

June 28, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular extra session on Tuesday, June 28, 2016 at 9:00 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Bolling, Koinzan, Henery, Williby and Schwager. Chairman Schwager 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 Supervisors.

Claims were reviewed:

We, the committee on claims, report that we have examined and approved for payment the following claims:
General: Applied Connective Tech, data processing-sheriff remote labor 3890.05; Tim Baker, reimburse mileage 1.08; Benco Products, spraying equipment-hand gun, shipping 87.05; Big Red Motorsport, arched ramps 169.00; Bob Barker Co, black tact pants for jailers, rescue tool, employee tact pants 796.90; Bomgaars, grease, oil filters, towels 77.89; Boyd's Network Solutions, labor on timed door & conference phone 487.50; Deb Branstiter, mileage to McCook and Hayes Center 335.56; Carney Law, services provided for May 3216.66; Cash-Wa Distributing, chemical dish cleaner, oranges, mandarin, applesauce, peach, foil wrap, tissue, crackers, ham ends & pieces, flour, pear dice juice, sugar, oatmeal cereal, towels, can liners, pork, turkey, ground pork 5406.16; Chief Motel, 2 nights motel-treasurer 130.00; Neligh City, electricity, water, garbage 4623.99; Judith Cole, mileage to Sidney, NE summer workshop District Court 420.28; Cornhusker Hotel, 2 nights-Clerks workshop 178.00; Creative Products, camo hat, reflective sports pack, black red came awareness bracelets, DARE Happy Hopper & sticker roll, playground balls, youth football, basketball, titan tumbler, pencils, erasers, carnival tee 627.30; Creston Fertilizer, Graslan, NIS, Amine, Tordon 1713.12; Cubby's, gasoline 766.81; Das State Account, county sheriff data processing 448.00; Dollar General, Clorox bleach, vinegar, wipes, dawn, scrub, renuzit, baking soda 39.50; Dugan Business, Receipts-Terrascan 591.75; Dusty's, fuel 146.50; Eakes Office, stapler, dymo labels, phone stand, envelopes, paper, wall calendar, pencils, lead, erasers, pen, sticky notes, calculator ribbons, tack board, binder clips, post it, page protector, projector, speakers, monitor, tape, flash drive, combo keyboard mouse, cartridge, binder covers, binders, chair cushions, paper 3362.36; Election Source, 6 voting booths 652.66; Elgin Body, windshield dodge charger 447.92; Elgin One Stop, fuel 95.00; Elgin Review, ad open house 84.00; Elite Office Products, cartridge 14.08; GIS Workshop, oblique imagery 12,500.00; Lyle Hart, commodity mileage 200.00; Heartland Fire, 6 year maintenance of 5 pound fire extinguisher 148.50; Jack's Uniforms, light bars and switch 2738.00; Jonny Dodge, guard kit, console, push bar 943.00; K & M Reporting, court reporting/transcription public hearing 968.15; Regina Krebs, budget help 1000.00; Lichtenberg Tire, lawnmower tube, tires, labor, flat repair, sealant 789.69; Martin Flag Company, 3 Nebraska Flags 114.27; Mid-American Benefits, monthly premium deductible buy down and deposit 7209.00; David Miller, mileage 2016 10.80; Motoplex, winch, wiring kit, mount plate, steel blade, push frame, power controller for side by side 2400.00; Moyers Department Store, polos for dispatchers/jailers 1020.00; NE Co Attorneys Assn, Nebraska County Attorneys Association 757.00; NE Weed Control Association, hay tags 24.00; Neligh Auto, roadside jacks adapter 230.78; Neligh News, ad open house 120.00; Neligh Postmaster, stamps 94.00; Netcom, scanner 625.00; Nielsen Ins, notary bond renewal 70.00; NE Research, Dell S320 Projector w/5 year warranty 845.44; Bruce Ofe, grease oil labor 82.72; Office Depot, post-it notes, receipt book, perforated pad, binders, envelopes, DVD sleeves, tape, paper, paper clips, colored paper 920.76; Office Systems Company, copy machine contract 977.33; One Office Solution, envelope file folders, legal pad 83.07; Petty Cash-sheriff, postage 16.90; Pitney Bowes, on account postage 3000.00; Precision Repair, tires, mounting balance 581.00; Quill Corp, envelopes, receipt book, office pens, grip pens, retractable pen, monitor cleaning wipes, dust destroyer, memo holder, letter tray, 408.32; Sanne Repair, stun gun, ammo, light modules 1588.00; Service Master, clean pickup seat 125.00; Source Gas, heating oil sheriff/weed/historical 334.90; Taser international, tasers and cartridges 6698.28; Chuck Thiemann, labor mowing weed lawn 30.00; Thriftway Market-Neligh, yogurt, batteries, baking soda, wheat flour, Hershey's chips, jello, Morton salt, applesauce, brown sugar, flour, sugar, orange juice, strawberries, bananas, solo bath tissue 560.77; Tilden Citizen ad open house, 96.00; UNL Its Communications internet for ipads 91.04; Van Diest Supply, rodeo, defoamer, weathermax, perspective herbicide 1821.20; West Payment Center, law library 140.00; Willie's Service, oil change 43.07; Woods & Aitken, catastrophic leave policty741.00.
At Large: Antelope Memorial Hospital, Physical & Urine Test 132.00; B's Enterprises, culverts, corrugated band 11,980.20; Bomgaars,, marking flags, plug armored grounding, 15 AMP yellow connector, grounded, 3-wire, tap, power w/ cover 12 v, clip hitch, pump demand switch, chain proof coil, hook clevis grab & slip, 232.34; Neligh City, ground concrete, 824.20; Creston Fertilizer, NIS, 2-4D, Tordon 696.05; Jebro, MC800/windrow, 60,880.07; JEO Consulting, engineering fee load rating, Invenergy road site visit, One&Six Year modifications, material specifications, drafting, design, construction services 30,559.00; Madison County Court, overweight ticket fee 123.00; Matteo Sand, armor coat 167.40; Mid-American Benefits, Deductible buy down deposit and premium 6121.00; Neligh Clinic, employee physical and urinalysis 140.00; Pollock Redi Mix, armor coat, oversize rock, sand 3495.17; Smith Construction, machine hire 1012.50; Spud Trucking, trucking – Copenhagen Road 36960.00; Theisen Construction, 9 pieces of 16 feet long used sheet pile 216 SF 540.00; Gary Thiele, dirt to clay around new bridge on 515th Avenue 7550.00; Tinsley Grain, 1½ inch white rock 6638.10.
Brunswick Area: Blackburn Manufacturing, flags, 61.40; Frontier Communications, telephone 73.54.

Orchard Area: Dusty's, unleaded with ethanol 143.13; Frontier Communications, telephone 73.31; Lazy T Tire, hose end NPTF male, 11.68; Pollock Redi Mix, road gravel 1694.54; Source Gas, heating fuel 48.91.

Clearwater Area: Bomgaars, elbows reducing, galvanized bushing, pipe, nipple 7.79; Heartland Hydraulics, bonnell 4 inch cylinder, shipping and handling 424.51; Pollock Redi Mix, road gravel 1692.02; Switzer Welding, welding sheet foot 80.00; Clearwater Village, water, sewer, business 54.00.

Neligh Area: Bomgaars, water, reciprocal saw blade, 22.93; Frontier Communications, telephone, 121.04; NMC Exchange, 10w30 ULS Jug, element air, filter air, maintenance, 1477.61; Road Builders Mach, fuse in VHP on motor grader 425.06.

Tilden Area: Bomgaars, motorcraft syn blend 5 quart motor oil; Constellation Gas, heating fuel 119.11; Frontier Communications, telephone 71.76; Matteo Sand, road gravel 171.12; NMC Exchange, element, filter AS 282.34; Source Gas, heating fuel 41.17.

Oakdale Area: Matteo Sand, road gravel 2654.16; Pollock Redi Mix, road gravel 196.37; Mid-West Repair, windshield wipers/battery 89.20; Source Gas, heating fuel 38.92.

Elgin Area: NMC Exchange, air filter, as latch & plate 240.79; Pollock Redi Mix, road gravel 1989.89.

Reappraisal: GIS Workshop, Assessor GIS Website Annual Fee & online support 13000.00; Holiday Inn, 2 overnight lodging for commercial class 185.90.

Inheritance: Joan Allemang, overpayment of inheritance tax per amended court order 3319.26.

Law Enforcement: Cash-Wa Dist, commissary items-Reese's peanut butter cups, skittles, M&M's, Butterfinger, Twix 126.29; Pinnacle Bank, law books, commissary items Hawaiian Punch, wild purple 566.09; Wanek's, prisoners prescriptions-Ventolin, Bayer, lorazepam, tobrex, erythromycin, colchicine 547.91; 319 Graphics, inmate sweatshirts 354.99.

Building Fund: Beckman Lumber, dog shed/run 3500.000; Boyd's Electrical, cell receptacles 424.91; Carhart Lumber, paint extension office 102.97; Central Valley, lawn overtime plus 62.50; Eakes Office, cubicle and chairs-extension office 3410.59; Kinnan Construction, rearrange ceiling tile and grid 130.00; O'Neill Pest Control, exterminator fees 85.00; Urbanec's Furniture, carpet-extension office 1714.93.

Jerry Schwager
Neil Williby
Eddie Schindler

Motion was made by Supervisor Henery, seconded by Supervisor Williby to approve claims except for claim to City of Neligh for \$4,420.00, we question what the charge is, and if the county actually owes. Do not pay until further information is obtained. Voting aye Henery, Williby, Bolling, Koinzan, Kerkman, Schindler, and Schwager. Nays none. Motion carried. Six (6) warrants signed.

9:33 AM. Public Hearing:

The Antelope County Board of Supervisors convened for a public hearing on Tuesday, June 28, 2016 at 9:33 AM in the County Supervisor's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Bolling, Koinzan, Henery, Williby and Schwager. Chairman Schwager 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.

Ten (10) day 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 was sent to all members of the County Board of Supervisors.

JERRY SCHWAGER: I will ask the clerk to read notice. LISA PAYNE (clerk): Notice is hereby given that the Antelope County Board of Supervisors will hold a public hearing to review a conditional use permit submitted by Pillen Family Farms, for the purpose of pumping effluent through pivots in Sections 8, 9, 10, 15, 16, 17, 18, all in Township 26, Range 6 West of the 6th P.M. Antelope County, Nebraska. The hearing will be held on Tuesday, June 28, 2016 at 9:30 AM during the Supervisors Meeting at the Antelope County Courthouse, Supervisors Meeting Room. 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 close of business (4:30 PM) on Monday, June 27, 2016. Written comments may be mailed to: Antelope County Board of Supervisors, PO Box 26, Neligh, NE 68756... and that was published June 15th (1:04) JERRY SCHWAGER: "Ok, thank you." NEIL WILLIBY: "Was that 27 or 26?" JERRY SCHWAGER: "26." NEIL WILLIBY: "26." LISA PAYNE (clerk): "26-6." NEIL WILLIBY: "What was that?" JERRY SCHWAGER: "26-6." CHARLIE HENERY: "All of their facilities except for the one in Clearwater- is out north, and either they would have to be Custer. Let's see..." JERRY SCHWAGER: "I'll ask for information from the presenter. So go ahead." LIZ DOERR: "This was one that Char had started on. And, then when I started, I had to postpone the meeting, and anyhow, when we had this hearing, we did not have an actual application, but I had a letter from them requesting this, and so this is a little different than how we do it in Knox County. So, I had some questions on it and looked back last year, the Planning Commission had approved some changes, but it had never come to you guys for approval. So when I wrote this resolution I just reiterated all of those locations that they had given me so that it covers it all. And the Planning Commission received it and so that is all reflected in here." JERRY SCHWAGER: "They didn't have no problem with it, did they?" LIZ DOERR: "They had this with- the pumping dates is in number 5. But is number 2, on those sites there it would be allowed to continue with the

same sprinkler package on the irrigation system, but if it is replaced they are to be replaced with drop nozzles. And they did that because they had just put on new sprinklers a year ago or something like that. And so they said we will let you continue with those and then if you ever change them, you can put drop nozzles. Otherwise it is the same.” LEROY KERKMAN: “The dates are the same as they were.” LIZ DOERR: “Ahhh, I. Ok. The pumping dates shall be no earlier than April 1, or later than August 31st. Except there is no restriction on the pumping dates on the Rogers site in the NE quarter of 18-26-6 west.” JERRY SCHWAGER: “Do you want to read this, here?” LIZ DOERR: “The reason why they only had it with no restriction on that is because of the way the request was made, and the other ones that will still apply.” MERLIN BOLLING: “Is there no people living with the setbacks around there?” (3:35) LIZ DOERR: “I didn’t bring the stack up that, um I don’t know the answer to that, I could look it up though.” JERRY SCHWAGER: “They pumped on these before, Merlin.” LIZ DOERR: “But we didn’t have-“ MERLIN BOLLING: “Huh?” JERRY SCHWAGER: “They pumped on some of these before.” LIZ DOERR: “One of them that they added there was two (2) pivots and then they added two small little pivots in the corner. Those weren’t specifically approved so they needed to get those so it was approved.” CHARLIE HENERY: “That, that’s the Rogers site.” JERRY SCHWAGER: “You got what you want.” NEIL WILLIBY: “Yeah!” JERRY SCHWAGER: “They are just trying to look and see where they are at.” JERRY SCHWAGER: “I will ask for presentation from applicant. Is the applicant here?” LISA PAYNE (clerk): “It doesn’t look like he is.” JERRY SCHWAGER: “He is not here. Anything else? Questions on it, we will keep going. I will open up the public comments- it’s 9:40am... I will ask for any people to testify.” LISA PAYNE (clerk): “I have one letter, one email.” JERRY SCHWAGER: “Is it for or against? The letter you got?” LISA PAYNE (clerk): “Against.” JERRY SCHWAGER: “I will ask anybody to testify in favor of it... We got none. I will ask any people opposed to testify... Do you want to go ahead and read the letter?” LISA PAYNE (clerk): (reads email) “I got an email yesterday afternoon at 1:38pm. As a longtime resident of Custer Township we object- and she underlined that- to Pillen Family Farms pumping affluent through a pivot especially in section 11. This would be within one mile of our home. This would be affecting our most direct route to town which we travel almost daily. I do not think this manure would be pumped within a mile of town as there would most likely be an uprising! Do you have the same consideration? Gary and Alberta Willers. 52675 857th Road, Neligh, NE 68756 JERRY SCHWAGER: “Do you see on the map where that’s at?” CHARLIE HENERY: “Yeah, it’s across.” LISA PAYNE (clerk): “11 is not included in here.” CHARLIE HENERY: “Yeah, 11 is not included in here.” (5:59) JERRY SCHWAGER: “16 and 11.” LISA PAYNE (clerk): “16 and 17.” NEIL WILLIBY: “It’s 8, 9, 10, 18, 17, 16, and 15. That would be over probably in this quarter right here, I would assume.” LIZ DOERR: “I think it says.” CHARLIE HENERY: “Gary Willers?” NEIL WILLIBY: “They are west of section 10.” CHARLIE HENERY: “Right, because the hog unit is there.” JERRY SCHWAGER: “If they are a mile away, I am closer than that to some of these.” JERRY SCHWAGER: “Oh yeah, Snodgrass is west of me $\frac{3}{4}$ and Meuret is just north of me- not even a mile.” GREG KOINZAN: “And they are actually pumping manure. What (indistinct word) is pumping is basically water. Because they have a second lagoon, just north- they are pumping out of the second one. It is basically water. They are pumping out of the second field there ain’t no manure in there, it is basically water.” CHARLIE HENERY: “This place is actually right here. So,” LIZ DOERR: “But aren’t these quarter 10.” NEIL WILLIBY: “Are they doing Dale’s ground, there the NE1/4.” LIZ DOERR: “I think so.” NEIL WILLIBY: “Oh!” JERRY SCHWAGER: “Brown water is all it is.” GREG KOINZAN: “Right, it’s not. A lot of the time I don’t even think it is brown, Jerry. Because, all of the nutrients or manure is in the first field.” NEIL WILLIBY: “I didn’t think they even would but they must have.” LIZ DOERR: “I think that is one of the new ones. Because he was there that day.” WILLIBY/HENERY: “It would be!” (Indistinct) JERRY SCHWAGER: “Oh I smell it. I smell it when I go past ___ going east of my place, but it,” GREG KOINZAN: “Is it hog manure?” JERRY SCHWAGER: “Yeah.” GREG KOINZAN: “And you can smell it?” JERRY SCHWAGER: “I can, you can smell it.” CHARLIE HENERY: “Yeah, most hog manure you can.” JERRY SCHWAGER: “Anybody else opposed to testify? Ahhh... yep... Ok nobody... Ask for people neutral to testify. Now I am on to neutral.” DEAN SMITH: “I guess I don’t really have an ax in this. My only question is, because I didn’t review it or anything- because I don’t have to pay. (7:44) I am neutral on this issue. But my question is probably to Liz. When did the zoning board, it come before the zoning board on the two pivots that you are talking about the Kenny Reinke. That was Kenny Reinke. And Kenny Reinke I think came, that application has already come before the supervisors and they already voted to approve it.” LIZ DOERR: “No.” CHARLIE HENERY: “Well it wouldn’t be Kenny, it would be Dale. On the one on section 10.” LIZ DOERR: “But Kenny is the one that farms it.” CHARLIE HENERY: “He farms it, yeah.” DEAN SMITH: “When Kenny came in with the Pillen for that- on that $\frac{1}{2}$ section, I think where he lives. I didn’t even, I guess I am trying to figure out when the Zoning Board voted on this.” LIZ DOERR: “May 28th.” DEAN SMITH: “On all of the sections that are listed. Section 8 and 9.” LIZ DOERR: “No, some of that was done a year ago- but we couldn’t find, Lisa helped me look and we couldn’t find where it had ever been brought to this board.” JERRY SCHWAGER: “Some of Pillen we did a year ago.” DEAN SMITH: “Ok. Ok. But do you guys remember, it was what two (2) months ago or so, or a month ago when Kenny was in here and I assume it was on the $\frac{1}{2}$ section where Kenny lived, because it had sprinklers on the top and they said they had wanted to go to drop. I guess I am just...” CHARLIE HENERY: “On the one east of the hog unit, what used to be the old Scott Place that Dale Reinke owns.” DEAN SMITH: “Yes.” CHARLIE HENERY: “That is the one in section 10.” DEAN SMITH: “But I mean I thought that that had already come before this board and already been approved. Is what I am saying, It has come before this board.” LEROY KERKMAN: “Is that the one who come forth and wanted to lay the pipe across the road?” DEAN SMITH: “I don’t remember about that.” CHORUS: “No.” LISA PAYNE (clerk): “That was Christiansen, Christiansen Family Farms wasn’t it?” NEIL WILLIBY: “That was Christiansen’s over by south of CVA. We had to go across that.” DEAN SMITH: “I guess I thought that it...” NEIL WILLIBY: “They did go down the ditch and through the culvert, I believe, south of the Rogers place.” DEAN SMITH: “I am sure that the deal with Kenny’s because I set in the zoning meeting, and I remember the

Zoning Board saying you just put in new sprinklers on top, so Kenny whenever you have to replace them, you will have to go with drop nozzles, or we would like to have you.” GREG KOINZAN: “Do you have that email?” LISA PAYNE (clerk): “From Willers?” DEAN SMITH: “And I thought that had come before the board already, so I guess that’s why I am questioning if this is actually a hearing concerning that, if... if them notices have gone out.” LISA PAYNE (clerk): “I don’t remember doing this, Dean. If you are saying we have already done it, I do not record of it.” GREG KOINZAN: “Liz doesn’t have- if we did.” CHARLIE HENERY: “That is why we are doing it is because we don’t have record of it? Right?” JERRY SCHWAGER: “She couldn’t find any record of it down there. Did she go down and take a look?” GREG KOINZAN: “She is going to bring her minutes up- so we can go to the official- so everyone can quit guessing- we’ll know.” DEAN SMITH: “Yeah! I am sorry if I am wrong.” LISA PAYNE (clerk): “Honestly, I looked myself, and...” CHARLIE HENERY: “But I think, you know one of the problems is Liz just...” GREG KOINZAN: “Right, and we.” JERRY SCHWAGER: “I don’t remember anything about Rogers.” CHARLIE HENERY: “I don’t remember doing it.” (11:00) GREG KOINZAN: “This is on the Hatfield ground.” CHARLIE HENERY: “But, the Hatfield ground wasn’t in on it.” GREG KOINZAN: “That is exactly why everyone’s- that is why people are confused. Must be a different one. This is on the Hatfield ground.” CHARLIE HENERY: “No, the Hatfield ground is not involved in it.” GREG KOINZAN: “That section 11, Custer Township is Hatfield ground. CHARLIE HENERY: “Right, but we are not considering, it is not 11.” LISA PAYNE (clerk): “This is, I think that’s where Willers live.” NEILL WILLIBY: “Sections 8, 9, 10, is where the manure (indistinct word) is.” GREG KOINZAN: “The letter says section 11.” LISA PAYNE (clerk): “Yeah, she said especially 11. They must live in section 11, I do not know where she lives to be honest.” NEIL WILLIBY: “No.” CHARLIE HENERY: “She lives in section 2.” GREG KOINZAN: “Maybe she is the one that is confused.” JERRY SCHWAGER: “Because they don’t have 11 on it.” EDDIE SCHINDLER: “Well if she is saying section 11, and that at one of them that is affected.” LISA PAYNE (clerk): “And it wasn’t; if it was published, like I submitted it, 11 is not listed either.” GREG KOINZAN: “That is why everyone is talking about the same thing two (2) different permits for two different people.” EDDIE SCHINDLER: “Yeah.” JERRY SCHWAGER: “She might be mixed up on her.” GREG KOINZAN: “She is mixed up, and we done, there is two different deals. We have one done; we are going to do another one today.” CHARLIE HENERY: “So that again should not have been read on this.” JERRY SCHWAGER: “Well.” LISA PAYNE (clerk): “It had to be she submitted it for today’s public hearing.” JERRY SCHWAGER: “It was submitted for this hearing.” LISA PAYNE (clerk): “I mean she called yesterday to make sure she could do it, and we said yes, as long as it is by 4:30pm today- we will accept it.” GREG KOINZAN: “What were, these people live in what section?” NEIL WILLIBY: “Number.” CHARLIE HENERY: “Willers, they live in 2. They live in the southern corner of section 2. And they live about a quarter mile west of the intersection.” GREG KOINZAN: “So their farm is ‘Sheltered Acres’? (Lisa Payne & Jerry Schwager speak indistinctly.” CHARLIE HENERY: “Well, yeah, they don’t own it anymore. They live in the building site. They might own the building site, but they sold the ground. That was their original corporation but Larry Borer owns it now. The pivot windshield wipes kind of around the building site, so Gary might have kept the building site- I don’t know. But Borer owns the quarter that they live in.” GREG KOINZAN: “There is a half section in this book, that’s fine with me.” NEIL WILLIBY: “Yeah, his might need updating.” JERRY SCHWAGER: “What did you find Liz?” LIZ DOERR: “There is more files down there.” CHARLIE HENERY: “Sheltered Acres was the corporation of Gary Willers.” (30 seconds of indistinct conversation) MATT KLABENES: “What’s going on?” LISA PAYNE (clerk): “Pillen Family Farms- affluent being through pivots.” MATT KLABENES: “On what quarters though?” GREG KOINZAN: “I think that is what happened Matt- we voted on one and, we are going to vote on another one.” NEIL WILLIBY: “Sections 8, 9, 10, 18, 17, 16, 15, and a...” MATT KLABENES: “The sections?” NEIL WILLIBY: “Well, that is the section the quarters are in.” CHARLIE HENERY: “Yeah the sections the quarters are in.” NEIL WILLIBY: “Dale’s quarters. Is that correct?” MATT KLABENES: “The two (2) that Kenny came in for is this ½ section in 9, north of 9, where he lives, and this one here of Dale’s, in 10.” NEIL WILLIBY: “That used to be Howard’s ground?” MATT KLABENES: “Scott.” NEIL WILLIBY: “Oh, the Scott ground. So right there. The complaint was from the gal who lives basically right here. (Liz produced a map of the ground and went the (????) is “supposed or proposed to be distributed.) (Liz Doerr asks Matt to clarify.) CHARLIE HENERY: “And we are only doing the circles, these round spots.” LIZ DOERR: “Yeah, that is what they added. Just those little ones.” CHARLIE HENERY: “Ok, where are we at?” NEIL WILLIBY: “Section 9, that would be where Kenny’s...” MATT KLABENES: “Ok, what the circles are, they have pumped on these before in prior past, but they put these circles here or these pivots by the power posts, so they wanted to add.” JERRY SCHWAGER: “That is what they added?” MATT KLABENES: “That is what they are adding.” CHARLIE HENERY: “And then this.” MATT KLABENES: “And then, the zoning, yeah and then they asked for this one here of Dale’s.” CHARLIE HENERY: “Mo, this is a Miller field.” MATT KLABENES: “Ne, excuse me that’s a...” CHARLIE HENERY: “This is the Anson site.” MATT KLABENES: “No, this is a Rogers site.” LIZ DOERR: “It says Rogers.” CHARLIE HENERY: “Oh Rogers, I am sorry, yes Rogers site.” MATT KLABENES: “So that is Leonard Millers.” CHARLIE HENERY: “There is a pipe across the road. But they should have been pumping on that- they have been for years.” MATT KLABENES: “No, they have... but they have to come back and ask.” LIZ DOERR: “Is that the one they wanted to change the dates on?” JERRY SCHWAGER: “They have got to come back and ask to repump on it.” MATT KLABENES: “because they don’t want to pump, they didn’t want to pump on this with a growing crop.” LIZ DOERR: “Oh!” MATT KLABENES: “And we make them...” CHARLIE HENERY: “I know they have pumped on that before.” MATT KLABENES: “No they have. They have, but they are asking not to do it with a growing crop.” CHARLIE HENERY: “Who is asking, Pillen’s?” MATT KLABENES: “Pillen’s. Because yeah we require them as the way it is to pump on a growing crop.” LIZ DOERR: “Because of the dangers.” MATT KLABENES: “Because of the dangers.” CHARLIE HENERY: “Oh, so they want to do it in the fall or something?” MATT KLABENES: “I don’t know if they were trying to get it before he planted. Because we had the

Zoning Board meeting some time ago.” GREG KOINZAN: “Matt, they have a two (2) pit system, right?” MATT KLABENES: “Well two lagoons, two stage lagoons.” GREG KOINZAN: “Right. The manure and fluid is basically in the top and the one they pump out of is the second one, right? Which would drastically reduce the smell?” MATT KLABENES: “The one is eight (8) pounds; the other is 6 pounds per 1000.” GREG KOINZAN: “Of?” MATT KLABENES: “Of end. Which is (indistinct word). The problem is... Can I speak freely here?” JERRY SCHWAGER: “Yeah, go ahead.” MATT KLABENES: “Can I speak freely here?” JERRY SCHWAGER: “Yeah, go ahead.” (Jerry Schwager & Liz Doerr speak indistinctly) (17:14) MATT KLABENES: “You know the problem is, is the way you guys make them do this. That’s the problem. You guys want the odor not to smell. But guess when you make them pump it? July 5th, the hottest time of the year. When it volatilizes when it is hot out, it goes in the atmosphere, that is what you are smelling is the nitrogen. When you are out there pumping on a growing crop and it is hotter than hell out that is when you are going to smell it the worst. You know, in all of the other counties, when we pump it, we pump it when it is cold out, because we want the nitrogen in the ground. Not volatilizing that smells the neighbors- and we lose it. They don’t get nothing out of it. The Anson quarter- we have pumped almost 100,000 gallons an acre to get enough nitrogen to grow your crop. In Greely County when we do it when it is cold out, you can pump out 30,000. We’ve got enough for ten quarters down there.” JERRY SCHWAGER: “You’ll have to pump in September or October then?” MATT KLABENES: “But you guys force us to do it at the time of year when it burns the crop and it stinks the neighbors up.” GREG KOINZAN: “Just like Thiele Dairy has these big overhead high pressure nozzles. I went by there yesterday, and they are pumping with the old style high pressure nozzles. And its green, I mean it’s green. You know, so if you are a cattle facility if you have different rules than a hog facility. Merlin assures me that hog manure smells worse than cattle manure. I don’t know if that is a fact.” MATT KLABENES: “I’ll tell you what, when you pump these you guys in the heat of the summer. It is bad! It is bad, bad. Ninety. We figure- we pump it on all of the quarters up there. All of them quarters up there the hog sites. We farm then. We figure 95% nitrogen loss. LOSS.” GREG KOINZAN: “So your recommendation here is to open up the regulation so they can...” MATT KLABENES: “Allow them to pump it when it is good for the crop, and good for them. When it is cold, and cool out, they will plant rye. (19:00) They have already. We do, we plant rye on it and stuff, so we can pump it when it’s cold out. Because you make us pump it on a growing crop. But when you pump it when it is cool out in the spring or fall of the year, yeah the stuff stinks less.” GREG KOINZAN: “Why does it have to be on a growing crop?” MATT KLABENES: “Because it is in our regs.” GREG KOINZAN: “I mean you are not going to lose the nitrogen on heavy ground?” NEIL WILLIBY: “That zoning regs.” MATT KLABENES: “It is zoning regs, yeah. It is what our zoning regs. There is no one else in the county that has that. Pillen Family Farms is the only facility in the county that has them rules. Because they are hogs. They are the only ones who got to live by that. Everyone else in the whole county can do whatever they want, whenever they want. What meets their lagoons they can pump it.” JERRY SCHWAGER: “So why can’t we do that with them here.” MATT KLABENES: “Well they would have to come back through the right channels and stuff, and apply for it.” JERRY SCHWAGER: “That makes sense. I mean it totally makes sense.” GREG KOINZAN: “Let’s do that.” CHARLIE HENERY: “Well let’s settle this today first. And then advise them if they want to come back to zoning, that we could possibly make that work for them.” GREG KOINZAN: “Right, I agree. I am glad you brought this to our attention Matt.” (20:00) MATT KLABENES: “It is you guys, it is tough on those neighbors. Phyllis Perdew up there. You know it is close to her. And I am not kidding you. We make them do it the worst time of year. It is just something that we have learned. The best time to do it is when it’s raining out. If it is raining out- the best time to do it. It puts it right in the ground. But when it is hot as hell out. Yeah it’s tough.” JERRY SCHWAGER: “Well let’s do this then, here, and send them a letter and have them come back and make it right then.” LIZ DOERR: “You mean to Pillen?” GREG KOINZAN: “Matt, so you are going to help with this, since you are on the Zoning Board. Since you brought up all of this, you will surely help get it fixed.” MATT KLABENES: “Well actually I have been recused from this, because of my manure participation.” GREG KOINZAN: “But you have to abstain from the vote, that doesn’t mean you can’t be part of the discussion.” MATT KLABENES: “Liz knows. The last time I did, I brought it to...” (21:00) GREG KOINZAN: “I mean what you said made a lot of sense to me and I think it made a lot of sense to the other supervisors. So let’s get cracking.” LIZ DOERR: “Just so you know. Tonight we have Planning Commission; Keith Marvin is going to bring the draft, except for the Ag which (indistinct word) livestock, and the wind regs. And/But he wants some direction so I am sure this is something that we will talk about tonight. And we may be able to incorporate some of this in the update.” JERRY SCHWAGER: “Ok, I am going to ask for any clarification of the issues. We already clarified that. Any questions/information from the board?” EDDIE SCHINDLER: “There is no time schedule on this.” JERRY SCHWAGER: “Well, there probably will be on this until we get it changed.” LIZ DOERR: “It is just the on here in number 5. Pumping dates shall be no earlier than April 1st or later than August 31st, except there is no restriction on pumping dates on the Rogers Site in the NE1/4 18-26-6. (22:00) And that is the way the request was.” JERRY SCHWAGER: “That should be changed to whenever they can pump that is necessary.” NEIL WILLIBY: “That was one on Millers.” GREG KOINZAN: “Well I would like to make it.” EDDIE SCHINDLER: “Well it would be nice if they do pump during the year. maybe on holidays, or something like that, you can curb it.” GREG KOINZAN: “A good faith agreement.” EDDIE SCHINDLER: “Yeah, a good faith agreement.” GREG KOINZAN: “That’s the bad- have an agreement with them.” JERRY SCHWAGER: “I’m going to go ahead and close the public hearing at (writes down time). I will ask for a motion from the board.” NEIL WILLIBY: “I make a motion to accept the recommendation of the Zoning Commission.” JERRY SCHWAGER: “I need a second...” EDDIE SCHINDLER: (unclear as to who seconded) “I second.” JERRY SCHWAGER: “I got a second. Any discussion on the motion, anybody? Liz do I go ahead and need to read the findings on this?” LIZ DOERR: “Um, I don’t know what you usually do.” JERRY SCHWAGER: “Ok, well I will go ahead and read them. I’ll read the findings: 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 28, 2016, 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 June 15, 2016. 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 within 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. Ok, I will take roll call now. (25:12) MERLIN BOLLING: Yes GREG KOINZAN: Yes LEROY KERKMAN: Yes EDDIE SCHINDLER Yes NEIL WILLIBY: Yes CHARLIE HENERY: Yes and I will vote yes. I need a motion to go out of meeting.” NEIL WILLIBY: “I’ll make a motion to close.” JERRY SCHWAGER: “I need a second.” CHARLIE HENERY: “I second it.” JERRY SCHWAGER: “I’ll take roll call.” LEROY KERKMAN: Yes. EDDIE SCHINDLER: Yes. NEIL WILLIBY: Yes. CHARLIE HENERY: Yes. MERLIN BOLLING: Yes. GREG KOINZAN: Yes. JERRY SCHWAGER: And I vote yes.”

Motion was made by Supervisor Williby, seconded by Supervisor Henery to return to regular session. Voting aye: Williby, Henery, Kerkman, Koinzan, Schindler, Bolling, and Schwager. Nays none. Motion carried.

Liz Doerr, Antelope County Zoning Administrator gave her meeting report. There is a Planning Commission Meeting tonight, Keith Marvin will be in attendance and they will be working through regulations, she is not sure how far they will get. The sound study on the Invenergy wind towers has been completed. A copy of the study results has been shared with the supervisors and the individuals who had filed the complaints. There is a meeting scheduled for the 11th day of July at the Invenergy office in Elgin. John Majewski along with Mr. Hankard from Hankard Engineering will meet with the supervisors during the July 12, 2016 Supervisor meeting to discuss results. Judy Wilcox, who had filed a noise complaint, has requested a peer review from Rand Acoustics of the results of this study. A peer review was agreed upon when the original tests were order, however at this time the supervisors were in agreement that a peer review would not be requested until after the results had been discussed during the Supervisors meeting on the 12th of July. It is a necessity to ensure the peer review is conducted by a creditable acoustics analysis. No action.

Borntrager’s have requested a four (4) acre subdivision lot split. They are splitting this acreage off to a family who intends to build on the ground. Because, we currently are requiring the subdivision approval on small acreage splits to be filed in the land index, a Subdivision Approval for a 4 Acre split was presented. Motion was made by Supervisor Williby, seconded by Schindler to approve Subdivision Approval. Voting aye: Williby, Schindler, Koinzan, Bolling, Kerkman and Schwager. Nays none. Henery out of room for vote.

SUBDIVISION APPROVAL

The survey of 4.000 acres, described as:

An Irregular Tract of land located in the West ½ of the NW ¼ of Section 4, T27N, R8W of the 6th P.M., Antelope County, Nebraska described as follows:

Beginning at the Northwest Corner of said West ½ of the NW ¼; thence S00°26’21” E (assumed bearing) on the West Line of said West ½ of the NW ¼, a distance of 436.15 feet; thence S 89°42’27” E parallel with the North line of said West ½ of the NW ¼, a distance of 399.53 feet; thence N 00°26’21” W parallel with said West line of the West ½ of the NW ¼, a distance of 436.15 feet to said North line of the West ½ of the NW ¼; thence N 89°42’27” W on said North line of the West ½ of the NW ¼, a distance of 399.53 feet to the Point of Beginning, containing 4.000 Acres of land, more or less of which the West 33.00 feet and the North 33.00 feet is occupied by a public road.

Was approved by the County Board on June 28, 2016.

/s/ Jerry Schwager _____ /s/ Lisa Payne _____
 Chairman County Clerk
/s/ Liz Doerr _____
 Zoning Administrator

County Assessor, Kelly Mueller, asked if anything had been decided regarding the acreage split size. She has fielded a few calls in her office regarding same. During the public hearing on May 24, 2016 it was decided to send the acreage issue back to the Planning Commission for further review and recommendation. Liz Doerr, Zoning Administrator informed the supervisors it was on the agenda to be discussed tonight.

Correspondence was reviewed: NIRMA Insurance Certificates x 5; Northeast Nebraska Economic Development District 2016-2017 Membership letter; Farmers Pride Propane Contract (not kept); Protest hearings scheduled for July 12, 2016; Letter from State of Nebraska Department of Roads regarding claiming of Highway Allocation for 2016-2017 (Chairman signed letter requesting Highway Allocation); NEBCO credit line letter; 4 Lanes 4 Nebraska Letter; County ranking on levies in Nebraska; email from Kenny Reinke regarding Livestock Friendly Presentation; Open Meeting Act letter from NACO – they are not printing an updated poster as that is costly, and for the most part will not affect County meetings; Plan Adoption for Mid America Benefits – Chairman to sign; email regarding Antelope County with 4th lowest levy in the state.

Receipts: Fund Transfers on 06-28-2016 \$2.07 from Building to law enforcement bond \$9,245.84 and law enforcement center \$8396.23. Receipt for \$85.00 from Madison County for the Diversion.

Semi-Tractor Bids: During the June 7, 2016 meeting sealed bids for semi-tractor were opened. At that time no decision was made and it was recommended the road boss investigate the options opened. A favorable choice was not available, and a motion is made at this time by Supervisor Henery, seconded by supervisor Williby to deny all bids as submitted. Voting aye: Henery, Williby, Kerkman, Bolling, Koinzan, Schindler and Schwager. Nays none. Motion carried.

Motion was made by Supervisor Williby, seconded by Supervisor Koinzan to approve the application for permits submitted by RW Communication Services, LLC along with the conditions placed on applications for 9 permits for placement of fiber optic cable along and/or across roads in Antelope County. Lines to be placed 855th Road in Sections 14 and 15 along 525th Avenue in Section 4, Township 27 North, Range 6; and 521st Avenue in Section 24, Township 26, Range 7; 854th Road between Sections 24 & 25 in Township 26, Range 7 and Sections 19 & 30 and 20 & 29, Township 26, Range 6; 522nd Avenue in Sections 1, Township 25, Range 7, Sections and Sections 24, 25, 36, Township 26, Range 7 West; 853rd Road in Section 33, Township 26, Range 6, 851st Road in Sections 4 and 5, Township 25, Range 6; 524th Avenue in Sections 16 & 9, Township 25, Range 6; 526th Avenue in Sections 22, Township 25, Range 6; 848th Road in Section 22, Township 25, Range 6 all West of the 6th P.M., Antelope County, Nebraska, the use of the line is update/improve existing telecommunications network; all work to be done according to county and state specs. Those voting aye: Schindler, Williby, Henery, Bolling, Koinzan, Kerkman and Schwager. Nays none. Motion carried.

Road Boss, Casey Dittrich asked if it was OK to add or request additional comments on the underground road permits. It was stated yes, that would be agreeable. He has some suggestions, to help avoid any problems with possible line interference in the future. They (road crew) has come close a couple of times to interfering with a number of lines during various projects. Mr. Dittrich also asked if it was OK to continue to look at and recommend conditions on future permits. All agreed yes.

Antelope County Clerk, Lisa Payne presented a budget over view of the various account funds and functions. Currently, the zoning office and county attorney functions are negative in the General Fund. Barns or Districts # 1, 5, 6, 7 and the payroll functions are over in the Road and Bridge Fund. Also, Sheriff Moore had used \$24,000.00 of Inheritance Fund for the payment on his pickup last year. It was discussed and approved for that payment to be paid back to the Inheritance Fund. Sheriff Moore has requested the transfer of funds from the Sheriff account of the General Fund to the Inheritance fund. Discussion continued as to how these should be fixed. Motion was made by Supervisor Henery, seconded by Supervisor Williby to allow clerk to transfer funds from the various funds to balance all functions. And to make the fund transfer from the Sheriffs function to the Inheritance Fund of \$24,000.00 as per previous voted motions. Voting aye: Henery, Williby, Koinzan, Kerkman, Schindler, Bolling and Schwager. Nays none. Motion carried.

Township budgets. An email from State Auditor, Deann Haeffner was circulated last month regarding the township budgets and balances at the end of the year. Ms. Haeffner indicated this money would be turned over to the county and had to be earmarked to spend in that township. Also, the townships are required to do a budget, or budget waiver to spend and complete the 6 months left in 2016. It was discussed the township officers are questioning how this is all going to be carried out. It was discussed that the supervisors should probably host a meeting of the Township Officers regarding the transition. Antelope County Clerk suggested hosting this meeting before a Supervisor Meeting in July-possibly before the 12th, after claims have been reviewed. Supervisors did not think in needed to be during a scheduled meeting, and thought three (3) of them could meet with the Township some evening. Supervisors Henery, Schwager and Kerkman said they would participate in said meeting. No date was discussed or finalized. Money in Township budgets, will have to be turned over to the county in January, however, the money will have to be spent to maintain the “township” roads. If a township carries a debt at the end of the year – or January 2017 – a levy will be assessed to the township.

Casey also discussed budgets, and the action the supervisors wanted to go. After much discussion and input, it was decided to go with seven (7) budgets and if needed to rework to five budget in January. He is working on combining and making the budget a tool in future projects in order to make it more user friendly, reliable and helpful. He has been working on this and will continue to finalize.

11:30 AM Fire whistle blows. Supervisor Henery leaves meeting.

Casey discussed a claim submitted by Sanne's regarding gravel stones from an Antelope County truck. The claim seems to be excessive, and Casey has requested it be reviewed by NIRMA.

Casey discussed the purchase of a used semi-tractor. He has a lead on a semi-tractor with almost the same specs as we had advertised. At this time, he has not seen the truck. He will keep the supervisors informed.

11:40 AM Eddie leave meeting, fire out by his farm.

Supervisor Koinzan requests to put Excavator, Dump Truck and Side Dumper purchase on July 5, 2016 agenda.

Motion was made by Supervisor Williby, seconded by Supervisor Kerkman to adjourn. Voting aye: Williby, Kerkman, Bolling, Koinzan and Schwager. Nays none. Henery and Schindler absent. Motion passed.

Meeting adjourned at 11:45 AM.
OF SUPERVISORS

ANTELOPE COUNTY BOARD

By: _____

Chairman of the Board,

Jerald Schwager

Attest: _____

County Clerk, Lisa
Payne