

August 9, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, August 9, 2016 at 8:00 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, Koinzan, Henery 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. Supervisor Williby presented at 8:10 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: AMH Practice, jailer physical 117.00; Antelope County Court, court cost 72.00; Appeara, towel service 39.24; Applied Connect, jail/printer networking 267.34; Bear Graphics, clerk/paper/book binders 694.29; Bomgaars, jail/yard supplies/ladders/weed/filter 936.46; Boyd's Electrical, cths/network wireless 948.88; Eleanor Brady, prior service 25.00; Brown County Court, certified copy 1.75; Dean Brown, prior service 25.00; Carney Law, attorney fee/4 months 12,879.64; Elgin City, recycling fee 250.00; Neligh City, water/sewer/garbage/courthouse/weed/jail/museum/recycling fee 5048.07; Clearwater Record, publishing fees 361.00; Colonial Research, janitor supplies 186.53; Cubby's, fuel/building/jail/weed/courthouse 1025.25; DAS Account, jail/teletype/courthouse/data 582.60; Dollar Store, jail/food/janitor & car care supplies 76.70; Eakes Office, treasurer/assessor/district court/attorney/office supplies 585.26; Egley, Fullner, Montag, attorney fee 2928.18; Elgin One Stop, jail/vehicle fuel 79.00; Elgin Review, publishing fee 220.24; Elite Office Product, clerk/jail/attorney/office supplies 804.29; Fitzgerald, Vetter & Temple, attorney fee 42,077.31; Floor Maintenance, janitor supplies 375.39; Frontier Communications, phone/courthouse/jail/attorney/weed 2106.73; Great Plains Communications, internet 190.00; Hampton Inn, district court/motel 267.00; Nadene Hughes, prior service 14.00; Imperial II Steakhouse, jurors meals 147.56; Frank Kamphaus, prior service 16.00; Jeff Doerr Law, attorney fees 2637.12; Manatron, assessor/treasurer/computer network 13,700.44; Leo Market, weed/computer repair 80.00; Marvin Planning Consultant, contract/zone assistance 500.00; Maximus Consulting, cost allocation review 215.09; Microfilm Imaging, monthly rent scanning equipment 87.00; MIPS, computer support claims/budget/time & attendance/payroll 1276.72; Morland, Easland, attorney fee 506.25; Nebraska Health & Human Services, financial responsibility institutional costs 180.00; Neligh News, publishing fees 396.00; Neligh Postmaster, attorney/postage 138.00; Neligh-Oakdale Schools fair art work 86.50; Nielsen Insurance, notary bond 70.00; Office Depot, jail/office supplies 230.08; One Office Solution, district court/monthly services 126.38; Orchard News, publishing fees 134.99; Orval's Auto, jail/vehicle repair 127.25; Donna Payne, prior service 25.00; Pinnacle Bank, jail/janitor supplies/food/storage bags 158.14; Pope John-Art, fair art work 68.60; Quill Corp, treasurer/office supplies 33.25; Reinke's Farm, courthouse/equipment repair 45.19; Devon Schindler, painting courthouse 115.00; Shell Fleet, jail/fuel 536.76; Caroline Siems, prior service 25.00; Source Gas, heating fuel 304.54; Thriftway Market, extension/supplies/jail/inmate groceries 616.25; Unified School, fair art work 61.20; UNL ITS Communications, internet 91.04; US Cellular, jail/cell phone 335.18; Verizon Wireless, weed/cell phone 45.68; Vest Man, jail/vest/supplies 350.00; Clearwater Village, recycling fee 250.00; Bonita Welke, prior service 22.00; 319 Graphics, extension/sign 50.00; Total Fire Protection, courthouse/fire alarm repair 1463.20.

Road & Bridge at Large: Bomgaars, water/paint 46.71; Casey's, fuel 51.23; Cubby's, fuel 49.20; Elkhorn Rural Public Power, electricity 453.86; Farmer's Pride, fuel/bulk 693.25; Hinrichsen Sand, gravel 813.17; Island Supply and Welding, oxygen/acetylene 170.50; Jebro, asphaltic 791.01; JEO Consulting, engineer fees 13,810.00; Jonny Dodge, vehicle repair 461.43; Klabenes Construction, excavating roads 11,980.00; Kumm Gas, fuel/bulk 323.31; Mitteis Gravel, gravel 7533.66; Mr S's, fuel 1316.56; Nebraska Dept Revenue, fuel tax 50.00; Neligh Auto, parts 101.88; Sioux Falls Truck, semi-truck 59,00.00; OK Auto, fuse, refrigerant 8.41; OK Tire, repairs, flat tire 36.50; Overland Sand, gravel 1399.57; Quick Serve, diesel fuel 94.87; Ross's Repair, repairs/connector/shrink tube/gaskets/oil 3566.46; Royal One Stop, fuel 654.67; Ryan's Truck, repair/parts 90.98; Shell Fleet, fuel 2438.30; Spud Trucking, machine hire 38,484.00; Switzer Welding, repair/parts 201.50; John Tegeler, dirt 7740.00; Verizon Wireless, cell phone 130.87.

Brunswick Area: Bomgaars, battery/saw 220.25; Frontier Communication, phone-internet 73.56; Brunswick Village, water 41.50; Green Line Equipment, parts 357.08; Hinrichsen Sand, gravel 1252.35; K & S Door, repair 86.25; Kayton International, bobcat rental 1500.00; Key Sanitation, garbage 18.00; Kumm Gas, fuel 2922.91; Mitteis Gravel, gravel 175.15; Neligh Auto, parts 134.00; NMC Exchange, repair/parts 119.14; North Central Public Power, electricity 108.62; Sirek Well, repair/hose bibs/bushing/nipples/pipe 144.00; Tinsley Grain, gravel 805.00; Zee Medical, maintenance/sterile dressings/eye wash/antibiotic ointment/burn gel 38.40.

Orchard Area: B's Enterprises, culvert 3450.20; Dusty's, fuel 102.32; Farmer's Pride, bulk fuel 3035.83; Frontier Communications, phone-internet 74.92; Funk Construction, machine hire 2340.00; Hinrichsen Sand, gravel 252.13; Lazy T Tire, parts 38.59; Mitteis Gravel, gravel 1254.82; North Central Public Power, electricity 58.23; Royal One Stop, fuel 90.93; Source Gas, heating fuel 39.96; Zee Medical maintenance/antiseptic swabs/sterile dressings/aspirin/antibiotic ointment/burn gel 37.90.

Clearwater Area: Bomgaars, supplies 26.99; Elkhorn Public Power, electricity 109.04; Emme Sand, gravel 2717.85; Farmer's Pride, fuel 2044.02; Hinrichsen Sand, gravel 1887.99; Klabenes Construction, machine hire 22, 878.00; Mitteis Gravel, gravel 1893.78; Neligh Auto, parts 6.29; Neligh City, ground concrete 16,382.80; Northeast Nebraska Telephone, phone-internet 99.02; Pollock Redi Mix, gravel 3709.51; Shell Fleet, fuel 55.49; Source Gas, heating fuel 34.39; Clearwater Village, water 54.00; Zee Medical, spectacles/towels/maintenance/wipes/sterile dressing/antibiotic ointment/burn gel 76.85.

Neligh Area: Bomgaars, paint 69.48; Cubby's, fuel 100.90; Emme Sand, gravel 349.65; Farmer's Pride, fuel 2086.60; Frontier Communication, phone-internet 122.50; Lichtenberg Tire, repair 196.00; Neligh Auto, parts 150.90; NMC Exchange, repair/parts 932.23; Zee Medical, maintenance/wipes/bandages/dura-strips/sterile dressings/antibiotic ointment/eye wash/burn gel 53.60.

Tilden Area: Black Hills Energy, heating fuel 31.77; Carhart Lumber, parts 37.78; Tilden City, garbage 104.82; Constellation Energy Gas, heating fuel 23.26; Farmer's Pride, bulk fuel 1046.76; Frontier Communication, phone-internet 72.20; Lyle Gaylen, crop damage 42.50; Matteo Sand, gravel 346.08; Mr S's fuel 153.82; Nebraska Public Power, heating fuel 116.16; Zee Medical, maintenance/wipes/bandages/eye dressings/burn gel 32.20.

Oakdale Area: Bomgaars, oil 49.99; Farmer's Pride, bulk fuel 1713.93; Great Plains Communication, phone-internet 128.74; Matteo Sand, gravel 4800.56; Mitteis Gravel, gravel 328.68; Mr S's fuel 61.00; Nebraska Public Power, electricity 54.58; Neligh Auto, parts 24.93; NMC Exchange, parts 46.67; Pollock Redi Mix, gravel 1374.27; Quick Serve, tires/bogs/labor 1006.08; Source Gas, heating fuel 35.53; Zee Medical, maintenance/pain reliever/burn gel 21.70.

Elgin Area: Beckman Lumber, gravel deliver 5941.95; Corner Service, parts 12.00; Great Plains Communications, phone-internet 139.60; Elkhorn Public Power, electricity 49.12; Green Line Equipment, part 3.70; Lichtenberg Tire, tire repair 218.00; Neligh Auto,

parts 44.99; Overland Sand, gravel 5670.61; Sapp Brothers, bulk fuel 1689.63; Source Gas, heating fuel 52.43; Zee Medical, maintenance/antiseptic swabs/sterile dressing/antibiotic ointment/eye dressings 27.50.

Register of Deeds Fund: MIPS, register of deeds/deeds online costs 295.70.

Law Enforcement: Jonny Dodge, vehicle 20.000.00; Pinnacle Bank, commissary/books/notebooks/hygiene products/food/office supplies/ 552.85.

Juvenile Diversion: Total Payroll, 179.54; Ameritas Life, retirement 26.16; With Holding, 18.75; State Tax 5.95; Social Security, 35.58.

Building Fund: Boyd's Electrical, extension/repair 137.50; Neligh City, dumpster 500.50; Heartland Fire Protection, jail/range hood inspection 185.90; Model Electric, jail/outlet/labor 273.34; O'Neill Pest Control, pest control 85.00.

General: Total Payroll, 85,236.86; American Family Life Assurance Company-insurance 392.60; Ameritas Life Insurance Corporation retirement 13,077.04; State of Nebraska, 594.00; Colonial Life & Accident Insurance, 58.25; Credit bureau, 66.58; With Holding, 9725.20; Social Security, 17,249.72; Blue Cross /Blue Shield of Nebraska, health & dental insurance 58,867.54; Colonial Life & Accident, insurance 58.25; First Concord Benefits, insurance 477.63; Madison National Life, insurance 412.36; Mid-American Benefits, buy down deductible 214.50; VSP Naco Vision, vision insurance 476.26; State Tax, 3172.79; Washington National, insurance 697.51.

Road & Bridge: Total Payroll, 47,215.84; American Family Life Assurance Company-insurance 142.35; Ameritas Life Insurance, 6741.66; Credit Bureau , 321.79; With Holding, 4000.22; Social Security, 9272.36; Blue Cross/Blue Shield, health & dental insurance 33,028.96; Colonial Life & Accident-insurance, 18.00; First Concord Benefits, insurance 266.67; Madison National Life, insurance 228.73; Mid-American Benefits, buy down deductible 115.50; VSP Naco Vision, vision insurance 180.61; State Tax, 1435.88; Washington National, insurance 133.40.

Ed Schindler /s/8-09-2016

Jerald Schwager /s/8-09-2016

Neil Williby /s/ 8-09-2016

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

Pledge collateral was reviewed. Pledge collateral is at \$ 510,000.00 - \$ 260,000.00 was pledged and \$ 250,000.00 FDIC insured funds. Total covered funds are \$ 510,000.00.

8:49 AM Motion by Supervisor Schindler, seconded by Supervisor Kerkman to go into Board of Equalization. Voting aye: Williby, Schindler, Bolling, Koinzan, Kerkman, Henery and Schwager. Nays none. Motion carried. Met as Board of Equalization.

8:57 AM Motion was made by Supervisor Henery, seconded by Supervisor Kerkman to go out of Board of Equalization and back to regular session. Voting aye: Williby, Schindler, Bolling, Koinzan, Kerkman, Henery, and Schwager. Nays none. Motion carried.

Correspondence was reviewed: Pipeline Awareness Newsletter for Public Officials; Nebraska Salt & Grain Co. letter regarding salt/deicer; Union Bank & Trust Antelope Memorial Hospital Bond Fund report; Northeast NACO District Meeting - to be held on Friday, September 16, 2016 at St. Benedict Center in Schuyler, Nebraska-she will need an attendance count; email letter from Nebraska Department of Roads regarding OMB Circular 2-CFR-200 Single Audit (this letter has also been forwarded to Nebraska State Auditors Officer-per their request); State Street and Highway Bridge Buyback Program.

State Street and Highway Bridge Buyback 2016-2017 request was signed, and returned to Nebraska Department of Roads.

Receipts: \$300,000.00 – Prairie Breeze Buyback on road maintenance.

Sheriff Fee Report was reviewed, will be on next week's agenda.

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

Sioux Falls Truck & Trailer Inc. claim for purchase of a tractor cab was approved. Claim was submitted with road and bridge claims this morning. No further action.

Highway Superintendent, Brian McDonald requested the board to authorize Clerk to advertise for bids for the Tilden West Bridge Project. Motion was made by Supervisor Schindler, seconded by Supervisor Henery to allow clerk to advertise for bids for Tilden West Bridge Project. Voting aye: Schindler, Henery, Williby, Bolling, Koinzan, Kerkman and Schwager. Nays none. Motion carried.

Eddie Schindler, Building and Grounds Committee, is gathering quotes for the repair of the ceiling in the old courthouse. He will present formal quotes on August 16th meeting.

Clearwater Township recently lost a long time township board member. In fulfilling the term till the first part of January 2017, the other members are requesting the appointment of Kevin Henn. Motion was made by Supervisor Bolling, seconded by Supervisor Williby to appoint Kevin Henn to Clearwater Township Board. Voting aye: Bolling, Williby, Koinzan, Kerkman, Henery, Schindler and Schwager. Nays none. Motion carried.

Motion was made by Supervisor Williby, seconded by Supervisor Schindler to approve the minutes of August 2, 2016 meeting after the date of the meeting is updated to August 2, 2016 (from July 5, 2016). Voting aye: Bolling, Williby, Koinzan, Kerkman, Henery, Schindler and Schwager. Nays none. Motion carried.

Zoning Administrator, Liz Doerr met with the Supervisor regarding recent discussions with Robert Rand from Rand Acoustics. Recent motions and discussions had requested Mr. Rand to peer review the sound study completed by Hankard Environmental on complaint from land owners in the Prairie Breeze II wind turbine district. Mr. Rand had requested a purchase order; Antelope County does not work with purchase orders. He requested payment advance, normal county business is not paid in advance. He has written up a contract (letter of engagement) agreement to insure the County will pay the claim submitted. Mr. Rand had originally quoted \$4900.00 to peer review the data as gathered by Hankard Environmental. He has since wanted an escrow of \$20,000.00 to insure payment. Mr. Rand is also requesting payment from the county, and not from Prairie Breeze. All previous motions and discussions had been Prairie Breeze will pay Rand acoustics for the peer review. Conference call was place to Mr. Rand. Mr. Rand stated the charges for the peer review will not exceed \$4,900.00 unless it is requested of him to do additional work (ie personal visit to county, gathering more data). Antelope County will pay the claim submitted up to \$4,900.00, and request reimbursement from Prairie Breeze II, LLC. County Attorney, Joe Abler has reviewed letter of engagement submitted by Rand, and has verified the total cost, and a report will be set forth. Motion was made by Supervisor Bolling to hire Rand Acoustics and sign letter of engagement presented by Rand Acoustics, to complete peer review. Total cost not to exceed \$4,900.00. Antelope County will be responsible for claim payment to Rand Acoustics. Motion was seconded by Supervisor Henery. Voting aye: Bolling, Henery, Williby, Koinzan, Schindler and Schwager. Nays none. Kerkman abstained. Motion carried. Liz Doerr, Zoning Administrator will contact Rand. Discussion inquired as to if a second peer review would be beneficial. At this time it was agreed to get the Rand peer review and to go from there. No further action. (The following is the verbiage in the Letter of Engagement.)

Robert W. Rand, ASA, INCE RAND ACOUSTICS 1085 Tantra Park Circle Boulder, CO 80305
E-mail: rrand@randacoustics.com Telephone: 207-632-1215

August 5, 2016

Antelope County Federal Tax ID# 476006428 Antelope County Supervisors Jerry Schwager, Chair
P.O. Box 26 Neligh, NE 68756 Lisa Payne, Clerk: 402-887-4410

Re: Letter of Engagement Request for Acoustical Consulting Services Peer Review of Hankard
Environmental 2016 study of four sites Prairie Breeze Wind project in Antelope County

Dear Chair Schwager and County Supervisors:

Rand Acoustics is pleased to respond to your request to provide a peer review of Hankard Environmental's study of four sites for the Prairie Breeze Wind project in Antelope County.

SCOPE OF WORK: As requested by the County, Rand Acoustics will review Hankard Environmental's four reports and raw data and, provide an expert peer review opinion if the study was "conducted correctly and if the analysis is correct". The peer review opinion will be furnished in electronic format as a PDF document.

REQUIREMENTS: As requested by the County, Rand Acoustics will base the peer review upon the raw data and copies of the reports. The following reports and raw data are expected to be provided by Hankard Environmental: Copies of the relevant four reports and all raw data associated with the survey work. These data would include but not be limited to all the original sound meter data files downloaded from the sound meters, processed sound level data, all sound recordings and calibration values for recording analysis, all meteorological data, all SCADA data obtained during the testing, photos and remarks, field data logs and journals copies, system diagram and synchronization methods, and worksheets and calculations supporting the report's processed data, and any other data acquired for the study that may be useful for evaluating the reports.

Following the County's letter, Rand Acoustics contacted Hankard Environmental to obtain this information. Hankard Environmental responded promptly and send copies of the four reports, and stated in writing on July 18 they would "assemble all the data and send it off this week". The raw data have not been received and are still outstanding. If the raw data are not received, the peer review report will be based on the four reports.

TIMELINE: Rand Acoustics shall conduct the review at best possible speed and furnish the peer review report in a timely manner, with allowance understood for any delays for access to the study data and existing time commitments already in place for other Rand Acoustics clients.

FEES: The proposed fee for the requested consulting services is not to exceed \$4900.00. It is understood that the County Supervisors have accepted this not-to-exceed limit. Fees billed will be based on actual hours expended at hourly consulting rates, plus out-of-pocket costs. Current hourly rates are:

Robert W. Rand \$200 per hour consulting,
\$300 per hour deposition, arbitration and trial testimony
Support services \$175 per hour

Fees, with costs, will be billed to you, including customary and any unforeseen out-of-pocket expenses such as delivery service, postage, electronic communications, telephone, travel, meals and lodging, photocopy, computer charges and other expenses. It is expected that the majority of billing will be for consulting time.

PAYMENT: Invoiced amounts are due and payable upon receipt of invoice.

TERMS: By signing a duplicate original of this letter and sending it to us, you are confirming that you agree to the terms of this letter and they became effective as of the first date we rendered services in connection with this engagement. You further agree that any invoice presented to you that includes such billings is due and payable upon presentation of the invoice. You agree that at start of project you will provide a suitable

electronic and physical address and accounting recipient details for invoicing. An electronic address (e-mail) will be used for billing with paper backup to physical address.

Any invoices which are past due 30 days or more are subject to a service charge of ten percent (10%) per annum, compounded monthly. If any invoices are past due more than 30 days, we may terminate services until your account is paid in full. It is our policy to collect a retainer before we begin providing services. However understanding that the County does not provide retainers, we waive this retainer requirement for this engagement.

We understand and you agree that you shall be responsible for paying our invoices. If you disagree with our fees as shown on any invoice, or with any of our services herein, please contact me. Typically, we resolve such disagreements to the satisfaction of both parties with little inconvenience or formality. If we are unable to resolve a dispute, we agree that any such dispute will be submitted for resolution by arbitration to, and in accordance with the rules of, the Alternative Dispute Resolution (ADR) Section of the Boulder County Bar Association, Boulder, Colorado. Such arbitration shall be binding and final. IN AGREEING TO ARBITRATION, WE BOTH ACKNOWLEDGE THAT IN THE EVENT OF A DISPUTE OVER FEES OR SERVICES, EACH OF US IS GIVING UP THE RIGHT TO HAVE THE DISPUTE DECIDED IN A COURT OF LAW BEFORE A JUDGE OR JURY AND INSTEAD ARE ACCEPTING THE USE OF ARBITRATION FOR RESOLUTION. Notwithstanding the above, if the amount of the fees and expenses in dispute are less than \$5,000, then we agree that we shall have the right to utilize Small Claims Court to resolve our dispute.

Further, and in any event, the prevailing party will be entitled to recover its reasonable arbitration and/or attorney's fees and court costs. You agree to hold Robert W. Rand/Rand Acoustics harmless for any and all liabilities, losses, costs and expenses relating to this engagement, as well as losses or expenses incurred by reason of any action taken or committed to be taken by us in good faith. The foregoing sentence shall not apply to any matter which results from our gross negligence or willful misconduct. In any case, however, our total liability and that of our owners, employees and agents for all claims of any kind arising out of, relating to or connected with this engagement shall be limited to the total fees paid to us under this engagement.

We have performed an internal search for potential conflicts of interest based on the names of the parties you have provided. As of the date of this letter, we have not found any conflicts of interest with respect to the presently identified parties. Should any potential conflict come to our attention, we will advise you immediately.

The value of our services to you is founded, in part, on our reputation for professionalism and integrity. Your engagement of our firm is expressly conditioned on your agreement not Rand Letter of Engagement, August 5, 2016 to use the fact of our current or previous engagement by counsel in other matters as a means of enhancing or diminishing our credibility in conjunction with any appearance before a trier-of-fact, unless the personal credibility or integrity of the person testifying is questioned.

Any party may terminate this agreement effective upon written notice to the other parties. In such case, you shall be obligated to pay our fees and costs incurred through the effective date of such termination in accordance with the terms herein. You agree to waive all claims and release Robert W. Rand/Rand Acoustics from liability for any damages whatsoever that may arise as a result of our termination of this agreement.

Again, we are pleased to provide this letter of engagement to you and hope that it is responsive to your needs and accurately reflects the terms and objectives of our engagement by you. However, if you should have any questions or comments, please do not hesitate to contact us at your convenience.

If these arrangements meet with your approval, please sign this letter and return it to us at your earliest convenience. We look forward to working with you in this matter.

Respectfully Submitted,

Robert W. Rand, ASA, INCE

for Robert W. Rand/Rand Acoustics

Approved as to the engagement as outlined herein and as to the fees by:

Signed: ___/s/ Jerald Schwager _____

Printed name: _Jerald Schwager _____

Title: __Chairman, Board of Supervisors__

Date: __08-09-2016 _____

Public Hearing for a Private Landing Strip in 22-27-7 for a plane being built by property owner, Dennis Hughes.

Private Landing Strip - Dennis Hughes 9:53am

JERRY SCHWAGER: Ok, it is 9:53 AM and I will open the public hearing for a private landing strip submitted by Dennis Hughes, I don't think he is here. He called me a couple of times, but I don't see him. OK, I will take roll call. Bolling?, Koinzan?, Williby?, Henery?, Kerkman?, Schindler? and I am here. (all responded present) The open meetings law is posted on the east wall of the meeting room, and additional copies are in the clerk's office. **LISA PAYNE (clerk):** 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 #CUP1604 submitted by Dennis Hughes for a private landing strip in NW ¼

NW ¼ NW ¼ of Section 22, Township 27N, Range 7W of the 6th P.M., Antelope County, Nebraska. The hearing will be held on Tuesday, August 9, 2016 at 9:45 a.m. during the supervisors' meeting at the Antelope County Courthouse supervisors' meeting room. The request 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 4:30 p.m. on Monday, August 8, 2016. Written comments may be mailed to Antelope County Board of Supervisors, PO Box 26, Neligh NE 68756. That was published on July 27, 2016. JERRY SCHWAGER: "Ok thank you. Ok I will ask for information from the Zoning Administrator." LIZ DOERR: "Ok, Mr. Hughes had talked to me about this, having private landing strip. And, you know it is not totally black and white in the regulations. But, there is one place where it talks about, like if you are a spray plane or something reading a conditional use permit, for a private landing strip. And, I also talked to Keith Marvin, and he said it is good for him to have it on record that it is there. Especially, if there would be another wind project coming. Then it is on record that it is there, and it would provide him some protection. I also talked to Nebraska Department of Aeronautics to see if there were any other special considerations that I needed. They told me that he will need to comply with the FAA regulations, and fill their form #7480-1. From what I understand he is starting on that, but I do not think it is completely alone yet. We had our hearing, and I had only received one comment from a neighbor that he was ok with it. If he wanted to kill himself in this little plane that he made. And that was it. So, you know." NEIL WILLIBY: "Concerned neighbor." EDDIE SCHINDLER: "He does have a plane?" LIZ DOERR: "One he is building. He is building his own plane. And so he wanted this landing strip. So." GREG KOINZAN: "I wonder if he needs any help." NEIL WILLIBY: "This is right east of his house, isn't that correct Jerry?" JERRY SCHWAGER: "Right along the edge there." NEIL WILLIBY: "Yeah. Ok." JERRY SCHWAGER: "Ok, Anything else?" LIZ DOERR: "So, the planning commission is fine with it." (2:14) GREG KOINZAN: "Merlin, would you think about building your own plane after you got done being a supervisor?" JERRY SCHWAGER: "Ok. I will ask for a presentation from the applicant. And I don't see he is here. I don't know, I guess I never called him. He called me twice. So, evidently, he is not here... I will ask for any board of supervisor. Any questions/comments from the board. Any questions?" EDDIE SCHINDLER: "Should we allow this permit if he doesn't go through with filing that with the... Does that just nullify everything then or eventually?" LIZ DOERR: "Yeah, it is a condition. SO if he doesn't carry through with it. I believe in the regulations it says he has 12 months from the time and then it could expire." EDDIE SCHINDLER: "I was just curious if people would do this for another reason." NEIL WILLIBY: "He might not have his plane done in 12 years." EDDIE SCHINDLER: "I was just curious if people would do this, like the wind towers." (3:14) LIZ DOERR: "Well and I guess... one other thing that Keith Marvin said that out in Perkins County, they had an issue with this, with these little private strips you know popping up. And there was somebody that wanted to build a private strip that was right adjacent to the regular airport and perpendicular to it, that could really cause problems. So that is why he said it is good to get it on record, where they are. But this one shouldn't really have any issues." EDDIE SCHINDLER: "But there is a time limit." CHARLIE HENERY: "So future wind towers. This is not going to affect future wind towers to be put up, correct?" MERLIN BOLLING: "Well, it is the same setbacks as this one our here, ain't it?" CHARLIE HENERY: "This is municipal, and the private is different though." LIZ DOERR: "Yeah, because it is private according to the state, yeah then it doesn't apply." MERLIN BOLLING: "It doesn't apply." EDDIE SCHINDLER: "Ok, so it doesn't... ok that was my... that was my..." LIZ DOERR: "Yeah, it is just public airports." JERRY SCHWAGER: "Any other questions for the supervisors?" LEROY KERKMAN: "Can that strip be used for spray planes or anything like that?" JERRY SCHWAGER: "I think it is just personal use it all it is." LIZ DOERR: "Because it..." NEIL WILLIBY: "There is a grove of trees on... right north... It would be pretty tight." LIZ DOERR: "The plane he is building- I can't remember what he called it- like a short- it has a short take off... It is a special type of plane that doesn't need a real long landing strip. So I'm not entirely sure what..." JERRY SCHWAGER: "I don't know what they call those small planes." NEIL WILLIBY: "Cubs." LEROY KERKMAN: "Well, my concern is there you know they are carrying chemicals and so forth, the spray planes." JERRY SCHWAGER: "No Leroy, he's just, it's just a little. I think he's talking just a little pup plane is what it is. It is not a big enough strip to land anything." MERLIN BOLLING: "If he gets a landing strip there, that doesn't mean that somebody can't land there to load equipment/chemicals." EDDIE SCHINDLER: "If you are going to have chemicals." CHARLIE HENERY: "It depends on how long the runway is... If his runway is 600 foot- he may need a quarter, or eight of a mile, whatever it is." (5:03) LIZ DOERR: "Because he did say this plane that he is building is a short take off or something." NEIL WILLIBY: "We have one guy in the county that has a parasail, and he has a runway from his pivot point to the house, because it windshield swipes his farm buildings." JERRY SCHWAGER: "You talking about Kopecky?" CHARLIE HENERY: "Yeah. Or Kilpatrick. You know and he doesn't have an airport runway." EDDIE SCHINDLER: "I am sure... there is a lot of liability." CHARLIE HENERY: "That is a parasail too, that is a little different." EDDIE SCHINDLER: "You are right... there are a lot of reasons to have it." JERRY SCHWAGER: "Any other questions?" LIZ DOERR: "He said he is intending it to be private." JERRY SCHWAGER: "Yeah! Yeah, that is all it is. Anything else? Ok I will open the public portion at 10:01am. I will ask any people in favor to testify. If anybody in favor. I will ask any people opposed to testify. Anybody opposed to it? Application is not here- so he can't answer any issues and stuff. (6:22) Anybody neutral... anybody testify? And he is not here to give any more testimony... so. I will ask anything/questions from the board of supervisors. You guys got any more questions you guys want to ask? Evidently not so... I will close the public portion of the

hearing at 10:22. I need a motion and a second please.” EDDIE SCHINDLER: “So moved.” NEIL WILLIBY: “Second.” JERRY SCHWAGER: “I got a motion and second.” (Indistinct chatter about making a motion) Ok, I will take roll call then. Williby?, Bolling?, Koinzan?, Henery?, Kerkman?, Schindler? and I will vote yes. EDDIE SCHINDLER: Yes. LEROY KERKMAN: Yes. NEIL WILLIBY: Yes. GREG KOINZAN: Yes. MERLIN BOLLING: Yes. CHARLIE HENERY: Yes. JERRY SCHWAGER: “Now I need a motion to accept the resolution from the zoning board.” LEROY KERKMAN: “I will make a motion to accept/sign resolution, the way it is stated.” JERRY SCHWAGER: “Would you read that Liz, please? Before we get a second.” LIZ DOERR: “Do you want me to read the whole thing?” JERRY SCHWAGER: “No just the part.” (7:32) LIZ DOERR: “Therefore be it resolved be the Antelope County Board of Supervisors that the Dennis Hughes conditional Use Permit (CUP #1604) be approved with the following condition... Applicant shall comply with the FAA regulation and file their for #7480-1.” NEIL WILLIBY: “And this is for their private strip?” JERRY SCHWAGER: “Yeah, I need a second please.” NEIL WILLIBY: “Second.” JERRY SCHWAGER: “Any discussion on the motion? I’ve got none. So I will read the findings. (Reads FOF) (8:25) So that’s it. I will take roll call now.” JERRY SCHWAGER: “I need a motion to adjourn.” NEIL WILLIBY: “I make the motion to adjourn the hearing.” LEROY KERKMAN: “I’ll second that.” JERRY SCHWAGER: Ok, I will take roll call then. Williby, Bolling, Koinzan, Henery, Kerkman, Schindler and I will vote yes. EDDIE SCHINDLER: Yes. LEROY KERKMAN: Yes. NEIL WILLIBY: Yes. GREG KOINZAN: Yes. MERLIN BOLLING: Yes. CHARLIE HENERY: Yes. And I will vote yes. (end at 10:05 AM)

ANTELOPE COUNTY BOARD OF SUPERVISORS
By: ___/s/ Jerald Schwager, Chairman of County Board
Attest: ___/s/ Lisa Payne, Antelope County Clerk

RESOLUTION #2016-08-_____

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of a public hearing held on July 18th, 2016, at the Antelope County Courthouse on the Conditional Use Permit for Dennis Hughes #CUP1604 to establish a private landing strip in the NW ¼ NW ¼ NW ¼ of Section 22, Township 27N, Range 7 West of the 6th P.M., 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 9th day of August, 2016, at the Antelope County Courthouse in Neligh, Nebraska;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF SUPERVISORS, THAT THE DENNIS HUGHES CONDITIONAL USE PERMIT #CUP1604 BE APPROVED WITH THE FOLLOWING CONDITION:

Applicant shall comply with FAA Regulations and file their form #7480-1.

Adopted this 9th day of August, 2016 at Neligh, Antelope County, Nebraska.

Supervisor: _Kerkman_ Supervisor: _Williby_
Moved to adopt said Resolution 2nd to the Motion to adopt said Resolution
Roll Call: _____ Yea _____ Nay
Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF SUPERVISORS

___/s/ Jerald Schwager _____ Attest: ___/s/ Lisa Payne _____
Jerald Schwager, Chairman Lisa Payne, Antelope County Clerk

Public Hearing for Airport Hazard District, amending current Zoning Regulations referring to LB140.

LB 140 Airport Hazard

10:06 AM - JERRY SCHWAGER: I will open up the public hearing at this time. It is 10:06 AM, and I will take roll call: Kerkman, Bolling, Williby, Koinzan, Schindler, Henery and I am here. Ok, we will start with the reason for the hearing. LISA PAYNE (county clerk): (reads notice) 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 consider an amendment to the Antelope County Zoning Regulations. The proposed amendment is for the creation of the Airport Hazard Area District. The hearing will be held on Tuesday, August 9, 2016 at 10:00 a.m. during the supervisors’ meeting at the Antelope County Courthouse, supervisors’ meeting room. The request 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 4:30 p.m. on Monday, August 8, 2016. Written comments may be mailed to Antelope County Board of Supervisors, PO Box 26, Neligh NE 68756. “That was published, Wednesday, July 27th.” JERRY SCHWAGER: “Ok, I will ask for information from the Zoning Administrator.” LIZ DOERR: “Ok. Um. You know some people have referred to this as LB 140. That was approved by the state, and this puts it into code then. Into Zoning Code. And, the question is about public airports section, Section 1702 says ‘Designated public airports’, the designated public airports for which these regulations have been prepared is legally the Antelope County Airport, and the legal location of that of that; and the Creighton Municipal Airport, and the legal location of that. So those are the only two (2) airports that this applies to. The Planning Commission had looked at this and there was a mistake on the permit fees in Section 1708 where it said we collected them, but it got paid to the airport. And so, we do have that corrected. If we collect any fees- of course you will have to add that to your fee schedule first- it just states here then. Anyhow, there was a lot of discussion on how this affects the county. Especially with the Neligh Airport elevation being so low. And what this controls is structures- not the height from the ground but the elevation. The distance from the end of the runway to the height of the structure. That elevation changes is what they are looking at. And it changes as you get farther out. So it is kind of a complicated thing really to do. But FAA and the state have said that we

have to do this. So we don't really have a lot of a choice. The Neligh Airport is the biggest concern because of the hill on the north edge of town, and you know how that all works out. That's in the jurisdiction though. Anyway, the Planning Commission did go ahead and approve it." **JERRY SCHWAGER:** "Ok. Do I have any questions from the Supervisors? Anybody got any questions on it?" **LEROY KERKMAN:** "Why did you put it in Hazard Mitigation? Why is that there?" **LIZ DOERR:** "The Hazard Mitigation Plan is something that's... Um..." **LEROY KERKMAN:** "Well it's on here." **LIZ DOERR:** Yes, but this is the Airport Hazard Zone on the map. But the Hazard Mitigation Plan is something that FEMA requires us to do because we are in the Flood Insurance Program." **LEROY KERKMAN:** "Oh, I see." **LIZ DOERR:** "And it deals with all kinds of hazards, not just the airport hazards." **JERRY SCHWAGER:** "Any other questions?" **GREG KOINZAN:** "No, I'd like to pass this one." **JERRY SCHWAGER:** "Huh?" **GREG KOINZAN:** "I'd like to pass this one." **JERRY SCHWAGER:** "Well, we will get to it. Ok. Any other questions? Ok I will open the public portion of the hearing at 10:11AM. I will ask any people in favor to request to testify. Anybody in favor?... I will ask anybody opposed to testify? Anybody neutral to testify? Any other testimony or anything you want to give? Any questions?" **LIZ DOERR:** "I guess, the only other thing is, before the Planning Commission had this, Joe McNally told me they were, the airport was in favor of it." **JERRY SCHWAGER:** "Any other questions? Yeah, that's fine." **EDDIE SCHINDLER:** "Pretty much mandatory." **LIZ DOERR:** "Uh huh." **GREG KOINZAN:** "We beat." **NEIL WILLIBY:** "No choice then?" **LIZ DOERR:** "The state statute says we have to." **GREG KOINZAN:** "We beat this poor horse white until its hide come off, Ed." **JERRY SCHWAGER:** "Any other questions you guys got? Anybody out there? Ok. I will close public portion of the hearing at 10:12AM. I don't have to read the findings on this right?" **LISA PAYNE (county clerk):** "No, there are no findings on this one." **JERRY SCHWAGER:** "Actually, I closed the public portion so I need a motion on this." **LISA PAYNE (county clerk):** "You need a motion to close." **NEIL WILLIBY:** "I make a motion to close the public portion of the hearing." **GREG KOINZAN:** "Second." **JERRY SCHWAGER:** "I don't have to take roll call do I?" **LISA PAYNE (county clerk):** "Yep. On the motion you do." **JERRY SCHWAGER:** "I never did before, but that's fine." **LISA PAYNE (county clerk):** "To close them you do, because you cannot make a motion during public hearings. Motions are made after the public hearing." (6:00) **JERRY SCHWAGER:** Kerkman?, Bolling?, Schindler?, Henery?, Koinzan?, Williby?, and I'll vote yes. **LEROY KERKMAN:** Yes. **MERLIN BOLLING:** Yes. **EDDIE SCHINDLER:** Yes. **CHARLIE HENERY:** Yes. **GREG KOINZAN:** Yes. **NEIL WILLIBY:** Yes. **JERRY SCHWAGER:** "Now I need a motion on the request." **NEIL WILLIBY:** "I make a motion to accept LB 140." **ED SCHINDLER:** "Second." **JERRY SCHWAGER:** "I've got a motion and second- any questions? Kerkman?, Bolling?, Schindler?, Henery?, Koinzan?, Williby?, and I'll vote yes. **LEROY KERKMAN:** Yes. **MERLIN BOLLING:** Yes. **EDDIE SCHINDLER:** Yes. **CHARLIE HENERY:** Yes. **GREG KOINZAN:** Yes. **NEIL WILLIBY:** Yes. **JERRY SCHWAGER:** Now I need a motion to return to meeting and adjourn this hearing." **ED SCHINDLER:** "So moved." **LEROY KERKMAN:** "Second." **JERRY SCHWAGER:** "I've got a motion and second- any questions? Kerkman?, Bolling?, Schindler?, Henery?, Koinzan?, Williby?, and I'll vote yes. **LEROY KERKMAN:** Yes. **MERLIN BOLLING:** Yes. **EDDIE SCHINDLER:** Yes. **CHARLIE HENERY:** Yes. **GREG KOINZAN:** Yes. **NEIL WILLIBY:** Yes.

Section 17 AH Airport Hazard Area District

1701 Intent: The intent of this district is be appended and to overlay any of the primary zoning districts as described in this Resolution to protect the safe use of public airports and their Airport Hazard Area, in Antelope County, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are registered with the Nebraska Department of Aeronautics, as designated on the Official Zoning Map of Antelope County, Nebraska.

1702 Designated Public Airport: The designated public airports for which these regulations have been prepared is the Neligh Antelope County Airport located in Section 29 Township 25N Range 6W and the Creighton Municipal Airport located in Section 22 Township 29 Range 5W.

1703 Airport Hazard Area Description: In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted a comprehensive plan and zoning regulations, and has an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

1704 Definitions

Airport shall mean an area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes; includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

Airport hazard shall mean any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; that penetrates any approach, operation, transition, or turning zone.

Airport hazard area shall mean any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of three miles from the adjacent boundary of an airport; the limits provided for approach, operation, transition, and turning zones.

Airport layout plan shall mean a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

Approach zone shall mean a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

Electric facility shall mean an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in section 70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing runway shall mean an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Instrument runway shall mean an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this act, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

Operation zone shall mean a zone that is longitudinally centered on each existing or proposed runway.

Person shall mean any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Political subdivision shall mean any municipality, city, village, or county.

Proposed runway shall mean an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway shall mean a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Transition zone shall mean a zone that extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway.

Tree shall mean any object of natural growth.

Turning zone's outer limit shall mean the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

1705 Airport Zones

The following are intended for use with this specific overlay zoning district.

Airport Hazard Area consists of Operation Zones, Approach Zones, Turning Zones, and Transition Zones.

Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:
Instrument Runways:

Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline 10 miles from the operation zone where it is 16,840 feet wide.

Height Limit: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the 10-mile limit.

Visual Runways:

Length and Width: The approach zones extend from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide.

Height: The height limit of the approach zones begins at the elevation of the operation zone and rises one foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

Operation Zones are longitudinally centered on each existing or proposed runway:

Length:

For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway.

For existing and proposed turf runways, the operation zones begin and end at the runway ends.

For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 hundred feet on either side of the runway centerline.

For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline;

Height: The height limit of the operation zones is the same as the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.

Turning Zones extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

1706 Height Restrictions:

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired, or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in subsection 1705 above.

1707 Airport Zoning Map and Location

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Airport Zoning Map, which is attached hereto and made a part hereof by reference. A copy of the Airport Zoning Regulations and Airport Zoning Map shall at all times be on file in the office of the Zoning Administrator and County Clerk.

1708 Permit Requirements, Exceptions, Application Forms, and Fees

Anyone wishing to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smokestack, chimney, wires, or other structure or appurtenance thereto of any kind or character; or to plant or replant any tree or other object of natural growth which, when mature, would not violate the requirements of Section 1705 above, within the Airport Hazard Area must first obtain a permit from Zoning Administrator.

Exception:

Within the Turning Zones, no permit shall be required for any construction, reconstruction, repair, or planting of anything which, when completed, or, in the case of natural growth, when mature, does not exceed seventy-five 75 feet above the nearest existing or proposed runway end.

Application Form:

Application for a permit as required under these regulations shall be made on a form to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

Permit Fee:

The fee for each permit issued shall be established by the County Board as a separate Resolution to the Zoning Resolution.

1709 Non-Conforming Structures

1. Within the Airport Hazard Area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth; and no such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 50% or more of their original condition, or abandoned for a period of 12 months or more; shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted, or allowed to grow, as the case may be, to a height above the heights permitted by these regulations. Transmission lines and other communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.

2. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.

3. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

1710 Marking of Non-Conforming Structures

Whenever the Zoning Administrator determines that a specific structure or object in the Airport Hazard Area exceeds the height restrictions and existed prior to the promulgation of these regulations, the owner(s) and/or the lessor(s) of the premises on which the structure or object is located

shall be notified in writing by the Zoning Administrator. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The Zoning Administrator shall specify the required marking and lighting, consistent with these regulations entitled "Marking and Lighting of Structures". The cost of marking or lighting shall not be assessed against the owner or lessor of said premises.

1711 Administrative Agency; Enforcement

The Zoning Administrator shall administer and enforce these regulations and shall be the administrative agency provided for in Neb. Rev. Stat. § 3-319, and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act.

1712 Variance from Regulations

Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection Section 23-168.03, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

1713 Zoning Board of Adjustment

The Antelope County Board of Adjustment shall be the board of adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Neb. Rev. Stat. §3-320 *et. seq.* and such other powers and duties as are conferred and imposed by law.

1714 Permitted Principal Uses and Structures

Any use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 1705 above.

1715 Conditional Uses

Any conditional use that is permitted in the primary zoning district where this district is overlain where such conditional use has been duly authorized by the County Board in accordance with the requirements and procedures specified in this Resolution, provided all buildings, structures and other obstacles comply with the height restrictions set forth in Section 1705 above.

1716 Accessory Structures

Any accessory use or structure that is permitted in the primary zoning district where this district is overlain, provided all buildings, structures and other obstacles comply with the height restrictions established in Section 1705 above.

1717 Conflicting Regulations

In the event of any conflict between any airport zoning regulations adopted under this regulation and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern.

Adopted this 9th day of August, 2016 at Neligh, Antelope County Nebraska.

Supervisor Williby, moved to adopt said resolution.

Supervisor: Schindler 2nd to the motion to adopt said resolution.

Roll Call: 7 Yea 0 Nay

Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF SUPERVISORS

ATTEST:

_____/s/ Jerald Schwager _____

_____/s/ Lisa Payne _____

Jerald Schwager, Chairman

Lisa Payne, Antelope County Clerk

10:13 AM Back to regular session.

10:15 AM Liz Doerr, Zoning Administrator reported they have a Planning Commission Meeting on Tuesday, August 16, 2016 at 1:00 PM. Keith Marvin will be there and they will work on preliminary livestock regulations, and the One Acre Subdivision will also be discussed. However, she thinks they are leaning against that. Accordingly, all seems to be quiet for the moment. She will have more information next month.

Liz Doerr discussed the Hazard Mitigation Plan. This is a joint agreement between Antelope, Knox and Holt Counties. It is in accordance with the Federal Disaster Mitigation Act of 2000. This is a state and local plan for natural hazards and requiring communities to adopt a plan to be eligible for pre and post disaster federal funding for mitigation purposes. FEMA regulations require this plan to be adopted before federal disaster funds could be released. Without this adoption, Antelope County residents would not be eligible for flood insurance. Motion was made by Supervisor Bolling, seconded by Supervisor Kerkman to accept the resolution as written. Voting aye: Bolling, Kerkman, Williby, Henery, Schindler and Schwager. Nays: Koinzan. Motion passed.

**RESOLUTION NUMBER
Antelope County
2016-08-0001**

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by Antelope, Holt, and Knox Counties with assistance from Olsson Associates of Lincoln, NE.

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of Antelope County in the form of a resolution and further requesting approval of the plan at the Federal Level; and

NOW, THEREFORE, the governing body of Antelope County, does herewith adopt the Antelope, Holt, and Knox Counties Multi-Jurisdictional Hazard Mitigation Plan in its entirety; and

PASSED AND APPROVED this 9th day of August, 2016.

_____/s/ Jerald Schwager _____

ATTEST: ____/s/ Lisa Payne ____

Pay Raises were discussed, because raises should be included in the 2016-2017 budgets turned it this week. The clerk was asking for direction on salaries and pay increases for individual employees. It was agreed, as last year, that pay increases should be included in budget requests. These budgets will be discussed during the budget workshop on Tuesday, August 16, 2016. Depending on the approval or rejection of the Officials Budgets will determine if the pay increases will be accepted. Because, there are a number of outlying budgets that are not under an Official some direction was requested. Building and Grounds function supports both the custodian and janitor. The Janitor did not receive an increase in pay last year, and the clerk was looking for direction on the increase. Currently she is making \$12.35 an hour, it was agreed to give her \$1.00 an hour increase, but before it is agreed the individual budget must be approved. If the budget is approved all will be good for pay increase. Custodian, Supervisor Schindler, requested no increase.

County Road Boss, Casey Dittrich met with the supervisors regarding his Road and Bridge Report. Oil Road conditions was discussed. Because no interest was in deciding which hard surface roads to grind back to gravel, and the list could be endless, it was decided to opt to decide which roads are well traveled and needing to be repaired for continued long term use. The map discussed in previous meeting is too final and Casey was not comfortable deciding which roads needed to be axed considering his short tenure at this point. As stated the Supervisors are elected by the constituents, and they will have the ultimate say. Comparatively, last year we spent \$425,000.00 on overlay. It is more important to identify the collector roads, and branch out from there. The plan may be the Patcher may go 40 hours a week, doing those roads identified as collector roads, and having individual barns take care of their individual holes or smaller maintenance.

Casey also discussed his budget, and the various issues with it. He is planning to armor coat approximately 20 miles of road in the next 12 months, and to buy equipment, and to repair bridges. He shared copies of the preliminary proposed budget, and asked the supervisors to review it and give direction if they can. This budget is in being fine-tuned, however, he feels he has a good handle and will be ready to present next week during the budget workshop. He is suggesting individual barns are going to need to be more responsible for maintaining pot holes, etc, because the patching machine is not keeping up.

Public Hearing – 5000 Head Feedlot, owned by Matt Klabenes in Section 20, Township 26, Range 7.

Matt Klabenes Feedlot Public Hearing, August 9, 2016

(11:23AM) JERRY SCHWAGER: It is 11:23 AM and I will open the public hearing, by stating the open meeting laws are posted on the east wall of the supervisor meeting room and more copies are available in the Clerk's office. I will call roll call: Schindler? Kerkman?, Williby?, Koinzan?, Bolling?, Henery?, and I am here. EDDIE SCHINDLER: Here. LEROY KERKMAN: Yeah. NEIL WILLIBY: Here. GREG KOINZAN: Yes. MERLIN BOLLING: Yeah. CHARLIE HENERY: Yes. LISA PAYNE (clerk): 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 #CUP1603 submitted by Matt Klabenes for a Class III beef feedlot of up to 5,000 animal units and the pumping of effluent through a pivot irrigation in the E ½ of Section 20, Township 26N, Range 7W of the 6th P.M., Antelope County, Nebraska. The hearing will be held on Tuesday, August 9, 2016 at 11:00 a.m. during the supervisors' meeting at the Antelope County Courthouse, supervisors' meeting room. The request 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 4:30 p.m. on Monday, August 8, 2016. Written comments may be mailed to Antelope County Board of Supervisors, PO Box 26, Neligh NE 68756. This was published Wednesday July 27th, 2016 JERRY SCHWAGER: "Thank you very much. Do you have a copy of the findings so I can read them right? I don't need them right now- just as soon as you can get them. Ok, I need to ask information from the Zoning Administrator." LIZ DOERR: "The Planning Commission had their public hearing, and Matt had- and part of it is my problem too because, you know I forgot about the pumping of the effluent through and so he added that later, and um anyhow the Planning Commission did approve this. One of the conditions that they had is that an impact easement be signed. Which has already been signed and recorded by Caroline Jaecke. And we have copies of it all. He has his plan drawn up. Of course he is waiting for approval here before they can go to DEQ. But there is a little bit of Flood Plain way down in the corner. I am not sure if it is going to impact it or not. So that was one of the conditions that we have- he has to show that, that is in compliance. And he has to comply with the NDEQ, and with their permits. And Caroline Jaecke was there at the meeting- and she knows." CHARLIE HENERY: "Caroline would be east; Dave would be south." GREG KOINZAN: "Is this over Dave Hoffman? Is this the only good neighbor?" NEIL WILLIBY: "Is this north of Jaecke's, is that where it is at?" MATT KLABENES: "Yeah, right north of the Jaecke area. (3:33) NEIL WILLIBY: "Yep. Ok." MATT KLABENES: "They did come out and do core samples, you know on the bottom and stuff. There is water, I think the closest water they found is 12 feet." NEIL WILLIBY: "Wow." MATT KLABENES: "Closer than I ever anticipated." GREG KOINZAN: "And you are- just so I am thinking right. The lagoon is on the south part of where you- is that- and the feedlot is to the north?" MATT KLABENES: "Yeah, the south part." CHARLIE HENERY: "Don't we have to kind of go through the...?" (4:00) JERRY SCHWAGER: "Yeah, just... you can come up and give your presentation. Go ahead Liz, finish what you got for..." LIZ DOERR: "That was pretty much what I had. But I have copies of- bigger copies of the plans if you need them." JERRY SCHWAGER: "Ok Matt, do you want to come up and give your presentation of the application then?" MATT KLABENES: "Liz has it all. Uh. (Matt distributes maps) The only thing that I can see that basically, could pertain something with the county, is we were going to try and lower that pond, because right now it sets only a couple feet into the ground. So, I wanted to try to lower it, and sink it down deeper into the ground, for more storage. But of course, I have to stay- the DEQ- I have to stay four (4) feet out of the water you know. I figured water would be all of 60-70 feet down. But where it is only 12 feet down." JERRY SCHWAGER: "Where is the 12ft at?" MATT KLABENES: "Right down here!" JERRY SCHWAGER: "Right in there, that line?" MATT KLABENES: "Yeah. We dug a hole over in here, we dug one over here and we dug one over in here."

GREG KOINZAN: "And Hoffman's would be here." MATT KLABENES: "Hoffman's, it would be down here." GREG KOINZAN: "And where your cows are is up to the top- that's north." MATT KLABENES: "Yeah, there up here." GREG KOINZAN: "Ok, now I got it. That's all I need." MATT KLABENES: "And so, this berm here it doesn't look like much, but when we lay this berm alongside that road there. Of course we won't be on the county road the county road right of way, but that is going to be a huge, huge berm alongside that road. And there was no culvert that crosses any of these roads. This road nor this road. That is just all watershed that runs across the road. So when this berm is put up there, of course that is going to create a show trap there, and without that road built up and no culvert though that road. That is the only thing I can see that it could potentially do something to the county you know. Because right now its... where all this used to be all trees and canyons there- well what is going to happen when we flatten all that out. There is going to be snow shed on the back side of the lagoon. That is going to be three (3) to one (1) slope. And it is going to be- I think it is almost 20 feet tall. So it is going to be like a 20 foot... and you know there used to be one of them up here, that big cut that was clean in the north, you know we showed them down, so there is none there. But, I just I am afraid that road is going to get sloppy. Because there is no ditches there or nothing." EDDIE SCHINDLER: "No, there is not a lot of elevation from the top to the bottom." (7:00) JERRY SCHWAGER: "But the length of that is not going to be a big deal." MATT KLABENES: "No. No..." MERLIN BOLLING: "This down in here, the water just pretty much runs over the top of the road when it rains." MATT KLABENES: "Yeah, it has always run across the road. It has always done that. Yeah. And what goes on is it erodes off of Koenigs, right here you can see that erosion. And what it does, it is sand, and it continuously..." MERLIN BOLLING: "It sits down in there." MATT KLABENES: "Yeah it continuously runs over. The township did jump me about if I need more dirt, I could scrape it off his side- so it would stop doing that. But, I got plenty of dirt. There is a lot of elevation there." GREG KOINZAN: "But, your primary access is going to be up north?" MATT KLABENES: "Yeah, yeah. We will never use that down there." GREG KOINZAN: "And, very few people would." MATT KLABENES: "Yeah." NEIL WILLIBY: "Exactly, it's a public over the road." MATT KLABENES: "That is what I am just saying. Cause you are public- because as far as me- I am just looking out a little for the county here. I am just saying that is the only thing- I would. (7:50) GREG KOINZAN: "But your ____ coming in and out of the cattle yard- will be on the north?" MATT KLABENES: "On the north. Yeah it will all come down to the north road and it will all be built up in this area right here. On the north end of the _____. But... there... I mean, it will actually- I am just saying that where there is no ditch or anything there at all." JERRY SCHWAGER: "It will be a short distance." CHARLIE HENERY: "So if you got plenty of dirt what would it be to raise the road while you are digging a lagoon?" MATT KLABENES: "Well, it would be a culvert. It would be a big sucker. I mean for me to pile dirt. The thing is right now, you guys have spent quite a bit pf money. Mudrocking that road 250ft road there- I am going to guess." MERLIN BOLLING: "Yep." MATT KLABENES: "And, because you know it constantly, just actually right now it runs out on the road, runs down the road the it will cross the road. And it is a huge watershed. Actually it is a 3 dot line on the NRCS maps. That drainage ditch goes a long way up north. There is a lot of water that comes down after that." JERRY SCHWAGER: "About 2 miles." MATT KLABENES: "What?" JERRY SCHWAGER: "About 2 miles, right?" MATT KLABENES: "I am going to say about five (5). So if you had McDonald go out and say, you know we kind of need to put a culvert there. I am afraid he would throw you a wild figure on- because you have to put huge culverts in that area. Because he is going to survey that and go all the way up there and say there is water shed; What?" MERLIN BOLLING: "If you are going to put a big enough culvert in there- you are going to have to raise that road up 6 or 7 feet." MATT KLABENES: "Yeah, I know. And I know for the county to spend the money for the people to use that- for what big of water sheds- you are going to have huge culverts. I mean I am not asking the county to spend that kind of money- I know because I know how..." GREG KOINZAN: "It is kind of a mute issue here. Because Koenigs are here- and that is pasture. And Hoffman's are here and all their trade goes to the south. And all of Matt's is to the north. So, it is kind of a road to nowhere." CHARLIE HENERY: "But it is a public road." GREG KOINZAN: "It is a township road. But yes. There is a lot..." LISA PAYNE (county clerk): "What road is it?" CHARLIE HENERY: "There is a windmill across. (9:48) I am sure Koenig goes down that road to check it." MATT KLABENES: "And that is another- well you- gosh, I think that might be a windmill. I think they are going..." JERRY SCHWAGER: "I know Hoffman's are getting a tower someplace out there." (10:00) MATT KLABENES: "Yeah, there, it's going to come down, I think come down this road right here. I think it has got to come down this road right here I think there is one that goes over on the 40 over here." NEIL WILLIBY: "Down that old road- so they'll be doing- and then you could access it." MATT KLABENES: "Yeah! Yeah! And I mean I have taken all my trees out. Which really makes it look bad, because the ditch now, is actually higher than the road." MERLIN BOLLING: "You really think building this up here, is going to cause a snow conflict down in that bottom, down in there?" MATT KLABENES: "I do." CASEY DITTRICH: "What about the ditch to the east it is 10 foot taller than the road right now?" MATT KLABENES: "Yeah I mean. It used to be. I think the trees that we had out here, you know all these canyons on these trees used to catch all of that. You know. You know now we flatten that all out and planted it to the bean. You know there is no canyons left out here." MERLIN BOLLING: "Yeah, but is that any worse that that hill out there on Thiele's where we cut those holes through the road there south of their dairy. Now, the clay is all gone, and we hauled it away. The banks were 30 feet higher there. Is it going to be about the same thing?" MATT KLABENES: "Yeah, it is going to be about the same thing." CHARLIE HENERY: "How close is your berm going to be to the road?" MATT KLABENES: "It will be right at the toe of the right of way. My toe will start... I surveyed it- it will start right at the right of way. It will go at a three (3) to one (1) up to 22 feet." CHARLIE HENERY: "You can't move that back." MATT KLABENES: (Nods no) "And this is why. If you look at the contours on this map, you can see the contours. I am actually putting the lagoon where the hill is. CHARLIE HENERY/NEIL WILLIBY: "I see that. Top one up here." MATT KLABENES: "I mean. The white marks, and I am so pissed because I have to let the water go around the south side. You can see the deep cut on the very far south. I can't stretch it any further to the south. because the water has to sneak through that. Does that have white contour lines?" CHARLIE HENERY: "Yeah." (12:00) LEROY KERKMAN: "Yeah." MATT KLABENES: "It just sneaks around to the south end of the..." CHARLIE HENERY: "Right here." MATT KLABENES: "Yeah this- oh! They are red here. This contour squiggly- this is actually the ditch right now- and I can't get in there you know, I have to. GREG KOINZAN: "What about pumping the effluent? Where you going to pump?" MATT KLABENES: "It is all going to go to the circle to the north. You can just see on this one- that circle on the north up here." GREG KOINZAN: "Oh! Ok." MATT KLABENES: "That complete circle- is actually the pivot. It will go that full circle. (12:28) LEROY KERKMAN: "You only need one circle for that?" MATT KLABENES: "One circle. Because the majority of it goes out as a solid waste you know." (12:50) MERLIN BOLLING: "That road is not classified as a minimum maintenance road- by here. That's basically what it is. You go out and fix it

when it needs fixed. I have always had problems there.” MATT KLABENES: “You guys fix that all the time?” MERLIN BOLLING: “Oh! Every time the water goes over- we got to go out there and put it under.” MATT KLABENES: “Yeah every time it rains.” MERLIN BOLLING: “Yep!” MATT KLABENES: “I mean it is not doing it on my side now. Because my water now, I make go straight west.” MERLIN BOLLING: “The only thing the water coming off the side of the berm won’t go down there.” EDDIE SCHINDLER: “Why don’t you make a no water ____.” MERLIN BOLLING: “That’s what it is.” MATT KLABENES: “That’s what it is. But it is clay. But if you guys had McDonald go out there and survey it, it is going to take a huge- it is going to take probably three (3) - eight (8) foot tubes.” GREG KOINZAN: “Can we make it a minimum maintenance road?” MATT KLABENES: “And I would just assume not do that because what it does- you have to put it clean down here. Then you are going to direct all that water right there. I mean, I just assume you not do that. But, I guess I was just brining to your attention that right now it is kind of deceiving. We put that big earth bark there. I do not want everyone surprised that it is actually going there. (14:06) JERRY SCHWAGER: “Ok. You got anything else you want to give us?” MATT KLABENES: “Because it will look out of place. Because, and even this hill up here Merlin, where this road.” MERLIN BOLLING: “By Koenig’s?” MATT KLABENES: “Ok. But where your road is now, when you drive on your road. Ok, Koenig’s is like 20 feet high, and it is a straight up and down bank and then there is going to be a road. Then, mine is going to be at a (3) three to one (1) down 11 feet and then my road is going to be clear down there.” JERRY SCHWAGER: “Is that where you cleaned all the trees out just north of Dave’s, right there?” GREG KOINZAN: “Yeah!” MATT KLABENES: “So it is really going to look out of place when we get done.” GREG KOINZAN: “You are in the right spot.” MERLIN BOLLING: “On your side.” MATT KLABENES: “We are moving 380lbs of _____. Yeah so when you are on your road you are going to be way, way up. You will be able to look. And see, to lower your road. Say, well lets lower our road and stretch that out. Well then you make Koenig’s...” MERLIN BOLLING: “Then you ruin Koenig hill- on the other side.” MATT KLABENES: “See, I remember Dad and Hoyle Allemang- years ago- pushed that down some for the county- years and years ago. But, I just think. Doing some of the work over on ours is going to create a little problem on that road for the county. GREG KOINZAN: “Merlin explained it perfectly. It may not be a minimum maintenance road, but that basically what it is. And there is no neighbors there. Hoffman’s all go south for the most part. Matt has got a good idea and this will get it in the right spot.” JERRY SCHWAGER: “Yeah.” GREG KOINZAN: “And I am for it.” (15:39) JERRY SCHWAGER: “Ok, you got anything else? Ok. (10 seconds indistinct) Any questions from the board, any more questions for him? Anything else? (16:00) Ok, I will open the public portion at 11:37. I will ask any people in favor to testify? I will ask anybody opposed to testify? Anybody neutral to testify? I will ask the applicant to clarify any issues that might have come up. And I guess the board does not have anything else. Any other testimony? Any questions from the Supervisors for him? Well, I just as well close the public portion of the hearing at 11:38. Motion?” NEIL WILLIBY: “I make that motion to close public hearing.” EDDIE SCHINDLER: “I will second it.” JERRY SCHWAGER: “I have got a motion and a second. And I’ll take roll call.” (Koinzan, Henery, Kerkman, Williby, Schindler, Bolling) – all yays. JERRY SCHWAGER: “And I need a motion to the application.” CHARLIE HENERY: “I make the motion to approve the application as the Zoning people brought forward.” JERRY SCHWAGER: “I need a second please.” MERLIN BOLLING: “Is the- is any of the? I will second that.” CHARLIE HENERY: “Well with the DEQ and everything.” LIZ DOERR: “Yeah, because with...” CHARLIE HENERY: “Could you read that please.” LIZ DOERR: “Yeah, I copied the conditions that the planning commission had but I eliminated the one about needing this impact easement. Because it was already done and recorded. So anyhow, ‘Therefore, be it resolved by the Antelope County Board of Supervisors that the Matt Klabenes Conditional Use Permit (#CUP1603) be appointed with the following conditions. Applicant shall comply with NDEQ regulations; and Applicant shall show compliance of section 16 of the Zoning Regulations with an approved flood plan development permit.’” JERRY SCHWAGER: “Ok, anymore discussion on it? Ok I will read the findings on it then. Klabenes Feedlot, Class III Beef Feedlot (up to 5,000 Head) in the East half, Section 20, Township 26 North, Range 7 West. Findings of Facts: 1. That the Zoning district in which the proposed use is to be located is Zoned AG-G (General Agricultural District). Yes. That the proposed use that is the subject of this application is not a permitted use in such zoning district. Yes. That the applicant has filed an application for conditional use. Yes. That said application has been reviewed by the Antelope County Planning Commission. Yes. That the Antelope County Planning Commission has held a public hearing as required by the Zoning Regulations. Yes. 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). That on August 9, 2016, a public hearing was held before this Board. That Notice of hearing was published at least 10 (ten) days prior to the hearing, said date of publication being July 27, 2016. Said publication was in the Elgin Review Neligh News and Leader, Orchard News and the Clearwater Record. Yes. 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. 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. 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. That said conditional use permit is compatible with the Antelope County Comprehensive Plan. Ok, I will take roll call then. Williby, Bolling, Koinzan, Henery, Kerkman, Schindler and I will vote yes. I need a motion to close.” NEIL WILLIBY: “I make a motion to close.” CHARLIE HENERY: “Second.” JERRY SCHWAGER: I will call roll call: Schindler? Kerkman?, Williby?, Koinzan?, Bolling?, Henery?, and I will vote yes. EDDIE SCHINDLER: Yes. LEROY KERKMAN: Yes. NEIL WILLIBY: Yes. GREG KOINZAN: Yes. MERLIN BOLLING: Yes. CHARLIE HENERY: Yes.

RESOLUTION #2016-08-_____

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of hearings held on the 21st day of June, 2016, and July 18th, 2016, at the Antelope County Courthouse on the Conditional Use Permit #CUP1603 for Matt Klabenes to establish a confined animal feeding operation Class III for up to 5,000 animal units and for pumping effluent through a pivot irrigation in the East ½ Section 20, Township 26N, Range 7 West of the 6th P.M., 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 9th day of August, 2016, at the Antelope County Courthouse in Neligh, Nebraska;
THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF SUPERVISORS, THAT THE MATT KLABENES CONDITIONAL USE PERMIT #CUP1603 BE APPROVED WITH THE FOLLOWING CONDITIONS:

Applicant shall comply with NDEQ Regulations.

Applicant shall show compliance of Section 16 of the Zoning Regulations with an approved Floodplain Development Permit.

Adopted this 9th day of August, 2016 at Neligh, Antelope County, Nebraska.

Supervisor: Henery Supervisor: Bolling
Moved to adopt said Resolution 2nd to the Motion

Roll Call: 7 Yea 0 Nay

Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF SUPERVISORS

/s/ Jerald Schwager
Jerald Schwager, Chairman

ATTEST:

/s/ Lisa Payne
Lisa Payne, Antelope County Clerk

Back to regular meeting.

Motion by Supervisor Kerkman, seconded by Supervisor Schindler to allow the fire districts to fall within the county levying authority and to allow up to 2.5 cents. Those voting aye: Kerkman, Schindler, Henery, Williby, Bolling, Koinzan and Schwager. Nays none. Motion carried.

Motion was made by Supervisor Henery, seconded by Supervisor Koinzan to allow the Road Boss to negotiate with land owners in the Schuchardt intersection (523rd Avenue and 841st Road) so repairs can begin when ready. Voting aye: Henery, Koinzan, Kerkman, Bolling, Williby, and Schwager. Nays none. Schindler out of room. Motion carried.

Comp time for road employees was adopted in April of this year. At which time, we failed to list a maximum number of hours that can be accumulated. Because carrying to many hours puts the county in a liability situation, and the employee is not able to enjoy time away from the job as it is recommended. NIRMA recommends establishing a policy to make sure the employee is using his/her time wisely. As a county we want to make sure all employees are able to use this comp time in a usual and customary way, and not have a buildup of time for months. It is in the best interest of the county to set a total number of hours an employee shall not go exceed in order to retain some comfort in the reimbursement of such hours. Federally, the standard is not more than 480 hours. County Road Boss will be policing this comp time storage number and will insure employees are not approaching or exceeding such number. County Road Boss is suggesting 200 hours as a cap. He has one employee who is close if not at that number at this time. Discussion will continue next week to establish a resolution. Motion was made by Supervisor Williby for a 200-hour max, and a warning at 160 hours. No second was made. Will discuss further and put on agenda for August 16, 2016.

12:00 PM Motion was made by Supervisor Henery to go into closed session – to discuss with County Attorney regarding Legal action per County Attorney request. Motion was seconded by Supervisor Bolling. Voting aye: Williby, Schindler, Bolling, Koinzan, Kerkman, Henery, Williby and Schwager. Nays none. Motion carried. Sweep of room was performed. Went into executive session at 12:01 PM.

12:12 PM Motion was made by Supervisor Henery, seconded by Supervisor Williby to return to regular session. Voting aye: Williby, Schindler, Bolling, Koinzan, Kerkman, Henery, Williby and Schwager. Nays none. Motion carried.

County clerk commented on check written to Regina Krebs (budget help) during the last run of 2015-2016 budget year on June 28, 2016. Regina requested check be made to her employer, because they pay her license insurance, etc. No problems or concerns noted. Check payee will be changed to Bearinger Tax and Accounting.

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

Meeting adjourned at 12:13 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne