

July 5, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular extra session on Tuesday, July 5, 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.

Correspondence was reviewed: NPERS Retirement News; Email from Elaine Menzel regarding 2016 Supreme Court Facility Planning Guidelines & Standards; City of Neligh Notice of Public Hearing regarding various area of Neligh designated as blighted; Inheritance Fund breakdown for 2015-2016 fiscal year; NDOR Quarterly and Past Due Inspection reports (no listing); DEQ letter regarding Demerath Farms, Inc. Animal Feeding Operations addendum.

Planning Commission Minutes of February 9, 2016, January 19, 2016, March 29, 2016, and February 24, 2016 were reviewed, and put on file.

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

Treasurer's June Miscellaneous Fee Report was reviewed and put on file.

April and May Commissary Reports were reviewed and put on file.

9:15 AM Whitney Abbott, Substance Abuse Coordinator, met with the Supervisors regarding the training of Responsible Beverage Servers. She is affiliated with North Central District Health Department and discussed various issues facing alcoholic beverage servers. She asked if Antelope County would implement a resolution for RBST for all Special Designated Liquor License. A short discussion followed. At this time the Supervisors thought it would not be beneficial to the county to enact, but thought it might be a great idea for the towns and villages.

A-1 Janitorial had submitted a bill in March for payment for chemical not ordered by Antelope County, at which time they claim was denied. They were informed of such denial. On Thursday, June 30, 2016 the clerk received a call and again informed them of such. At which time, they asked to speak with someone higher than her. It was put on the agenda for the Supervisors to contact. A call was placed to Carlos Rivers at 888-293-5820, Carlos was not in today. A-1 Janitorial was again informed, we did not want the product, and Antelope County was not going to pay for the product. If they wanted the product, they could come get it.

9:40 AM Motion by Williby, seconded by Schindler to go into executive session regarding legal issues per the request of Antelope County Attorney, Joe Abler. Voting aye: Kerkman, Schindler, Bolling, Koinzan, Henery, Williby and Schwager. Nays none. Motion carried.

10:00 AM Motion was made by Supervisor Schindler, seconded by Supervisor Bolling to go out of executive session. Voting aye: Schindler, Bolling, Williby, Koinzan, Kerkman, Henery and Schwager. Nays none. Motion carried

Joe Abler, Antelope County Attorney discussed the moratorium resolution for the CUP for wind towers in Antelope County. He has reviewed the resolution presented by Keith Marvin and Liz Doerr. He agreed the wording and whole resolution looks good. This resolution would basically, halt any new wind tower conditional use permits from being returned to Antelope County for six months, until the new Zoning Regulations have been discussed and possibly adopted. Motion by Supervisor Henery, seconded by Supervisor Schindler to approve resolution as listed, knowing the MET towers for the Upstream Project would not be hindered by this resolution. Voting aye: Henery, Schindler, Koinzan, Kerkman, Williby, Bolling and Schwager. Nays none. Motion carried.

Resolution No. 2016-07-0001

WHEREAS, the County of Antelope, Nebraska has a comprehensive development plan in place; and
WHEREAS, the County of Antelope, Nebraska has zoning regulations in place which are intended to direct the location of specific uses and provide for proper separation of conflicting uses: and

WHEREAS, the County of Antelope, Nebraska has seen a large influx of existing and proposed wind energy conversion turbines; and

WHEREAS, the Planning Commission and County Board of Antelope County have heard testimony implicating possible conflicts from previously approved wind farm applications and construction in Antelope County; and WHEREAS, the County Board of Antelope County wishes to study the existing zoning regulations related to this use; and

WHEREAS, the likelihood of additional wind farms in Antelope County is probable, the County Board desires to implement regulations which are appropriate for the county and its residents, and

WHEREAS, the County Board finds that the most appropriate way to achieve such appropriateness is to work on said regulations without the possibility of new applications coming forward,

NOW, THEREFORE in consideration of the foregoing statement, the County Board of Antelope County, Nebraska, hereby adopts the following resolution:

BE IT RESOLVED by the County Board of Antelope County, Nebraska, that a six-month moratorium on accepting any new wind farm applications is hereby invoked and approved, excepting therefrom any previously approved conditional use permits or pending construction permits for wind farms within Antelope County, Nebraska.

BE IT FURTHER RESOLVED that the said six-month moratorium shall become effective as of the date of the approval of this Resolution.

PASSED AND APPROVED this 5th day of July, 2016.

_____/s/ Jerald Schwager _____

Chairperson, Antelope County Board

ATTEST:

_____/s/ Lisa Payne _____

County Clerk

Joe Ablor, County Attorney, also commented on the road districts. He has not had time to research this in depth; and did not see any statute that would give more direction. However, he would like more time to research and give a more informed answer.

Liz Doerr, Antelope County Zoning Administrator, met with the Supervisors to present her meeting report. Antelope County Planning Commission met in regular session on Tuesday, June 28, 2016 with Keith Marvin and discussed various issues and regulations. They did not discuss livestock facilities and wind regulations. There is planning commission meetings scheduled for July 18th, 2016 at 7:00 PM and August 16th, 2016 at 1:00 PM to continue discussion on updating regulations. She felt the meeting went very well, and they next two (2) meetings should be very smooth also. They also discussed the One (1) versus Three (3) acre subdivision splits and various issues had been discussed like minimum maintenance roads, if the split is granted at one (1) acre, there could potentially be 640 septic and sewer tanks on a single section. More discussion has to happen before a decision can be made. No action at this time. Liz also reported on a wind tower blade in Prairie Breeze III project that recently had torn and was hanging from tower. Invenergy was notified and the line the tower was located on was shut down. County Road Boss stated they placed barricades and local traffic only signs to protect the area. An additional issue surfaced on Friday Morning, there were approximately 13 towers in the line which the blinking lights were not working. This issue was also reported to Invenergy, they were aware of the situation and a NOTAM had been issued by FAA. (NOTAM=Notice to Air Man)

Supervisor Koinzan requested the board to review the Inheritance Fund. Currently the Inheritance Fund has \$2,629,447.43 balance. Over the last fiscal year Antelope County has collected \$1,098,923.39. Supervisor Koinzan believes this money could be used constructively to purchase equipment, i.e. excavator, back hoe, bump truck, etc for road maintenance. He would like to see the county buy this equipment to get away from the equipment hire-rent expense that has been approximately \$200,000.00 in the last couple of years. If the same dollars were spent on our own equipment, they would be better served and we would not be "buying-not buying" the same equipment every year. Discussion among the supervisors varied with equipment needed. However the value was seen in the redirection of dollars. The Inheritance Fund has been used as a reserve fund to help with a safety net in dire times. Supervisor Koinzan reiterated he had no intention of spending the whole fund, but though a good portion would be helpful. He feels it is a disservice to the tax payers to have the money in accounts and to be collecting more taxes. The discussion also focused on bridge work and asphalt grinding of roads in the future. There were many issues discussed as to future projects needing to be completed by the road and bridge department. Casey Dittrich, Brian McDonald and the Supervisors all discussed various topics and issues in the whole scheme of the work to be completed and the future tasks. Discussion returned to the purchasing equipment the county could purchase and have better equipment, and more favorable financial sense in using county owned equipment. The need for maintainer (\$250,000.00 new), dump truck, pup, side dumper, tract excavator/back hoe, semi-tractor, was also discussed. The purchase of this equipment in good used running order could be obtained for \$500,000.00 to \$1,000,000.00 and the county would not have dollars going out to rent this equipment, and would have the inventory in house to complete road work. Motion was made by Supervisor Schindler, seconded by Supervisor Kerkman to have Road Boss advertise and or to check out auction sites for the following equipment: Tractor with Back hoe, Tract Excavator, Side Dump Trailer, Semi-Tractor, Dump Truck with Pup and to report to the board findings and recommendations. Voting aye: Schindler, Kerkman, Williby, Koinzan, Bolling, and Schwager. Nays: Henery. Motion carried.

11:00 Bid Opening: Brunswick North

The bids received for a work on the Brunswick Northwest Bridge were opened at 11:11 AM. The following vendors submitted bids. **Contech Engineered Solutions, LLC**, Lincoln, Nebraska – no representative present-\$55,885.76 delivery date material will be 6 to 7 weeks after receipt of executed contract and **Midwest Service and Sales Co.**, Schuyler, Nebraska – no representative present - \$44,485.08 delivery date material will be 10-12 weeks ARO. Motion by Henery, seconded by Schindler to accept Midwest Service Bid of \$44,485.08 as recommended by Brian McDonald, Highway Superintendent. Those voting aye: Henery, Bolling, Schindler, Kerkman, Williby, Koinzan and Schwager. Nays none. Motion carried.

The bids received for a work on the Elgin Southeast Sites 1 and 2, were opened at 11:15 AM. The following vendors submitted bids. **ME Collins Contracting Co, Inc.**, Wahoo, Nebraska – no representative present-\$149,817.20 (1st \$70,670.90)(2nd 79,146.306) start date will be 09-01-2016; **A & R Construction** , Plainview, Nebraska – no representative present - \$138, 408.24 (1st 66,521.18)(2nd 71,887.06) start date will be 11-28-2016; and **Husker Engineering Inc., DBA Husker Grading**, Burwell, Nebraska – no representative present - \$143,311.60 (1st 57,82.80)(2nd 83128.80) start date will be 09-20-2016. Motion was made by Supervisor Williby, seconded by Henery to accept A & R Construction bid of \$138,408.24 pending verification of numbers as recommended by Brian McDonald, Highway Superintendent, and to allow Brian McDonald to authorize a change order to include site 3. Those voting aye: Henery, Bolling, Schindler, Kerkman, Williby, Koinzan and Schwager. Nays none. Motion carried.

Brian McDonald also advised the board it was time to advertise for labor on the Brunswick Northwest Bridge Project. Jerry’s culvert. Supervisor Henery made a motion for the County Clerk to advertise for the labor as per recommended by Brian McDonald. Motion was seconded by Supervisor Bolling. Voting aye: Henery, Bolling, Schindler, Kerkman, Williby, Koinzan and Schwager. Nays none. Motion carried.

Payroll claims were reviewed. Motion was made by Supervisor Williby, seconded by Supervisor Bolling to pay payroll claims. Voting aye: Williby, Bolling, Schindler, Kerkman, Henery, Koinzan and Schwager. Nays none. Motion carried.

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

Meeting adjourned at 11:30 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne