

July 12, 2016

Antelope County Board

Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, July 12, 2016 at 8:03 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, 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. Supervisor Bolling presented at 8:06 AM.

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.

We, the Committee on Claims, report that we have examined and approved for payment the following claims:

**General:** Antelope County Court-court costs 201.00; Antelope County District Court-court filing fees 137.00; Appera-micro swipes/dust mop frame/dust mop 38.86; Applied Connective Technologies-WIFI installation 1594.83; Benco Products Inc- spraying equipment repair on hand gun 52.27; Eleanor Brady, prior service 25.00; Dean Brown, prior service 25.00; Carhart Lumber-paint 197.87; Casey's General Store-fuel 536.42; Clearwater Village-recycling 250.00; Clearwater Record/Ewing News-advertising/publishing 439.55; Country Inn-county attorney hotel 267.00; Creative Product Sourcing Dare-tshirts/bookmarks/pens /cards/bags /mugs/bracelets/bumper stickers/ 381.33; Cubby's-fuel 115.10; Jeffrey Doerr Law-attorney fees 4693.82; Dollar General Charged Sales-table covers/card/tea bags/napkins/snack plate/foam board/cleaning supplies/ minced onions/brown sugar/baking soda 68.45; Dusty's-fuel 145.50; Eakes Office Plus-stamp pad/calendars/chair cushions/appointment book 403.96; Elgin City-recycling 250.00; Elgin One Stop-fuel 99.00; Elgin Review-publishing costs 314.02; Elite Office Products-copier agreement 54.56; Farm & Home Publish-plat books 600.00; Fitzgerald, Vetter & Temple-court appointed attorney 1677.93; Frontier Communication, internet 2100.18; Great Plains Communications Inc-internet 190.00; Nadene Hughes, prior service 14.00; IRS-PCORI 251.68; Jonny Dodge-labor/oil changex2/parts 133.40; Frank Kamphaus, prior service 16.00; Knox County Treasurer-hazard mitigation plan 502.11; Nebraska Unemployment Fund-unemployment insurance 1050.00; Donna Payne, ps 25.00; Devon Schindler-painting/general labor 170.00; Caroline Siems, ps 25.00; Microfilm Imaging Systems-monthly rent scanning equipment 87.00; Moyers Department Store-polos/logos 88.00; Neligh City-water/ sewer/electricity 89.79; Marvin Planning Consultants-contract payments/zoning assistance 1260.00; MIPS-computer support claims/budget/time & attendance/payroll 669.72; Neligh Clinic-2 training physicals 280.00; Neligh City, ut 89.79; Neligh News-publishing fees 734.95; Neligh Postmaster-County Attorney postage 270.30; Bill's OK Tire-tire repair on side by side trailer 21.00; Orchard News-publishing fees 146.72; Donna Payne, prior service 25.00; Petty Cash-clerk-petty cash 15.00; Pitney Bowes Inc.-machine contract 1131.90; Pitzer Digital-advertising 80.00; Precision Repair-lube/oil/filter 43.84; Protex Central-courthouse fire alarm test 130.00; Region IV-quarterly payment 6230.25;Region IV-quarterly payment 2808.00; Schroeder Land Surveying-surveying fees 2400.00; Devon Schindler, ex 170.00; Caroline Siems-prior service 25.00; US Cellular-sheriff monthly cell phone 335.18; Verizon-weed monthly cell phone 45.65; Shell Fleet-gas/fuel 638.52; Chuck Thiemann-mowing 30.00; Thriftway Market-butter 3.54; Bonita Welke-prior service 22.00; Walt's Computer-blue tooth head phones 71.04. **Road & Bridge: At Large:** Casey's-fuel 108.95; Tilden City-trash/sewer/water 104.82; Cubby's-midgrade fuel 201.90; Elkhorn Rural Public Power District-electricity 457.82; Farmer's Pride-ruby diesel 1651.08; Hinrichsen Sand and Gravel-sand/fill/bank run 3489.13; Hometown Station-diesel/super unleaded/unleaded/fuel 677.74; Island Supply and Welding- oxygen/acetylene 165.00; Jonny Dodge-service engine/tie rod end/adjust brakes/clutch free travel/replaced leaking air valve/air conditioner 3212.22; Kumm Gas-highway diesel 266.32; Lichtenberg Tire-tire repair 92.00; Maddock Construction-wirtgen bit 105.04; Matteo Sand and Gravel-armor coat 159.60; Mitteis Gravel-road gravel/mud rock/sand/dirt 