

January 4th, 2022
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, January 4th, 2022 at 9:00 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Henery with the following board members responding to roll call: Jacob, Krebs, Pedersen and Henery. Smith absent. Chairman Henery stated the open meeting laws are posted on the east wall of the Commissioner's Meeting Room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the three (3) 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 Commissioners. Meeting was available by Zoom.

Pledge of Allegiance was recited.

Agenda: Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve agenda as presented. Voting aye: Jacob, Pedersen, Krebs, and Henery. Smith absent. Nays none. Motion carried.

Minutes of the December 14th, 2021 Board of Commissioner Meeting: Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Smith absent. Nays none. Motion carried.

Minutes of the December 14th, 2021 Board of Equalization Meeting: Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Smith absent. Nays none. Motion carried.

Minutes of the December 21st, 2021 Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Jacob, Pedersen, and Henery. Smith absent. Nays Krebs. Motion carried.

Minutes of the December 23rd, 2021 Board of Commissioner Meeting: Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Smith absent. Nays none. Motion carried.

Correspondence was reviewed: Thank you from 4-H Youth Enrichment Center; Resignation of William VanBrocklin from Weed Board; County Sheriff Budgets; email from Beth Ferrell (NACO) regarding Websites as official notice of meetings; Standard Customer Value Agreement; Depository Letters from banks; Holiday Calendar 2022; list of appointment for 2021 Board Members, MOU Veterans Service Officer Agreement; BackRoad Tour 2022 information; NIRMA Safety Shorts; Zoning Monthly Permit Report; Zoning Yearly Permit Report; Berggren Architect Calendars;

NMC Claims: Nebraska Machinery currently carries a credit because of equipment purchases. Recently, they have corresponded that there is a bundle of invoices that are still outstanding, but have been off settled against credit balance. The clerk and CAT have corresponded and agree on the amount of credit versus the number of outstanding claims. Discussion regarding the invoices and what to do. It was requested to check to see if the wings that were purchased for the motor graders in which the credits were created. Clerk will check on the same. These claims will be presented to the commissioners with the claims next week.

Zoning Administrator Report: Megan met with the Board today. She presented the permit reports and asked for questions. Three (3) Lot splits/boundary changes were also presented.

- **John R. Larson** requested approval of an Administrative Plat regarding an 8.12 Acre split in the southwest corner of the SW¹/₄ of Section 3, Township 23, Range 5, West of the 6th P.M., Antelope County, Nebraska. Motion by Commissioner Krebs, seconded by Commissioner Jacob to approve administrative plat as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion passed.
- **Charles & Shelley Bode** requested approval of Administrative Plat regarding an irregular tract of 6.444 Acres to join an existing 1.59 Acre tract in the NE¹/₄ of Section 14, Township 23, Range 7, west of the 6th P.M., Antelope County, Nebraska. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve administrative plat as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion passed.
- **Sunnydell Farms** (Corby and Garth Forbes) requested approval of Administrative Plat regarding an irregular tract of 1.86 Acres in the SE¹/₄ of the NE¹/₄ of Section 2, Township 27, Range 6, West of the 6th P.M., Antelope County, Nebraska. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve Administrative Plat as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion passed.
- No other issues to report

Weed Superintendent Report: Bryan Cornett met with the Commissioners for a short report. They are working on the annual Nebraska Department of Agriculture Reports. He will be attending training in February and March. Online training regarding leafy forage inspections will be in January. Mr. Van Brocklin resigned. They are talking with candidates. We will check in to replacing Mr. VanBrocklin.

Depository Agreements: Bank of Elgin has not submitted their agreement. Item will be held till next week.

NIRMA Grant: Kelly Mueller-Oltjenbruns, Antelope County Assessor presented a payment of 75% of submitted expenses for hi-visibility vests, coats and first aid kits. The payment for \$1,283.75 was paid through the NIRMA Assist Program. No further action.

Maintenance & Grounds: Ed Schindler met with the Commissioners. He will keep in contact with Aaron Kinnan regarding the Health & Human Services Ceiling, Windows and a number of other projects. Blinker in the new Durango is not working properly, Commissioners agreed to have a mechanic in Elgin review/fix the presented problem.

Holiday Hours: Previous talk regarding holiday hours and keeping hours consistent through all departments. Road and Bridge working four (4) - 10-hour days, may not be corresponding with a Friday holiday. This seems to become an issue during certain calendar years. The clerk is hoping for clarification for holiday during the 2022 calendar year. On agenda next week.

Road and Bridge 2021 Christmas and New Year's Day Holiday Hours: discussion of number of hours paid from Road and Bridge and Courthouse personnel. Discussion of holiday hours already paid, as of the end of November 2021 the Holiday hours for both departments was at 90 hours. The Courthouse Employees will get 7.5 hours for Christmas and 7.5 hours for New Year's Day. Motion by Commissioner

Krebs, seconded by Commissioner Jacob to pay Road and Bridge and Courthouse employees at 7.5 hours a day. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.

Board of Equalization: Chairman Henery opened the Board of Equalization at 9:50 AM. Responding to roll call: Commissioners Krebs, Jacob, Pedersen and Henry. Smith absent. Met with the County Assessor and the County Treasurer. Was open for approximately 2 minutes. 9:52 AM Motion by Commissioner Jacob, seconded by Commissioner Krebs to close as a Board of Equalization. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.

Authorize Clerk to advertise for Bids for Ashfall Bridge: Brian McDonald reports this is the bridge on Knox County Line Bridge, it will be 24 foot wide, this bridge has very low volume. This is a FEMA project. Knox County is in agreement to let Antelope County let bid. Motion by Commissioner Krebs to authorize Clerk to advertise for the Ashfall Bridge bids with Knox County. Motion is seconded by Commissioner Jacob. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.

Quarterly Jail Inspection: Commissioners Jacob and Commissioner Pedersen will complete the quarterly Jail inspection.

Road Superintendent Report:

- **Oversize Permit:** Borsheim Crane submitted an Oversize Permits to move Cranes to 527th Avenue and 853rd Road and 530th Avenue to 837th Road. Road Superintendent voiced no issues and stated the moves had been completed. Motion by Commissioner Krebs seconded by Commissioner Jacob to approve oversize permit. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion carried.
- **Oversize Permit:** RMS Cranes submitted three (3) Oversize Permits to move Cranes to two (2) separate sites. Road Superintendent voiced no issues and stated the moves had been completed. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve oversize permits. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion carried.
- **Access Permit:** Rohn HI Olson submitted two (2) access permits as Land Manager for David Pieke permit for field entrance accesses off of 521st Avenue along the east side of Section 26, Township 28, Range 7, West of the 6th P.M. Road Superintendent thought the line of sight was good and voiced no issues. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve access permits on 521st Avenue per Road Superintendent recommendations. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.
- **Underground Permit:** Elkhorn Rural Public Power District submitted a permit to place an electrical line under 851st Road in order to get electricity to the Village of Clearwater Lagoon pump. This is located in the SW¹/₄ of Section 1, Township 25, Range 8 West of the 6th P.M. Antelope County, Nebraska. Road Superintendent voices no opposition. All County and State Specs will be maintained. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve underground permit on Road Superintendent's recommendation. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.
- **Underground Permits:** Cindy Zellmer, permit agent for Frontier submitted an underground permit for phone line to run new equipment and cable telecommunications equipment at the back of right of way along 857th Road. Located in the NW¹/₄ of Section 10, Township 26, Range 6 to the SE¹/₄ Section 3, Township 26, Range 6, West of the 6th P.M. Antelope County, Nebraska. Road Superintendent recommends approval. All County and State specs will be maintained. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve per Road Superintendent recommendation. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.
- **Access Permit:** Bruce Anderson submitted a permit to place an access along 842nd Road in the SW¹/₄ of Section 22, Township 24, Range 8, West of the 6th P.M., Antelope County, Nebraska. Line of sight appears good. Permit for field entrance. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve Access Permit. Voting aye: Jacob, Krebs, Pedersen, and Henery. Nays none. Smith absent. Motion carried.
- Road Superintendent requested to postpone discussion on Grader Purchase.
- Road Superintendent requested to postpone First Responder Resolution.
- Access Permit and full road maintenance policy discussion with amendment to resolution on next weeks agenda.

Bids on Oakdale South Bridge: south of Casey Dittrich's on 529th Avenue in southern Burnett Township. A single bid from A&R Construction was received. \$226,021.22, start date of 8/2022. Estimate of the project was \$250,000.00. Highway Superintendent recommended to approve bids, pending verification of numbers. Motion by Commissioner Krebs, seconded by Commissioner Jacob to accept the bid pending verification of numbers. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion carried.

- Ashfall Road: armor coating with Nebraska Game and Parks - Brian does not believe this made the cut for funding reimbursement.
- Road east of Elgin by substation. Brian has tubes, hopefully this will be an early spring project. (524th Avenue).

Benefit & Insurance: Commissioner Pedersen has spoken with the Auditor regarding bids for insurance. The auditor did not want to comment on bidding for insurance. Commissioner Pedersen has started to review the package of current benefits/insurance. She is hoping to form a committee (couple of Commissioners, couple of other Officials, and employees) to work with the process. Brainstorming wise, it was suggested to hire a 'Fee for Service' independent consultant to review all bids to insure the same or similar products are being bid, so an informed decision can be made. It was requested the clerk email asking for interested employees to set up the Committee. It is the intention to open this 'market' up to everything.

Chairman Stipend: During last month's salary setting, the Chairman's stipend was not addressed. The Chairman's stipend has not changed in greater than 20 years. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to increase the monthly stipend of the Antelope County Board of Commissioners Chairman to \$100.00 monthly, beginning January 2023. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion Carried.

10:20 AM Public Hearing: Road Closing 853rd Road – between 528th and 529th Avenue. Carl Forsell petitioned for road to be closed. Chairman Henery opened the public hearing at 10:20 AM. The reason is to close 853rd Road, as it is currently not traveled and has not been. Brian McDonald has prepared a study. The results being there is a gated on the west end, there is also signage for telephone and gas line. He believes it is a private gas line. There is a telephone pedestal a few hundred feet in. There is tree overgrowth on the east end for approximately 500 feet, it has not been used beyond access between one property to the other. There is a power line that goes in which possibly serves a well in this space. The use of the road is pretty minimal. It is basically for local access only. The hearing is for public input. In attendance: Henery, Krebs, Jacob, Pedersen, Brian McDonald, Aaron Boggs, Allan Korth, Doug Hall, Tedd Adams, Carey Howell.

10:21 AM: Henery asks for the people opposed to testify on this.

10:22 AM: Henery asks for testimony in favor of the request of closing the road.

10:22 AM: Mr. Forsell: It has been, it is on the south side of their property. He guestimates it has not been used for 20+ years. Trees have grown on one side and the farmer has gated the other side. He believes they could get some use out of the right of way if the County abandoned the right of way. He believes the other owners feels the same way.

Chairman Henery: The gas line pretty well goes down the middle of the road. Forsell: It goes from the ditch on the side... Henery: And it goes from the east well to the west well? On the temper claim? Forsell: Yeah. McDonald: Where does it run to? It runs in the south ditch and along the whole road there? Forsell: It runs the north ditch along side there. It kind of clears...they ran through there with...

McDonald: Is it about a half mile, whole mile? Forsell: It runs about a half mile there. It gets on the road about 1/2 mile down. Henery: Because it comes out of your field, then it goes a half mile down the road and then cuts across over to the other quarter to the northwest of the intersection. McDonald: if the right of way is closed, do you own the property that the gas line is on, or not? Forsell: No. McDonald: So, if this road is to be closed, we will have to have Joe Abler write some sort of a permanent easement incase at some point it may need to be maintained. That is something to consider if you are closing. Henery: OK, is there anything else you want to add to that. Forsell: I think that is about it. It just dried up, this is not being used. So, we see no reason for it. Allan Korth: You are talking about closing it and then

dividing the ground? McDonald: If the Board chooses to close the road to traffic. Right now, we do not own anything. The property owners own to the center of the road, and the County has an easement to put the road, 33 feet each side of the section line. If we close the road the County has to decide what they do with the r-o-w. They can keep the right of way, but close to public traffic. Their insurance company does not like when they do that. The other way is they can deem the right of way to be closed and essentially eliminates the easement. So, you own to the center of the road already. So, whoever owns one side will get the north 33 feet, and the south side will get the south 33 feet. If the County says nothing how that happens, after 10 years that is what happens. The easement is eliminated after 10 years of no use. Does that answer your question? Korth: Ok, now say that again? McDonald: Well, if the Board does not say in their closure, how it gets done, does not say... Korth: Say, how it is divided? McDonald: Well, it is not divided now. We have an easement on the north side and the south side of the section line. The property owner owns to the section line. They own it out right. All we have is... Korth: But he cannot farm it? McDonald: Because we have an easement right now to place a road on there by State Statute. If we close the road and eliminate the easement, basically they own the center of the road, they can farm up to their part of the section line. Henery: So, you would be taxed on the 33 feet to the center of the road, which you are not at this point in time. Korth: right. Henery: Yeah, OK. Do you think Carl that there will be any problem getting a permanent easement from the Kohl family to have your line on theirs? Because that will basically be on their ground then. Forsell: Well, I got LaVonne to sign the petition paper. And she is not against it in any way. Henery: OK. It should never hurt anything. I just wanted to ask that so it is clarified. McDonald: Basically, I don't want to speak of the future...if you choose to close the road a condition of the closure would be an easement needs to be filed for the maintenance of the gas line that is in and along the ditch. Henery: Would that be our deal to make sure the easement is filed. Or is it his deal to make sure the easement is filed. McDonald: It would be a condition of the closure. I would have him obtain the easement from the landowner. Basically, this road is not closed unless this happens. Doug Hall: talked to Paul Seier and neither have an issue with closing the road. (Doug relayed he got a letter that was not sent certified – however his property is over the mile jurisdiction, as sometimes the lines are not clear. It was sent as a courtesy.) Clerk relayed that Virgil Carpenter had stopped and had no issues with the closing.

10:31 AM. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to close public hearing. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion Carried.

Brian McDonald relates the decision is now in the Commissioners court. They have to decide if they want to keep it open to public traffic or not, and you got to decide what happens to the right of way. We can adopt a resolution pending granting of an easement for a gas line. Once that is in place a resolution can be adopted.

In light of the road not being used for more than 20 years, **motion is made** by Commissioner Jacob, seconded by Commissioner Pedersen to Authorize Highway Superintendent to prepare a resolution to close road as described and allow the easement to revert to the property owners. As a condition an easement for maintaining the gas line is filed with Clerk's Office. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays none. Smith absent. Motion Carried. If the resolution is adopted this way, the resolution would not be valid until the gas line easement is filed.

Public Hearing Road Closing 848th Road (BT Section 20/29-25-5). Petitioner was not able to attend today's public hearing and asked that the County postpone it. It was advertised around the Courthouse and on the County Website as postponed. Although the item remains on the agenda. Brian McDonald, Highway Superintendent thought it best to be an action of the County Board if the public hearing is actually going to be postponed. There were a couple of members of the public in attendance for said public hearing. Brain suggests we set the public hearing for the first meeting in February, if someone is not able to attend, they may send a representative, file a written statement, attend via ZOOM, etc. The petition triggered a study and to schedule a public hearing. The study revealed the road cannot be closed as it would land lock a property owner. In honor of the public hearing being advertised and certified letters sent it was decided to open the public hearing today and continue it at a date in the future set by the Board. 10:46 AM Public Hearing was opened by Board Chairman Henery with the following board members present: Jacob, Krebs, Pedersen and Henery. Smith absent. Brian McDonald presented This is a hearing regarding possible closing of a 1/2 mile of 848th Road between 529th and 529.5 Avenue. Essentially, the recommendation was action would land locking owners – the use of the road is farm access, The County has given an occupancy permit, with conditions because the landowner has irrigation equipment in the ROW of road. The land locking of the adjacent farm required the Highway Superintendent to recommend not closing the road.

10:49 AM: Chairman Henery called for opposition testimony.... Then called for favorable testimony.... (no response heard.) Applicant was not available to testify. 10:51 AM At this point the public hearing was recessed until February 1st, 2022 at 10:00 AM. Motion was made by Commissioner Krebs seconded by Commissioner Pedersen to recess public hearing and reconvene on February 1st, 2022 at 10:00 AM. Voting aye: Krebs, Pedersen, Jacob and Henery. Smith absent. Nays none. Motion carried. Motion by Commissioner Pedersen, seconded by Commissioner Krebs to authorize Clerk to send notices as per Public Hearing recommendations. Voting aye: Krebs, Pedersen, Jacob and Henery. Smith absent. Nays none. Motion carried.

Discussion of **occupancy permit resolution**. A copy of the proposed resolution was shared, and will be presented after the public hearing on February 1st, 2022.

Memorandum of Understanding VSO: Veterans Service Officer, Tom Nelson, met with the Commissioners regarding a Memorandum of Understanding from the Department of Veterans Service. This memorandum reviews the duties of the Veteran Service Officer and continues membership in the VetraSpec system in order to assist veterans and their eligible dependents to access all benefits in which they are entitled to. The Antelope County Veteran Service Officer already utilizes the system and presents today to continue such membership for a three (3) year term, 2022, 2023, and 2024. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve Memorandum of Understanding and to authorize Chairman to sign the same. Voting aye: Jacob, Krebs, Pedersen and Henery. Nays none. Smith absent. Motion carried.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS
AND
ANTELOPE COUNTY

This Memorandum of Understanding ("MOU") is entered into by and between the Nebraska Department of Veterans' Affairs (hereinafter "NDVA"), and Antelope County (hereinafter "County") on behalf of the Antelope County Veterans Service Office (hereinafter "County VSO"). NDVA and County may be collectively referred to as the "Parties" or individually as a "Party."

PURPOSE: The purpose of this MOU is to allow a Nebraska County to join on NDVA's license as a "User" thereby enabling the County to view and add certain information to the web based database "VetraSpec" in order to assist veterans and/or their eligible dependent(s) to access all benefits which they are entitled by law.

DURATION: This MOU is in effect from January 1, 2022 through December 31, 2022. This MOU has the option to be renewed for two (2) additional two (2) year periods as mutually agreed upon in writing by the Parties.

DUTIES AND RESPONSIBILITIES
1. County shall do all of the following:
1.1. Receive billing directly from Tyler Technologies and remit the annual user fee to Tyler Technologies, Inc. to maintain file access.
1.2. Complete and upload the NDVA "Authorization to Disclose Personal Information To A Third Party" to allow authorized County personnel to access information pertaining to veteran benefits.
1.3. Only access files in VetraSpec as requested by the veteran, veteran's representative, and/or veteran's eligible dependent(s).
1.4. Submit all customizations to access permissions to NDVA for approval and submission. Requests for customization by the County must be in writing and provided to the NDVA Contract contact identified below. Submission requests will be reviewed by NDVA, recorded and submitted by NDVA if deemed appropriate. County shall not submit any such request for customization directly to Tyler Technologies unless specifically authorized in writing by NDVA.
1.5. Only use information from veterans' files to assist the veterans, veteran's spouse and/or veteran's eligible dependent(s) and not for any other purpose including, but not limited to, the following:
1.5.1. Recruitment for membership to organizations.
1.5.2. Solicitation to firms or any other for-profit or non-profit organizations seeking to do business with individuals represented by the database.
1.5.3. Listing names for inclusion/injection on monuments or memorials.
2. NDVA shall do the following:
2.1. Allow Users to access information in VetraSpec under the license held by NDVA.
2.2. Monitor usage of VetraSpec and report any violation of its intended use.
2.3. Review the information contained within VetraSpec.
2.4. Cancel User access to VetraSpec for any violation of the intended use of VetraSpec.
2.5. Maintain any written requests for customization by the County.
2.6. Cooperate with any authorized legally empowered to investigate, audit, or otherwise review the procedures, data, and conduct, including the operation of VetraSpec and its users under the license held by NDVA.

ANTI-DISCRIMINATION
The Parties agree to comply fully with Title VII of the Civil Rights Act of 1964, as amended, The Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act Amendments Act of 2008,

and the Nebraska Fair Employment Practice Act, as amended, in that there shall be no discrimination in the provision of services or against any employee, any applicant for such employment, or any other person because of age, race, color, religion, creed, national origin, ancestry, disability, sex or marital status. This provision shall include but not be limited to the following: employment, promotions, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

ASSIGNMENT:
The Parties agree that they shall not assign their duties or responsibilities under this MOU without receiving prior written permission of the other Party.

GOVERNING LAW:
This MOU shall be governed by and construed under the laws of the State of Nebraska, which shall be the forum for any lawsuits arising from an incident to this MOU.

INDEPENDENT CONTRACTOR:
The Parties mutually agree that this MOU shall not create any type of employment relationship between or among the Parties. Each Party shall employ and direct such personnel as it requires to perform its obligations under this MOU, exercise full authority over its personnel, and comply with all workers' compensation, employer's liability and other federal, state, county, and municipal laws, ordinances, rules and regulations required of an employer providing services as contemplated by this MOU.

SEVERABILITY:
If any term or condition of this MOU is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this MOU did not contain the particular provision held to be invalid or illegal.

TERMINATION:
This MOU may be terminated at any time by either party giving thirty (30) days written notice.

NOTICES:
Notices shall be in writing and shall be effective upon mailing. Written notices, such as notices of termination or notice of breach shall be sent to the following addresses:

FOR NDVA: Nebraska Department of Veterans' Affairs Attn: Contracts Attorney PO Box 95083 300 Centennial Mall South Lincoln, NE 68509-5083	FOR COUNTY: Antelope County Veterans Service Officer Old Courthouse 901 Main St. Holt, NE 68736
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BUSINESS ASSOCIATE PROVISIONS:
In order for County to complete the services set forth in this MOU, NDVA may need to disclose to County information that is confidential or otherwise protected by the HIPAA Rules. NDVA and County intend to protect and provide for the privacy and security of PHI in compliance with the Health Insurance Portability and Accountability Act ("HIPAA"). Accordingly, the Parties agree to the following Business Associate Provisions:

- 1.1. "Business Associate" shall generally have the same meaning as the term "business associate" as 45 CFR 160.103, and in reference to the Party to this MOU, shall mean County.
- 1.2. "Covered Entity" shall generally have the same meaning as the term "covered entity" as 45 CFR 160.103, and in reference to the Party in this MOU shall mean NDVA.
- 1.3. "HIPAA Rules" shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR §§160 and 164.
- 1.4. The following terms shall have the same meaning as those terms in the HIPAA Rules: breach, data aggregation, designated record set, disclosure, health care operation, individual, minimum necessary, Notice of Privacy Practices, Protected Health Information, required by law, Secretary, security incident, subcontractor, Unsecured Protected Health Information, and use.
2. County shall do the following:
2.1. Not use or disclose PHI other than as permitted or required by this MOU or as required by law. County may use PHI for purposes of managing its internal business processes relating to its functions and performance under this MOU. Use or disclosure must be consistent with NDVA's minimum necessary policies and procedures.
2.2. Implement and maintain appropriate administrative, physical, and technical safeguards, to prevent access to, and the unauthorized use and disclosure of, PHI. Comply with Subpart C or 45 CFR 164 with respect to electronic PHI, to prevent use or disclosure of PHI other than as provided for in this MOU and assess potential risks and vulnerabilities to the individual health data in its care and custody and develop, implement, and maintain reasonable security measures.
2.3. To the extent County is to carry out one or more of the NDVA's obligations under Subpart E of 45 CFR 164, comply with the requirements of Subpart E that apply to NDVA in the performance of such obligations. County may not use or disclose PHI in a manner that would violate Subpart E of 45 CFR 164 if done by NDVA.
2.4. In accordance with 45 CFR §§164.502(c)(1)(iii) and 164.506(b)(2), if applicable, ensure that any agents and subcontractors that create, receive, maintain, or transmit PHI received from NDVA, or created by or received from County on behalf of NDVA, agree in writing to the same restrictions, conditions, and requirements relating to the confidentiality, care, custody, and minimum use of PHI that apply to County with respect to such information.
2.5. Obtain reasonable assurances from the party to whom the information is disclosed that the information will remain confidential and used or further disclosed only as required by law or for the purpose for which it was disclosed to the person, and the person notifies the County of any instances of which it is aware that the confidentiality of the information has been breached.
2.6. Within fifteen (15) days:
2.6.1. Make available PHI in a designated record set to NDVA as necessary to satisfy NDVA's obligations under 45 CFR 164.524.
2.6.2. Make any amendment(s) to PHI in a designated record set as directed or agreed to by NDVA pursuant to 45 CFR 164.526, or take other measures as necessary to satisfy NDVA's obligations under 45 CFR 164.526; and
2.6.3. Maintain and make available the information required to provide an accounting of disclosure to NDVA as necessary to satisfy NDVA's obligations under 45 CFR 164.528.
2.7. Make its internal practices, books, and records relating to the use and disclosure of PHI received from, or created or recorded by NDVA on behalf of, NDVA available to the Secretary or its designee for purposes of determining compliance with the HIPAA Rules. County will provide NDVA with copies of the information it has made available to the Secretary.
2.8. Report to NDVA, within fifteen (15) days, any unauthorized use or disclosure of PHI made in violation of this MOU or the HIPAA Rules, including any security incident that may put electronic PHI at risk. County shall, as instructed by NDVA, take immediate steps to mitigate any harmful effect of such unauthorized disclosure of PHI pursuant to the conditions of this MOU through the

preparation and completion of a written Corrective Action Plan subject to review and approval by NDVA. County shall report any breach to the individuals affected and to the Secretary, and if warranted, to the media on behalf of the covered entity as required by the HIPAA Rules.

IN WITNESS WHEREOF, the Parties have duly executed this MOU, and the individual signing below has authority to legally bind the Party to this MOU.

NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS	BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA
By: _____ (Director or Designee)	By: <i>John Hilgert</i> (Signature of Authorized Official)
JOHN HILGERT, DIRECTOR (Typed or Printed Name/Title)	John Hilgert, Chairman, Board of Commissioners (Typed or Printed Name/Title)
(Date)	1-4-22 (Date)

11:01 Seven (7) minute break.

Sheriff proposed wages for Years 2023, 2024, 2025, 2026: After review and comparison of salary numbers proposed and approved for years 2023-2026 for the Antelope County Sheriff during the December 21st, 2021 Board Meeting, Commissioner Pedersen believes the salary proposed is well below surrounding and like counties. Today, she presented figures from area Counties regarding Sheriff wages. Should Antelope County continue with the approved wages, the Sheriff salary would fall well below the average of area Counties, and will continue to remain below average. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to amend the Sheriff's salary for 2023 to \$73,000.00, with an increase of \$3,836.00 annually for years 2024, 2025, and 2026. In addition, the Sheriff will receive an Emergency and Jail Manager stipend of \$10,000.00 annually. These figures are more competitive to surrounding County Sheriff salaries. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.

RESOLUTION 22-01-00000
A RESOLUTION AMENDING SALARIES FOR THE
ELECTED SHERIFF OF ANTELOPE COUNTY, NEBRASKA
Years 2023-2026

WHEREAS, Pursuant to Section 23-1114 of the Revised Statutes of the State of Nebraska, the Board of County Commissioners are required to determine and set the salaries of the various Elected Officials of the County prior to January 15th of the year in which a General Election will be held for the respective offices;

WHEREAS, The Board of Commissioners of Antelope County, Nebraska, have met in order to establish the salaries for the Elected Officials of Antelope County, Nebraska, for the term commencing January 2023, pursuant to Nebraska Law. After conferring with County Officials, and after reviewing the financial situation of County Government, the Board finds that it is necessary and reasonable to establish new salaries for the Elected Officials of Antelope County, Nebraska;

WHEREAS, The Board of Commissioners of Antelope County reevaluated the proposed salary of the Sheriff in comparison with surrounding Counties, have determined the salary set during the December 21st, 2021 Board of Commissioners for the Sheriff for years 2023, 2024, 2025 and 2026 is not competitive and in fact, is well below surrounding and like Counties, and will continue to remain below average.

WHEREAS, The Board of Commissioners of Antelope County wishes to amend the proposed salary for the Antelope County Sheriff for the years 2023-2026 to be and stay competitive.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, that the 2023 – 2026 salaries for the offices of:

County Sheriff salary for 2023 to \$73,000.00, with an increase of \$3,836.00 annually for years 2024, 2025, and 2026. In addition, the Sheriff will receive an Emergency and Jail Manager stipend of \$10,000.00 annually.

Additionally, during the motion the County Commissioner Chairman stipend was inadvertently overlooked. The Antelope County Commissioners wish to add in the capacity of Chairman, he/she shall receive an additional 100.00 a month for the Chairman responsibility, beginning January 2023.

Resolution approved, passed and adopted this 4th day of January, 2022.

___/s/ Charlie Henery _____

Charlie Henery, Chairman

___/s/ Regina Krebs _____

Regina Krebs

___/s/ Carolyn Pedersen _____

Carolyn Pedersen

___/s/ Eli Jacob _____

Eli Jacob

_____absent _____

Dean Smith

ATTEST: ___/s/ Lisa Payne _____ seal
County Clerk

Executive Session: 11:27 AM Motion by Commissioner Jacob, seconded By Commissioner Pedersen to go into Executive Session regarding Law Enforcement Employee matters. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried. In executive session: Sheriff Moore, County Attorney Joe Abler, Clerk Lisa Payne and Commissioners Jacob, Pedersen, Krebs and Henery. Met for approximately 45 minutes. 12:15 PM Motion by Commissioner Pedersen, seconded by Commissioner Krebs to go out of Executive Session. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion carried.

Chairman Henery states there was no action taken during the executive session.

No other issues to discuss.

Adjourn: Motion was made by Commissioner Pedersen seconded by Commissioner Jacob to **adjourn**. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith absent. Motion passed.

Meeting adjourned at 12:16 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne