

November 7, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Monday, November 7, 2016 at 8:04 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting date was changed due to the General Federal Election held on Tuesday, November 8, 2016. Meeting was called to order by Vice Chairman Williby, with the following board members responding to roll call: Kerkman, Schindler, Bolling, Koinzan, Henery, and Williby. Jerald Schwager absent. Vice Chairman Williby 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.

Claims were reviewed. Discussion on motion of excepting out certain claims. 2 motions were made and rescinded because the claims involved do not have personal conflicts no exceptions were made. Motion to approve claims was made by Supervisor Henery, seconded by Supervisor Koinzan. Voting aye: Henery, Koinzan, Bolling, Kerkman, Schindler, and Williby. Schwager absent. Nays none. Motion carried.

We, the Committee on Claims, report that we have examined and approved for payment the following claims: Antelope County Court, court fees 448.00; Antelope County District Court, court fees 216.00; Antelope County Sheriff, transportation fees 342.00; Appera, towel service 40.99; Applied Connective Technology, remote service repair 75.00; Brad Averill, cutting boards 13.86; Bear Graphics, recording paper 214.91; Kathleen Berg, witness fee 25.40; Bomgaars, dog kennel panels & supplies 98.63; Eleanor Brady, prior service 25.00; Dean Brown, prior services 25.00; Carney Law, public defender 3256.00; Vicky Carstens, witness fee 25.40; Casey's General, vehicle fuel 581.24; Brenda Chace, witness fee 58.88; Elgin City, recycling fee 250.00; Neligh City, garbage, electricity, water, recycling 3616.90; Clearwater Record, publishing fees 1057.65; Connecting Point, computer software 296.00; Cubby's, vehicle fee 731.65; Cuming County Sheriff, paper service 18.50; Das State, Network Service Charges 573.68; Dean's Mkt, jail grocery 307.97; Digital-Ally, camera battery 805.00; Dollar General, supply 10.00; Dusty's, vehicle fuel 128.00; Eakes Office, supplies 6.58; Election Systems, ballots & election supplies 7415.71; Elgin One Stop, vehicle fuel 62.00; Elgin Review, publishing fees 1581.27; Elite Office, monthly maintenance & supplies 570.57; Elkhorn River Farms, potatoes 30.00; Floor Maintenance, janitor supplies 265.89; Frontier Communications, telephone service 2100.68; Great Plains Communications, internet service 190.00; Tessa Hain, dues & meals 155.00; Lyle Hart, haul commodities 200.00; Nadene Hughes, prior service 14.00; Iowa Prison Ind, decals 120.03; Jonny Dodge, vehicle service job 78.05; Frank Kamphaus, prior service 16.00; Jeffrey Doerr Law, court appointed attorney 3052.00; Madison County Sheriff, paper service 18.50; Marvin Planning, consulting fees 500.00; Maximus Consulting, regulations contract 1100.00; Microfilm Imaging, allocation preparation 87.00; MIPS, Nebraska Deeds Online, payroll, budget, claims, Nebraska Taxes online, deposit 2509.22; Morland, Eastland, court attorney 2721.12; NACO, registration fee 50.00; Nebraska Health & Human Service, institution fees 180.00; Neligh Auto, parts 30.96; Neligh News, publishing fee 1069.65; Neligh Public Library, book replacement 9.99; Netcom, install radio 954.00; O'Neill Pest Control, pest control 150.00; Office Depot, office supplies 134.93; Wayne Ohnesorg, extension mileage 39.96; One Office Solution, office supplies 114.48; Orchard News, publishing fee 799.45; Orval's Auto Service, service job 54.75; Donna Payne, prior service 25.00; Petty Cash-Sheriff, postage 37.09; Petty Cash-Weed Department, postage, car wash, meal, title, tire fee 44.70; Pinnacle Bank, boxed cereal, office supplies, spot cleaner, curtain rods 550.95; R R Donnelley, gun certificates 94.33; Ramada Inn, hotel room 150.00; Rand Acoustics, environmental survey 4250.00; Reinke's Farm, parts 114.50; Lynn Schmidt, witness fees 25.40; Nebraska Secretary State, copies 20.00; Shell Fleet, vehicle fees 436.01; Shopko, extension supplies 70.94; Caroline Siems, prior service 25.00; Source Gas, heating fee 328.81; Staybridge Suites, hotel room 87.99; Jacqueline Stopak, interpreter fees 105.00; Stratton, Delay Doele, court appointed attorney 1513.80; Thriftway Market, supplies & inmate groceries 1500.23; Clearwater Village, recycling fee 250.00; Bonita Welke, prior service 22.00; UNL Its Communications internet service 91.04; US Cellular, cell phone 329.94; Verizon Wireless, cell phone service 14.04; Willie's Service, service job 118.27; Bob Barker Co, jail supplies 87.57; Top Quality Gloves, gloves 154.80.

Road & Bridge: at Large, B's Enterprises, culverts 1860.00; Bazile Aggregate, gravel 675.00; Bomgaars, small tolls, sprayer, oil, supplies 355.57; Casey's General, vehicle fuel 47.36; Diesel Machinery, part 35.22; Casey Dittrich, small tool 32.99; Farmer's Pride, bulk fuel 2961.46; Hinrichsen Sand, gravel 7649.70; Island Welding Supply, oxygen 170.50; Eli Jacob, rolls 40.00; Jebro, asphaltic oil 42,596.82; JEO Consulting, engineering fee 8809.00; Klabenes Construction, machine hire 1000.00; Neligh Auto, lights part 103.10; Netcom, install radio 673.00; Newman Traffic Signs, sign & stand 1997.45; Carquest Neligh, part 9.69; Orval's Auto Service, service job 60.00; Prairie Fabrication,

tarp 1159.86; Shell Fleet, vehicle fuel 203.87; Sobotka Trucking, trucking rock 3845.40; Spud Trucking, trucking rock 26,447.13; Tinsley Grain, rock 1202.70; Topkote, armor coat 73,530.00; Verizon Wireless, cell phone 115.84.

Brunswick Area: Bazile Aggregate, gravel 675.00; Frontier Communications, telephone service 73.32; North Central Public Power, electricity 129.47; Powerplan, hose and repair 588.31; Sobotka Trucking, trucking haul rock 3845.40.

Orchard Area: Dusty's vehicle fuel 108.53; Farmer's Pride, bulk fuel 2538.54; Frontier Communications, telephone service 74.42; Lazy T Tire, parts & tire repair 109.03; Neligh Auto, lamp & parts 15.34; NMC Exchange, parts 61.75; North Central Public Power, electricity 57.52; Powerplan, parts & labor 1143.27; Sierra Trucking, trucking rock 1497.86; Source Gas, heating fuel 77.32. Orchard Village, water 30.50.

Clearwater Area: Farmer's Pride, bulk fuel 1791.44; Northeast Glass, install glass 328.00; Pollock Redi-Mix, rock 415.90; Shell Fleet, vehicle fuel 90.98; Source Gas, heating fuel 35.59; Switzer Welding, metal & labor, repair 1500.55. Clearwater Village, water & garbage 54.00.

Neligh Area: Bomgaars, key & lock 43.23; Neligh City, garbage 26.00; Cubby's, vehicle fuel 108.93; Farmer's Pride, bulk fuel 1406.79; Frontier Communications, telephone service 120.91; Hinrichsen Sand, gravel 2060.56; Pollock Redi-Mix, gravel 205.51.

Tilden Area: Black Hills Energy, heating fuel 27.47; Bomgaars, antifreeze 38.24; Tilden City, water & garbage 104.82; Constellations Energy Gas, heating fuel 9.49; Farmer's Pride, bulk fuel 1244.20; Frontier Communications, telephone service 70.15; Hinrichsen Sand, gravel 835.65; Matteo Sand, gravel 620.76; Nebraska Public Power, electricity 113.17; Pollock Redi-Mix, gravel 100.25.

Oakdale Area: B's Enterprises, culvert 362.40; Farmer's Pride, bulk fuel 1461.25; Great Plains Communications, telephone service 128.43; Hinrichsen Sand, gravel 822.04; Nebraska Public Power, electricity 52.64; Source Gas, heating fuel 41.35.

Elgin Area: Beckman Lumber, tail light 14.61; Elgin Auto Parts, filter 27.90; Great Plains Communications, telephone service 140.18; Precision Repair, parts & labor 123.79; Sapp Brothers, bulk fuel 732.00; Source Gas, heating fuel 53.94; Tinsley Grain, rock 3793.34.

