

June 9, 2015
Antelope County Board of Equalization
Neligh, Nebraska

BOE – Meis and Sons

Public Hearing for Meis and Sons opened at 9:00 AM. Hearing was held in the Supervisor Meeting Room, Antelope County Courthouse Annex. Supervisors Henery, Bolling, Kerkman, Schindler, Williby, and Schwager responding to roll call.

Ben Meis met with the board regarding building of Grain Bin on a location

Notice is hereby given that the Antelope County Board of Supervisors will hold a public hearing on June 9, 2015 at 9:30 AM to review a conditional use permit submitted by Meis and Sons for two (2) grain bins located on the NW¼ of 8-23-6. The permit may be examined in the offices of the Antelope County Clerk or the Zoning Administrator during normal business hours, at any time prior to the public hearing. All interested parties may offer oral comments at the public hearing and or may file written comments with the Antelope County Board of Supervisors. Provided such written comments are received by the Board prior to close of business Friday, June 5, 2015. Written comments may be mailed to Antelope County Board of Supervisors, PO Box 26, Neligh, Nebraska 68756. **Published May 27, 2015.**

(Jerry requests copy of Public Hearing Rules.) Mr. Bolling asked if this is a new bin site. Ben Meis responds, no there are already two grain bins there. Mr. Bolling asked if we already approved the bin and site. Meis responds we had a public hearing in 2011. Originally, the first grain bin went up in 2008 and I had checked with Char to see if there were any set back or restrictions, and at that time there wasn't any. In the meantime from 2008 to 2011, someone had imposed some zoning laws. In 2011 we had two (2), actually we had three (3) because somebody was gone. At that time it was passed, contingent upon angling the fan off of the right of way to the SW, and that is what we did. Schindler: and the reason for this is you already have it started, one started, and in order to keep, and overhead. Meis: There is no overhead yet. Schindler: There is no overhead, but yes, if you ever wanted to. Meis: Someday it would be nice, yes. Schindler, it would be harder to. Henery: So, you have got the two (2) north grain bins there, and you want to add the two (2) south ones. Meis: Yes, the two (2) south ones. Henery: that is 48 feet away from County right of way and stuff? Meis: The diameter is 48 feet. Henery: How far is it from the road right of way? Meis: From the center of the road, currently, they are 45 feet. So they are close to the right of way, and that is why we are having the hearing. Williby: Supposed to be 50 feet for the right of way, correct. Schwager and Meis: Both affirm the 50 feet right of way. Williby: So you are just inside that. Meis: Yes, it is set back south of the intersection 150 feet. Williby: This is going south right. Meis: it is going south yes. Here is the picture. Meis: As I said, in 2011, had I known there was going to be an issue that we would have to have a (there was going to be) zoning law, I could have put the first one in 2008 set back further, a good 50 feet or whatever the requirement is. Williby: and we wouldn't be here today. Meis: that is right, things have changed midstream a little bit so, to maintain a little order, I would like to keep them in a line. Otherwise ... Schindler: and turning the fan was to keep the fan from being any closer to the right of way. Meis: Confirms yes. I think maybe pushing snow was an issue, so you guys asked, or the Zoning Board, or one of the boards asked that I turn the fan. So it is off the right of way just a little bit. Rather than being straight west. Henery: That is one of the recommendations here. Is to recommend the June 9, 2015 (Continued)
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fans do not face the road. Meis: One thing I do want to point out is we do not load on the road. We do not unload from a road. Nor, can we. It is not possible. Just the way we are set up it is not possible to do anything on a road. It is just nice that the black top is close in that intersection for us. But we do everything from the field side, load and unload. The two grain bins that we are looking at are the same diameter as the previous two (2), but they are going to be a little higher. I checked with Char about requirement of height and there was none and she checked with the airports, and she did not have any flying restrictions. We do not met anything there with height. The discharge will be to the east. Unlike, the first two bins, the second two (2) bins, since they are a little larger will have two (2) fans on them. Since that Zoning Board asked that they not be straight west—which is fine- the two fans will probably be to the NW and SW corners of the bin site. Again, the concrete will be about 45 feet from the center of the road. Bolling: So you are going to be right up to the fence? Meis: there is no fence there. We have taken the fence out. The fan is real close to where the old fence was. Now the fans are rotated out. But, yeah I would say we are 10 feet, 11 feet inside the fence, something like that, where the fence would be. Some people have raised concern over visibility at the intersection. If you stop at the intersection you can see. Kerkman: There is a stop sign there. Meis: yes. Bolling: probably, the first bin you put up interrupted the visibility. Henery: Yes, I was going to say, these two are not going to interfere any more with visibility, or add to problem. Kerkman: there has always been a stop sign at the intersection, before they put the grain bins up. Schindler: And these won't be any closer at all. Meis: no, no, no, these will be right in line. A little taller. When you are coming from the south, you are looking at a 48 foot diameter. You don't know how deep it is going to be, so as far as if you are going to look to the east, you can look to the east as you come up that road. I think Bob Moore (Sheriff) was here on the last hearing. And I think Leroy can attest. We have a handful of neighbors who do not know some of the stop sign exists. Absolutely not. There is one south of Leroy, the same way. People fly through that thing 50 MPH. I have seen them with fertilizer tanks do it. With that grain bin there, people slow down. Kerkman: yes, we have not had an accident since. Meis: they have got to slow down to see what's coming. Schindler: Maybe we should have a grain bin on each corner. Meis: if you stop at the stop sign there, you have 40 feet there that you can see perfectly to the east. Schindler: it's better than some. Meis: I believe it is better than corn in the intersection. Schindler: or trees. Meis: There are trees. But corn gets planted up to the corner, or brom gets tall. Sometimes, it is hard to see around. Henery: that goes along with over planting in the road ditches. Kerkman: even if you don't over plant, or in the ditches. Sometimes the June 9, 2015 (Continued)
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corn is hard to see over or around. Meis: it can be tough, especially if the intersection is just at the right angle. Anyway, that is what we are asking. We could have built a half mile further south, in the other corner, but we are a long ways from the blacktop road, and in the winter and springtime, it sure is nice to have that black top road. We are only a couple hundred feet from it that way. Schindler: It just starting to be a different story. Meis: yeah, well. Henery: If you were just starting to set the first grain bin you would have to follow the rules. Meis: Yes, I understand that. Like I said if I would have known that was going to be in place in 2011, if I go back to 2008 yes, I would have done it right. Things changed midstream. Henery: a few feet is not going to make a difference. Schwager: Do I have any more questions from the Supervisors, any more comments? Public hearing open up at 9:41 AM. Asked for any testimony in favor of grain bin placement. (none). Asked for any comments opposed to testify? (none) Asked applicant to clarify any conditions that may have come up. Anything to clarify. Meis: no, I have stated the basics. Schwager: Anymore testimony from anybody. I will ask the supervisors for any more questions. I will close the public comments part of the hearing. 9:42 AM. I will ask for a motion on this. Motion by Kerkman, seconded by Williby, to approve the permit for placement of two (2) grain bins on site, according to all specs and recommendations of the zoning/planning regulations. Schwager asked if there were any other comments anybody wanted to talk about. FINDINGS: **ANTELOPE COUNTY BOARD OF SUPERVISORS; FINDINGS AND DECISION; The application for conditional use filed by: Meis and Sons, Inc; 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. That the proposed use that is the subject of this application is not a permitted use in such zoning district.
Yes 3. That 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).
Yes 7. That on June 9, 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 May 27, 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 non-agricultural 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.

(Schwager) I will take roll call, Bolling, Henery, Kerkman, Schindler, Williby, and I vote yes. Nays none. Motion passed.

I need a motion to close public hearing. 9:44 AM-Motion was made by Williby, seconded by Schindler to close public hearing. Voting aye: Bolling, Henery, Kerkman, Schindler, Williby and Schwager. Nays none. Motion carried.

Entered into Board of Equalization at 11:12 AM. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Henery, and Schwager. Antelope County Assessor, Kelly Mueller presented nine tax list corrections.

2013 Ed Jensen, Taxed for Dry and it should have been Grass, Previous Amount \$324,715 Corrected Amount \$231,520.00 Tax amount was \$4606.78 currently \$3284.62.

2014 Ed Jensen, Taxed for Dry should be Grass, Previous Amount \$563,075.00, Corrected Amount \$367,390.00; Tax amount was \$7047.64 currently \$4,598.36. (Was reported last year, but not changed.)

2014 Allemangs Inc, Land in CRP, not Dry, Previous Amount \$163,805.00, Corrected Amount \$103,300.00; Tax amount was \$1561.70 currently \$984.84. (Was reported last year, but not changed.)

2014 Tammy and Lawrence Starman, Removed Buildings were not taken off, Previous Amount \$36,335.00, Corrected Amount \$21,605.00; Tax Amount was \$269.68 currently \$160.36.

2013 Neil & Terra Williby, Corrected Personal Property, Previous Amount \$0.0, Corrected Amount \$37,851.00, Tax amount was \$0.0, currently \$637.88.

2014 Neil & Terra Williby, Corrected Personal Property, Previous Amount \$0.0, Corrected Amount \$70,670.00, Tax amount was \$0.0, currently \$889.78.

2014 Alexander Clark, Corrected Personal Property, Previous Amount \$0.0, Corrected Amount \$1,384.00, Tax amount was \$0.0, currently \$22.82.

2013 John and Alexander Shively, Incorrect Tax Roll Correction-She was filing under her maiden name for 2013 & 2014, Previous Amount \$9212.00, Corrected to \$0.0, Previous Tax Amount \$125.36, currently \$0.0.

2014 John and Alexander Shively, Incorrect Tax Roll Correction-She was filing under her maiden name for 2013 & 2014, Previous Amount \$8030.00, Corrected to \$0.0, Previous Tax Amount \$81.60, currently \$0.0.

Motion was made by Charlie, seconded by Schindler to accept Tax List corrections as presented by Assessor. Voting Aye: Schindler, Williby, Henery, Bolling, Kerkman, and Schwager.

Out of Board of Equalization at 11:15 AM.

Antelope County Board of Equalization

By _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne