

Continuation of Public Hearing on Truck and Tractor Repair Business owned and operated by Roger Napton. The public hearing held on December 9, 2015 was continued to allow the applicant to establish a plan to improve his property, in order to establish a flow for customers and to keep parking off of the road right of ways.

Chairman Schwager opened the continuation of the public hearing at 9:38 AM by taking roll: Koinzan, Kerkman, Williby, Schindler, Henery, and Schwager. Bolling absent. He announces we are completing the public hearing on Roger Napton Truck and Trailer Repair in N1/2SW1/4 Section 5, Township 2, Range 6 West of the 6<sup>th</sup> P.M., and tract two is in SE1/4 Section1, Township 27, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Continued from December 9, 2015.

Jerry Schwager: OK, Roger Napton is going to tell us what he has got here.

Roger Napton: (Hands out a sketch of property.) On the diagram here it just shows my property. What I plan to do here is take the trees that are on 523<sup>rd</sup> Avenue and Highway 20 corner and take them back 50 or 60 feet, so I can park my trucks that are ready for sale up in that corner. The right of way will be cleared. Up in the corner where I am going to park the trucks that are done. Then I will come if somebody needs work on their trailer they can come in and they can drive in by the shop. This will be cleared out, so they can drive in by the shop and make a U-turn and go back out on the road. It is not working where I have the trucks on the west side with permission from Richard Rader. It is not working over there. There is no electricity over there. I have to setup a portable generator to plug in a truck, especially in this cold weather, to put a charger over there or whatever. It is not working. So, that is my proposal. My plan is to cut the trees down 50 feet back to park trucks as they are done and for sale. Parking for my customers in front of the shop and to make room for a U-turn there. I will work with the county on putting up no parking signs wherever needed, and what type of signs they want. So that is my proposal and I leave it with you. I want to thank you, the board, for allowing me to come present this.

Jerry Schwager: Now, you are talking on the west side you are going to, them trucks are going off that...

Roger Napton: Yeah, it is not working over there because there is no electricity.

Jerry Schwager: OK

Roger Napton: It just doesn't work.

Jerry Schwager: Any questions you want to ask to him, supervisors?

LeRoy Kerkman: You will have them out of there all the time. How about during the summer time? Will you park them over there or not; or are you going to abandon that totally.

Roger Napton: I would have to check with Richard on that, if I have an overflow or something. Because, I cannot control every person that just comes along. Just like the other day, I had a guy come walking in my yard and was talking to me. I looked around and said how did you get here? He said, I parked my truck out on Highway 20. I said, you better go out there and move it. I said bring it up and nose it in my driveway. And so he did. You know because I didn't, how do you control that? You know.

Jerry Schwager: He meant in the summertime if you are taking these trees out, you shouldn't have any trucks parked here in the right of way.

Roger Napton: I shouldn't have to, no. I have got 23 acres there so I can go back.

Jerry Schwager: Well, if you take out enough trees there you should have enough room, even in the summer to park your trucks up there on your own property.

Eddie Schindler: Main concern was trucks that sat there over a period of time.

Charlie Henery: You know on the road right of way.

Greg Koinzan: Are there trucks on the right of way now?

Roger Napton: No.

Eddie Schindler: Trucks that sat there for over 24 hours?

Roger Napton: You mean on the west side?

Eddie Schindler: Any place, you know if they sit there?

Roger Napton: On the west side they never have been on the right of way.

Eddie Schindler: As long as they aren't sitting there for 12 to 20 hours. You know something, I mean you are going to have people come in and stop, but they at least are not parking in the right of way.

Roger Napton: We will have some signs out there.

Eddie Schindler: Yeah, that will help a lot too. If you get no parking signs up.

Jerry Schwager: But, if you have this all cleaned up in front of your shop. There is no reason why anybody should stop on the road. You should have it so they could pull in our driveway and park on your property.

Roger Napton: Unless there has been two or three guys that came in with trucks and trailers and took all the parking. You know, that can happen.

Eddie Schindler: Yeah, but still it is temporary. What we are concerned about is them sitting there overnight or a day or two. Temporary parking you have that no matter where are at.

Roger Napton: Yeah.

Neil Williby: You see that in town. The FedEx truck stops in the middle of the street.

Eddie Schindler: Yeah, like you way when it sits there 10 to 24 hours. That is the problem.

Jerry Schwager: Any other questions you guys want answered?

Charlie Henery: When you are taking these trees out on this intersection, are you going to take it back 60 feet from the 33 feet line?

Roger Napton: Yes.

Jerry Schwager: You said 60 feet?

Roger Napton: 50 to 60 feet. Whatever it takes to drive a truck up there and be able to get it in and out. I do not want to have to move the whole line just to get at one. So, it will have to have some room to back a truck out, and drive a truck in. However, it is going to work. Because it needs to work.

LeRoy Kerkman: When that guy stopped that day, with his truck on the highway, you know that is a State Highway isn't it? We really don't have anything to say about that anyway.

Eddie Schindler: Yeah.

Roger Napton: But, still is a reflection on the business.

Neil Williby: It is on the right of way.

Eddie Schindler: It is a bad situation. It would be better if they didn't, let's put it that way. Like you said.

Jerry Schwager: Any other questions for him?

Greg Koinzan: My main concern is there is nothing in the right of way, now.

Eddie Schindler: Or parked for any length of time.

Greg Koinzan: That is my only concern. But that is not going to be a problem.

Roger Napton: No.

Eddie Schindler: Temporary for an hour or two only.

Jerry Schwager: And another thing, whoever makes the motion that is up to you guys, you are going to have to give him time to get the trees out and get some clean up done.

Neil Williby: Give him some kind of time frame.

Jerry Schwager: Give him a time frame to get stuff cleaned out.

Neil Williby: Even during the winter.

Jerry Schwager: And you understand you have to keep the right of way cleaned out completely all the time.

Neil Williby: It is hard to take a tree out in the winter time.

Jerry Schwager: Anything else?

Eddie Schindler: In our motion it should include there should be no permanent parking on the right of way.

Neil Williby: Absolutely.

Eddie Schindler: But as far as getting in it is OK.

Greg Koinzan: There is two (2) different issues.

Jerry Schwager: If you guys don't want anything else. We are done with Roger here. I need a motion and a second then.

Neil Williby: What kind of a time frame are you looking at?

Jerry Schwager: Well you have got January, February, March, you have got to remember there is going to be a lot of people probably sometime in April running planters and stuff like that down the road. So, he has got to have some time in April because he can't push trees in January, February, and March.

Neil Williby: I realize that.

Jerry Schwager: That is totally up to you guys, but you got to remember everybody is going to start farming in April, pending on the weather.

Neil Williby: How about the 1<sup>st</sup> of June; is that doable to have the project completed by the 1<sup>st</sup> of June?

Roger Napton: Yeah.

Charlie Henery: Because you are not having stuff in the road now.

Eddie Schindler: Yeah, so that's a big accomplishment.

Greg Koinzan: Because out top priority, I mean my top priority. This is two (2) different issues. I am willing to zone you, but the right of way is a big issue. This is the third time we have gone over it. So let's do the zoning and be done here. If there is going to be a problem, I am guessing it is going to be stuff in the right of way again. And that is a different issue than zoning.

Jerry Schwager: I think he totally understands that. Ok, I need a motion on it then.

Charlie Henery: So is this the stuff that is the recommendation of the zoning.

Jerry Schwager: That is something that she can give you to know to understand what, what you could put in your

Lisa Payne (Clerk): Basically, Char just gave you a list of suggestions that you can include in your motion to make the permit more user friendly, and to appease the tax payers and/or zoning board.

Charlie Henery: What were the findings of the Zoning board?

Lisa Payne (Clerk): That is right here. No right of way parking-keep right of way clear. All work shall be done on the premises. There has to be a place on site for trucks to pull in. And, a yearly review in December.

Greg Koinzan: And we want to add to that.

Lisa Payne (Clerk): That is their conditions.

Jerry Schwager: That is conditions you want to put on.

Greg Koinzan: Do we want to add to that to have it done by the first of June?

Neil Williby: Planning commission? Is that going to be OK Roger, the first of June?

Greg Koinzan: I so move to take the Zoning Boards recommendations. No right of way parking. Keep the right of way clear. All work shall be done on the premises, there has to be a place on site for trucks to pull in. Yearly review in December and I will add, all work shall be done by the first of June.

Roger Napton: I do have a problem with a little bit of that.

Greg Koinzan: Also, to make of record to accept his drawing.

Roger Napton: I do have a problem with that. Because, I have the state patrol or the County Sheriff come in requesting, can you come out on the road, can you come out wherever and put a wheel on or put a bearing on or replace a rim so a guy can move his truck that is out on the highway or wherever. So, I can't be restricted to do my work only on my premises. Do you see what I am getting at? Because, I get called out on the road even.

Charlie Henery: That is two (2) separate issues. We are talking the zoning on your place.

Roger Napton: Just the work on the place has to be done; the work has to be done.

Greg Koinzan: Your place of work is not on the county right of way.

Eddie Schindler: But if he has to go out, that is a different issue.

Greg Koinzan: Right, that is a different issue. That is off site, it is different, it is off site.

(Indistinct conversation.)

Eddie Schindler: That is with any issue.

Jerry Schwager: Greg made the motion, Charlie?

Neil Williby: Charlie made the second.

Jerry Schwager: And Charlie seconded. Any other questions?

Charlie Henery: Could you reread that motion Lisa, please?

Lisa Payne (Clerk): Motion to accept recommendation of Zoning Board and added to be done by June 1<sup>st</sup>, 2016. I didn't list them out because I will copy and paste them.

Charlie Henery: We should accept what he brought in.

Greg Koinzan: And his plan as accepted in the motion so we have record of it.

Lisa Payne (Clerk): And accept the map/drawing as presented by applicant.

Jerry Schwager: OK, is everybody satisfied with what we got. We got a motion and a second. I will read the findings:

Roger Napton - Bar ZZ Ranch and Repair  
Tract in N1/2 SW1/4 5-27-6  
Tract in SE1/4 1-27-7

#### FINDINGS:

- YES 1. That the Zoning district in which the proposed use is to be located is Zoned AG-G (General Agricultural District).
- YES 2. The proposed use that is the subject of this application is not a permitted use in such zoning district.
- YES 3. The applicant has filed an application for conditional use.
- YES 4. That said application has been reviewed by the Antelope County Planning Commission.
- YES 5. That the Antelope County Planning Commission has held a public hearing as required by the Zoning Regulations.
- YES 6. That the Antelope County Planning Commission has recommended that the conditional use permit be granted. (If applicable-subject to certain conditions set forth in the recommendation).  
Subject to: No Right of Way Parking –keep ROW clear. All work shall be done on the premises- has to be a place on site; For trucks to pull in; Yearly Review in December
- YES 7. That on December 8, 2015, a public hearing was held before this Board.
- YES 8. That Notice of hearing was published at least 10 (ten) days prior to the hearing, said date of publication being November 24, 2015. Said publication was in the Elgin Review, Neligh News & Leader, Orchard News and the Clearwater Record.
- YES 9. That the exhibits and comments introduced at the Planning Commission public hearing(s) are hereby incorporated into this record. That opportunity for additional evidence, comments and arguments was made.
- YES 10. That the proposed use is a conditional use, reasonably compatible with surrounding land uses with regards to traffic generation, noise, odors, dust, vibrations, and potential air, soil or water pollution or explosion or other hazards.
- YES 11. That this Board has considered the property, size and location of the requested improvement, the use of the improvement, location of access to public roadways, adequate access to water and sewage supply, parking considerations, nearby residences and other nonagricultural uses with in one (1) mile of the property in question, water surface drainage and any issues regarding wetlands, as required by Zoning Regulation section 1002.
- YES 12. That said conditional use permit is compatible with the Antelope County Comprehensive Plan.

Jerry Schwager: I will take roll call now. Koinzan?

Greg Koinzan: Yes.

Jerry Schwager: Henery?

Charlie Henery: Yes.

Jerry Schwager: Williby?

Neil Williby: Yes.

Jerry Schwager: Kerkman?

LeRoy Kerkman: Yes.

Jerry Schwager: Schindler?

Eddie Schindler: Yes.

Jerry Schwager: And I will vote yes. OK, thank you very much. I need a motion to go out of Board of Equalization.

Charlie Henery: I make a motion to go out of Board of Equalization and back to regular session.

Eddie Schindler: I second motion.

Voting aye: Henery, Schindler, Koinzan, Henery, Kerkman, and Schwager. Bolling absent. Nays none. Motion passed.

Dean Smith: With what you guys just did. How does that affect the requirements you put on him a month ago. In regards to cleaning up in front of his shop. I have not seen the drawing or anything.

Greg Koinzan and Jerry Schwager: Agreed the map/drawing does show it is cleared.

Motion by Supervisor Koinzan, seconded by Supervisor Henery to:

I so move to take the Zoning Boards recommendations.

- 1) No right of way parking.
- 2) Keep the right of way clear.
- 3) All work shall be done on the premises, there has to be a place on site for trucks to pull in.
- 4) Yearly review in December; and I will add
- 5) all cleanup work and organization shall be done by the first of June.

And I will acknowledge and make of record to accept his drawing/working plan.

Voting aye: Koinzan, Henery, Schindler, Williby, Kerkman and Schwager. Bolling absent. Nays none. Motion carried.

ANTELOPE COUNTY BOARD OF SUPERVISORS

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

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