

August 2, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular extra session on Tuesday, August 2, 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: Zoning Monthly Permit Report; Emails between Zoning Administrator and Rand Acoustics; NDOR Past Due Bridge Inspection; Antelope County Historical Society Newsletter; Distress Warrants (Sheriff & Treasurer Copy); Real Estate Delinquent Tax Report was presented; Pre-employment and random drug test semiannual report (all negative); Transmission Line Report (Hoskins-Neligh); Nebraska Commission of Law Enforcement and Criminal Justice – regarding Jail Standards; NIRMA Safety Shorts-; District Seven Probation Year End Review/Budget Request 2016-2017; DEQ Letter regarding Matthew D Beckman Livestock Animal Feeding Operation; DEQ Letter regarding Warren Wortman Concentrated Animal Feeding Operation; Nebraska Surface Transportation Group; Northeast Nebraska Economic Development District Annual Report; RC & D Meeting Minutes 6-27-2016.

Receipts: County of Madison \$192.00 – Diversion.

Distress Warrants collected and not collected was shared, and put on file.

Jerry Schwager, Chairman signed three (3) copies of the notice to proceed, and agreements, six (6) copies of Purchasing Agent Appointment Form (Tax Form 17) from JEO Consulting regarding Elgin Southeast Site 1 and 2. All copies were returned to JEO per their request.

All Supervisors signed BlackStrap Resolution as passed after public hearing on July 12th, 2016. Motion was made by Supervisor Henery, seconded by Supervisor Williby to accept the resolution with the Planning and Zoning Recommendations as stated during public hearing. Voting aye: Henery, Williby, Koinzan, Kerkman, Schindler, Bolling and Schwager. Nays none. Motion carried.

RESOLUTION #2016-07-_____

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of a hearing held on the 21st day of June, 2016, at the Antelope County Courthouse on the Conditional Use Permit application for Blackstrap Enterprises LLC a commercial operation road salt, bagged products, feed and grain in 32-25N-6W, Antelope County, Nebraska; and

WHEREAS, the public hearing has been held pursuant to said notice and all statements received at the hearing have been duly considered by the Planning Commission;

WHEREAS the Antelope County Planning Commission has reviewed the application and make recommendation to the Antelope County Board of Supervisors for approval with conditions;

AND WHEREAS the Antelope County Board of Supervisors has given public notice as required by the Nebraska State Statutes, of a hearing held on the 12th day of July, 2016, at the Antelope County Courthouse in Neligh, Nebraska;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF SUPERVISORS, THAT THE BLACKSTRAP ENTERPRISES LLC CONDITIONAL USE PERMIT #CUP1602 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. Applicant shall comply with applicable regulations from the Nebraska Department of Roads for signage.
2. Applicant shall show compliance with FAA Regulations.

Adopted this 12th day of July, 2016 at Neligh, Antelope County, Nebraska.

Supervisor: __Henery__ Supervisor: __Williby__

Moved to adopt said Resolution 2nd to the Motion to adopt said Resolution

Roll Call: __7__ Yea __0__ Nay __0__ Absent __0__ Abstain

Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF SUPERVISORS

/s/ Jerald Schwager, Dist. #1, Chairman

/s/ Greg Koinzan, District #6

/s/ Charlie Henery, District #4

/s/ Ed Schindler, District #5

/s/LeRoy Kerkman, Dist. #7

/s/Neil Williby, District #2

/s/ Merlin Bolling, District #3

/s/Greg Koinzan, District #6

ATTEST: /s/ Lisa Payne, Antelope County Clerk

Motion by Bolling, seconded by Kerkman to approve the Interlocal Agreements received from the City of Neligh, Village of Clearwater, City of Elgin, Village of Brunswick, Village of Oakdale and the Village of Orchard for funding between Antelope County and the Antelope County Library Associations. Those voting aye: Schindler, Williby, Henery, Koinzan, Kerkman, Bolling and Schwager. Nays none. Motion carried.

INTERLOCAL AGREEMENT FOR ANTELOPE COUNTY AND ANTELOPE COUNTY LIBRARY ASSOCIATION

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN Antelope County, Nebraska, a Political Subdivision, by and through it's Antelope County Board of Supervisors, (hereinafter referred to as "County") and the Antelope County Library Association consisting of the public libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Orchard, Clearwater, and Oakdale, each being Municipal Corporations, by their respective Mayors, Chairpersons, and Trustees, respectively.

WHEREAS, Nebraska Revised Statute Section 13-801 Et. Seq., R.R.S. 1943 (reissued 1997), the "Nebraska Interlocal Cooperation Act" authorizes the parties hereto to unite their efforts and resources to accomplish the intent of this agreement; and

WHEREAS, the Antelope County Library Association, by and through their respective community libraries does agree to provide all services and materials to the residents of Antelope County, Nebraska, whom are not residents of the respective Municipal Corporations, under the same terms and conditions as provided to the residents of such Municipal Corporations;

WHEREAS, the Antelope County Library Association's mission statement is to serve the communities of Neligh, Elgin, Tilden, Brunswick, Orchard, Clearwater and Oakdale as well as all residents of rural Antelope County, Nebraska, as a resource for information, entertainment, cultural opportunity, and educational development, thereby enhancing and enriching the lives of the users. That the libraries within said communities shall be active and progressive institutions providing materials that reflect the needs and interests of its patrons. That said Library Association shall seek equitable funding, share materials and solutions to problems, provide access to resources beyond each of their individual facilities by cooperative agreements with library organizations at the local, regional and state levels and to strive to make use of all possible resources and ideas to meet the needs of the patrons of each of the communities and of the residents of the entire county.

WHEREAS, Nebraska Revised Statute Section 77-3442 R.R.S. 1943 (reissue 1996) provides that \$.05 per \$100.00 of taxable valuation of property subject to the county levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.

NOW THEREFORE, in consideration of the foregoing recitals and their mutual covenants here and after expressed, the parties agree as follows:

Each of the communities, Brunswick, Orchard, Clearwater, Neligh, Elgin, Oakdale and Tilden by and through their public libraries commonly referred to as the Antelope County Library Association shall provide all services and materials currently available through the public libraries, to non-residents of their community so long as such residents are residents of the county, under the same terms and conditions as such services and materials are provided to the resident of their respective communities.

That the County agrees to contribute financially to the Antelope County Library Association and agrees to implement a levy not to exceed \$.05 per \$100.00 of taxable valuation of property on an annual basis to the Antelope County Library Association, by paying to the respective libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Orchard, Clearwater and Oakdale the applicable amount as provided by this agreement. That a like amount shall be included in the County's budget, reviewable, on an annual basis. This funding to be supplemental funding and not replace other funding.

That this agreement shall have an effective date of July 1, 2016, and shall continue in full force and effect for a period of one year.

This agreement shall not be construed as to form an additional political subdivision. The parties hereto agree to comply with any and all laws, rules and regulations, whether same be local, state or federal, required in the administration and execution of the terms and provisions of this agreement. Further, that no party will assign any rights granted under this agreement.

This agreement shall be administered by the Antelope County Clerk, as directed by the respective board of the parties hereto.

IN WITNESS WHEREOF, the parties have executed the agreement on the dates appearing directly below their signatures.

VILLAGE OF OAKDALE, NEBRASKA

Date approved by the Village Board: May 12, 2014

Delayne Fulsaa /s/ (SEAL) Attest: Vicky Carstens /s/
Chairman, Village of Oakdale Village Clerk

VILLAGE OF CLEARWATER, NEBRASKA

Date approved by the Village Board May 12, 2014

Steve Hankla /s/ Attest: Tina Snider /s/
Chairman, Village of Clearwater Village Clerk

VILLAGE OF BRUNSWICK, NEBRASKA

Date approved by the Village Board: May 14, 2014

James E. Meuret /s/ Attest: Krystal Buck /s/
Chairman, Village of Brunswick Village Clerk

VILLAGE OF ORCHARD, NEBRASKA

Date approved by the Village Board: May 12, 2014

Dennis Clifton /s/
Chairman, Village of Orchard

Attest: Brenda Harrison /s/
Village Clerk

CITY OF TILDEN, NEBRASKA

Date approved by the City Council: June 2, 2014

Leo Retzlaff /s/ (SEAL)
Mayor, City of Tilden

Attest: Pat Leckson /s/
City Clerk

CITY OF ELGIN, NEBRASKA

Date approved by the City Council: June 2, 2014

Mike Schmitt /s/ (SEAL)
Mayor, City of Elgin

Attest: Vicki S. Miller /s/
City Clerk

ANTELOPE COUNTY, NEBRASKA

Antelope County Supervisors

Date approved by the Antelope County Board of Supervisors: August 2, 2016

Jerald Schwager, Chairman /s/
Charles F. Henery /s/

Greg Koinzan /s/
Eddie Schindler /s/

Neil Williby /s/
Merlin Bolling - absent

LeRoy Kerkman /s/

Motion by Supervisor Kerkman seconded by Supervisor Williby to approve the application for permit submitted by Matthew Pelster, to place a permanent pipe line beneath 838th Road crossing at the SE1/4 of SE1/4 of Section 12, to the NE1/4 of Section 13, Township 23 North, Range 6 West of the 6th P.M., Antelope County, Nebraska, Dancing Husker, Owner; all work to be done according to County and State specifications. Those voting aye: Kerkman, Williby, Henery, Bolling, Koinzan, Schindler and Schwager. Nays none. Motion carried.

Motion was made by Supervisor Henery, seconded by Supervisor Williby to approve minutes of May 24th, 2016 3 verses 1 Acre Splits Public Hearing; June 7th, 2016 Board Minutes; June 14th, 2016 Board Minutes; June 28th, 2016 Board Minutes; July 5th, 2016 Board Minutes; July 12th, 2016 Board Minutes; June 7th, 2016 Board of Equalization Minutes; and July 12th, 2016 Board of Equalization Board Minutes. Voting aye: Henery, Williby, Koinzan, Kerkman, Schindler, Bolling and Schwager. Nays none. Motion carried.

Motion was made by Supervisor Schindler, seconded by Supervisor Koinzan to approve minutes of May 24th, 2016 Upstream Public Hearing. Voting aye: Schindler, Koinzan, Bolling, Williby, Henery and Schwager. Kerkman abstain. Nays none. Motion carried.

Planning Commission Minutes of June 28, 2016, June 21, 2016 were reviewed, and put on file. Supervisors were emailed a copy or handed copies.

Livestock Friendly Designation Presentation was discussed. Because of prior conflicts, Governor Ricketts is not able to be present for the presentation at the Antelope County Fair. Kenny Reinke with Antelope County Ag Society requested to have the supervisors set up a time, and to let them know. Zoning Administrator, Liz Doerr, will try to coordinate a date with the Department of Agriculture and let the Board know. No action.

Supervisor Schindler, as Custodian, reported the shingles on the Old Building roof are leaking. He was wondering what action the Supervisors wanted to take. He has contacted a number of local contractors and has found little to no interest. Supervisor Koinzan suggested Kevin Hild Construction. More discussion followed and it was talked RaDec Construction from Hartington, Nebraska had shingled the old courthouse during the construction phase of the building annexation project. It was suggested to call them, and inquire regarding the liability of the shingles/roofing job and the options available. Supervisors Schindler and Schwager as part of the building and grounds committee will follow up with RaDec.

Supervisor Schindler also mentioned the parking lot, and its current disrepair. Last fall a bid opening was held, and the resurfacing was awarded to Hoefer Construction. At this time they do not desire to complete the work. Eddie has spoken with Sheriff Moore, and it was discussed to completing 2-3 sections at a time with inmates from the jail. The ice treatment of the cement would have to be addressed. It was again given to the Building and Grounds Committee to evaluate and report to the board.

9:30 AM Bid Opening. Brunswick Northeast, Labor Only. Brian McDonald, Antelope County Highway Superintendent, was here for Bid Opening. In all there were 4 bids received, the following submitted bids: Cuba Construction, LLC, Columbus, Nebraska – total bid price \$30,275.50 (County to help find 200 yards of dirt); Klabenes Construction, Clearwater, Nebraska, Matt Klabenes was her for bid opening Nebraska – total bid price \$35,400.00; A & R Construction Co., Plainview, Nebraska – total bid price \$61,855.43 and Husker Engineering, Inc., Burwell, Nebraska – total bid price \$37,286.00. Bids will be reviewed by Antelope County Highway Superintendent Brian McDonald. Motion by Henery, seconded by Bolling to table bid award till August 16th, 2016 board meeting, after Brian McDonald has reviewed and made a recommendation. Those voting aye: Henery, Bolling, Williby, Schindler, Koinzan, Kerkman and Schwager. Nays none. Motion carried.

The right of way for Tilden West Bridge was discussed with Brian McDonald. This intersection of 523rd Avenue and 841st Road has been discussed numerous times during the previous 18 months. This intersection has developed a very solid dip and visibility is somewhat compromised. Supervisor Koinzan inquired if some of the funds from the \$300,000.00 buyback would not be justly served to help build up and repair the above intersection. It was recommended to place the authorization for land negotiation in this area on the next agenda.

Check for \$300,000.00 was presented to the supervisors during meeting. This money is the buyout on repairs to 839th Road damaged during construction of Prairie Breeze projects. This check arrived in the mail on August 2, 2016. It will be deposited into the road and bridge account, 0300-533-01.

Judy Cole, Antelope County Clerk of the District Court, presented the Subaward between The Nebraska Department of Health and Human Services and Antelope County. This is a cooperative agreement between the state and county in which the county provides courts and law enforcement officials with pertinent information needed in locating absent parents. The county receives a reimbursement for providing the information and signed contract. Motion was made by Supervisor Henery, seconded by Supervisor Williby to accept and sign contract as presented by Judy Cole. Voting aye: Henery, Williby, Bolling, Koinzan, Kerkman, Schindler, and Schwager. Nays none. Motion carried.

Supervisor Schwager asked what the board thought in regards to purchasing a side dump trailer. Discussion was to figuring out budget, and including purchases in budget. No further action. Advertising is underway.

Clerk, Lisa Payne, mentioned the mailing regarding payroll letters that went out with paychecks. This information was information motioned by the board to be distributed with payroll, and they were all fully aware of the mailing, and needed to explain to the employees regarding same.

Bruce Ofe, Antelope County Weed Superintendent met with the board regarding hiring of former employee, Brian Cornett. Brian worked for the weed department for 12 years prior to 2009 at which time he took a different position. He would like to work/spray for Antelope County Weed Department this fall. Bruce reiterated the good experience and to finish fall spraying would be helpful. Motion was made by Supervisor Henery, seconded by Supervisor Bolling to rehire Mr. Bryan Cornett. Voting aye: Henery, Bolling, Williby, Koinzan, Kerkman, Schindler, and Schwager. Nays none. Motion carried.

Grass and weeds in right of way and water on roads was discussed. Both are an issue throughout the county. Casey Dittrich and the supervisors agree the grass/weeds cause visibility issues and water on the road creates various road conditions that are not favorable for maintaining A notice is placed in the paper regarding the above issues. Joe Abler suggested another notice go in the paper.

Liz Doerr, Zoning Administrator, reviewed the permit report. Discussion then went to peer review of the noise study conducted by Hankard Environmental. Ms. Doerr reported she has been in contact with Rand Acoustics regarding the peer review. He has indicated he had a discrepancy with Invenergy paying a claim regarding same in a different state, and requested a Bond to cover a cost of \$10,000.00 to \$20,000.00 which is way above the original quoted review of \$4900.00. The increase is justified by the varying level of data, and whether he needed to meet with the Supervisors to field questions. He has since indicated he could possibly stay within the original quoted \$4900.00, depending whatever else needs to be completed over and above the peer review and report. It was decided the bill should be paid by Prairie Breeze Wind Energy II, LLC and the county should not be in the pay loop at all. If Rand Acoustics is an adversary to Prairie Breeze, that may be a problem. If Prairie Breeze will pay, let them pay and it should **not** be run through Antelope County. The supervisors agreed to have Liz contact Rand Acoustics and have him set up a contract and plan with Prairie Breeze and have him supply a report of the review to the Antelope County Board of Supervisors.

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

Casey Dittrich, Road Boss reported he had not seen the letter sent to the townships, however, had some valuable feedback from it. It worked well to have some contact with the Townships to come up with some constructive jobs. Casey is working on the budget. He is looking into various options, and wanted to check with the Supervisors regarding purchases planned for this fiscal year. Excavator purchase would probably require the hiring of an operator. Budget and purchases have to be in accordance. Eli Jacob's position regarding Commission and employee was in question. Is he required to give up his full time position to be a Commissioner? A call was placed to Pam Bourne, NIRMA employment lawyer was contacted by phone and she stated she could not see any reason why he should not be able to facilitate both positions. She said it is up to the elected official to establish which issues would need to abstain from by the individual. Accountability

and Disclosure would be a great resource to ask for more definitive accountability. It is Eli's responsibility to figure out the definitive of issues. If he wants to continue employment in addition to the Commissioner salary it is his responsibility to decipher and establish the line. Budget issue regarding road maintenance and grinding is a big issue to correct budgeting and accountability. It was in agreement to have road boss complete a map of roads to be changed back to gravel, and maintained. The map is to be submitted and will be approved by the supervisors. Joe Abler, county attorney, followed up on watering road, and mowing of ditches. It is a Class IV Misdemeanor and is subject to a fine if not reported. Notice to be put in paper. Casey asked if the board wanted to purchase a grader this year. It was verbally agreed if it works in the budget, Antelope County was in agreement. Casey asked if there were projects on the One and Six Year plan that they wanted to see done this next year. He has budgeted for approximately 5 items for this year. (Tilden West Bridge, Culvert in Burnett, Meyer Bridge, Triple 8's in Brunswick,). Supervisor Koinzan would like to see the bridge at Wayne Wingate's. It might be able to be classified as low water crossing. It is between Burnett and Grant Townships. Projects needing complete need to be decided now, so it can be decided and budgeted before budget are approved. To make this budget work and accountable all answers need to be in the books and the budget needs to reflect all of the information. Gravel, culverts, rock all needs to have an accountability tag, and the abuse of the budget has to stop.

Liz Doerr followed up on her report. She left a message with Mr. Steve Martin, Nebraska Department of Agriculture. A Tuesday may work pretty well. They will be in contact, and let the Supervisors know. Also, Robert Rand from Rand Acoustics wants the money up front. Discussion held, decided to add item to the next agenda.

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

Meeting adjourned at 12:00 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne