

April 5<sup>th</sup>, 2022  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, April 5<sup>th</sup>, 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 Pedersen to approve agenda as presented. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Minutes of the March 8<sup>th</sup>, 2022 Board of Commissioner Meeting:** Motion by Commissioner Jacob seconded by Commissioner Krebs to approve minutes as presented. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen abstains. Nays none. Motion carried.

**Correspondence was reviewed:** NIRMA Safety Shorts; copy of Irrigation Occupancy Obstruction Resolution; Ron Beckman quote for 10 x 20 x 8 Law Enforcement Facility storage shed; Treasurer's pledge report for March; NPAIT Resolution; Return of Public Sales Report; three bids for replacing gas furnace at the pioneer church; Zoning Administrator email regarding CAV; Road Foreman/Safety Officer Job Description; Road Superintendent Job Description; JEO postcard regarding their office move to Elkhorn Valley Bank Building; Black Hills Energy Ready letter regarding damage – Not Antelope County bill.

**Clerk of the District Court Fee Report** for March was reviewed and put on file.

**Zoning Permit Report** for March was reviewed and put on file.

**Receipts:** Road and Bridge: Buyback Funds/Bridge \$155,860.24 and Buyback Funds/Highway \$151,412.57; Total of \$307,272.81.

**Road Superintendent Report:**

**Rehire of Road and Bridge employees:** Motion by Commissioner Smith seconded by Commissioner Jacob to rehire Duane Miller and Heather Guggmos as seasonal employees for the 2022 season. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by Joe Evans to place a permanent underground pipe under 846<sup>th</sup> Road in the E½ of Section 31, Township 25, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Brown Electric and Trenching LLC is contractor. Electric line is to operate an electric well. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Access Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the application for an access permit submitted by David Buller to place two permanent access to 525<sup>th</sup> Avenue on the east side of Countryside Acres in the City of Neligh, West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Access is for house in the development. Road Superintendent saw no issues and will defer application to the City of Neligh. Application is for two accesses; Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Oversize Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve an oversize permit for Invenergy for access to WTG 203 in the Prairie Breeze 2 wind tower site, south of Tilden. Road Superintendent voice no concerns. The permit is needed to switch a blade on tower 203. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve widening of a driveway to facilitate the transportation and placement of wind tower blade on Tower 203. Road Superintendent voiced no issues. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for an access permit submitted by David Beckman to place a permanent access to 835<sup>th</sup> Road in the SE¼ of Section 28, Township 23, Range 6 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Steve Bygland is contractor. Access is for field enhance. All work to be done according County specs. Application was originally for two accesses; the west access was denied as visibility was not justified. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Road Study 844.5<sup>th</sup> Road:** Road Superintendent asked the Commissioners to make a motion to have the Highway Superintendent complete a study of this road. This road is the windrow road by Oakdale, there have been a couple of accidents on this road. The road is not necessarily an arterial road, and he does not believe it will hinder traffic flow if closed. Aaron stated it is signed properly and barricades are up. If the study finds the road is a candidate for closing, it will go through a public hearing. If/when the road is closed it will be safer for all traffic. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to authorize Brian McDonald, Highway Superintendent to complete a road closing study on 844.5<sup>th</sup> Road. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Micro-surfacing:** Brian McDonald has most of the paperwork together to advertise for bid for the 2022 Micro-surfacing Projects. He is asking for a motion to allow the Clerk to advertise for bids. Motion by Commissioner Jacob, seconded by Commissioner Smith to authorize Clerk to advertise for bids. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**10' x 20' x 8' Shed for Law Enforcement Center:** Sheriff Moore shared a quote from Ron Beckman for a shed for storing tactical training equipment. The quote for \$5,500.00 is for a shed with a wood floor, on skids, 6' x 7' door. Discussion. The Commissioners wish to have a couple more like bids. Commissioner Jacob made a motion to purchase, motion died for lack of second. Item was tabled until next week when a couple more quotes could be brought. No further action.

**848<sup>th</sup> Resolution:** This resolution has been discussed multiple times in the last couple of months. The Commissioners held a public hearing on closing the road and the current situation. The Resolution presented multiple times in the preceding months had been postponed for verbiage clarification. Antelope County Attorney rewrote the resolution and emailed it to the Commissioners. Today, during discussion it was shared there was a line that was redundant regarding water on the road. The Commissioners requested the line be removed. County Attorney removed line. Resolution was presented again. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution as written. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

RESOLUTION 2022-04-0002 ANTELOPE COUNTY, NEBRASKA

WHEREAS, Antelope County Board of Commissioners has become aware that an irrigation well and center pivot irrigation equipment being located on the county road right-of-way in the west 1/2 mile of 848th Road between Sections 20 and 29 Township 25 North, Range 5 West of the 6th P.M.

WHEREAS, this irrigation well and center pivot equipment had been in place within the county right-of-way and used by the adjacent landowner for many years.

WHEREAS, this center-pivot irrigation has been operated to irrigate land both north and south of 848th Road by crossing said road both east and west of the irrigation well and center-pivot location.

WHEREAS, the center-pivot irrigation equipment's location and the irrigation towers crossing 848th road creates a hazard to the traveling public and causes damage to the roadway surface making safe travel by the public and other adjacent landowners difficult.

WHEREAS, the owners of the said center-pivot irrigation system has since removed the mechanical center-pivot equipment from the county right-of-way and placed it upon their adjacent property to both the north and/or south of the right-of-way, leaving only the irrigation well used for the operation of the center-pivot equipment, to remain within the county right-of-way.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, to hereby grant an occupation easement allowing the currently present irrigation well to remain upon the Antelope County right of way, located in the west 1/2 mile of 848th Rd., between Sections 20 and 29, Township 25 North, Range 5 West of the 6th P.M., Antelope County, Nebraska, to be effective from the date of this resolution and occupation easement and until the event that the underground components of the irrigation well should collapse, fail or be damaged or if the irrigation well should go dry. Upon such an event, the irrigation well shall then be capped in accordance with state law, removed from the described county right-of-way and relocated upon the owner's adjacent property, at the cost of the owner. For the purposes of this resolution and occupation easement, the term underground components shall specifically mean and/or consist of the well casing itself, the gravel pack around the well casing, and/or the bentonite seal, and shall not mean or consist of any part of the well pump, pump motor, pump motor housing, pump shaft, pump bowl or power source.

FURTHERMORE IT IS RESOLVED, that during the meantime and the existence of this occupation easement, the center-pivot irrigation system(s) shall be allowed to be operated upon the owner's adjacent property(s), but shall not be operated or allowed to at any time cross the county right-of-way and 848th road. Additionally, during the meantime and the existence of this occupation easement, the County shall install and maintain delineators upon the county right-of-way in the above-described location upon 848th Rd., which will provide adequate warning and visibility of the existing hazard and location of the irrigation well within the county right-of-way, for and to the traveling public.

Adopted this 4 day of APRIL, 2022, at Neligh, Nebraska

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA

Lisa Payne, Clerk



Charlie Henery, Chairman

Commissioner Smith Moved the adoption of said Resolution Roll Call: 5 Yea - Nay Resolution adopted, signed and billed as adopted.

Quarterly Jail Inspection to be completed after the meeting by Commissioner Henery and Commissioner Jacob.

NPAIT – Nebraska Public Agency Investment Trust: In March, Walker Zulkoski met with the Commissioners regarding participation in the program. The program allows another avenue for the Treasurer to invest County Funds. Deb Branstiter stated last month she appreciated the local banks working with her and did not know how much she would utilize it, but thought it would be a tool to have in her tool box. There is no charge to join, or use. Motion by Commissioner Krebs, seconded by Commissioner Pedersen to approve resolution as presented. Voting aye: Krebs, Jacob, Pedersen and Henery. Nays: Smith. Motion Carried.

Antelope County NPAIT Resolution 2022-04-00001

A regular meeting of the Board of Commissioners of Antelope County was held at 501 Main Street, Neligh, Nebraska on the 5th day of April, 2022.

The meeting was called to order by the Presiding Officer, Chairman Charlie Henery

Members present were: Smith Krebs Jacob Pedersen Henery

Members absent were: none

Notice of said meeting was given in advance thereof by reasonable advanced publicized notice. Notice of this meeting was also given in advance to all members of the governing body and a copy of their acknowledgment of receipt of notice and in the notice to the members of this meeting. All proceeding of the governing body were taken while the convened meeting was open to the attendance of the public.

A discussion was held with regard to becoming a participant in the Nebraska Public Agency Investment Trust. After discussion Commissioner Krebs offered the following Resolution and moved for its passage and adoption, and the same was seconded by Commissioner Pedersen

WHEREAS, Nebraska law expressly allows public agencies to invest surplus or excess funds; and

WHEREAS, the Interlocal Cooperative Act, § 13-801 et seq. Neb. Rev. Stat. (Reissue 1991) provides that two or more public agencies may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities and may enter into joint agreements as may be deemed appropriate for such purposes when such agreements have been adopted by appropriate action by the governing bodies of the participating public agencies; and

WHEREAS, the Declaration of Trust (Interlocal Agreement) and an Information Statement relating to the Nebraska Public Agency Investment Trust and the Fixed Term Investment Service have been presented to the Governing Body; and

WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become participants of such trust and to participate in the Fixed Term Investment Service; and

WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter in the Declaration of Trust and become a participant of the Nebraska Public Agency Investment Trust for the purpose of the joint investment of this Public Agency's money with those other public agencies so as to enhance the investment earnings accruing to each such public agency and to participate in the Fixed Term Investment Service.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a participant of the Nebraska Public Agency Investment Trust, and the Declaration of Trust and Interlocal Agreement is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
2a. This Public Agency hereby delegates all authority and duties which the law otherwise authorizes it to delegate in accordance with the Declaration of Trust. The following officers and officials of this Public Agency and the respective successors in office each are hereby designated as "Authorized Officials" and are authorized to take actions and execute any and all such documents and agreements as they deem necessary and appropriate to effectuate the entry by this Public Agency into the Declaration of Trust, to effectuate the investment and withdrawal of monies of the Public Agency from time to time in accordance with the Declaration of Trust, and to make use of the Fixed Term Investment Service through the intermediaries PMA Financial Network, LLC and PMA Securities, LLC who are authorized to act on behalf of this Public Entity as its agent with respect to such agreements:

Deb Branstiter Treasurer Signature

Terri Schade Deputy Treasurer Signature

2b. The Authorized Officials of this Public Agency hereby authorize the following "Authorized Signers" to invest the Public Agency's available funds from time to time and to withdrawal such funds from time to time in accordance with the provisions of the Declaration of Trust, including in the Fixed Term Investment Service:

Deb Branstiter Treasurer Date of Birth Signature

Terri Schade Deputy Treasurer Date of Birth Signature

An Authorized Official of this Public Agency shall advise the Nebraska Public Agency Investment Trust of any changes in the Authorized Signers in accordance with the procedures established by the Trust.

- 3. The Trustees of the Nebraska Public Agency Investment Trust are hereby designated as having official custody of this Public Agency's monies which are invested in accordance with the Declaration of Trust.
4. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska Public Agency Investment Trust from time to time if elected as such pursuant to the Declaration of Trust.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

The above Resolution having been consented to by the required number of members of the Governing Body was declared, passed, and adopted by the Presiding Officer.

Adopted this 5th day of April 2022, at Neligh, Nebraska

BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA

Charlie Henery, Chairman

The foregoing Resolution having been read in its entirety, and a motion having been made and seconded for its passage and adoption, the roll was called thereon and the following members voted in favor of passage and adoption of said Resolution:

Nays: Smith

Absent: None

Abstained: None

Lisa Payne, Clerk

Antelope Country Club: Antelope Country Club is under new management. They have applied for their liquor license and is presented to day for passage. No concerns were voiced. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve liquor license. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Thumb-drives – Clerks Office: The SOS Office is requesting voting lists be on thumb-drives as opposed to emailing lists. The Clerk/Election Commissioner inquired if the Commissioners wanted to charge for thumb-drives or not. She has found thumb-drives for about \$2.40 apiece. The Commissioners felt it would be a wash, and charging for the thumb-drives would not be beneficial. No further action.

Zoning Administrator Report:

- Zoning Permit Report was reviewed.
• Administrative Plat presented today for Denise Brozek. This administrative plat is for a 4.620 Acre tract in the NW1/4SW1/4 of Section 10, Township 28, Range 6, West of the 6th P.M. Antelope County, Nebraska. The parcel is an established parcel land has an existing house and meets the standard minimum lot requirements. Taxes are current, Megan recommends approval today. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve Plat as presented. Voting aye Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.
• Comprehensive Plan – Zoning Regulations: Megan discussed with Keith Marvin regarding the Zoning Regulations and Comprehensive Plan. The Zoning Regulations were updated in 2017, and the Comprehensive Plan has not been updated in > than 10 years. The current Comprehensive Plan does not match the Zoning Regulations. Keith is recommending updating the

Comprehensive Plan. Keith suggested it would be approximately \$20,000.00 for update, with a 'tweak' to the Zoning Regulations at approximately \$2,000.00 and considering a 8 – 12 month timeline. Discussion regarding update or not. In reference to the 30 x 30 Land Grab, it would be helpful and beneficial if the regulations and plan compliment each other. It was suggested Megan acquire bids to proceed with updating.

- CAV-Community Assistance Visit: During recent FEMA discussions it was brought to the County's attention that there is a structure located in Section 34, Township 25, Range 6, West of the 6<sup>th</sup> P.M., Antelope County, Nebraska that currently lies in the flood plain. This is a direct violation of the flood plain regulation. In order to fix this, Megan is suggesting: County pays for the Elevation Certificate (EC) from our County Land Surveyor, LaVern Schroeder. Megan's opinion is the Hemenway's tried to correct their error in building without a permit. They paid the late fee and meet with the PC to make sure that they did everything they could do to make their building compliant with the Antelope County Zoning Regulations. This was during a time of new Wind Turbine Zoning Regulations and Megan believes the Hemenway's just got lost in the shuffle. Megan has already spoken with Sandy (at Schroeder Land Surveying) and she said it would cost \$400-\$600. Once we receive the EC, there are three different ways we can go from there:
  1. If the accessory structure is at least one foot above the Base Flood Elevation (BFE), we issue the permit.
  2. If the accessory structure is above the BFE, but below the one foot required, we apply to FEMA for a LOMA (Letter of Map Amendment).
  3. If the structure is below the BFE, the Hemenway's will be required to get the building into compliance.Discussion continued. Megan was asked to check with Hemenway's if they would share the cost on a 50/50 scale. She will check and get back to the Commissioners next week.

**Job Descriptions:** Commissioner Pedersen aske Leigh and Aaron to review their job descriptions for future reviews.

**Furnace Replacement-Episcopal Church:** Commissioner Pedersen and museum curator, Ron Westlake gathered three (3) like quotes for replacing the current broken furnace at the Episcopal Church - Motion by Commissioner Jacob, to accept quote from Flenniken Plumbing and Heating for \$4,850.00 for 100,000 BTU unit. Commissioner Pedersen stated she would have to abstain form vote as she is also on the Historical Committee. After calling for a second a couple of times the motion died for lack of second. Discussion. Commissioner Krebs asked to hold item until next week.

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 10:28 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairperson of the Board, Charlie Henery

Attest: \_\_\_\_\_  
County Clerk, Lisa Payne