Reappraisal: Applied Connective Technology, computer repair 100.00; Eakes Office, envelopes 689.80; Holiday Inn, hotel room 159.95.

Register of Deeds: MIPS, data processing fee 295.70.

Law Enforcement: AMH Family Practice, inmate hospital visit 272.00; Antelope Memorial Hospital, hospital visit 534.00; Bob Barker Co, inmate clothing, deodorant, cuffs, sheets 6459.20; Dollar General, medical supplies & crackers 21.97; Dr. Terry Jensen, inmate dental visit 196.00; LabCorp Nebraska, lab work 130.59; Pinnacle Bank, commissary, pop, candy bars, towels, movies, mini refrigerator 1001.51; Uline Ship, book shelves 1471.05; Wanek Pharmacy, inmate meds 336.98; 319 Graphics, inmate clothing 3625.00.

Building: Antelope County Historical, roof repair 851.28; Bomgaars, supplies dog kennel 810.00; Elgin Appliance, repair gas valve 431.00; O'Neill Pest Control, pest control 85.00; Pollock Redi-Mix, cement kennel 1090.13; Total Fire Protection, inspection 550.00.

General: Total Payroll, 83,476.50; Ameritas, retirement 12,719.97; American Family Life Assurance Company employee contribution accident/cancer insurance, 468.91; Blue Cross & Blue Shield, 58,906.08; Colonial Life, insurance 58.25; Federal With holdings, 9417.06; 1st Concord, ins 1058.32; Garnishment, 544.00; Credit Management, garnishment 277.45; Madison National, insurance 391.50; NACO Vision, eye insurance 440.34; State Tax, 3082.60; Social Security, 16,907.42; Washington National, insurance 560.04.

Road & Bridge: Total Payroll, 46,701.54; Ameritas, retirement 6918.83; American Family Life Assurance Company employee contribution accident/cancer insurance, 142.35; Blue Cross & Blue Shield, 32,200.48; Colonial, insurance 18.00; Federal With holdings, 4009.45; 1st Concord Benefits, insurance 540.27; Credit Bureau, garnishment 340.47; Madison National, insurance 215.89; NACO Vision, eye insurance 199.80; State Tax, 1472.78; Social Security, 9209.66; Washington National insurance, 133.40.

Juvenile Diversion: Total Payroll, 1050.09; Ameritas, retirement 152.29; Federal With holdings, 101.35; State Tax, 37.65; Social Security, 207.10.

Ed Schindler /s/11-

07-2016

Jerald Schwager /s/11-

07-2016

Neil Williby /s/11-

07-2016

Casey Dittrich, Road Boss discussed **Topkote invoice**. Topkote is billing Antelope County for 7000 gallons of oil supposedly brought to and used on Antelope County roads. Mr. Dittrich believes this is an erroneous charge as he was or had someone in attendance of the supplier every day, and at no time did they mention the inclusion of these gallons on any distribution. The amount of these 7000 gallons is approximately \$17,955.45. 7000 gallons would make a huge difference in the outcome of laying the asphalt. Application rate and road width are two variables to consider, at no time was Antelope County informed they would be bringing/using their own asphaltic oil. Mr. Dittrich believes he can defend not paying the \$17,955.45 as goods not received. Motion by Supervisor Koinzan, seconded by Supervisor Henery to approve paying claim less \$17,955.45. Pay of \$73,530.00 from the original invoiced amount of \$ 91,485.45. Voting aye: Koinzan, Henery, Kerkman, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion passed.

Policy regarding Road and Bridge hour changes was discussed. The resolution to implement the compensatory time addressed all of the issues. Discussion was brief. No action.

Motion by Supervisor Kerkman, seconded by Supervisor Koinzan to authorize the County Clerk to advertise the "**Schuchardt Corner**" (523rd between 841st and 842nd Roads). Per discussions with Highway Superintendent, Brian McDonald, this project will be bid. Voting aye: Kerkman, Koinzan, Henery, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion passed.

Mr. Mark Smith, representing Antelope County Planning Commission met with the Supervisors regarding recent actions by the Planning Commission. The Planning & Zoning Regulations are in the process of being updated. They are not ready to complete and or finalize those regulations. The Planning Commission is requesting an extension on the **moratorium** of new wind farm applications. The current moratorium goes through January 5, 2017. He is not sure on an expected time line to complete these regulations. Mark believes Keith Marvin is close to having the first draft ready. The group opposing the current wind farms has presented a draft for the regulations. The planning commission plans to review and compare the two (2) drafts at the same time. That way they can compare apples to apples. Discussion was on a three (3) month extension from January 5, 2016. Motion by Supervisor Henery to extend the wind farm applications moratorium for 90 days from the January 5, 2016 final date, or until the Zoning Regulations are approved. Motion was seconded by Supervisor Koinzan. Voting aye: Henery, Koinzan, Bolling, Kerkman, Schindler and Williby. Schwager absent. Nays none. Motion passed.

Discussion of **Keith Marvin's contract**. Mark guaranteed he will have to attend three (3) more meetings (Wednesday, November 9th, 2016 and the two (2) public hearings for the regulations). He is not sure how the contract reads, and the best plan for future meetings. There will be plenty of meetings not requiring Keith Marvin's presence. Mark is not dissatisfied with the current contract, and did not want to change contractors at this point. Discussion lead to the December 6th, 2016 meeting to determine the outcome of Wednesday (November 9, 2016) meeting goes. It will be on the agenda for December 6, 2016. No formal action taken.

Dave and Judy Wilcox met with the board regarding the two **acoustics reports**, and the various antics. She suggested the board hire someone to evaluate the reports and let them decide. She has contacted Mr. Rand and he presents the average was presented, not a complete total sound level. Because the two reports are conflicting, and the Supervisors not being qualified to make the expert decision. Is the maximum or average the answer. Judy suggests the policy says maximum, not average. Judy Wilcox presented the four (4) complaints were filed in February, so they are on eight (8) months of complaints no answers. Judy suggested possibly a university could evaluate the studies, results, and report; basically, evaluate and interpret the results. The supervisors discussed they did not want to make a decision based on information they do not understand, with conflicting reports at hand. Dean Smith expressed again the number of wind towers in Antelope County. Dean mentioned two (2) MET towers built in Grant Township. He shared a copy of the filed FAA paper work by Invenergy. No Antelope County building permit was filed or granted for these towers. Compliance is the issue here. If they are erecting towers, permits need to be issued. Tabled discussion until December 6th, 2016 meeting.

Supervisor Koinzan requested to purchase an **antique desk** in the former Surveyor Office of the Old Courthouse Basement. He is requesting to pay fair market value. Discussion of various items in the counties possession of the antique nature. Supervisor Henery made a motion to accept sealed bids.... Discussion continued. Supervisor Henery rescinded his motion. Discussion continued. The desk has been in the courthouse basement, and probably not in the right conditions. Motion by Supervisor Bolling, seconded by Supervisor Schindler to have Eddie Schindler look into the selling of this item. To concur with County Attorney, and the possibility of placing with a public estate auction. Voting aye: Bolling, Schindler, Kerkman, Koinzan, Henery and Williby. Schwager absent. Nays none. Motion passed.

Correspondence was reviewed: Union Bank and Trust AMH Refunding Bond Report; NACO Audit Report by Dana Cole & Co.; State of Nebraska Department of Environmental Quality, regarding Matthew D. Beckman Livestock Animal Feeding Operation approval; \$40,680.74 check from Invenergy (paying the difference between estimate and insurance payment on bridge damage). Highway Superintendent Certificate was discussed, this needs to be an agenda item-will be placed on December 6th agenda.

NACO appointment for voting rights were discussed. Supervisor Kerkman, and Supervisor Schindler will be attending the Conference in December. Supervisor Koinzan was appointed to vote for NACO officers, and Supervisor Schindler will be alternate.

Pledge Collateral was reviewed. Currently Antelope County is pledged to \$1,000,000.00

Receipts reviewed: \$ 48.50 Overpayment Buy Down Deductible; \$22.40 Refund eye insurance premium.

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

Treasurer's October Fund Report was reviewed and put on file

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

Sheriff's October Fee Report was reviewed and put on file.

Road Boss Report: Beckman's box culvert is construction is underway. That is a month ahead of time. Construction was not scheduled till the 28th of November. The road **Duane Kerkman** met with the Supervisors about last week was evaluated by Road Boss and Superintendent McDonald. As long as it is repaired to the conditions it was in before – which isn't very good – we do not have to meet new standards. If we meet new standards as Invenergy it would be a very costly project. The road can be brought up to standard in about a week with a couple of guys, at a cost of \$20,000.00. It would be a grading project. The bridge would require a study to decide the size of the culvert/bridge needed – \$3-5K to do a study. The adjoining land owner upstream is all for it. He thought the tubes would be \$15-\$20,000.00. Supervisor Koinzan suggested to ask the Oakdale Township Funds help pay for this project. He had not discussed this with them, but thought it would be a good suggestion. Water study is going forward, and Mr. Dittrich will reach out to Oakdale Township Board. Purchasing Road Grader in in the budget, truck is being rented at approximately \$1,000.00 a week. Mr. Dittrich wanted to know if the board was agreeable to advertising for equipment. 2009 Freightliner Truck \$ 39,500.00, 180 thousand miles, Ruann in DesMoines, Iowa. It was agreed Casey could proceed with looking into road grader and truck purchase. **Mine Safety:** Mine Recertification Safety Training is scheduled for Wednesday 11/09/2016 at L Bar B in Clearwater. Road employees will go back to the 5-day week on the 14th of November. Casey wrote a letter to Topkote regarding the excess oil being charged to Antelope County. Supervisors agreed to send letter with payment.

Road Boss Review: 11:05 AM Motion by Supervisor Henery, seconded by Supervisor Koinzan to go into executive session to discuss and review job performance of Road Boss, Casey Dittrich. Mr. Dittrich with the knowledge of discussion requested a closed session. Voting aye: Henery, Koinzan, Kerkman, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion carried. 11:35 AM Motion by Supervisor Kerkman, seconded by Supervisor Henery to go out of executive session. Voting aye: Kerkman, Henery, Koinzan, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion carried.

Review was very positive. Motion by Henery, seconded by Bolling in reference to the positive review and discussion, they recommend increasing Mr. Dittrich's salary to \$47,500.00 annually, beginning December 1, 2016, recommending he obtains his Highway Superintendents Endorsement next spring. Voting aye: Henery, Bolling, Koinzan, Kerkman, Schindler, and Williby. Schwager absent. Nays none. Motion carried.

Weed Superintendent: Discussion with Mr. Ofe, Antelope County Weed Superintendent. In light of the new Federal regulations salaries have to be increased to above \$47,476.00 annually. Currently, Mr. Ofe is paid a salary of \$3,457.67 a month. This amount is less than the salary threshold set by the Federal Government. Mr. Ofe requested to go into executive session. 11:42 AM Motion by Supervisor Henery, seconded by Supervisor Koinzan to go into executive session. Voting aye: Henery, Koinzan, Kerkman, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion carried. 12:05 PM Motion by Supervisor Kerkman, seconded by Supervisor Henery to go out of executive session. Voting aye: Kerkman, Henery, Koinzan, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion carried.

Motion was made by Supervisor Kerkman, seconded by Supervisor Henery to approve \$20.00/hour; to implement full vacation and sick paid time benefits in light of the fact Mr. Ofe

has been here 38+ years (Started 04/03/1978). The hourly wage will begin December 1, 2016. Voting aye: Kerkman, Henery, Koinzan, Bolling, Schindler and Williby. Schwager absent. Nays none. Motion carried.

VSO: Discussion followed regarding Veterans Service Officer, Ron Marshall. Currently, Mr. Marshall is paid a salary. In light of the salary guidelines it was discussed to change Mr. Marshall to an hourly wage. Motion by Supervisor Koinzan, seconded by Supervisor Bolling to pay Mr. Marshall at \$18.34 an hour, not to exceed 30 hours at any time.

Approve Minutes Motion to approve the September 6th, 2016 and September 13th, 2016, October 4th, 2016 and October 11th, 2016 minutes was made by Supervisor Henery, seconded by Supervisor Kerkman. Voting aye: Henery, Kerkman, Koinzan, Bolling, Schindler, and Williby. Schwager absent. Nays none. Motion carried.

Approve Minutes Motion to approve the October 4th, 2016 Board of Equalization Minutes was made by Supervisor Henery, seconded by Supervisor Kerkman. Voting aye: Henery, Kerkman, Koinzan, Bolling, Schindler, and Williby. Schwager absent. Nays none. Motion carried.

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

Meeting adjourned at 12:16 PM.
COUNTY BOARD OF SUPERVISORS

ANTELOPE

By: _____

Chairman

of the Board, Jerald Schwager

Attest: _____

County
Clerk, Lisa
Payne