1303.34; Mr S's-ethanol gas/diesel 1315.11; Neligh Auto and Machine-trailer cable/mud flap/switch 118.52; North Am Truck, ex 1965.00; OK Auto Parts LLC-brake cleaner/engine degreaser/refrigerant/ air/alternator 223.83; OK Tire Store, Inc-hp stem/shop supplies ex 170.34; Powerlift of Nebraska-labor on truck for Jimmy's trailer 589.80; Powerplan-Murphy Tractor and Equipment-hose/install blade slide brass 661.96; Quick Serve Oil Company-gas 48.08; Royal One Stop-gas 113.30; Shell Fleet Plus blended fuel/diesel/gas 1204.36; Verizon-cell phone 100.86; Nebraska Department of Revenue – motor fuel tax 1978.00. **Brunswick Area:** Key Sanitation-garbage 18.00; Kumm Gas-gasohol/non-highway diesel 2773.99; North Central Public Power District-electricity 119.62; Brunswick Village-sewer/trash 41.50. **Orchard Area:** Dusty's-ethanol fuel 155.89; Farmer's Pride-ruby diesel 3590.89; Hinrichsen Sand and Gravel-sand 353.12; Kayton International-fitting/female coupling/ff male coupling 380.91; Kimball-shop supplies 92.19; Lazy T Tire-tire repair 70.00; Mitteis Gravel-dirt/sand/mudrock 481.85; North Central Public Power District-electricity 57.34; Royal One Stop-gas 52.00; Sapp Brother Petroleum-ULSD 1416.09; T-J's Market-paper towels15.30; Tinsley Grain-1.5 white rock 5693.70; Orchard Village-water 30.50; Willie's Service-wiper blades 180.19. **Clearwater Area:** Elkhorn Rural Public Power-electricity 111.68; Farmer's Pride-ruby diesel 2513.46; Hinrichsen Sand and Gravel-sand 347.39; Hometown Station-gas 183.71; Jonny Dodge-element 92.58; Marty Kerkman, ex 423.50; Lichtenberg Tire-tire and equipment repair 127.00; Midwest Service and Sales Co.-Bonnell 16.18; Neligh Auto and Machine Inc.-towels/shop supplies 110.81; Northeast Nebraska Telephone Company-phone/internet 101.71; Shell Fleet Plus-gas 211.09. **Neligh Area:** Cubby's-super unleaded fuel 71.10; Farmer's Pride-oil/diesel 1482.16; Green Line Equipment Inc.-repair air conditioner 100.00; Hinrichsen Sand and Gravel-gravel 100.05; Neligh Auto and Machine Inc.-fuse/windshield fluid 43.46; OK Auto Part LLC-Oil filter pliers 122.74. **Tilden Area:** D & M Machinery-washer/external snap ring/chain/18" bar/carb and choke cleaner 141.79; Farmer's Pride-fuel oil/diesel 1108.57; Mr S's-unleaded 102.02; Road Builders Machinery & Supply Company-brake line/solenoid 487.28; Nebraska Public Power District-electricity 131.43. **Oakdale Area:** Farmer's Pride-oil/diesel 1554.40; Great Plains Communications Inc.- phone/internet 126.05; Jonny Dodge-repair power steering leak/replace battery cable ends/ 192.56; Matteo Sand and Gravel-road gravel 176.28; Mitteis Gravel-road gravel 496.07; Neligh Auto and Machine Inc.-mud flap/relay 37.97; NMC Exchange LLC-hose/coupling/o ring 31.00; OK Tire Store Inc.-shop supplies/battery/radial repair 113.00; Quick Service Oil Company-tire repair 68.08. **Elgin Area:** Elgin City-garbage 56.25; Elkhorn Rural Public Power District-electricity 49.32; Great Plains Communications-phone/internet 141.62; Overland Sand and Gravel-road gravel 4278.98; Road Builders Machinery and Supply Company-blower on motor grader 667.16; Rueter's Red Power Inc.-bucket level failure 895.92. **Register of Deeds:** MIPS-register of deeds/deeds on line costs 295.70. **Law Enforcement Fund:** Dollar General-charged sales-inmates tweezers/miconazole/multi-vitamin/bandages/vitamin c/hydrocortisone/ibuprofen 47.00; Wanek Pharmacy-inmate medicines ibuprofen/antibiotic ointment 25.12. **Building Fund:** Hughes Construction-heating and cooling service 103.00. **General:** Total Payroll, 89,307.48; American Family Life Assurance Company, insurance 392.60; Ameritas Life Insurance Corporation, retirement 13,674.47; Blue Cross/Blue Shield, health and dental insurance 58,845.10; Colonial Life and Accident Insurance-insurance 58.25; Child Support 594.00; Garnishment, 232.80; Federal Withholding 10,354.83; First Concord Benefits Group-cafeteria plan fees & contributions 446.66; Madison National Life Insurance- insurance

445.46; Mid-American Benefits—buy down deductible 209.00; State Tax 3,413.84; VSP Vision Insurance Plan-vision insurance 467.92; Social Security 18,072.02; Washington National, insurance 697.51. **Road & Bridge:** Total Payroll, 52,505.43; American Family Life Assurance Company-insurance 142.35; Ameritas Life Insurance Corporation retirement 7,568.29; Blue Cross/Blue Shield of Nebraska-health and dental insurance 33,028.96; Colonial Life and Accident-insurance 18.00; Credit Bureau Services, Inc. garnishment, 338.99; With Holding, 4955.10; First Concord Benefits Group insurance 258.33; Madison National Life Insurance-insurance 233.38; State Tax-1806.84; VSP Vision Insurance Plan, vision insurance 180.61; Mid-American-buy down deductible 121.00; Social Security, 10,422.94; Washington National-insurance 133.40. **Juvenile Diversion:** Total Payroll: 167.22; Ameritas Life Insurance Corporation-retirement 23.63; Withholding, 12.81; State Tax, 4.45; Social Security 32.14.

Ed Schindler /s/7-12-2016  
 Jerald Schwager /s/7-12-2016  
 Neil Williby /s/ 7-12-2016

Motion was made by Supervisor Williby, seconded by Supervisor Schindler to approve claims as submitted. Voting aye: Williby, Schindler, Bolling, Koinzan, Kerkman, Henery, Williby and Schwager. Nays none. Motion carried.

Regina Krebs, a certified public accountant who works on a number of Township Budgets met with the Supervisors regarding their expectations for the Township budgets during this transition year going to commissioner form of government. It was discussed budgets did not have to be filed for townships if they file a budget waiver, and have no outstanding debt. Buffalo County recently has gone through the Supervisor to Commissioner form of government, and she does not want to see the same deficits faced by Buffalo County repeat itself in Antelope County. She will work with Antelope County Clerk in filing budgets and the transition of those budget figures.

Correspondence was reviewed: Ten West Cattle, Inc Concentrated Animal Feeding Operation DEQ letter from State of Nebraska; Union Bank and Trust Antelope Memorial Hospital Bond Statements; Treasurer’s Semi-Annual Report; Antelope County Attorney letter regarding townships conversion to commissioners; TERC letter regarding Chris Van Egmond decision – copy from protestor; Berggren Architect Letter; NIRMA Safety Shorts; Certificate of liability insurance regarding Matteo Sand and Gravel; Receipts: 16,370.66 State of Nebraska for: \_ \_\_\_; 36.08 from employee for Grand Jury participation; map from State of Nebraska general highway map.

Minutes of meetings were not approved, as the timeliness in getting this distributed was not enough.

Sheriffs June Miscellaneous Fee Report was reviewed and put on file.

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

Pledge collateral is currently at \$610,000.00. With \$250,000.00 of that being FDIC insured and the rest is currently pledged.

The Veterans Service Officer gave the following as his Quarterly Report: VSO QUARTERLY REPORT  
 July 12, 2016

Quarterly Report to Board of Supervisors  
 Activity for the 2nd Quarter of CY 2016

	April	May	June	Total
Phone calls Received	44	33	33	110
Phone Calls Made	37	48	29	114
Office Visits	28	32	21	81
Home Visits	3	0	1	4
Compensation and Pension Claims	3	1	2	6
Other Claims/Forms Completed	28	42	26	96
Letters Written	2	3	3	8
E-Mails	26	25	25	76
Meetings	3	0	0	3

Also, in May I visited 12 cemeteries to place the flag holders on the new graves of veterans.

April-June	Compensation and Pension History Results		
	Filed	Granted	Pending
2012	14	10	
2013	11	6	
2014	22	13	1-Spina Bifida
2015	11	10	
2016	6	1	5

Monthly Cash Benefits to Veterans/Dependents- \$7,891.63 (from 2015 claims)  
 Annual Cash Benefits to Veterans/Dependents- \$94,699.56 (from 2015 claims)

Activity was down this past quarter, with the exception of losing veterans to death. During FY 2016, there were 40 veteran deaths in Antelope County. This is about double of what it was during the first several years of my time as you CVSO. This number will most likely trend downward in the years to come as the number of veterans also will continue to trend downward.

I attended the Annual County Veterans Service Officer Training Seminar in Grand Island in April. The big issue was that will impact timely results of claims is the VA centralized claims processing in April 2016. This means that new compensation and pensions claims are being sent all over the country, rather than just being worked in the Lincoln VA Regional Office. I still send the claims to Lincoln, but there they are electronically submitted to the central system, and someone behind a computer somewhere in the country will get

the claim. It is too early to know if this will improve the results, or make them worse. For sure it is slowing down the process. We were fortunate in Nebraska in the past in getting a fairly quick turn around, but the VA in it's desire to make things equal decided to just centralize the system. One step forward and two steps back. The veterans are the ones that will suffer. Our folks at the State Level fought this change, but to no avail. The Feds had their way.

I am on schedule to retire on July 1, 2017. I will discuss it with my Veteran Service Committee later this month, and we will bring it to the board later this year.

/s/ Ronald J. Marshall  
Ronald J. Marshall  
Antelope CVSO

Zoning Administrator, Liz Doerr gave the Zoning Report. The monthly permit report was shared. The report lists the various active permits in the county by Township. Blackstrap Enterprises, LLC is constructing a multi-faceted hoop building in Neligh Township. This has been in the zoning permit timeline for a number of months. A public hearing has been scheduled for today, Liz informed the supervisors there had been no opposition to the building during the zoning public hearing, and because of the time involved had given permission for the construction to begin.

Liz also discussed she has had a concern expressed about some trees in the right of way setbacks in Clearwater Township. Discussion on tree setbacks, and the various related issues. The supervisors believe the tree setbacks are zoning regulations. Liz was going to complete checking on the issue.

Quarterly Jail Inspections to be performed by Supervisors Koinzan, Williby and Kerkman.

Jesse Reestman, representing Elgin Community Club met with the supervisors regarding obtaining a special liquor license for the purpose of the Elgin Chamber of Commerce annual steak fry social night. The evening is scheduled for Saturday, August 13, 2016; they are requesting a liquor license from Saturday, August 13, 2016 at 5:00 PM to Sunday, August 14<sup>th</sup>, 2016 at 1:00 AM. Motion was made by Supervisor Bolling, seconded by Supervisor Schindler to approve the Special Liquor Permit for Elgin Community Club for the evening of Saturday, August 13<sup>th</sup>, 2016 at 5:00 PM through Sunday, August 14<sup>th</sup>, 2016 at 1:00 AM. Voting aye: Bolling, Schindler, Kerkman, Koinzan, Williby, Henery, and Schwager. Nays none. Motion carried.

During recent meetings the Tilden west right of way has been discussed. Because the project requires Antelope County to acquire some land from owners on both side of the bridge it was discussed to authorize, Road Boss, Casey Dittrich to obtain the right of way land needed to complete the project. Motion was made by Supervisor Koinzan, seconded by Supervisor Henery to authorize Road Boss, Casey Dittrich to negotiate with current land owners to acquire the needed fraction of acres around the bridge project. Approximately 7/10s of an acre on one side and 3/10s of an acre on the other is needed. Voting aye: Koinzan, Henery, Williby, Schindler, Kerkman, Bolling and Schwager. Nays none. Motion carried.

Brian Frey, an Elm Township resident addressed the board regarding the blacktop north of Tilden, on what he calls the 5 mile intersection. This intersection is approximately ½ mile north of Sanne's Gun Shop. This is a blind intersection, and he was wondering, what the county could do to make the intersection safer. (848<sup>th</sup> Road and 534<sup>th</sup> Avenue). When you are traveling east to west there is a hump south of the intersection. This is a project on the One and Six Year Plan, and it was discussed possibly stopping with overlay around Sanne driveway to alleviate the hump. Supervisors Schindler and Schwager will take a look at the road-intersection.

9:32 AM BLACK STRAP PUBLIC HEARING: JERRY SCHWAGER: OK, we will go to the public hearing. The time is 9:32 AM. We will open the public hearing. The open meeting laws are posted on the east wall and more copies are available in the clerk's office. I will take roll call. Schindler? EDDIE SCHINDLER: Here. JERRY SCHWAGER: Koinzan? GREG KOINZAN: Here JERRY SCHWAGER: Kerkman? LEROY KERKMAN: Yeah JERRY SCHWAGER: Williby? NEIL WILLIBY: Here JERRY SCHWAGER: Henery? CHARLIE HENERY: Yes. JERRY SCHWAGER: Bolling? MERLIN BOLLING: Yes JERRY SCHWAGER: and I am here. OK, wait a minute; she is going to read the notice. LISA PAYNE: Notice Of Public Hearing - Antelope County Board Of Supervisors, Notice is hereby given that the Antelope County Board of Supervisors will hold a public hearing to review a conditional use permit submitted by Blackstrap Enterprises LLC, for the purpose of establishing a multifaceted commercial business base in Section 32, Township 25, Range 6 West of the 6<sup>th</sup> P.M. Antelope County, Nebraska. The hearing will be held on Tuesday, July 12, 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, July 11, 2016. Written comments may be mailed to: Antelope County Board of Supervisors, PO Box 26, Neligh, NE 68756 ... and that was published June 29, 2016. JERRY SCHWAGER: OK, Thank you very much. OK, go ahead Liz. LIZ DOERR: In his application, I will just read this to you guys. It says we propose to construct a 100 x 200 foot hoop building on a 12 foot concrete wall to store road salt in. The remaining two (2) large structures will be used to hold back and bag \_\_\_\_\_ type products, bag ice malt, bulk pet food ingredients, distiller's grain, etc. The overhead bins will be used to hold grain, or any commodity that will be able to be handled by the leg. The existing leg is 75 feet in height and our new structure will be approximately 25 feet shorter. Signed, Ted Hughes. And at the hearing we discussed this, you know it has the driveway; it is off the highway, so it shouldn't be a huge issue. They are not changing the driveway or anything. Any signage, they will have to follow along with the

Nebraska Department of Roads, as that side over there. The bigger concern was the leg and how that pertains to the airport. And I had gotten a little from (GREG KOINZAN: indistinct) LIZ DOERR: Rick, ... What? GREG KOINZAN: Schindler, Sorry. Personal humor between LeRoy and I. LIZ DOERR: Ok. From Rick Schindler that says, "we have reviewed the new construction plans for Blackstrap Enterprises located southwest of the airport at the former alfalfa hay plant. We have no issues with Blackstrap Enterprises to construct 100 x 200 foot hoop building on this site." He had OK'd it. But there was some concern about whether FAA had actually, was requiring anything. And so then, after the public hearing with the planning commission, Rick submitted another one that says, "We have reviewed the new construction plans of Blackstrap LLC, located southwest of the Antelope County Airport, at the former alfalfa hay plant (it has the parcel #) We, the Antelope County Airport have no issues with Blackstrap Enterprises, LLC to construct a 100 x 200 foot hoop building on this site. In addition, I discussed this construction site with the FAA. After, a detailed explanation of the location and how the location relates to our airport, they had no concerns." So they were not requiring anything.

JERRY SCHWAGER: Ok. LIZ DOERR: So, I do have that part covered. GREG KOINZAN: So Nathan, the leg is getting shorter? (Chuckles) is that the way I am (understanding) LIZ DOERR: No. GREG KOINZAN: Isn't that what he said? LIZ DOERR: No, the building is shorter than the existing leg. NATHAN HUGHES: The building is shorter. The building is 49 feet to the top. The leg is 75 feet. GREG KOINZAN: So, you are going to use the existing leg? NATHAN HUGHES: Probably, yes. GREG KOINZAN: But, you are not changing the height? NATHAN HUGHES: We are not doing anything to the leg. LIZ DOERR: I did have one call before the planning commission hearing. Is it Lee Meyer, that is the neighbor? JERRY SCHWAGER: Yeah. LIZ DOERR: Across, he had called and he was concerned about what they were going to have in this commercial business. And, so I explained it to him. and he said, Oh, as long as there is not a lot of odor with it, I am OK with it. JERRY SCHWAGER: There wouldn't/shouldn't be. GREG KOINZAN: There is no other written comments. LIZ DOERR: No. LISA PAYNE: I have nothing. JERRY SCHWAGER: (to Nathan Hughes) Do you have anything you want to add to this, or anything. NATHAN HUGHES That about sums it up. JERRY SCHWAGER: OK, any other questions? LIZ DOERR: And so, because of some of the delays with all the wind stuff going on that is why I issued that building permit so they have started just the foundation. NATHAN HUGHES: Concrete. JERRY SCHWAGER: Any questions from you guys? MERLIN BOLLING: Is there anybody else who lives right around it there? CHARLIE HENERY: Just down the road 1/2 mile, 3/4 mile to the north. Roger Gabelman. GREG KOINZAN: Gabelman, along the highway. Troy Boggs house would be the next one - and that is at least 1/2 mile. JERRY SCHWAGER: But it is just going to be. Just going to be salt and grain and stuff. It is not going to be.... CHARLIE HENERY: And, it is not like they are doing really anything. I mean the structure of the old pellet mill is there, anyway. They are just putting up a new building north of it which is shorter than the tallest thing there. I don't see anything wrong. GREG KOINZAN: Locally owned, Family Operated Business. They ought to be given them an award. EDDIE SCHINDLER: More tax dollars. More tax dollars. NATHAN HUGHES: Thanks, we will take it. JERRY SCHWAGER: OK. CHARLIE HENERY: Until my cows get out and eat too much salt. JERRY SCHWAGER: You've got nothing to add. What time do you have. LISA PAYNE: 9:39 AM JERRY SCHWAGER: It is 9:39 and I will open the hearing to the public, and I will take roll call. Schindler? EDDIE SCHINDLER: Here. JERRY SCHWAGER: Koinzan? GREG KOINZAN: Here. JERRY SCHWAGER: Kerkman? LEROY KERKMAN: Yeah JERRY SCHWAGER: Williby? NEIL WILLIBY: Here. JERRY SCHWAGER: Henery? CHARLIE HENERY: Yes. JERRY SCHWAGER: Bolling? MERLIN BOLLING: Yes. JERRY SCHWAGER: and I am here. I will ask any people in favor to testify. GREG KOINZAN: I have got one more question Jerry, for Nathan. JERRY SCHWAGER: OK, let me get down to the bottom of this. OK, I've got none....I will ask any people opposed to testify. I guess I've got none either....I will ask the applicant to clarify any issues that maybe come up, any issues you want to clarify or anything. NATHAN HUGHES: I don't see any. JERRY SCHWAGER: I will ask for any other testimony....Anybody neutral or anything want to testify.... I will ask for questions from the supervisors. GREG KOINZAN: I am going to pass. I will ask him later. JERRY SCHWAGER: Are you sure? ..... OK, what time do you got? LISA PAYNE: 9:40 EDDIE SCHINDLER: Imagine that? JERRY SCHWAGER: At 9:40, I will close public part of the hearing. I will take roll call. Schindler? EDDIE SCHINDLER: Yes. JERRY SCHWAGER: Koinzan? GREG KOINZAN: Yes JERRY SCHWAGER: Kerkman? LEROY KERKMAN: Yeah JERRY SCHWAGER: Williby? NEIL WILLIBY: Yes. JERRY SCHWAGER: Henery? CHARLIE HENERY: Yes. JERRY SCHWAGER: Bolling? MERLIN BOLLING: Yes JERRY SCHWAGER: and I will vote yes. I need a motion, and a second on this please. CHARLIE HENERY: I make a motion to accept this conditional use permit, with the recommendation as zoning administrator people did it – according to. NEIL WILLIBY: I will second it. JERRY SCHWAGER: Did you make a motion? EDDIE SCHINDLER: Charlie and Williby. CHARLIE HENERY: Yes, I made a motion. LIZ DOERR: His motion was to accept it according to the Planning Commission's recommendation. CHARLIE HENERY: That is what I said. NEIL WILLIBY: Word for word. JERRY SCHWAGER: Ok, and Williby seconded it. Any discussion on the motion? Got none. I will read the findings and recommendations: 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 the conditional use permit be granted. (If applicable-subject to certain conditions set forth in the recommendation); Yes 7. That on July 12, 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 29, 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. LEROY KERKMAN: On your first one there, that is in the AG area? JERRY SCHWAGER: (reads) that the Zoning district which it promoted use is located in Zoning AG – general agricultural district. LEROY KERKMAN: But this will be – go to commercial then wont it? LIZ DOERR: It is a commercial use, but in an AG district. JERRY SCHWAGER: But it is still AD district, LeRoy. OK, good question. OK, I've read the findings and will take a roll call vote. Schindler? EDDIE SCHINDLER: Yes. JERRY SCHWAGER: Koinzan? GREG KOINZAN: Yes. JERRY SCHWAGER: Kerkman? LEROY KERKMAN: Yeah. JERRY SCHWAGER: Williby? NEIL

WILLIBY: Yes. JERRY SCHWAGER: Henery? CHARLIE HENERY: Yes. JERRY SCHWAGER: Bolling? MERLIN BOLLING: Yes. JERRY SCHWAGER: and I will vote yes. I need a motion to adjourn hearing. LEROY KERKMAN: I will so move. EDDIE SCHINDLER: Second. JERRY SCHWAGER: Motion by Kerkman, seconded by Schindler to adjourn. I will take roll call. Schindler? EDDIE SCHINDLER: Yes. JERRY SCHWAGER: Koinzan? GREG KOINZAN: Yes. JERRY SCHWAGER: Kerkman? LEROY KERKMAN: Yeah. JERRY SCHWAGER: Williby? NEIL WILLIBY: Yes. JERRY SCHWAGER: Henery? CHARLIE HENERY: Yes. JERRY SCHWAGER: Bolling? MERLIN BOLLING: Yes. JERRY SCHWAGER: and I will vote yes.

9:45 returned to regular session.

Road Boss, Casey Dittrich gave his report. Casey discussed various miles that are in need of armor coating. In Crawford Township there are four (4) miles on the Copenhagen Road, the first couple of miles west of Sargent Irrigation on Sargent Irrigation Road. In recent meetings the topic of black top roads needing ground up and returned back to gravel has been discussed. In order to get a handle on the roads supervisors want to maintain, repair and what black top roads will or could be returned to gravel in the future road maintenance, it needs to be discussed and a long term plan worked out. To have all Supervisors and road maintenance crews on the maintenance schedule and not to complete a plethora of maintenance and repairs on roads that are on the grinding chopping block. Casey presented a copy of the county map and has highlighted the different road types and wanted to discuss the various roads in Antelope County. Overlay miles need to be discussed. The miles between Orchard and Clearwater needs to be overlaid for school traffic purposes. There is no sense in repairing a road that next summer will be on the chopping block. If everyone is on the same page then the roads that need to be repaired can be scheduled to maintain and other roads that need to be returned to gravel can be, however, this is a huge item that will affect a number of constituents across the county. Some roads need to maintain the current conditions because of the underlying conditions of the road i.e. sand base, wetness, etc. Overlay, Armor Coating, grinding, gravel all needs to be a 10-year plan, or better yet a forever plan. One idea for returning hard surface to gravel would be the zigzag between Elgin to Clearwater, versus the highway and Sargent Road, the zigzag is actually two 2 miles longer. This zig-zag might be a potential grinding idea. It was decided the supervisors should have a meeting with the road boss individually and review the roads to get the Supervisors and Road Boss on the same page. This idea can be kicked around forever, but we need to have a complete and dependable working plan. We need to get our oil roads down to a capable number so we can handle and service them properly. It was decided all of the supervisors need to drive all of their road miles to help determine the necessity of maintaining or grinding.

Per discussion, the armor coating miles are as follows: 4 miles of the Sargent Rd (848 Rd) starting at Hwy 275, going west; and 4 miles of the Copenhagen Rd (531 Ave) south of Hwy 20.

The overlay miles include: 4 miles of 527Ave (Brunswick road N of Neligh/Pierce road); 2 miles of 534 Ave (North of Tilden); 1 mile of 513 Ave (South of Orchard); .75 mile of old Hwy 14 (North of Neligh); .5 mile of 524.5 Ave (Cemetery road N of Neligh); .5 mile on Clearwater mix strip; .5 mile on Oakdale mix strip.

The following sections have already been overlaid: .75 mile on curve SW of Clearwater; .5 mile on mix strip at Brunswick (14/20).

Invenergy was requested to hire a noise study on complaints from land owners in the previously completed Prairie Breeze I and II projects. Mike Hankard, an acoustical consultant from Hankard Environmental completed the noise study, and was in attendance today to present the findings. The studies were conducted over a period of five (5) weeks this spring. In all, there were four (4) studies conducted at various homes in the area that had filed written complaints with the Zoning Administrator. The home sites of Gary Borer, Dave and Judy Wilcox, +++++ Hecht, and Susan Berg were all studied. Mr. Hankard revealed the noise levels were collected and studied and at no time was the level above 50DbA, Antelope County set decibel level. All readings were under 50 DbA. In the Borer situation, one was placed in a place with 3 hard surface reflections; there was one reading on one day that was at 49 DbA. The study all seems to be in the realm of the current noise conditions set by Antelope County. Mr. Hankard stated he over 25 years in the acoustical field, and the equipment they use are of higher quality. When you study noise levels you try to capture all sounds, conditions, including wind, turbines on, traffic, etc. It is up to the company to separate out the various noises by varying frequency signatures. Most of the ranges of analysis range from 40 to 47 DbA at all four (4) sites. Every tower makes the same noise, some closer and some at a distance. The numbers reported are a complete study of all of the towers running at the same time. Setback, how many, the distance, etc. will all affect the noise level. All noises from the wind turbines are measured during the study. Capture noise when ground winds are low (less than 11 miles), otherwise there is a lot of interference or additional noise is recorded. All noise coming from the wind turbine operation is analyzed and studied. Standard prohibits noise cannot be measured when wind speed is greater than 11 miles an hour.

Susan Berg and Judy & Dave Wilcox are requesting a peer review of the data to be performed by Rand Acoustics. Peer review is basically an independent company who acquires all of the data, and analysis and reviews and studies of all of the facets provided to insure the proper data was used and the study is a fair, accurate and a complete picture of the noise/sound study. When Hankard Environmental was hired, it was determined the data could be peer reviewed, and Invenergy would help with the cost of the peer review. Motion made by Supervisor Henery, seconded by Supervisor

Koinzan to hire Rand Acoustics for a peer review of the data and analysis of the sound study conducted by Hankard Environmental. The peer review should be performed on all four (4) sound studies performed. Voting aye: Henery, Koinzan, Williby, Bolling, Schindler and Schwager. Kerkman abstained. Nays none. Motion carried.

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

Meeting adjourned at 11:40 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

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

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

**Short Break before Board of Equalization and Protest hearings begin.**