

November 7th, 2017
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, November 7, 2017 at 9:01 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.

Correspondence was reviewed: Email from Tobin Buchanan, First National Capital Markets regarding Jail Bond refinancing and the current purchase savings and the Legal Alert from Kutak Rock on the Proposed Tax Bill Threatens Essential Community Services and Infrastructure Projects; NIRMA Safety Shorts – November 2017; One-Room School House letters; Berggren Architects invitation to lunch on December 14th, 2017 NACO Conference; NDOR Past Due Bridge Inspection Reminder; Plans, Specifications and Contract Documents for Royal North Bridge; Post card for DEQ regarding the February 1, 2018 deadline for 2018 Waste Reduction and Recycling Incentive Grants; Blue Cross Blue Shield of Nebraska regarding Walgreens and Prime Therapeutics joining for pharmacy mail service company; JAO LLC Nebraska DEQ letter regarding construction and operating permit issued; Upstream Wind Energy LLC Contract Bond K09550306; pictures from tower construction was shared – progress is continuing; letter from Stowell Geweke PC LLO regarding road that was reworked in NE¼ 16-23-6.

The **Upstream Wind Energy Bond** as an agenda item – no action needed or taken.

Discussion on letter from Stowell and Geweke PC LLO, Road Boss, Casey Dittrich has looked at this and spoke with land owner, Mark Schrage. Last summer this was graded and the road was built up. Currently, there is a wet spot, and there is a potential for an issue if there is a lot of rain in the area. Casey believes the best solution is to flatten the area in question. Commissioners voiced no opposition. Casey will write a letter in response.

Receipts: \$200,000.00 Interfund transfer; \$7,900.00 NIRMA Insurance Dump Truck Settlement; \$600.00 refund of registration for assessors training; NIRMA dividend distribution \$19,630.00.

Road Boss Report: 524th Avenue – north of 840th Road. This stretch used to be a minimum maintenance road. Invenergy redid part of the road for tower access. Approximately 1½ years ago, Brian McDonald, Supervisor Koinzan and Casey went out, and Brian suggested to walk away because to build it to standards would be a heavy purse, and the history of the road did not warrant it. The road has not been used since mid-sixties, and the bridge is no longer there, as it was burnt in the mid-70's. The landowner has rebuilt approximately ½ mile, it is a decent road, however it is not in the counties best interest to maintain this road, as any amount of rain will wash it out. Casey was looking for direction, as the 'public' is currently using it with the landowner rebuild and if anything happens it is currently a liability for the county. Casey would like to see the Commissioners move to have a study done, and possibly close the road and revert it back to landowner. To protect the general public, we will mark the road as closed, so as to stop a motorist from using the road, and coming upon a non-county maintained road. Motion by Commissioner Henery, seconded by Commissioner Schindler to have Brian McDonald study the road for possible closure. Voting aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried. – **56 permits – Clearwater North Bridge Project:** Theisen is behind on another project, and now we are all concerned about the weather. In looking for other options-every contractor has concerns with the weather. Thiesen has already ordered some supplies. The decking on the bridge will probably not be completed this fall/year, it will probably be next spring. The Koinzan Bridge (southwest of Neligh) is going well, it is being driven on, however the bridge is not over as we are waiting on curing. The abutment was not completed due to lack of funds; it is too cold to pour now. We are hoping the bridge holds together. **Royal Bridge** – plans look great. It was staked yesterday. Frank Morrison has offered a barrow site for the 1300 yards of dirt. Culverts are coming – they will be here about the 22nd. Bids to be opened next week, project hopefully will happen next spring. Our goal is to get that road open. - Village of Clearwater is working on a sewer project and will dump the asphalt at the county barn. We are trying to get all of the mix strip in one spot, so Aschoff can come in December and grind it all into millings.

Galen Furstenau met with the Commissioners regarding the **One Room School House Project**. He started by stating he is not against the project. He went to a one-room school and he has stuff he could donate to the school. His concern is 'the tax payers need assurance that donations will cover what they are going to do.' He believes the county is liable if – they (the One-Room School Committee) do not pay for their bills. He is wanting to insure the county does not get stuck with some of the funding to complete project. There are a couple things he brought to the commissioners: he wants solid assurance from the committee that the money will be there when it is needed to be there. In business, he said you don't start construction, until you know where the money is coming from. He suggested bonding the money until the project is complete. Halting the project until all of the funds are raised. The county can make plans to make the committee reliable in some way. He believes this is not their issue, but a county issue – and wants the county to insure there is not any lapse in the completion of the project. He stated the county needs to know what kind of dollars is needed to run this 'one room school' for future cost analysis. The project is on target as per the timeline they had originally laid out. Commissioner Henery said they have assured him if the funding is not there from donations, they will halt until more donations come in.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. She has nothing to report. It is that time of year when things are slowing up.

Access Permit: During the October 3rd Meeting, Marlin Conry, from Invenergy submitted 56 road access permits in various ranges. [26-6 (13); 26-7 (16); 26-5 (5); 25-5 (14); 25-6 (8)]. Because of timeliness, Road Boss Casey Dittrich asked for approval of these permits, pending review and acceptance by him once he has time to verify all permits. [10-03-2017 Commissioner Meeting: Motion was made by Commissioner Henery, seconded by Commissioner Jacob to accept on contingency to approve. Voting aye: Henery, Jacob, Schwager, Schindler, and Kerkman. Nays none. Motion carried.] {During the October 10, 2017 meeting two (2) access permits were approved. 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.} Today, Mr. Dittrich presented with 50 permits that he wishes to accept. They are as follows: W½NW¼ 8-26-7 Shawn Seier, owner; W½NE¼ 18-26-7 Frederic Thiele, owner; SW¼ 17-26-7 Caroline Jaeke, owner; NW¼ 11-26-7 Frederick Schultz, owner; SE¼ 8-26-7 James Koenig, owner; NE¼ 17-26-7 Gene Schacht, owner; NW¼ 16-26-7 Nebraska Board of Educational Land and Funds, owner; NE¼ 21-26-7 James Koenig, owner; 28-26-7 W½W½ Caroline Jaeke, owner; SE¼ 16-26-7 Nebraska Board of Education, owner; SW¼NE¼, SW¼, NW¼SE¼ 15-26-7 Harlan Good, owner; E½NE¼, NE¼SE¼ 22-26-7 Frederick Schultz, owner; NE¼, SW¼NE¼, NE¼SE¼ 23-26-7 James Koenig, owner; SE¼ 14-26-7 Gene Schacht, owner; SE¼ 7-26-6 Dareld Kallhoff Trust, owner; SW¼ 19-26-6 Frank Morrison, owner; NW¼ 30-26-6 Frederick Schultz, owner; SE¼ 10-26-7 Barbara Gaiteher, owner; NE¼ 30-26-6 Leonard Miller, owner; SW¼ 29-26-6 Harlan Good, owner; SW¼ 29-26-6 Harlan Good, owner; NE¼ 27-26-6 Timothy Kallhoff, owner; E½SW¼ 26-26-6 Marvin Sands, owner; NW¼ 35-26-6 LaVern Hauptman, owner; SW¼ 25-26-6 Levern Hauptman, owner; S½NE¼ 24-26-6 Kenneth Kallhoff, owner; NE¼, N½SE¼ 17-26-5 The Young Family LLC, owner; W½NE¼ & E½NW¼ & SE¼ 16-26-5 Bruce Hild, owner; NE¼ & E½NW¼ 31-26-5 Allen Korth, owner; SE¼ 36-26-6 Nebraska Board of Education, owner; N½NE¼ 4-25-5 Dinsdale Bros. Inc, owner; NE¼ 5-25-5 Pinnacle Bancorp, owner; N½ 8-25-5 Frankie

Maughan, owner; NW¼ 9-25-5 JDHI LLC, owner; N½ 8-25-5 Frankie Maughan, owner; SE¼ 17-25-5 Tedd Adams, owner; SW¼ 16-25-5 Richard Eilers, owner; NE¼ 6-25-5 Tree Corners Farm LLC, owner; N½NE¼ 7-25-5 Frankie Maughan, owner; SE¼ 18-25-5 A & M Rice Family LTD, owner; W½NW¼ 17-25-5 Tedd Adams, owner; NE¼ and NE¼ & S½NE¼ 30-25-5 Brandt Ranch, Inc, owner; SW¼ 18-25-5 Tedd Adams, owner; NE¼ 24-25-6 Ronald Rice, owner; NW¼ 12-25-6 Ronald Rice, owner; W½ 1-25-6 Weidner Family Farms LP, owner; W½ 1-25-6 Weidner Family Farms LP, owner; N½ 2-25-6 Rainbow Farms Inc, owner; N½NE¼ 10-25-6 Baltic American Land Company, owner; S½SE¼ 10-25-6 Beverly Land Company, owner. No questions or problems were voiced. The four (4) access permits not processed are questions Casey had questions on, and may or may not be presented later. No further action.

Underground Permit: Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the application for permit submitted by Elkhorn Rural Public Power District to place a permanent electric line beneath 861st Road crossing from the SW¼ of Section 18, Township 27, Range 7, West of the 6th PM, to the NW¼ Section 19, Township 27, Range 7 West of the 6th P.M., Antelope County, Nebraska. Wanda Trease, owner and Kevin Trease, tenant. There will be two (2) set of PVC pipe one for irrigation pump and one for grain bin. All work to be done according to County and State specs. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Access Permit: Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for access permit submitted by Joe Thiele to on 521st Avenue. The access is to gain entrance to grain bin in the NE¼ of Section 26, Township 26, Range 7, West of the 6th PM, Antelope County, Nebraska. Lois Mosel, owner and Joe Thiele, tenant. It was approved with the condition of 40 feet instead of the 50 submitted. All work to be done according to County and State specs. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Access Permit: Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the application for access permit submitted by Kelly Friedrich on 530th Avenue. The access is to gain entrance to a residence in the S½NE¼ of Section 32, Township 28, Range 5, West of the 6th PM, Antelope County, Nebraska. Kelly Friedrich and Mark May, owner. All work to be done according to County and State specs. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Discussion and Possible Action on **IT Services Contract:** Item not discussed and no action taken. Will be discussed at a future meeting.

Minutes of October 3rd, 2017 and October 10th, 2017 Board of Commissioners Meeting: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve minutes as written. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

Minutes of September 12th, 2017 Public Hearing on Zoning Regulations: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve minutes as written. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schwager, seconded by Commissioner Schindler to rescind motion approving minutes of the October 3rd and October 10th, 2017 Commissioner Meetings, because of the discrepancy in the motion to accept the Zoning Regulations. Discussion continued. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Minutes of October 3rd, 2017 Board of Commissioners Meeting: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve minutes as written. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

Minutes of September 19th, 2017 Budget Public Hearing: Motion by Commissioner Schindler, seconded by Commissioner Jacob to approve minutes as written. Voting aye: Schindler, Henery, Jacob, Schwager, and Kerkman. Nays none. Motion carried.

Board of Equalization Minutes from October 10, 2017: Motion by Commissioner Henery, seconded by Commissioner Schwager to approve minutes as written. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

ACE Public Alliance for Community Energy set a letter regarding choosing a natural gas supplier. Typically, this process is completed in May. This letter asked us to secure a competitive rate for natural gas supply. Discussion regarding same. Commissioner Schwager made a motion. Motion was not seconded, and did for lack of interest. If more information is brought forward, it can be added to a future agenda. On Monday, correspondence was received from Black Hills Energy regarding same. No action.

NIRMA Dividend and Membership Recommitment: NIRMA dividend check was distributed in October, Antelope County's check was for \$19,630.00. There is also another check in the amount of \$11,785.00 which is retained and is a benefit of the recommitment process. Currently, Antelope County has NIRMA as their liability insurance, workman's compensation insurance, safety program, and group force with various issues in County Government. General discussion. Motion by Commissioner Schwager, and seconded by Commissioner Schindler, the following members voted by roll call vote in favor of passage and adoption of said Resolution: Schwager, Schindler, Jacob, and Kerkman. Nays none. Commissioner Henery out of room for vote. Motion carried.

Antelope County Resolution

2017-11-00001

For Amendment and Addendum to

NIRMA/NIRMA II Intergovernmental/Interlocal Agreements

WHEREAS, Antelope County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to from and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb.Rev.Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb.Rev.Stat. §13-801 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in Neb.Rev.Stat. §44-4303 are allowed to participate in said cooperative undertakings; and

WHEREAS, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through the pooling of insurance purchasing by local government, and

WHEREAS, NIRMA and NIRMA II have provided coverages to the County in a cost-effective way which meet and exceed that provided by standard insurance carriers; and

WHEREAS, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims and litigation management, and coverages tailored to address loss exposures counties and other related public entities face not economically available from other sources; and

WHEREAS, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

WHEREAS, the current Intergovernmental/Interlocal Agreements will expire on June 30, 2018, and

NOW, THEREFORE, BE IT RESOLVED that the Antelope County Board of Commissioners hereby:

Extends its commitment to participate in NIRMA and NIRMA II for the period of July 1, 2018 through June 30, 2021; and

Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

After motion duly made by Commissioner Schwager, and seconded by Commissioner Schindler, the following members voted by roll call vote in favor of passage and adoption of said Resolution: Schwager, Schindler, Jacob, and Kerkman.

The following Voted against the same: ___ -0- __.
The following were absent or abstained: Henery (out of room for vote).

PASSED AND APPROVED this 7th day of November, 2017.

Antelope County Board of Commissioners

Attest:

___/s/ Lisa Payne (seal) _____
County Clerk

By: ___/s/ LeRoy Kerkman _____
LeRoy Kerkman, Chairman Board of Commissioners

Orchard Fire & Rescue Department not receiving calls. Duane and Irene Risinger met with the commissioners regarding not receiving calls from the dispatch center. They believe the dispatch center is not doing all they can do. They have spoken with the Sheriff regarding this. They believe these calls should be coming through their phones both landline and cellular. They do not carry radios with them. The pagers they carried have been phased out. There is 12 connections on their land line that do not seem to be relaying like they should. Sheriff Moore was not available for comment, and will meet with the commissioners next week. The Risingers also mentioned the 9-1-1 district and the way it is out laid. These districts are not set by the county and the commissioners are not sure who to refer them re-districting to. Trent Howard, Emergency Manager was contacted he will be contacting Sheriff Moore and Mr. Risinger. No further action.

Official Wages: by statute elected and appointed official wages have to be set by January 15th of the election year. NACO completed a salary study and has prepared a report. This report was shared with the commissioners. A short discussion was held today. No action made. It was requested to put this on the agenda.

Courthouse Employee Christmas Lunch Date: This is an annual potluck dinner for the courthouse employees. Typically, it is held in December after one of the Commissioner Meetings. It was agreed to have it on the 12th of December. Commissioners will again purchase the turkey and ham.

Benefit Pay – Part time Employee: Connie Ofe, a long time weed department employee recently met with the commissioners regarding vacation hours she ‘normally’ takes. These hours had been awarded to her from the Weed Authority Board back in 1986. Since then she has taken a week of paid time off every year. Per employee handbook, vacation is not awarded to seasonal or part-time employees. Due to the fact that all employees now check in with a finger print, she is not able to list this time and just be paid for the hours. Because of the longevity of this practice, the commissioners agreed to pay five (5) days of vacation this year, and to stop the practice in 2017. In future years 2018, 2019 and so on no vacation time will be paid.

Motion by Commissioner Schindler, seconded by Commissioner Henery to approve the **\$200,000.00 General Fund transfer** to Road and Bridge. No discussion, all understood. Voting aye: Schindler, Henery, Jacob, Schwager, and Kerkman. Nays none. Motion carried.

Wellness Partners: Annually, the county has sponsored a lab screening through Wellness Partners. It was agreed to set this up when it is convenient for Wellness Partners and the courthouse.

Treasurer’s October Miscellaneous Fee Report was reviewed and put on file.

Treasurer’s October Fund Report was reviewed and put on file.

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

Sheriffs October Fee Report was reviewed and put on file.

Brian McDonald, Highway Superintendent: He shared a map. These maps had bridges marked in red. These ‘red’ bridges qualify for the **county bridge matching funds**. These funds were paid last year and are available for this year. Casey has a copy of the map and the guideline/criteria. Essentially, on a \$150,000.00 bridge project the state will pay 55%. Anything that is considered innovative, unlike replacing a bridge with a culvert. Last year we put in Bridge #14705 the 3-Ton Bridge, and we offered to abandon the bridge up here. (it had no deck or stringers to abutments.) Basically, the idea is to get the red bridges off of the map. He requested the board to let him know which bridges they want to consider for 2018. They have to be submitted by December 1st and completed by January 2019. The **NBCS forms**, Brian tabled until next week. He wants to go over some things with Casey on the F-1 schedule. **Bridge Inspections** are due in December and January. Last year the contract was for \$135.00 a bridge. There are approximately 64 bridges in the county (\$8,640.00 total) + five (5) that are considered Municipal. Motion by Commissioner Schindler, seconded by Commissioner Henery to have Brian McDonald, JEO Consulting to complete the 2017 Bridge Inspections of the 64 County Bridges due, and not the municipal bridges. Voting aye: Schindler, Henery, Schwager, Jacob and Kerkman. Nays none. Motion carried. **Royal North Bridge:** Brian has sent out about five (5) requests to bid this project. Because of the emergency nature of the bids, they will be bid on Monday, discussed and approved on Tuesday during the regular board meeting. We would like to have this project completed before winter.

Distress Warrants: Deb Branstiter, Antelope County Treasurer is required by statute to turn over to the Sheriff by November 1st a list of delinquent personal property. Distress warrant is any delinquent personal property. She turned these over on approximately the 27th day of October. There were approximately 39 turned over for a total of \$18,896.02. She has collected some of the delinquent taxes. The sheriff has nine (9) months to collect and then return them to the Treasurer. She will report to the board. No further action.

During the annual December **NACO Conference** the voting for NACO Officers takes place during the week. NACO asks the County Board to designate a voting representative and alternate for the county. Discussion. Motion by Commissioner Schwager, seconded by Commissioner Schindler to appoint Board Chairman Kerkman and Board Member Eli Jacob, alternate. Voting aye: Schwager, Schindler, Henery. Abstained: Kerkman and Jacob. Nays none. Motion carried.

Motion from October 10, 2017 meeting. Liz Doerr, reportedly has had a few phone calls regarding the passing of the Zoning Regulations and proposed changes. The setbacks are listed with differential lengths and some of the Planning Board Members have voiced a concern that he thought they were supposed to be the same. The County Attorney voiced an opinion (and the Commissioners received a letter regarding same) about the verbiage of the wind study ‘complainer.’ County Attorney Abler would like a verbiage that be a little more user friendly, that would make the Zoning Administrators job easier as far as enforcing Zoning Regulations. The County Attorney had a prior commitment and was not able to attend today’s meeting, however asked the Commissioners to correct verbiage by rescinding motions from the October 10, 2017 meeting. There was a lack of understanding on the procedures County Attorney Abler wanted the Commissioners to take in rescinding and making new motions. Some of the discussion again revolved around the setbacks, and the spacing of towers, clustering etc. Most of the sound effects should have been taken care of by the current regulations of 2,400 feet, with no more than two (2) in 3,500 feet. It was recommended to hold this until County Attorney Abler is able to attend. It was confirmed by phone he will be in attendance at the meeting on November 14, 2017, and in order to make sure this is all correct, they are requesting his guidance and expertise. The Commissioners agreed to avoid any further conundrum to wait for the County Attorney and his guidance. No action was taken, holding until November 14th, 2017 meeting.

Josh Framel, Invenergy gave an **update for the Upstream Project**. In the next six (6) to seven (7) weeks they will be delivering pieces and parts for 81 turbines to the laydown yard one (1) mile south of Neligh-Pierce Road (853rd Road and Highway 14). This phase of the project is 202.5 megawatts. They will probably rent some space in Neligh to hold some of the electrical components so they are not outside. Components will be coming from North

Dakota, South Dakota, Iowa, Florida, Wisconsin, and some from overseas. In April of 2018 construction will begin, the hope is to have all turbines up and online by the end of year 2018.

11:25 AM Joe Abler, County Attorney, called regarding the actions of the motion on passing the Resolution of Updating Zoning Regulations. As earlier discussion this was put on hold until next week. Mr. Abler will attend next weeks meeting to help with discussion and motions.

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 11:28 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, LeRoy Kerkman

Attest: _____
County Clerk, Lisa Payne