

September 6, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular extra session on Tuesday, September 6, 2016 at 9:01 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Bolling, Koinzan, Henery, Williby and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. Agenda for said meeting was sent to all members of the County Board of Supervisors.

Correspondence was reviewed: Nebraska Department of Roads Past Due Bridge Inspection Reminder; Elgin Public School letter regarding Nameplate Capacity Tax; NIRMA's September Safety Shorts; Budget Hearing Printouts; County Road Agreement-Upstream; NNTC Notice of 59th Annual Meeting of Members and Directors; Northeast Nebraska NACO Fall Meeting signup; NIRMA Annual Membership Meeting & Luncheon Notice; NIRMA Nomination/Election for four (4) vacancies on the NIRMA Board of Directors;

Elgin School District had sent a letter regarding the Nameplate Capacity Tax. This letter testifies to the tax being paid and the benefits it has created in Elgin School District (SD 18). This was a general purpose letter agreeing the amount of money the school has received from the Nameplate Capacity Tax. Discussion, no further action.

During the August 30th, 2016 meeting it was discussed the quarterly payment from Invenergy had not been paid. Emily Kobylarczyk from Invenergy said, they had checked into the situation and as of today, a full year's payment has been sent to make the taxes current. When Prairie Breeze I was sold to Sun Edison, somewhere the payment did not get made. Currently, that payment and the other two (2) quarterly payments due for 2016 have been sent to the State of Nebraska. Prairie Breeze II is not delinquent on any taxes at this time. No further action.

Interview for District 4 (9:15 AM) Wes Pelster.

Quotes for repair/replacement of the Courtroom Ceiling were opened. Antelope County received one (1) quote from Kinnan Construction. The amount of the bid was \$15,600.10. Discussion followed. It was unsure as to what the bid contained. (Question was on the lighting/new lighting fixtures.) Motion by Supervisor Schindler, seconded by Supervisor Henery to table motion until September 13, 2016 to verify bid and check on lighting fixtures. Voting aye: Schindler, Henery, Williby, Koinzan, Kerkman, Bolling and Schwager. Nays none. Motion carried.

Orchard Historical Society promotional funding was on the agenda. No further paperwork has been received. No action taken.

A motion was made by Supervisor Henery seconded by Supervisor Bolling to approve the underground permit submitted by David Beckman to place a permanent pipeline beneath 836th Road in the NW¼NW¼ of 27-23-6. The work will be done by Scott Priester, of Petersburg and will be done according to state and county specs. The purpose of the pipe placement is Livestock water hydrant. Voting aye: Henery, Bolling, Kerkman, Koinzan, Williby, Schindler, and Schwager. Nays none. Motion carried.

9:35 AM Bid Opening- Tilden West Bridge Project.

Brian McDonald was in attendance to open bids from Tilden West Project. Antelope County received two (2) bids. Theissen Construction, Norfolk, Nebraska bid for \$410,102.70; JJK Construction LLC, Lincoln, Nebraska bid for \$495,966.04. Both bids will start July 1, 2017 – approximate 75-day estimate. Discussion held on the project and bids. Per Brian's recommendation a motion was made by Supervisor Bolling, seconded by Supervisor Williby to accept

Theissen Construction bid for \$410,102.70 as the apparent low bid, pending verification of numbers. Voting aye: Bolling, Williby, Henery, Kerkman, Koinzan, Schindler, and Schwager. Nays none. Motion carried.

Brian discussed with the board a bridge a couple of miles east of the Million Dollar Corner. He wants to review the file and check photos to see if there is any movement.

Discussion led to the three (3) bridges damaged in the Prairie Breeze II and III ending phase and if insurance has settled. No information was available.

Interview for District 4 (9:46 AM) Steven Schwarting. During the pay discussion of the interview, Mr. Schwarting denied the job because of the pay. Motion was made by Supervisor Williby, seconded by Supervisor Henery to hire Wesley Pelster. Voting aye: Williby, Henery, Koinzan, Kerkman, Bolling, Schindler, and Schwager. Nays none. Motion carried.

9:59 AM Motion to go into public hearing.

10:00 AM Residential Lot Size Public Hearing September 6, 2016 JERRY SCHWAGER: "Open Public Hearing for residential lot size. And I will take roll call. It is 10:00AM. Bolling, Koinzan, Kerkman, Schindler, Williby, Henery and I am here. The Zoning Administrator is here too. Ok, do you want to go ahead and introduce it? LIZ DOERR: "Ok, this is the one that we had the request to build one one (1) acre and we had a hearing earlier and there was concerns about like with the septic and wells and stuff. So, Keith Marvin, just kind of wanted to wait and do it in the update. But, since we have this request we went ahead and the Planning Commission discussed this again. And, what Keith ended up with is he changed the wording on this so that the minimum lot area shall be one acre, provided that the lots meet all NDEQ and NHHS requirements for water and sanitary systems and shall be approved by the NDEQ. (1:05) So what that means is they are going to have- to go down to one (1) acre, any time you are less than three (3) acres NDEQ has a subdivision approval. You have to have septic plans, depth to ground water, different things like that- where is the well- and you send it into NDEQ. And they will approve it before it can go to the one (1) acre. So, it clarifies it in here. And so what we did is... We have it changed in the Ag General, the Ag River District and the Ag Transactional District. And we changed it for both the dwellings and for like conditional uses. So, that is the recommendation." LEROY KERKMAN: (1:54) "So, to date the NDEQ still has to say over everybody." NEIL WILLIBY: "They're going to set the recommendation." (Indistinct talking between Supervisors Williby and Henery.) LIZ DOERR: "So the state statute says that the governing board has to approve any split when it creates a lot that is less than ten (10) acres. That is why we have done a few of those that way. But NDEQ says any time it is less than three (3) acres they want to get that approved. And you know you have to have somebody certified to submit all this data. So this kind of clarifies that in there." JERRY SCHWAGER: "Any other questions from the board?" GREG KOINZAN: "Do you think that alleviate all of Heath Henery's concerns at the public hearing and all that?" LIZ DOERR: "Yes, I think so." GREG KOINZAN: (to Steve Bazelman) "Is that all right with you?" STEVE BAZELMAN: "Yes, that is fine with me. I've got to meet DEQ and NDEQ. That is fine." GREG KOINZAN: "I mean, that is what I am concerned about! That you are happy." STEVE BAZELMAN: "Yeah. That is fine with me. If you can get it down to one (1) acre that would be great." GREG KOINZAN: "I think that is fine." LIZ DOERR: "You know most of the time you can either have an engineer or a certified installer submit there. Most of the time they will go through. But I have seen them denied by NDEQ. So it is good that we have that in there now that they have to have that they have to have it approved first, before they can move on." JERRY SCHWAGER: "Any other questions from the board?... You don't have any. So I am going to open it up to the public at 10:03. I'll take roll call. Bolling?, Koinzan?, Kerkman?, Schindler?, Williby?, Henery? (all here) and I am here. I will ask any people in favor to testify... I will ask anybody opposed to testify. Do you want to testify in favor of it?" STEVE BAZELMAN: "I am in favor of it." JERRY SCHWAGER: "Ok, do you have any testimony you want to give?" STEVE BAZELMAN: "I just think it is a good idea. You know we've got people wanting agronomic development around the areas. You will have people beating on all the farmers' doors wanting one (1) acre. Obviously, one (1) acre by acres they are going to get other stipulations on there you know one (1) acres house per four acres. Or do you know that is something you guys can do?" LIZ DOERR: "And that is something they did talk about- you know limiting so many dwellings per... There were a couple different options they could go in. The Planning Commission just didn't feel like that was necessary. But, they did want it spelled out that they have to have the NDEQ approval." GREG KOINZAN: "But you want to build a house?" STEVE BAZELMAN: "Yeah, right." GREG KOINZAN: "On one (1) acre?" STEVE BAZELMAN: "Yeah. Maybe a barn or building or something or maybe a shed."

GREG KOINZAN: "Right. And if we don't do something, this would inhibit you from building a house?" STEVE BAZELMAN: "Yeah. Well probably, yeah." GREG KOINZAN: "I don't want to do that. I don't want to do that. And I do not want to be a part of that." JERRY SCHWAGER: "If you want to build a house, build a house, what makes a difference?" STEVE BAZELMAN: "I mean the farmer does not want to sell me three (3) acres. He wants to sell me as minimum as possible- and still let me build my house." GREG KOINZAN: "If you quote the corn price to him- he may want to sell more acres." STEVE BAZELMAN: "Right, I understand that. That is true." (Laughing) JERRY SCHWAGER: "Ok, I will ask anybody opposed to testify... I got none. I will ask to clarify any issues. You got any other issues? Any other testimony anybody want to say?" GREG KOINZAN: "Well I just think this is the best case scenario, and I don't want to inhibit anybody from doing anything. And the way it was- he was not allowed to build a house. And I think that's not right." JERRY SCHWAGER: "A lot of farmers would like to sell an acre on the corner than 4 or 5 acres." GREG KOINZAN: "Right. And it is not right for us to stand in the way of someone who wants to do it." MERLIN BOLLING: "As long as he can get his house in there, get his well in there get his seep line in for his septic tank, who cares?" GREG KOINZAN: "Right." MERLIN BOLLING: "It's all in the regulations." LIZ DOERR: "He has to show that they approved it." GREG KOINZAN: "I am very much in favor of this." JERRY SCHWAGER: "I will close the public portion of meeting, and take roll call at 10:06. Bolling? Koinzan? Kerkman? Schindler? Williby? Henery? (All respond yes.) I need a motion on it." MERLIN BOLLING: "I make the motion to approve the one (1) acre subdivision with the recommendation of the Planning Commission." JERRY SCHWAGER: "I need a second please. Anymore discussion on it?" EDDIE SCHINDLER: "Second." JERRY SCHWAGER: "I got a second by Eddie. I'll take roll call. Kerkman? Schindler? Williby? Henery? Bolling? Koinzan? And I will vote yes. I need a motion to close this and go back to regular session." CHARLIE HENERY: "I'll make that motion." JERRY SCHWAGER: "I need a second." NEIL WILLIBY: "I'll second it." JERRY SCHWAGER: "Roll call. Henery? Williby? Bolling? Schindler? Koinzan? Kerkman? and I will vote yes. All responded with a yes. We will go back into the regular portion of the meeting." 10:07 AM. Motion to go back to regular session.

10:08 AM Liz Doerr, Antelope County Zoning Administrator, met with the Supervisors to present her meeting report. Monthly permit report was presented – 15 permits were issued in August making a total of 62 permits for the year. Livestock Friendly presentation is still being worked on during the October 13th, 2016 Thiele Dairy Open House. The Nebraska Department of Agriculture asked if a Supervisor would be available to speak. Supervisor Kerkman will speak.

CASEYS REPORT – Grinding of cement to be stockpiled at Oakdale. There is currently 3-4,000 ton of cement to grind. Motion by Supervisor Williby, seconded by Supervisor Bolling to S & Sons to grind for Prouty. Discussion continued. Motion rescinded by Supervisor Williby, seconded by Supervisor Bolling. Motion by Supervisor Koinzan, seconded by Supervisor Bolling to purchase a side dumper and to put a wet kit on purple truck, to use with side dumper. Discussion followed. It was decided to list purchase side dumper on agenda for September 13th, 2016 meeting. Voting aye: Koinzan, Bolling, Henery, Williby, Schindler, Kerkman, and Schwager. Nays none. Motion carried. Because the backhoe (2012 - 580SN with 1100 hours) being sought by Antelope County is currently in Colorado, Titan is requesting Antelope County to make a motion to show good faith in the purchase, and to allow them to locate the machine closer for inspection. Without the good faith motion, Antelope County would have to pay for the shipping of the backhoe from Colorado to Grand Island. Discussion led to inspecting the equipment in Neligh if we are paying shipping or making a motion for a good faith purchase. Motion by Supervisor Williby, seconded by Supervisor Koinzan to accept the \$61,700.00 bid for a backhoe, pending inspection after delivery to Antelope County premises. Voting aye: Williby, Koinzan, Kerkman, Henery, Bolling, Schindler, and Schwager. Nays none. Motion carried. Casey requested to sell 5-yard dump truck on Big Iron Auction. Everyone assumed this truck had been sold during last year's Big Iron Auction. No opposition was voiced. Casey will talk with Steve Keetle for the sale of the dump truck.

Upstream Road Agreement. Emily Kobylarczyk discussed the road agreement with the board. They are proposing to break this agreement into two (2) parts. The first would be 88 turbines, and this work would be completed this fall. The second phase would be the rest of the turbines, and are to be built in early 2017.

Budget discussion on levy. After convening last week and discussion of a levy increase of nearly 7 cents, with allocating dollars for road and bridge equipment and projects out of the Inheritance Fund, the new levy is being proposed at 19.5 cents. The public hearing is scheduled for next week (September 13, 2016.) Supervisor discussed various options including benefits and wages. No formal action was taken.

Motion by Supervisors Bolling, seconded by Supervisor Henery to approve the minutes of August 30, 2016 as written. Voting aye: Bolling, Henery, Schindler, Koinzan, Kerkman, Williby and Schwager. Nays none. Motion carried.

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

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

Meeting adjourned at 11:46 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne