regard to the recommendations of the Planning Commission, the Comprehensive Plan, the zoning districts, regulations, subdivision regulations and restrictions and the subsequent action of the County Board of Commissioners have been met;

The approved changes to the draft include, but are not limited to:

- Updating the Wind Turbine setbacks to 2400 feet from a non-participating land owner dwelling, with no more than two wind turbines in a 3500-foot radius.
- There will be a 50-decibel noise level limit as measured with a 10-minute Leq. If there is a complaint, follow-up study and cost would be at the complainers' expense.
- Setbacks for ice braking regarding wind turbines will be 1.5 x length of the blade measured from center of the road (or section line).
- Setbacks for other right of ways would be 1.5 x blade length. Rail Road, State & County Roadway Right of Ways.
- Decommissioning plan will remain as current regulations, to include a 180-day timeline to remove the turbines after declaration of inactivity.
- Wind turbine shadow flicker will be removed.
- Add subdivision regulations as written.
- No regulations regarding pipelines.
- Approve and Implement Zoning Map.
- Remove sign regulations.
- Insert language for flood plain appurtenant structure language from the state.
- AGG (also AGT & AGR) Grain bins and Agriculture structures shall meet the setbacks unless there are existing non-conforming agricultural structures with a lesser setback in which case the new structure can go no closer to the property line than the existing structure or 50% of the required setback whichever is greater.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF ANTELOPE, NEBRASKA.

Passed and Approved this 10<sup>th</sup> day of October, 2017.

COUNTY OF ANTELOPE, NEBRASKA

\_\_\_\_\_  
 LeRoy Kerkman, Chairman  
 Antelope County Board of Commissioners

ATTEST: \_\_\_\_\_  
 Lisa Payne, Antelope County Clerk

Motion by: Henery  
 Seconded by: Schwager  
 Voting: Aye: Henery, Schwager, Schindler, Jacob and Kerkman; Nay: none; Abstain: 0

Motion was seconded by Schwager. Voting aye: Henery, Schwager, Schindler, Jacob, and Kerkman, Nays none. Motion carried.

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

Meeting adjourned at 12:19 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, LeRoy Kerkman

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