

February 1st, 2022
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, February 1st, 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, Smith and Henery. 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 Jacob, seconded by Commissioner Krebs to approve agenda as presented. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Minutes of the January 4th, 2022 Board of Commissioner Meeting: item tabled to check verbiage on Chairman Stipend 2023.

Minutes of the January 4th, 2022 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 abstains. Nays none. Motion carried.

Minutes of the January 11th, 2022 Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs and Henery. Smith abstains. Motion carried.

Correspondence was reviewed: Nebraska Association of Emergency Management letter regarding annual awards; ARPA funding Webinar information; Upper Elkhorn Watershed update, Bond-Liberty Mutual Insurance Company – TransCanada, \$15,000,000.00 canceled; Nebraska Department of Environment and Energy letters regarding – Modifications of NPDES General Permit Coverage – Thiele Dairy AND Approval to Operate LWCF – Fry Dairy Ltd.; Thank you for helping with County Government Day from Legion and Legion Auxiliaries; Reminder on Accountability and Disclosure; Union Bank and Trust monthly statement regarding Antelope Memorial Bonds; copy of proposed right of way obstruction resolution, preliminary copy of Charlesworth Consulting Memorandum of Understanding/Agreement.

2022 Wellness Clinic: Antelope County annually has sponsored a clinic, open to the employees in which the employees go through a basic health evaluation and lab draw. Wellness Partners from McCook, Nebraska typically visit the courthouse premise to complete this. It has been well received in the past. Motion by Commissioner Krebs, seconded by Commissioner Pedersen to approve and set the Clinic date for April 26th, 2022. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Promotional Grant-Oakdale Q150, \$350.00: Oakdale Q150 Committee submitted a request for \$350.00 to help with advertising cost of the Q150 Celebration to be held July 9th, 2022. This request was approved by the Antelope County Visitor Committee on 1-20-2022. Motion by Commissioner Smith, seconded by Commissioner Krebs to approve the Promotional Grant for \$350.00. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Promotional Grant–Neligh Chamber of Commerce–Antelope County Ag & Home Expo, \$350.00: Neligh Chamber of Commerce submitted a request to help promote the Antelope County Ag and Home Expo to be held March 1 and 2nd, 2022. The Chamber submitted a request for \$350.00 to help with advertising cost of the event. This request was approved by the Antelope County Visitor Committee on 1-19-2022. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the Promotional Grant for \$350.00. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Improvement Grant – Neligh Chamber of Commerce – Courthouse Lawn Lighting: Neligh Chamber of Commerce submitted a request to help with the cost of improving the Courthouse Christmas Light Display. This display is sponsored annually by Neligh Chamber of Commerce and Neligh-Oakdale FBLA. The displays are getting old and they are hoping to revitalize or get new displays. The Chamber submitted a request for \$1750.00 to help with costs of the improvements. This request was approved by the Antelope County Visitor Committee on 1-19-2022. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve the Improvement Grant for \$1750.00. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Zoning Administrator Report: Megan met with the Board today. She had no report and asked for the Appointments to the Planning Commission and Board of Adjustments be made.

Antelope County Planning Commission: Motion by Commissioner Jacob, seconded by Commissioner Krebs to appoint Dave Miller, Kurt Rakow, Ron Thiele for a three-year term to Antelope County Planning Commission. Each member is currently serving and wish to remain seated. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Antelope County Board of Adjustments: Motion by Commissioner Pedersen, seconded by Commissioner Jacob to appoint Corey Curtis, Derek Zuhlke for a three-year term to Antelope County Board of Adjustments. Each member is currently serving and wish to remain seated. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Weed Authority Board, with the resignation of Bill VanBrocklin from the Weed Authority Board last month a vacancy occurred. The position was advertised. There was only one application returned. Interview of Gordon Doerr. Mr. Doerr interviewed today.

Weed Authority Board Appointment: Motion by Commissioner Smith, seconded by Commissioner Jacob to appoint Gordon Doerr to the Antelope County Weed Authority Board until January 2025. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Road Superintendent Report: Aaron requested the postponement of First Responder and Interlocal Agreement Resolution. He requested more time to discuss and meet with the local entities on the Interlocal. The First Responder resolution needs to be reviewed by County Attorney.

Ashfall Bridge: In January 2022 the clerk was authorized to advertise for Knox County Line Bridge, it will be 24 foot wide by approximately 150 feet. This is a FEMA project. Knox County is in agreement to let bids. Bid opening was scheduled at 9:30 AM. Five (5) bids were received. Motion by Commissioner Smith, seconded by Commissioner Jacob to accept apparent low bid from Dixon Construction Company pending review of numbers and acceptance/approval by Knox County. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried. This project specs are to be completed by December 1, 2022 because of the FEMA ownership. FEMA will sponsor \$100,000.00 the remaining balance will be shared equally between Knox and Antelope County.

Bids Received:	Dixon Construction Co, Correctionville, IA	\$ 850,123.50	Start 8.29.2022
	JJK Construction LLC, Ceresco, NE	\$1,039,199.28	Start 9.12.2022
	Lincoln Midwest Infrastructure, Lincoln NE	\$ 898,238.21	Start 9.1.2022
	Simon Contractors, North Platte, NE	\$1,035,800.00	Start 9.17.2022
	Theisen Construction, Norfolk, NE	\$ 899,889.45	Start 7.11.2022

Public Hearing Road Closing 848th Road (BT Section 20/29-25-5). From January 4th, 2022 Meeting: "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 ½ 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." There was no comment from the public in January.

The Public Hearing was recessed until today, February 1st, 2022 at 10:00 AM

10:00 am Chairman Henery re-opened the Public Hearing to continue discussion. Highway Superintendent, Brian McDonald stated, this is the road that has irrigation in the right of way, and if the current roadway is closed it would landlock a property owner. Then the floor was opened for public comment.

10:00 AM Chairman Henery stated he was reopening the public hearing from January 4, 2022. Motion by Commissioner Jacob, seconded by Commissioner Smith to open public hearing. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried. **Brian McDonald:** This is for 848th Road between 529 & 529 1/2. Further east that road is closed. This is the road that has irrigation on the right of way... about halfway into this half mile. My comment that I made last month; I will put it out there again. If we close this road, that it will landlock to property to the east of the open road. With that this is a public hearing. It is for input if you have something to say. **Henery:** At this point in time, I would just like to review, that we recessed the public hearing that was on January 4th. And now we are reconvening the public hearing. I want to ask for people in favor of closing this road to step forward and give their presentation please. **Josh Mitchell:** Good morning. I am sorry, I am the best you get today, due to the situation and medical reasons my parents cannot be here. I guess we have been through most of this before. We have tried to give the Martensen's options as to different options on different accesses to their property, so they do not travel through irrigated quarter. Option #1 was presented many years ago. It is no longer an option as it is now my driveway. Option #2 was presented and that was to go North and all the way up and around, back down. In which Mr. Martensen did not like that option either. So, we propose option #3 and that is to go on the bottom side of the irrigated quarter with different possibilities for entrances all being on top of a hill. Either going into the current pasture entrance and following the pivot circle all the way around, it will lead right into his property. Or he can go in on the next hill down. This driveway going to Mr. Brandt's pasture, that will follow a hilltop and pretty much take you straight East and then he can follow a pivot circle around his property. That is option #3. I know these options have been discussed. I know he is not happy with any of them. We feel that a totally separate road to bypass all of these problems, would be the ultimate solution. It would take your liability away from having your name on the County right of way going through this. Or, you having to spend any money to fix, upgrade, dirt work, whatever to make this road suitable. If you guys do decide to try to close this, or if you decide to keep it open, we would like to ask a couple of things. We would like the pivot line where the road that is there to be straightened. Because if we do have to proceed and move forward and buy a second pivot which we do not want to right now. It would make sense if the road was straighter so we would wind up and we would have better access and more acres to be covered. Less confusion, less problems. Then, if we do that, if it is to stay open and we do have to put the second pivot in due to the extenuating circumstances of our family right now, we do ask for a grace period to get this all taken care of. I know this has gone on for a long time, but we have not really come to a decision until today. So, if we could get a one (1) year grace period to get us through to 2022 growing season to get everything established. We are asking that of you. That is all I have for right now. I would just like to express that we have tried over the years working with the Mortensen's, nothing was really a big-big ordeal until recently. During the time Jeremy was gone, any renters that were back there, or anybody who did the haying that was back there, everybody was able to get along and everything was able to get done without issues. Most of the problems have not risen until recently. So, unfortunately, we have tried working with them, have come to agreements, shook on them. Good old-fashioned handshake doesn't mean anything anymore. Because it turns around and comes back around to bites us. So here we are. Hopefully, I am good enough to represent my parents and you guys will make a good decision. **Chairman Henery:** Thank you, Josh. Anyone else that would like to ... **John Kerkman:** I am John Kerkman. I am tenant there. I farm that ground. But option 3, to me, would be the best for two (2) reasons. One, the steepness of grade is damn near cutting a line. It is down to five. The only weather we would have to worry about is rain. Number two (2) is we do not have the necessary expense for Mitchells to put on a second pivot. Then we can tear that road up and _____ no more. Thanks! **Chairman Henery:** Thank you, John. Anyone else that would like to present in favor of? **Andy Frey:** Andy Frey. I guess I am for Option 3. Currently the road does access part of my property. I do not utilize it. On occasion I have, getting heavy equipment through or something. I am fine with if they wanted to move it. To me it is a good, it is getting along. It is kind of a middle ground for both parties, I think. And for me I would be giving up my rights to both of them. I am fine with it. I can get by with it. So, my recommendation is option 3. Thank you. **Chairman Henery:** So, if I got this right, if something would happen that we would close the road and go with option 3, it would be an access permit between the Mitchell's and the Martensen's and [you] would not be able to use it? **Frey:** Correct. **Chairman Henery:** I just kind of wanted you to understand that. Okay. **Frey:** I understand what I would be losing. In lieu of both parties getting along, I think it is a good solution. Thanks. **Chairman Henery:** Okay. Anyone else want to speak in favor of closing this road and have a second alternative... Anyone else? If not, I would like for the people that is in favor of leaving this road open to step forward and present what they have to say. **Jeremy Martensen:** Jeremy Martensen. It is our only access to that property. And always has been. As far as agreement, it wasn't mine to agree to let a pivot go over the road anyway. I never owned and it has always been open - from day one. It was tolerated until recently. So. **Chairman Henery:** I think you walked in the door after he, Josh, had presented going option 3 what is going around. Have you seen that option? **J. Martensen:** I haven't seen it. **Chairman Henery:** Okay. I thought you hadn't. That is why. Your Mom was sitting here, and she didn't really get to see the picture either. But they were talking about going to the South of there and coming around. I think they got it drew there. I cannot, in my eyes, see the lay of the land. But these guys know it and you know it too. So, I wanted you to be aware. But that was another option that they had. Because Josh doesn't want to use his driveway, which I understand. And going to the North probably isn't the best. But... **J. Martensen:** Are you guys going to build this as a County Road, then? **Chairman Henery:** No. It would be a ... Am I right? **J. Mitchell:** It would be our expense with culverts we put in. It would be equal to what you have now. **Chairman Henery:** And then it would ... Am I right, Brian on this... that? **J. Martensen:** We are driving a drainage ditch over a hill is basically what we got. **Chairman Henery:** So, if the Mitchells would put the money into putting the culverts in and building this road up, it would be, am I right on this Brian, it would be an easement between the two, and the County would not be involved, correct? **Brian McDonald:** They would have to bring in the easement. They would have to work out how it is

being constructed, how it is getting maintained. Um..... **Chairman Henery**: And that would be totally between them and the County would not be involved, correct? **McDonald**: We got a right of way there now. Can you open a road? You can. You are going to have a tough time meeting curve standards and everything else. **Chairman Henery**: But if this was between them and the County was not involved with it. The standards of what they do is between them two, correct? **McDonald**: It would be a driveway. Essentially it would be a driveway. **Chairman Henery**: An access driveway. **McDonald**: Either an easement or they would have to grant the property. And that's whether they want to do it. We cannot close that road. If we close the road, and then he basically has no access to his property. So, through no fault of his own. Which is the way the law reads. We would have to go in and create him an access, pay for it, reconstruct it. That is the way the law reads. We cannot land lock him. **Chairman Henery**: But if they were to do this agreement. And I am just throwing this out. If they were to do this agreement amongst themselves. Between the two (2) parties - agreed that we are going to put the culverts there, and Mitchells are going to pay for this, they are going to maintain this road, whatever and the County is not involved with that. Then we no longer have to have an access to their property. Correct? Because they are not land locked at that time. After they do the agreement. **McDonald**: Essentially, they are not land locked if they have an easement. **DeAnna Martensen**: Um, Gentleman? We have had agreements in the past. And the maintenance of the road has been part of that agreement. I am bereft to think that I would put the road again in their hands to maintain and allow me access over this period of time. An easement is only for so long. I am still the history on this piece of property. I still omit, if we say the County Road can close, then I lose all that history, I lose all my legal stance as to a road at all. And what is to say that the access cannot be withdrawn. And an easement is only for so long. So, I have no intention of leaving my inheritors a problem where they are going to have to deal with this again and again. This is a County Road. **Chairman Henery**: Okay. **McDonald**: I will make one comment on that. The easement is filed with the Clerk, and I am sure you can answer to this – the easement would be in perpetuity with the property – it doesn't go away. **Chairman Henery**: I would be a permanent easement on that piece of property. **McDonald**: It would be a permanent easement across their property as an access. They cannot make it go away. **Dean Smith**: It can never, not even with both land ownership change of either property. That easement will always be there. **McDonald**: Nope. It is an easement across. **Chairman Henery**: If that property... **J. Mitchell**: My driveway is an easement between myself and my father. **Jesse Mitchell**: We as well have an easement on our neighbor's property. That goes with like you said the deed for every property. **McDonald**: There is a number of properties that have 80 acres in the center of the section. And they have an easement across somebody. Their easement is an easement with their deed. If somebody sold that property randomly. They cannot take that away. There is not a 99-year easement. There is no date on that. Basically, if somebody else buys that 100 years from now, that easement is still their access, it doesn't change. **Chairman Henery**: Okay. Anybody else want to talk for leaving the road open? Aaron? **Aaron Boggs**: Can I make a statement? The road is open, and they were asking about making the road straight. The entrance has got to stay where it is at. The line of sight would not allow it to be straight. What you are asking, if the irrigation be straightened. That access has got to stay where it is at. **Smith**: What you are saying, is the exit off the County Road has got to stay. And they are requesting it. And that has been where I have had a little bit of a problem. Some time or another, the County... **J. Mitchell**: It has moved. **Smith**: Moved it there. At the benefit of the County. **Chairman Henery**: Well, I do not know if the County moved it or if the two (2) parties moved it. Because you used to put cows' underneath that bridge that was there, you had to move it to the North. **D. Martensen**: The line of site on that would be crucial. You couldn't have people popping over the hill – that's where they go. Where the sign sits. **Josh Mitchell**: Basically, what we are asking if this from the center pivot to that entrance could be straight. **Smith**: Oh! Not on the 80? **J. Mitchell**: No, no. Not make it straight east and west. Just from center point to that entrance. So, you don't have to. **Chairman Henery**: And that is the way it is surveyed out, correct? **Boggs**: No. The way it is surveyed out is on the centerline. **Chairman Henery**: Did it get surveyed with the curve in it, or did the County line get surveyed straight? **Smith**: Straight, at the 80 line. **Boggs**: Yeah, at the section line. It is straight. The entrance to the road I don't know when it was put there – many, many years ago. But the hill on the road has always been. Line of sight has always been a problem. The fact that the line was moved, _____. I don't know if there was an easement or what. **McDonald**: At this stage it is traveled way. Regardless, um, of where it is at the public has been traveling that longer than 10 or 15 years. Essentially, if that right of way is there and that road has been traveled for 'x' amount of years that is the traveled way, and that is the right of way of the road. **Chairman Henery**: You know I can see what Josh is asking. If they put a second system on and the system's come up... you got to too. You know. I understand. **Boggs**: You just want the road straightened; you don't want the access changed? **J. Mitchell**: Right, that is correct. **Smith**: And I misunderstood, I thought it was the access. **Chairman Henery**: So, if you straighten the road out, how would you do the access off the County Road, Aaron? **Boggs**: You would leave the access where it is at. You would have to do it from the center point of the pivot – a straight line to the access. Instead of coming down through the center line of the section then going East. Basically, we would have to stake it. **D. Martensen**: My question is, is what happens when you put a pivot that has a road that goes between it in the first place? Where do you put your pivot? **Chairman Henery**: It has got to be off the County, it has got to be 66 feet apart because that is 33 feet from the center line of the where it was surveyed as a section line it has got to be 33 feet from the centerline of the road. Correct, Brian? So, the pivot would have to be... **McDonald**: So, the pivots don't overhang the ROW. **Carolyn Pedersen**: Bryan, I thought last month I asked about shifting that road, you said it couldn't be done unless we bought it up to standards. Is that correct or not? **McDonald**: If we do a major construction, we can do short pieces as a 3R for safety. That piece would be fairly flat, I don't think you would have a major issue until you start going up that hill. I don't think the standard... **Pedersen**: So, it can or can't be? Because when I said something about shifting it you said no, you would have to bring the road up. **McDonald**: I think you would have to bring it up to standard if you are going to build a new road. But I don't think that piece would though. Because it is... tell me if I am wrong... but I believe it is fairly level and dealing with something straight – and a minor curve at the one end. I don't think that would eliminate you from doing it. But yeah, I would prefer if you do anything with new construction that it be built to standards. **Smith**: Are you questioning option 3 being built to standard or just refurbishing this road? **Pedersen**: No. No. No. We talked about that road, if we couldn't just shift it so it wasn't making that loop around the... That's what I had asked. **McDonald**: You are right. **Chairman Henery**: You are talking about shifting around the pivot point? **Pedersen**: Yeah. So, it would be outside of County Right of Way. And then. But I that is what I understood. **McDonald**: Like I said, you can make some minor changes under 3R, that are basically for safety improvements, that don't come up to standard. But I think you are right, this would be a new construction, we are shifting the alignment. You would be building it up to a standard. But like I said I don't think that piece of it would be a big stretch to do because it is fairly flat. I could be wrong. **J. Martensen**: The pivot point is over the top of the hill. The point is on the East side of that hill. **Smith**: If we would straighten that out you say we would have to build it to current standards? **McDonald**: Yes. **Smith**: Which would be like... So many feet wide? **McDonald**: 26 feet top width, build it with a ditch throughout. So, you have... **Smith**: To straighten that out? **McDonald**: Yeah. **D. Martensen**: What would that do with where the well sits? **McDonald**: Nothing. This would be the piece where curve is. **D. Martensen**: You granted them access which is a major thing that they can leave that is the right of way. You drill a new well, you are looking at \$100,000. So, we prevented that from happening by saying they can leave that there with the caveat it is to be removed within a period of time. **McDonald**: That is our committed site, the Board said that that can remain there. The piece of this road that would be moving or not moving would be a decision of the Board. **Chairman Henery**: There is a resolution drew up to the effect of what, if you would like to read it. Say if the well fails then they have to move it. **D. Martensen**: Yeah. I know. **A. Frey**: Can I throw out option #4? Neither party might not like it. What if Mitchells gave Martensen's 30 foot or whatever it deems necessary (land) from the South straight in to the property. Martensen's would own the access and they would maintain, they do culverts. It's theirs. **Chairman Henery**: Well, that is Josh's driveway. **Frey**: No. I am talking between the quarter and the 80. **Chairman Henery**: Oh! Between the quarter and the 80. **Frey**: But going straight in. **Smith**: From the South edge of the circle, farthest point South going straight west? **Chairman Henery**: Yea. **Frey**: It takes care of the east end. The Mitchells would get the whole roadway back so they are not technically losing any ground. **Chairman Henery**: So, basically you are saying the 66-foot easement... **Frey**: I am not saying 66-foot. **Chairman Henery**: That is what it is. That is what it is. **Frey**: No, I am saying they would own the strip of land from the road into the property. **Chairman Henery**: Right, but that would have to be. Our

road is 66 feet. So Mitchells... if we were to close this road, and give it back they would get the 66 foot. It is 33 feet from the centerline of the road. So, if you move that over it would have to be a 66-foot strip that.... **Frey:** I guess that is not what I am saying...

McDonald: No. He is basically saying instead of going around the circle, putting it straight there. You can debate the width of the strip all you want, but to put it right at the break line between properties, right. I think that is what he is saying. **Frey:** I don't know on the west edge if you could be right at the break. You would kind of have to curve to the top of the hill so it is safe. I am saying it is not.

Chairman Henery: Once again, that would be, they would have to work it out, not the County. On a situation like that. So, that would be their call. But they would have to have it in place before we close the road. **Smith:** Actually, deed the property to Martensen's.

Unidentified: Yeah. Martensen's. **Smith:** 33-40, 2 feet? Whatever. **Frey:** I know it seems extreme, but it would not be cheap for Mitchells to put another pivot on and build that either. So, that takes care of Martensen's access. **Chairman Henery:** And at that point they wouldn't have to come up with money for another system. They already own the land. **J. Martensen:** And I have to come up with \$100,000 to build the road in there. Find and move all that dirt, and buy my own culverts. **Smith:** And what is it? I suppose it goes comes off the county road and goes down? **J. Martensen:** That be at. **Mitchell:** There is a hilltop right there. That goes into Harlan Brandt's property. That goes into the wind towers. And basically, you would follow the hilltop. **Frey:** Currently the County roadway goes over the top of a hill. We all understand it is not safe. So, one long slope, then flat for – till the top of the... **Mitchell:** He is talking about this not being safe... this is pretty much flat, and you go down, the only culverts that would have to be put in there would maybe be down here for a waterway. And the rest is the same. So that is what Andy is talking about. Is going straight. **Smith:** Yep. Yep. Yep. And I...um.

Chairman Henery: There could be such a thing as not putting some culverts in. Putting a low water crossing in. Put some big rock in it, too. **Mitchell:** (In distinct conversation with Smith) That would be option #4. **Chairman Henery:** I think we should make a copy of that, Josh. And have it for records. **J. Mitchell:** That is fine. The only reason we didn't present option #4, is we have a tenant that rents the pasture and that would segregate the pasture off. But, two (2) fence lines would have to be put in. It is an option. Not as good as option #3. It would be fenced off, Mr. Martensen, or anybody else who went back to the east would not have to sit there and open and close a gate. Because it would be fenced off. Cattle would. You would never have to worry about it if you actually followed the pivot circle around. Option #4 it would have to be done two (2) ways. Either a gate at the road that you would have to stop and open up and close all the time if there are cattle in the pasture, or two (2) fence lines would have to be put down the whole way – all the way through. And then Mr. Kerkman or whoever rents our property, would not be able to farm through the dryland. Like he is currently doing. **Smith:** Oh, is that dryland down there or is that pasture? **Chairman Henery:** That is dryland. **J. Mitchell:** Dryland is on the East side there. **Chairman Henery:** The dark portion, Dean. **Smith:** Oh, I didn't look that close. **Chairman Henery:** Do you want to take a copy of that please? **J. Mitchell:** If you follow the pivot line, you are separating pivot from dryland – yeah you have to farm across it. Or lift up and go across it. Yeah, also you dissect straight through the dryland. **Smith:** But this is option #4, is that pretty much a hilltop, or is there going to be valleys in the road. **Mitchell:** There is a hilltop and then one low hill and a slight hill. **Martensen:** There is no slight hills. **Mitchell:** Another low area. **Chairman Henery:** Yeah, there is major hills. That is the problem with the whole thing. **D. Martensen:** So, we are talking them giving us a strip of land, we are talking about double fencing it. We are talking about construction, because I am not constructing that road. So, figure it out. Go find a pivot. Go find a pivot, drop some underground stuff in there. And get where you are going. Because that is how it should have been in the first place. And it was. And you had 30+ years to know that. And that is what you have to do. That is what we did on our piece of land. We had the first bi-center pivot in Antelope County. We tunneled under the road and we put in the pivot points, and it is not coming across anybody's County Road, west of my house. It is the responsibility of being a land owner. **Chairman Henery:** Okay, is there any other testimony for the public hearing? **Jesse Mitchell:** So, if we change the road that we have now to a better standard. This has been kept, this standard. Why would it be up to a better standard than what it is already at. **McDonald:** You can maintain the road, perpetuity, as it was constructed. If we start changing things on the roadway... We get funding from the federal government and basically, we have agreed to accept the money – that if we reconstruct something we will build to the standard. There is a bunch of roads out there that don't meet the current standard. But if we improve them, change them – that is when the standards start. **Jesse Mitchell:** But they don't want to change anything. **McDonald:** That wasn't the question. There was a question about realigning the roadway on the East part or the West part, I mean. That is what she was asking about. **J. Kerkman:** Has anybody thought about the wind? I mean let's say we were running two pivots, we set them out to their peaks. The wind is going 30 miles an hour. Guess where the water is going to go? **Chairman Henery:** Well, we have that problem on a lot of ground. **J. Martensen:** The law probably reads, "under normal conditions." **Kerkman:** A lot of ground. It will happen the wind blows a lot. **J. Martensen:** I am sure that is how that law reads, "under normal conditions." **A. Boggs:** Yeah. The wind direction is a factor. **Chairman Henery:** Yeah... I was going to ask for a motion to close the public hearing portion for the closure of 848th Road. **Smith:** And then we can discuss after we close hearing? And the folks in the public can still respond? **Chairman Henery:** Yes. Sure. **Smith:** I move to close the public hearing. **Jacob:** Second. **Chairman Henery:** I have a motion and a second to close the public hearing.

Motion by Commissioner Smith, seconded by Commissioner Jacob to close public hearing. Voting aye: Smith, Jacob, Krebs, Pedersen, and Henery. Nays none. Motion carried. Discussion of options. The County is not able to consider any options presented, save for the current roadway, in which the county still has the right of way. Any other options would have to be in place before closing of the road could be considered. Discussion of the applicant to make no action until after the 2022 growing season. Highway Superintendent said there is little that can be done at this time – as landlocking a property owner is not an option. If the land owners make an agreement and have a workable option in the future, it may be revisited at that time if they so choose. Motion by Commissioner Smith, seconded by Commissioner Jacob for the road to remain open. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried. It was reiterated the the pivot on the road cannot be given a grace period. It has to end now.

Occupancy Permit: This resolution was revised by Joe Abler and presented in January. Today, the Commissioners believe there are a number of errors and erroneous phrases. The Commissioner wish to hold the resolution for now. Commissioner Pedersen will work with Joe Abler on verbiage.

Benefit & Insurance: Previous months discussion regarding hiring a third-party administrator to help in the insurance bid process. The consultant would help compare apples to apples and oranges to oranges. In research not find very many independent consultants – who did not want to sell a product. Bob Charlesworth from Charlesworth Consulting out of Kansas City, Missouri basically does consult work only, and currently does not have an insurance license in Nebraska. Mr. Charlesworth met via zoom today to explain and answer questions as to what his services entails. He will present options on the self-funded, high deductible, gap policies, fully-insured, etc. and what is entailed in the buying process. Mr. Charlesworth works with a division of Holmes-Murphy as a brokerage house. They are utilized to get the quote, their form and their contacts. After the study is complete, and the options presented the County is able to decide what they want to move forward. He hopes to help clients understand what and why they are buying. Charges: \$5,000.00 for the RP and proposals. He will bring the report and make a presentation with his findings, which is \$6,900.00. If the County opts to utilize the Holmes Murphy, brokerage house, he waives the \$6,900.00, because they will charge a per month commission. The County will help to facilitate the quote process by providing a census. Mr. Charlesworth, stated if we move from NACO, they will facilitate any and all paperwork for claims, etc. Motion by Commissioner Smith to enter into agreement with Charlesworth Consulting. Mr. Charlesworth stated he would update/revise/modify the agreement and send a clean copy if we wanted to wait until next week. Commissioner Smith withdrew his motion.

Road Superintendent Report:

- **Access Permit:** update needed. Aaron discussed he wants to incorporate a couple of issue clarification with the updated form. The current form was updated from a 2017 form. He is hoping to clarify the number located in a quarter, and wants to clarify who pays for the culverts/how often. He will do some more research and get back to the Commissioners.
- **Maintenance Policy** he is hoping to get all of the stop signs, etc. for a single approval.
- **Motor Grader:** Aaron has been talking with John Deere (Murphy Tractor) and NMC regarding purchasing a Motor Grader. John Deere presented with a state bid of approximately \$360,965.00. CAT is comparable at approximately \$390,000.00. The Deere machine is bigger and is approximately \$29,000.00 cheaper. Pros and Cons discussed. Antelope County has been updating the grader fleet over the last five (5) years. Aaron believes he would like to buy this one out right and the next purchase he will start trading old machines. Discussion of the bids. Commissioner Smith motions to get a firm bid from John Deere with all the attachments for next week. Motion is withdrawn by Commissioner Smith. Aaron is to get a firm bid from John Deere for next week.
- Shop audit went well. Improvement was phenomenal over all.

No other issues to discuss.

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

Meeting adjourned at 12:00 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne