

July 5th, 2022
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, July 5th, 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: Krebs, Pedersen, Smith and Henery. Jacob 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 Krebs, seconded by Commissioner Pedersen to approve agenda as presented. Voting aye: Pedersen, Krebs, Smith and Henery. Jacob absent. Nays none. Motion carried.

Globe Life Family Heritage Group: Tim Blomstedt, Licensed agent met with the Commissioners regarding supplemental insurance and employee participation with same. Discussion, the Board voiced no concerns and continues not to endorse any vendor or participation with same.

Correspondence was reviewed: Globe Life Family Heritage Division info sheet; JEO 844.5 Road Study Report; Monthly Zoning Permit Report.

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

Minutes of the June 28th, 2022 Board of Commissioner Meeting: Motion by Commissioner Pedersen seconded by Commissioner Smith to approve minutes as presented. Voting aye: Krebs, Smith, Pedersen, and Henery. Nays none. Jacob absent. Motion carried.

Minutes of the June 28th, 2022 Board of Equalization Meeting: Motion by Commissioner Krebs seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Krebs, Smith, Pedersen and Henery. Nays none. Jacob absent. Motion carried.

Road Superintendent Report:

- **Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Krebs to approve the application for underground permit submitted by Steve Olson to place a permanent underground water line under 519th Avenue in the SW¼ of Section 27, Township 26, Range 7 West of the 6th P.M., Antelope County, Nebraska. Boyd's Electric is contractor. Water line is to water cows. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Krebs, Smith and Henery. Nays none. Pedersen abstains. Jacob absent. Motion carried.
- **Underground Permit: NNTC** – Mr. Boggs asked to hold until next week. He has not connected with NNTC yet.
- **First Net Telephone:** Mr. Boggs had a very favorable report on the coverage and clarity of the First Net Telephone. Mr. Boggs reports the cost is similar in price to the current cellular plan. The phones they are currently using will work for the First Net system. Numbers will not need to change. The First Net plan has unlimited data and tethering (mobile hot spot). There was no opposition voiced by any of the commissioners. Sign program computer and data plan will be updated to First Net.
- **Oakdale Armor Coat:** Antelope County plans on armor coating part of the Oakdale Cut across. The Oakdale Village Board has asked Mr. Boggs if they could extend it to Hohmen Street for approximately 1000 feet. Motion by Commissioner Smith, seconded by Commissioner Pedersen to authorize the Road Superintendent to armor coat approximately 1000 feet, with Oakdale Village to reimburse Antelope County for product. Voting aye: Krebs, Smith, Pedersen and Henery. Nays none. Jacob absent. Motion carried.
- Mr. Boggs has had numerous calls concerning water on road. Road Superintendent/Road Foreman has been calling irrigation owners. Continue to call them to help facilitate stoppage. Mr. Boggs will be contacting the County Attorney to see how he wants to proceed. All calls and follow-up is being documented.
- Escrow Account: - will discuss further during budget discussions.

Koinzan Road – FEMA Mitigation: Brian McDonald requested the Board to make a motion to allow the Clerk to advertise for FEMA mitigation on the Koinzan Road. Motion by Commissioner Smith, seconded by Commissioner Krebs. Voting aye: Krebs, Smith, Pedersen and Henery. Nays none. Jacob absent. Motion carried.

RESOLUTION 2022-07-0001
ANTELOPE COUNTY, NEBRASKA
Road Closing 844.5 Road between 528th and 529th Avenue

WHEREAS, Antelope County considered the possible vacation or abandonment of County roadway 844.5 Road Between 528th and 529th Ave located in Section 7, Townships 24 North, Range 5 West of the 6th Principal Meridian, Antelope County Nebraska.

WHEREAS, Antelope County directed the Highway Superintendent to make a study of the use of the road and held a public hearing to discuss possible vacation or abandonment of the above described road.

WHEREAS, it was found to be in the public interest that the County close the roadway to the traveling public Starting approximately _____ Ft east of 528th Avenue and extending to the 529th Intersection.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, said road be vacated and the right-of-way kept by the County.

Adopted this 5th day of July 2022, at Neligh, Nebraska
BOARD OF COUNTY COMMISSIONERS
OF ANTELOPE COUNTY, NEBRASKA

Attest:

Lisa Payne, Clerk

Charlie Henery, Chairman

Commissioner: SMITH _____
Moved the adoption of said Resolution
Roll Call: 4 Yea Nay 1 Absent
Resolution adopted, signed and billed as adopted.

NCDHD Appointment: Tabled until next meeting.

Quarterly Jail Inspection: Commissioner Pedersen and Commissioner Krebs will complete Jail Inspection after meeting.

Zoning Administrator Report:

- Zoning Permit Report was reviewed and put on file.
- Asked for questions on the Zoning Permit Report.
- The CAV Hemenway's is still in progress. No action.

9:30 AM 844.5 Road Closing Public Hearing: Chairman opened the public hearing at 9:30 AM. Responding to roll call: Krebs, Smith, Pedersen and Henery. Public Hearing was closed at 9:59 AM by a motion of Commissioner Krebs, seconded by Commissioner Pedersen. Voting aye: Krebs, Smith, Pedersen and Henery. Nays none. Jacob absent. Motion carried. After public hearing is closed discussion of distances and mapping. Brian McDonald' JEO report measured approximately 800 feet east of 528th Avenue is Highway 275 access. Discussion of access and ability

of moving equipment and keeping the mix strip area safe. If and when the mix strip area gets closed, Mr. Boggs states he would like to extend the windrow to greater than 1500 feet. Motion by Commissioner Smith, seconded by Commissioner Pedersen to close 844.5 Road from 800 feet east of 528th Avenue to 529th Avenue allowing the County to maintain right of way, effective immediately and allow the Chairman to sign the resolution. Voting aye: Krebs, Smith, Pedersen and Henery. Nays none. Jacob absent. Motion carried.

Public Hearing July 5, 2022 9:30 AM Closing 844.5 Road between 528th and 529th Avenue

9:30 AM Chairman Henery: The reason for the hearing is for closure of 844 and a half Road. The mix strip road up there east of Oakdale. Brian – go ahead.

Brian McDonald: I see in the study there is a couple of things to note. In the first paragraph the Road should be 844.5 Road. And then item 9, we discussed this a little in the last meeting. The aerial shows a driveway going to a farm place that is no longer there. I think I noted from the... I didn't notice it in the field and I get back and see the driveway there on the aerial. Thought I missed it so, I put it in my report. Other than that, essentially the use of the road, the County uses it to mix asphalt and they have in the past over the years used it to store broken concrete. **Henery:** On the, on your little drawing here on the east end, you got that road going to far. You cannot close that. **McDonald:** That was basically the study limit. We compared it to – I think it was 528th to 529th Avenue. The way I would look at this, and I left it in the resolution I wrote that we would start the closure so many feet east of 528th Avenue, and ending at the 529th intersection. And that is shorter than the red piece that is shown. **Henery:** The 529th is the one going across the bridge to the north, correct? **McDonald:** Ah, it makes the curve, essentially it would end short of 529th intersection, short of the section line. **Boggs:** Yes. **Henery:** OK. **McDonald:** Essentially, the only other thing that is different about this one, is the County has a deed to the Right of Way, it is not an easement. **Boggs:** The County actually owns that property out right. **Henery:** On where the road strip is right now? It is not an easement, we own it? **Boggs & McDonald:** Right. **Henery:** Huh, that is different. **Boggs:** Petty rare. **Henery:** Yea, pretty rare. **McDonald:** Yea. **Krebs:** So, what do we own? The entire red section up to this road? Or? **McDonald:** I believe that is the parcel that showed up off of GIS. It is still 66' – but it's the whole area.

Clerk: That parcel 9999999 is County owned. **Krebs:** Yeah, but, so it goes? It's the entire red area? Is that the parcel? Right? Ok. **Henery:** So, then are we going to continue to own that piece from the intersection down to that first curve to the east? Or is that? **McDonald:** Um, I am not positive. We will have to pull the deed of what they have. But essentially that piece we own. **Boggs:** Yeah. So, we are just keeping that part opened. **McDonald:** To me if you are going to close it, you are going to close it at the highway access. **Boggs:** Highway access and then the south turn. **Henery:** Well, if we already own it, why do we have to close it? You know what I am saying? **McDonald:** Right now it is public access road. And the reason we are here we are looking to close to the highway traffic. So, we do that, so everybody gets a chance to input during the hearing. That is what we are here today for. Essentially, I guess it is time for public input for or against closing the right of way. And if it be for closure, what we will be looking at, you guys decide immediately after the hearing how it gets closed or not. **Henery:** Ok. Do the commissioners have any more question for Brian, for right now? If not, we will move into the public opposed to testify. **Clerk** (to Chairman): time on the clock? 9:35 AM

Henery: People that are opposed to the closure of this road if you would like to step forward and state your name and.... **Don Grosserode:** Don Grosserode. **Smith:** I guess maybe if you would come up here and sit, and the microphone should be on. **Henery:** Hopefully, the microphone is on. You might have to bring it closer to you.

D Grosserode: Stop mic.... What do you want me to say? I am opposed to it. **Henery:** You are opposed to it. Ok, give your reasoning as to why you are opposed to it.

D Grosserode: Because we kind of use it to stay off the highway and stuff. That is basically it. For farm equipment, we use it quite a little. That is really the only reason I am opposed to it. And, I just think it could be worked out to where we don't have to close it. You know what I am saying? Do they have reasons why they want to close it so bad? **Boggs:** The reason I pushed this to be closed is we use this as an oil mixing strip. We really have nowhere else in the County to mix and do that safely. **Henery:** And it is centralized in the County, basically.... **Boggs:** We have had multiple accidents on that road. Which I won't go into any depth to, but there have been very bad accidents on that road. **Grosserode:** Have they had any settlements on that, where they had to? **Boggs:** I cannot speak to that. **Grosserode:** Ok, yeah. **Boggs:** But we have contacted NIRMA to see how we could still let traffic through there with oil mix. We have done everything we needed to, to be a close the road. Yada, Yada! We have done the signage properly. **Henery:** And we still have accidents. **Boggs:** We still have accidents. So, the reason I want to close it is safety. I understand your guys' concern of getting equipment there. A lot of people do take equipment on the highway. Its..... **Grosserode:** What, what are you closing just the part that is mixing part? **Boggs:** We are going to close it from the intersection that heads south to 528th Avenue. **Grosserode:** So, so could you come from the County Road and get onto the highway from the east? **Henery:** We would be closing it at like from where Ron Hanson's driveway is from east to east down where the curve is. **Boggs:** We are just closing a portion of it. **Joe Evans:** Just that portion. We will still have access to south/north? **D Grosserode:** Well, I guess that is all I got to say about it. So, whatever.... **Henery:** I guess that driveway, or yea that road... **D Grosserode:** For us we could go clear up around you know. **Boggs:** and bypass it. **Henery:** This, I think the road that comes down. **D Grosserode:** For us equipment on that Highway 275, that is as dangerous as that road. **Boggs:** Yeah, I understand what you are saying. **D Grosserode:** Yeah, that is basically what I got. **Henery:** Ok! Ok! Thank Don. Anyone else want to testify on... **John**

Kerkman: My name is John Kerkman. I own property next to it. I guess I oppose it. What is the going to entail for us property owners? I mean what is going to happen here? You guys are still going to retain that, right? **Boggs:** That, its owned. The County owns it. **Henery:** We own to the roadway. Which I didn't realize.

Kerkman: So, can I ever get down that road then? **Boggs:** If you talk to me, we could open it for access. If they need in and out. **McDonald:** That would be up to your insurance company. **Boggs:** I have talked to NIRMA. As long as it is by permission only, we will let you in, let you out, we will lock the gates. **Kerkman:** You are going to put up gates up there? **Henery:** Yes. **Boggs:** It is the only way to keep people off of it. Otherwise, we are going to be.... We will have to get... We have got it closed now, and signed. And we are still having accidents on it, bad accidents. **Smith:** So, is the access to your field off of this road? **Kerkman:** Well, if we had to work on a pivot or.... **Smith:** Oh. **Kerkman:** Than I can't go down it, you know. **Henery:** You are not talking every day? You are just talking if you need to do it?

Kerkman: No. **Boggs:** And with NIRMA, when I discussed with them as long as the land owner needs access, they can contact the county. Same routes, we are going to have to give Oakdale Fire Department a key to the locks in case they have to get down there for some reason. So, it is basically by requests we can let you up there. Which isn't a big deal. I mean I can.... **Kerkman:** As long as I can get ahold of you. **Boggs:** You don't have a problem getting a hold of me. **Kerkman:** But yes, all right. **Boggs:** But yea, by contact us we can get you in and out of there. But I have to have the gates locked when I have a gate. **Kerkman:** Ok. **Smith:** So, that brings up a point then. Will it be a keyed lock? **Boggs:** It will be locked chain locked. Padlock. **Smith:** But, I mean, so then every County employee is going to have to have a key? **Henery:** It will probably be a master. **Boggs:** Probably not. Probably just do it between me and leigh. Unless they are working on it, they do not need up there either. It is the same thing with our graders. If our graders are going to 529th Avenue from Oakdale they are going to have to go up and around by John's anyway. What am I going... I am not going to let them open it just so it is quicker for them to get there? Either that or they are going to have to go out on the Highway. It is a safety risk for us just like it is for farm equipment. But the problem being the way it is right now, unless we quit mixing oil- and leave it open. But we got to have somewhere to mix oil. **Smith:** No, I was just thinking of when you where doing that, you know everyone involved in the mixing crew... **Boggs:** It would be unlocked for that portion of the day. We would have probably flaggers there making sure nobody come in or out. Is what we would end up doing. Then at the end of the day, we would lock it back up. **Kerkman:** Can I ask one question before we proceed? **Henery and Boggs:** Sure. **Kerkman:** What would be wrong with a big sign that releases all liability. "County not responsible for accidents, enter at your own risk." **Boggs:** That is what a road closed sign is technically. **Kerkman:** Yeah, but people need to be informed. Apparently, they cannot read and understand writing. **Boggs:** While the worst part is, even if we have a road closed, say if a bridge was out or something like that, and somebody gets killed on it, the County can still be liable. It depends on the lawyers involved. We will put it that way. So, this is just going to release all liability. **Henery:** The reason we are trying to close this is for safety of the public and liability of the County. The last wreck we had on there the person went past our sign and wrecked. A younger person. I don't know the person or anything. And it was a pretty serious accident. We feel if we would close it with gates across it, you cannot get down it. It takes the liability away from the County. And the fact that nobody is going to get hurt. That is our big goal. **Kerkman:** It is a pretty wide strip.

East side one goes out. **Joe Evans:** Clear over the Cowboy Trail. **Boggs:** We would only go to property lines – 66 feet. We will probably fence and then gate. **Evans:** I own land by John too. **Henery:** Sure. **Evans:** So, there will be no liability on us either? **Boggs:** None. Whatsoever. **Evans:** You know, the old, like the rail road – the old – that was to go back to the land owners when it closed. But the Conservatory bought it you know for the Cowboy Trail. I didn't know about that one, I thought this might be the same way. It went back to the land owners if the road was closed. But I don't know because. **Henery:** But apparently this chunk never would have because we owned it. The County owned it. I didn't realize that. **Boggs:** The stat gave it to the County back in the 1800's late 1800's-early 1900's. **Evans:** You always moved the roadsides on it and everything. **Boggs:** I didn't realize until we started reviewing for the closure, that we owned that property. **Evans:** I didn't, well I figured the County did, but I thought if it was closed it might go back to the land owner like the Cowboy Trail. That is what I was.... **Boggs:** We want to keep it as a mixing strip though. If I give it back to you then there may be a day when we will hear we don't want you to mix oil. **Evans:** Yeah, well they have been mixing oil here since I was a kid. A long, long time. **B. Grosserode:** Based on the property lines of that road of the County, there is no absolute room to widen that road out at all? Wo we could potentially move that? **Boggs:** if we were going to do that, we would never be able to get anything to the Cowboy Trail. So, if that was the case-we would have to go up on the land owner and buy right of way. **Henery:** Go ahead. (to Harlan Brandt) **Harlan Brandt:** Harlan Brandt. When I was a supervisor down there, we mixed oil out there with Tilden all the time. And what we did...we made the windrow and then pushed it as far north as we could, and made it a two (2) way passage. Because, when I was a supervisor, I contacted the school districts in Tilden and Neligh-Oakdale to see what their bus routes were. That was their main but route. The one going through there because they didn't want to go on the Highway for a mile and a half and turn off. They said that was more of a hazard. Neligh-Oakdale came in and pick up the kids for Oakdale and go straight up there and go 529 across. They didn't want to be on the highway. Elkhorn Valley would come into Oakdale from the east. That is the way they did it. And they always traveled that. And I didn't know if you ever talked to the school districts. Because the roads are closed. I ask them and I am no longer a supervisor but that is what they did. And we pushed the windrow clear north as far as we could and we had a two (2) way lane along there. I am just telling you what I did – and we worked it out for years. And as far as I know when I run that and was sitting supervisor, we never had any accidents. If you push it clear north, we never had no accidents. **Boggs:** If we push to much further north we are going to be on the right of way. **Brandt:** How come we could.... **Henery:** But if you have barricades up and road closed signs people should.... **Boggs:** They will still hit it. **Henery:** Yeah, they will still hit it. **Boggs:** It doesn't stop them. **Brandt:** Yeah, but I mean I'm just.... **Boggs:** There is two (2) land traffic there now. It is not wide lane, but you can get two (2) vehicles by.

Brandt: Well and then see like they only have to go over down the road to 529th and go north with their equipment. They go up on the highway there, there is going to be more of a chance for an accident. **Boggs:** Basically, if we don't close the road, we cannot mix oil there. That is basically what it boils down to. **Brandt:** How come we have all these other years and did not have no problems? **Boggs:** Things are different now Harlan. We have had major accidents on that. And I don't disagree with you, if we move it further north, maybe we wouldn't, but it is just the fact that now that we know and the way that it is and was, we are probably even more liable.

Evans: Who do you all mix oil for right there? Which? **Boggs:** Everywhere. **Evans:** Everywhere? So, this is the only place you can mix oil in the county? **Boggs:** Not the only place, but it is centralized, so everybody knows how trucking and fuel is – so if I do anything Oakdale south or even in the Neligh area that is where I do my mixing. If I do stuff up by Brunswick, we got a mixing spot up there. I am not going to haul from Brunswick to Elgin. **Evans:** I see. **Brandt:** Well, see, everybody

says the road to the south, they can go around to that. But during the winter time we never open that road. When we have snow, we haven't had no snow around there by John's. **Boggs:** Oh, it goes up by John's? **Brandt:** Yea. Go around that way. See we never open that road until we got all the other roads opened up. **Boggs:** They open it. We opened that road. **Brandt:** Yeah, but you, haven't had the snow that we did when I was there. **Boggs:** No, but for the four (4) years I have been here we opened it every time. **Brandt:** Yeah but, when we have a lot of snow we got to get going. I just thought I would mention that to you. Because, I think.... **Boggs:** I am not disagreeing with you guys. It may be or can be an inconvenience. We are going to have traffic that is going to have to go around. I don't disagree with that. It is just for a liability stand point. We are where we are at ... we either mix oil there or we don't. **Henery:** It would be nice to have the mix strip here in Neligh to more centralize it. But, there really is no place that we can do it. We talked about that. **Boggs:** You are going to have to The property is already owned by the County. **Henery:** Yeah, we own it. We don't have to purchase anything else. **Boggs:** That is probably why they mixed oil on it. **Brandt:** Do you have a letter from NIRMA telling you that you have to close it? **Boggs:** I have had a thousand conversations with them. **Brandt:** I would like to see a letter. **Boggs:** I can get you a letter. **Brandt:** Ok. **Boggs:** It is to the point now, if we have an oil strip like that it has got to be closed. We closed the road. We have the road closed with temporary road block structures. That is what we were supposed to do. We did exactly what we were told by do by NIRMA. We are still getting accidents on it. This is our next step. **Brandon Grosserode:** Would a reduce speed limit sign be any assistance? **Henery:** If they are going to go around the barricades. The last person hit the oil at a high speed. You know we are not in charge of peoples driving habits. **B. Grosserode:** Absolutely. Yeah. **Henery:** You know if there is a road close sign there, and they drive around it, we are still liable. But we are not in charge of how they drive. I mean it is just a fact of life. **B. Grosserode:** Is it a possibility where we could do some repair work to the road on the south side of that. To where it is (voice over - 'better graveled') Yeah, a safer road. **Boggs:** Absolutely. **B. Grosserode:** That way we could keep it open. Because, I am not going to lie as an operator of wide farm equipment, I drive a 16-foot windrower down that strip and going around, that road is already narrow as it is with a 16-foot windrower we have to go around that section. That is just a little more risk. You've got curves and line grooves to do that. We have got planters that do down that road. You know. As I said, the moment you enter the highway with wide piece of equipment. That highway traffic really does not slow down. And I feel like it would be.... **D Grosserode:** People passing you on the wrong side of the highway and everything. **B Grosserode:** They don't slow down. The don't respect... **Henery:** Once again, we are not in charge of their driving habits. That's just how it is. **D Grosserode:** Right. Well, we just said our piece now. So. **Brandt:** Only thing I can say... You talk about access there. If the road was taking care of south there, so lumpy and so bumpy, and they move over there to the windrow at night. And when we had it, we made sure it was always good oil in there clear to the ditch. And that's when the buses come by there and we move the windrow over there. And if you have bumps there, they are going to move towards the windrow. It is common sense. I just thought maintenance would be a little bit different. **Boggs:** No, I don't disagree with you Harlan. All I am saying is we are to the point now if we don't close the road, we can't have a windrow there. We can move it clear up on the cowboy trail. It is not an option. That the only option that we got. **Kerkman:** Are you saying insurance is telling you have got to close it? **Boggs:** Exactly! **Kerkman:** That what you are telling me? **Boggs:** Yep, because we signed it. The conversation that I have had with NIRMA technically, private, and I am not bringing up any information. But the way we had it closed is the way we were told to do it. There was a wreck on it, afterwards we could still be held liable. It is either get it off or don't do it. **Henery:** Ok. **B Grosserode:** How can the person that wrecks- they are technically not abiding by the rules of the road closed sign. They should be the ones liable. **Boggs:** And that is completely agreed. **Smith:** That's, I agree. That's the logical thing. And that is the problem when attorneys get involved. (chuckles). Well, I agree with our 100%. And I ask that question, how can that happen when they are.... **B Grosserode:** Breaking rules. **Smith:** Right. **Boggs:** And I don't want to see anybody hurt regardless. **B Grosserode:** It is just that road is so convenient for the travel of our operation. **Brandt:** Well, that is what I am looking at. Because I went through an accident on that highway, and I know what people. I was killed probably on site for a while. But I was going to tell you. I just know what the traffic is. I am trying to avoid more accidents. Especially when you got an intersection and you got to turn like they got to do. And stuff like that because there is going to be more accidents there. Maintenance of the road would have been a little bit better if it went further south. I am just telling your that. **Henery:** Ok. Anybody else want to testify that is opposed? **Smith:** Lets get the young man's name. I mean I didn't get it. If he wants to say more that is fine. But let's get his name on the record. **Brandon Grosserode:** Brandon Grosserode. **Henery:** Joe, do you have more you wanted to say? **Joe Evans:** No. I was just concerned about liability on this. I thought maybe if it was closed, it was going to go back to the land owner, like the Cowboy Trail is going to. This was my only concern. **Henery:** No, we want to keep at as a mix strip if possible. And since we own it, the liability would not be on you. **Kerkman:** With all of the letters you sent out did you receive any other much opposition of it? **Henery:** None. **Clerk:** I do not have any correspondence from anybody. **Kerkman:** Because there were quite a few registered letters? **Clerk:** Yes, I probably sent 20-25 letters. **Henery:** I did have one individual call me but he decided he wasn't even you know he was part of it but he was clear down the road from it. So, it wasn't a concern of his. **Kerkman:** Yeah. **Henery:** Ok. Do we have anybody in the public that would like to speak in favor of keeping the road open? Do we have anybody in favor of testifying in favor of closing the road? Do we have any clarification of the applicant? Which is us, I guess. We pretty much discussed it. **Boggs:** Like I said it would just be my - if it is to go 1 mile south and make that road more suitable that is not a problem at all. We can do some upgrade on that. **Henery:** That goes south there not quite a mile than back around to where it goes back up to a mile doesn't it? Yeah. **Boggs:** Which is an inconvenience, and taking away a convenience but in the long run I think it is good. **Henery:** Is there any other testimony? **B Grosserode:** Yes, I got one more question. Would the County ever agree to - choosing the right words here - if the property owners - John, Harlan, and the Grosserode's - were to fill out a form allow is that a possibility for us to access and travel across it? **Boggs:** I don't know, because then you have the liability on you. Because if you guys open it and go through I and don't shut it and somebody gets hurt... **D Grosserode:** You guys have explained that it is the only place you can mix oil. I suppose that is good. **Boggs:** But if you guys need access, if you get ahold of me, I am more than willing to help you guys do something. **D Grosserode:** We can go around. **Boggs:** Yeah! **B. Grosserode:** It was just a thought. **Boggs:** Yeah. I don't disagree with you. But technically if you guys left the gate open and somebody went in, I am not sure what would happen. **Henery:** Any other questions from the Commissioners? **Krebs:** So, this road goes down here? And then it goes it makes a Is this the road we would be diverting traffic to? **Boggs:** Yes, what is black on there is what we are closing. **Henery:** Well? **Boggs:** Then this here is rail road traffic-1/2 mile. It is going to put around on it. **Henery:** Traffic would actually choose to go out to the highway is my thought. **Krebs:** Out on the highway? **Boggs:** I don't know if I had a 16-foot windrow I would probably go to the south. **Krebs:** I wouldn't I mean given the choice. I mean I have driven farm equipment on the highway and it is ugly. **Smith:** Especially entering right on the curve there. **Henery:** Not all highways have it. **Krebs:** I would go around. Ok, this is what I needed to know is where this road ended up. **Boggs:** Yeah, that road to the south does connect. It connects 528th - 529th but it is narrow. It is basically a drive way for John's other house. We can definitely widen it and maintain it. **Smith:** OK. Which one are you talking about you want to widen and maintain better? **Boggs:** So right here. This is the road that comes out of Oakdale. Then we will have right here. This road goes here so what we got to do is close the black strip. Then divert traffic south. **Smith:** And this is where it has to be? **Boggs:** Yes, there is multiple curves in here, a couple of hills a guy could widen it out. So, if they continue to go east it is not really a big deal. But if they are going to go north, it would be an extra mile. **Henery:** It would be their choice if they want to risk the highway or take the extra mile. They would get there. I mean that would be their choice. It is not like we are going to take the access of going down it away. I mean we will keep that convenience. Ok. Do I have a motion to close the public hearing? **Krebs:** I'll make that motion. **Henery:** Do I have a second? **Pedersen:** I will second it. **Roll call vote:** All yays. No nays. Jacob absent. Motion passed.

RESOLUTION 2022-07-0001
 ANTELOPE COUNTY, NEBRASKA
 Road Closing 844.5 Road - Oakdale

WHEREAS, Antelope County considered the possible vacation or abandonment of County roadway 844.5 Road Between 528th and 529th Ave located in Section 7, Townships 24 North, Range 5 West of the 6th Principal Meridian, Antelope County Nebraska.

WHEREAS, Antelope County directed the Highway Superintendent to make a study of the use of the road and held a public hearing to discuss possible vacation or abandonment of the above-described road.

WHEREAS, it was found to be in the public interest that the County close the roadway to the traveling public Starting approximately 800 Ft east of 528th Avenue and extending to the 529th Intersection.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, said road be vacated and the right-of-way kept by the County.

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

ATTEST:
 ___/s/ Lisa Payne_____
 Lisa Payne, Clerk

BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA
 ___/s/ Charlie Henery_____
 Charlie Henery, Chairman

Commissioner_Smith, 2nd by Pedersen_____
 Moved the adoption of said Resolution
 Roll Call: ___4___Yea ___-___Nay ___1___ Absent
 Resolution adopted, signed and billed as adopted.

Brian McDonald reported he has been working the Invenergy on completing road use agreement projects. For the most part it is in pretty good shape. They also had concerns on water on the road. The Commissioners recommended he and Mr. Boggs work with County Attorney. Brian said

Discussion of Dust on the Road: There is not much we can do. The Sinclair Dirt that is acting up has not had enough time to cure on the current road surface. There is a landowner in Antelope County that is watering his own road to help cut dust issues. Discussion of the extremely dry conditions, there has to be moisture before road grading can happen.

No other issues to discuss.

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

Meeting adjourned at 10:30 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne