

June 7th, 2022
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, June 7th, 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, Smith and Henery. Pedersen 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 Jacob, seconded by Commissioner Krebs to approve agenda as presented. Voting aye: Jacob, Krebs, Smith and Henery. Nays none. Motion carried. Pedersen absent.

Minutes of the May 9th, 2022 Board of Commissioner Meeting: Motion by Commissioner Krebs seconded by Commissioner Smith to approve minutes as presented. Voting aye: Jacob, Krebs, Smith, and Henery. Nays none. Pedersen absent. Motion carried.

Minutes of the May 9th, 2022 Board of Equalization Meeting: Motion by Commissioner Smith seconded by Commissioner Krebs to approve minutes as presented. Voting aye: Jacob, Krebs, Smith and Henery. Nays none. Pedersen absent. Motion carried.

Correspondence was reviewed: NIRMA Safety Shorts for June; Escrow Fund resolution and budget information; JEO letter regarding 6 month mark on Elgin Southeast Culvert project; Treasurer's pledge collateral report-June; NIRMA letter regarding 2022 premium; NACO email regarding LB644 Postcard; Tri-County Hazard Mitigation Plan update regarding awarding of funds; NACO – insurance renewal letter; email from Bob Charlesworth with information regarding insurance proposals; Antelope County Planning Commission Meeting minutes from April 12, 2022 and September 14, 2021; NEMA time extension approvals FEMA public Assistance; NENEDD acknowledgement and membership thank you; John Deere paperwork regarding new motor grader; Guaranteed Roofing Warranty Papers; TERC letter regarding Assessor compliance; DEE letter regarding Otto Livestock Animal Feeding Operation;

Treasurer's Fund Balance Report for May, was reviewed and put on file.

Treasurer's Miscellaneous Revenue Report for May, was reviewed and put on file.

Treasurer's Monthly Operating Statement from Treasurer, was reviewed and put on file.

Zoning Permit Report for May, was reviewed and put on file.

Clerk of the District Court Monthly Fee Report for May, was reviewed and put on file.

Pay Application: JEO Consulting presented a pay application for final payment on the Oakdale South Project from A&R Construction Co. This is the final payment of the Oakdale South Project. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve and pay - pay application as presented, \$18,503.09. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

Upstream Wind Energy RUA Bond: recent correspondence with Upstream noted the Bonding Company needed a release letter releasing the RUA Bond. The bond #K09550306 is not necessitated anymore. Motion by Commissioner Krebs, seconded by Commissioner Jacob to release send bond and authorize Chairman to sign release letter. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

ANTELOPE COUNTY BOARD OF COMMISSIONERS
Charlie Henery, Chairman
clerk@antelopecounty.ne.gov
901 N. Main Street, Suite 200
Neligh, NE 68756-8032
Phone: 402-887-4418 Fax: 402-887-4719

Attn: Emilio Andretta
Chubb Surety
232 W. Monroe Street, Suite 700
Chicago IL, 60661

Bond: No. K09550306
Obligee: Antelope County, Nebraska
Principal: Upstream Wind Energy LLC
Surety: Westchester Fire Insurance Company
Amount: \$1,000,000.00


June 7th, 2022

Mr. Emilio Andretta,

Reference is made to the above referenced bond K09550306 issued on behalf of Upstream Wind Energy LLC (the "Bond"). The undersigned, as Obligor under the Bond, considers the Bond to be null and void and hereby releases Westchester Fire Insurance Company from all past, present, and future liabilities of any kind arising under or in connection with this Bond.

The Obligor further represents to Westchester Fire Insurance Company that the representative signing on its behalf has the authority to bind the Obligor to the terms of this letter.

Sincerely,

Antelope County, Nebraska

Charlie Henery
Chairman
Board of Commissioners

Improvement Grant: Neligh Ball Boosters submitted a grant request for \$1,750.00 for improvement and bathroom construction at the ball diamonds in Riverside Park. The Ball Board submitted the request for the construction of the facilities to be located closer to the north ball diamonds. Antelope County Visitor Committee approved the request on the 6th of May. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve and pay the \$1,750.00 grant to Neligh Ball Boosters. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

Promotional Grant: Neligh Chamber of Commerce is again sponsoring the annual BBQ during the 2022 County Fair. The request for \$350.00 was approved by Antelope County Visitors Committee on May 23, 2022. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve and pay the \$350.00 grant to Neligh Chamber of Commerce. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

BRIC Grant: Tri-County Hazard Mitigation Plan Update. Antelope County was recently approved for the BRIC Grant which Bobbi Risor with Region 11 Emergency Management has submitted on behalf of Knox, Antelope and Pierce Counties. The award was granted and Antelope County will be financially responsible for approximately \$7,100.00 which represents approximately 1/3 of the remaining 25% which is not covered by the BRIC grant. Motion by Commissioner Jacob, seconded by Commissioner Krebs to accept and authorize the Chairman to sign the agreement. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

Budget: Review of the Budget expenditures shows the Zoning Function (0100-619) under the General and the TransCanada Function (0300-705-09) under Road and Bridge to be short. Because of unforeseen circumstances the expenses are greater than the original budget intended. Motion by Commissioner Krebs, seconded by Commissioner Jacob to approve function adjustments and authorize the Chairman to sign resolution regarding the adjustments. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried. Additionally, the Stop Fund is over budget. We will hold a Budget Amendment hearing on June 28th, 2022.

ANTELOPE COUNTY, NEBRASKA
RESOLUTION of Function Transfers – Balancing Budget
2022-06-00003

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2021 to June 30th, 2022, prepared by the Budget Making Authority, was transmitted to the County Board on August 31st, 2021.

WHEREAS, due to day to day and unforeseen circumstances, proposed expenditures exceed budget authority allocated for the County General Planning and Zoning Function (619); and Road and Bridge – TransCanada Function (705-09); and

WHEREAS, budget authority in the County Miscellaneous General function and the Road and Bridge Miscellaneous Function, are adequate to allow for transfers to meet current fiscal year expenditures, and;

WHEREAS, it is Antelope County Board of Commissioners intention to balance these functions and funds, transfers are hereby authorized between the Miscellaneous Functions to the identified currently delinquent functions;

NOW, THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS, that an additional four thousand one hundred dollars and no cents (\$4,100.00) of budget authority is hereby allocated to the County General Planning and Zoning Function (0100-619) from the County General Miscellaneous Function (0100-970); and forty thousand dollars (\$40,000.00) of budget authority is hereby allocated to the Road and Bridge TransCanada Function (705-09) from the Road and Bridge Miscellaneous Function (705-08).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioner of Antelope County, Nebraska has authorized transfers as noted above:

Passed and adopted this 7th day of June 2022.

Antelope County Board:

_____/s/ Charlie Henery_____

Charlie Henery, District 4, Chairman

_____/s/ Dean Smith_____

Dean Smith, District 1

____absent_____

Carolyn Pedersen, District 5

_____/s/ Regina Krebs_____

Regina Krebs, District 3, Vice Chairman

_____/s/ Eli Jacob_____

Eli Jacob, District 2

Attest _____

Motion by Commissioner Krebs, seconded by Commissioner Jacob to approve resolution.

Clerk, Antelope County

Voting: _4 Aye - Nay - Abstain Pedersen Absent

Cafeteria/125 Plan: The annual cafeteria renewal is up for discussion and acceptance. Because the insurance is still in discussion, it was decided to table item until next week during/after insurance discussion/decision. No further action.

Insurance Discussion: Mr. Charlesworth will be following up with the Commissioners next week. No action today.

LB644 Postcard: Candace Meredith with MIPS inquired as to what Counties were planning for the sending of the LB644 postcard. This postcard is in relation to Legislation that was passed in 2020 to hold a joint public hearing with subdivisions if the subdivision has a greater than 3% increase in budget expense. Antelope County Assessor currently utilizes MIPS programming and NACO/MIPS have worked out a plan to get the postcards printed and mailed in a timely manner. The Assessor and Clerk both endorse the work promised by MIPS in the printing and mailing of the card. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve Nebraska State Print Shop as the printing/sending vendor, utilizing the MIPS program. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

NIRMA – Discussion of the NIRMA deductible and premium. In comparing the rates and premium there were a number of questions regarding the coverage, and the extent of coverage in a catastrophic situation. The clerk was asked to find more information, and possibly invite a member of the NIRMA team to meet with them next week. Item to be placed on the 14th of June agenda. No further action today.

9:40 AM Public Hearing for the closing of **844.5 Road** was scheduled. The hearing was not advertised, nor were there notifications sent to land owners. On the recommendation of Brian McDonald, Highway Superintendent the public hearing should be postponed until July 5th, 2022 at 9:30 AM. Motion by Commissioner Smith, seconded by Commissioner Jacob to reschedule the Road Closing Public Hearing until July 5th, 2022 at 9:30 AM and authorize Chairman to sign resolution. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.

ANTELOPE COUNTY, NEBRASKA
RESOLUTION Setting Public Hearing Date
2022-06-00003

WHEREAS, Antelope County considered the possible vacation or abandonment of County Roadway 844.5th Road between 528th and 529th Avenue located in Section 7, Township 24 North, Range 5 West of the 6th Principal Meridian, Antelope County, Nebraska.

WHEREAS, a written report for the use of the road has been completed by the Highway Superintendent and it filed with the County Clerk, NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, that a public hearing date be set for 9:30 AM, the 5th day of July, 2022 to consider whether or not to vacate or abandon said road. The County Clerk is hereby directed to send copies of this resolution by registered or certified mail to the abutting and adjacent landowners.

Adopted this 7th day of June 2022, at Neligh, Nebraska.

Board of County Commissioners of Antelope County, Nebraska:

_____/s/ Charlie Henery_____

Charlie Henery, District 4, Chairman

Attest: ____/s/ Lisa Payne_____

Clerk, Antelope County

Commissioner Smith moved the adoption of said resolution. Roll Call: 4 Yea, -Nay, 1 Absent.
Resolution adopted, signed and billed as adopted.

Zoning Administrator Report: Megan met with the Commissioners today. Reviewed permit report. No questions. The elevation survey was not complete on the Hemenway CAV report. Planning and Zoning held a conditional use permit public hearing regarding an application submitted by Tyler and Terri Pedersen to own and operate an ‘On farm animal mortality pickup transportation service.’ It was approved by the Planning Board on May 11, 2022. Wingate is presenting today for the Commissioners to hold a public hearing regarding same. Motion by Commissioner Smith, seconded by Commissioner Jacob to hold a public hearing on the 28th day of June, 2022 at 9:40 AM. Voting aye: Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried. Wingate reported Keith Marvin stated ARPA funds could be used to pay for Zoning Regulation update. Commissioners requested it be on next week’s agenda.

Road Superintendent Report:

- **Oversize Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve three (3) oversize permits (CL0026, CL0027, CL0030) for Atlas Crane Service for moving a crane from 1) 835th Road to 515th Avenue to SR 70 to SR 14 – 120th, 240th, 524th Avenue; 2) 835th to 515th Avenue to ST 70 to SR 14 – 120th, 240th - 524th Avenue; 3) Tower 99; 524th Avenue to Boone County to 519th Avenue- 518th Avenue end tower 43. Voting aye Jacob, Krebs, Smith and Henery. Pedersen absent. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Krebs, seconded by Commissioner Jacob to approve an access to 523rd Avenue. They are installing an entrance to a field on gravel road. This is located in the NE¼ Section 17, Township 26, Range 8 West of the 6th PM, Antelope County, Nebraska. Road Superintendent voiced no issues. Voting aye Jacob, Krebs, Smith and Henery. Nays none. Pedersen absent. Motion carried.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve the application for underground permit submitted by Keith Borer to place a permanent underground electric line under 844th Road in the NW¼ of Section 18, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska. Scott’s Backhoe and Well Service 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, Krebs, Smith and Henery. Nays none. Pedersen absent. Motion carried.
- **Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the applications for underground permits submitted by MidStates Data Transport to place permanent underground electric lines under:
524th Avenue, West line of Section 21, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
841.5 Road, NW¼ of Section 28, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
841.5 Road, NW¼ of Section 29, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska (2)
841.5 Road under 523rd Avenue W½ of Section 29, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
523rd Avenue in the SE¼ of Section 30, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
841st Road in the SE¼ of Section 30, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
523rd Avenue in the E½ of Section 31, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
840th Road in the E½ of Section 31, Township 24, Range 6 West of the 6th P.M., Antelope County, Nebraska
523rd Avenue in the E½ of Section 6, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska (2)
523rd Avenue & 839th Road N½ of Section 7, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska
839th Road/522nd Avenue, NW¼ of Section 7, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska

523rd Avenue & 839th Road NE¼ of Section 7, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska
839th Road, NW¼ of Section 8, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska
522nd Avenue/839th Road, NW¼ of Section 7, Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska
839th Road, NE¼ of Section 12, Township 23, Range 7 West of the 6th P.M., Antelope County, Nebraska
520th Avenue, NW¼ of Section 11, Township 23, Range 7 West of the 6th P.M., Antelope County, Nebraska

Bauer Underground is contractor. Electric line is fiber optic cable to carry data. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Krebs, Smith, and Henery. Nays none. Pedersen absent. Motion carried.

- **Underground Permit:** (3) Crossing 845th Road in 4-25-5 & 846th Road SW¼ 33-25-5 & 845th Road 4-25-6 to SE¼ 1-24-5/Great Plains. Tabled today. Boggs states he needs more information before approving. It will be on next week's agenda.
- **Access Permit:** W½SW¼ 5-27-7, 517th Avenue/Yoder. Boggs request tabling until next week.

Stealth Broadband: Klint Arnold met with the Commissioners regarding the awarded project to place fiber going north on Highway 14 and west on Highway 20. Discussion of the underserved and unserved fiber network areas. Mr. Arnold shared maps and information regarding rural Antelope County. Stealth is interested in 'branching' from the main route to serve more diversified group. Discussion regarding speeds and remote access, and if the Commissioners are willing to participate and share ARPA funds to expand the process. Questions and answers were shared. Mr. Arnold asked the Commissioners what they wanted to see and where. There is an ability to serve the rural area, however, everything is at a cost. Stealth Broadband wants to work with the County as to what they want to see. General agreement the County was interested in participating and pledging some of the ARPA moneys. Mr. Arnold was asked to bring and share an engineering study regarding serving and cost of same. He is hoping to get some of the engineering and construction costs. He will report back when he has more real numbers. No action today.

Road Superintendent Report:

- **Truck Traffic:** Old Highway 14 north of Neligh. Boggs is still working to get limited truck traffic on this road. The Road was recently overlaid and the intent is to protect the work/road. Discussion of limiting the truck traffic to 'No Through Trucks.' He presented with verbiage and statutes regarding same. He has not discussed this with the city, and plans on discussing with them soon.
- **Storm Shelters:** Because there has been very volatile weather recently, and only the Tilden Barn has a basement. Boggs inquired about ordering portable storm shelters for refuge during weather situations. He proposes to have Antelope County purchase six (6) – one per barn. Boggs believes they retail for approximately \$3,600.00 for an underground shelter – normally buried 3-4 feet in the ground. There are also above ground shelters, Boggs believes the buried shelters are safer. He will gather more information. On next week's agenda.
- **Tack Trailer:** Tack coating – 600 gallons covers approximate 1/8 – ¼ of a mile, one lane. Patching and overlays would benefit because armor coat overlays immediately. Cold mix overlay if it doesn't get armor coated in time, starts to gravel – cobble stoning effect. Boggs has found a tack trailer for \$36,000.00. They are offering to take the patching truck in as trade, saving the County approximately \$15,000.00. Boggs would plan to use the old salt spreader. There is not a 600-gallon tank available, so Boggs plans on negotiating 'leasing' a 300-gallon tank and switching when the 600-gallon tank comes in. The tacking trailer houses its own heating element. Aaron wondered if there was any interest at all. Boggs was instructed to gather more information add to next week's agenda.
- **Armor Coating:** Sta-bilt has agreed to complete 10 miles of armor coat at the end of June. Boggs is planning on armor coating – 836th south of Elgin; Summerland 3 miles; black top 2 miles Park Center, Oakdale Cut Across. Boggs would like to Micro-surface these areas next year. They should not need patching. Sta-bilt plans on coming back at the end of September for another 10 miles. These miles would probably be patched or overlaid.
- **Farmers Pride:** Propane contract. They are offering \$1.99 a gallon. Boggs will gather more information and report back. On next week's agenda. Neligh and Brunswick Barns utilize propane. Brunswick is supplied by N&B Gas.
- **Escrow Resolution:** Boggs presented information and a resolution originating from NIRMA regarding an Escrow Fund. This fund would 'bank' the overage of unspent Road & Bridge budgeted expenses after the fiscal year. These funds would be earmarked for capital improvements only, and will count against the County's budget lid. Knox County utilizes a fund similar to this. Creating/adding this fund would be by Board decision. Commissioners requested Boggs to talk with County Attorney.
- **ROW Maintenance:** Boggs presented an issue with a culvert that was approved by the Commissioners approximately 18 months ago. The culvert is bowed in the center. Boggs wanted direction from the Board as to how to handle. As the bigger animal, obstructions in the road and right of way, how should this be handled. Aaron believes the County did install the culvert. Mowing of weeds, tree removal, etc., Boggs would like to get this under control and have direction on a more permanent basis. The property owner has contacted Boggs. Road Superintendent has not physically inspected at this point. The Commissioners voiced 'regardless; it needs to be fixed – fixed right.' The County has been responsible for the access maintaining in the past, however, if it needs to change now may be the time.
- **Rehire of Road and Bridge employee:** Motion by Commissioner Smith seconded by Commissioner Jacob to rehire JJ Wagner as seasonal employee for the 2022 season. Voting aye: Jacob, Krebs, Smith and Henery. Nays none. Pedersen absent. Motion carried.

Commissioner Jacob leaves at 12:00 noon.

No other issues to discuss.

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

Meeting adjourned at 12:06 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne