

August 2nd, 2022
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 2nd, 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, Jacob, and Henery. Smith running late. 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: Pedersen, Krebs, Jacob and Henery. Smith absent. Nays none. Motion carried.

Commissioner Smith attends meeting.

Minutes of the July 12th, 2022, Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Krebs, Smith, Pedersen, Jacob and Henery. Nays none. Motion carried.

Minutes of the July 12th, 2022, Board of Equalization Meeting: Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Krebs, Smith, Pedersen, Jacob and Henery. Nays none. Motion carried.

Thunderhead Road Use Agreement: there is action still pending. Item will be on the agenda in the future. Brian is working with Invenergy and the County to complete this agreement. No action today.

Correspondence was reviewed: email and pictures from 841st Road and 520th Avenue copy; surveyor information and copy of resolution; NACO Supplemental Life Insurance; FirstNet Command Center establishment; NIS Short Term Disability and Life Insurance Benefit review; email from Applied Connective Technologies – annual contract; JEO letter regarding closing of 515th Avenue 840th – 841st Road; NENEDD Annual Report 2021-2022; 514th Avenue – south of 835th Road - ? adding a 'No Outlet' sign in Lincoln Township; certificate of liability insurance for Lyle Hart; Opioid Settlement – work on relinquishing funds to Behavioral Health Services;

Receipts:	\$ 3,747.00	Gubbels Salvage	Road and Bridge
	\$ 3,376.50	Gubbels Salvage	Road and Bridge
	\$ 5,503.70	Gubbels Salvage	Road and Bridge

Sheriff Fee Report for June was reviewed and put on file.

Promotional Grant: Orchard Community Club submitted a request to Antelope County Visitors Committee for \$242.50 for promotion of Orchard Fee Days. The request was approved by the ACVC on July 14th, 2022. Motion by Commissioner Jacob, seconded by Commissioner Smith to approve promotional grant. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

Improvement Grant: Oakdale Booster Club submitted a request to Antelope County Visitors Committee for \$1,750.00 for erecting a 'Welcome to Oakdale' sign along second entrance to village. Approved by the ACVC on July 14th, 2022. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve improvement grant. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

Weed Report: Brian Cornett, Antelope County Weed Superintendent met with the Commissioners regarding a landowner who is not taking care of his/her leafy spurge. The County Attorney is sending a 15-day notice for spraying of weeds. Following up the 15-day notice the Weed Department can give a 10-day notice to let landowner know we will hire the weed spraying out if no action is taken. He reports this to be statute guided actions. Joe Abler, County Attorney and Commissioners agreed with the current plan. No further action.

- In the absence of the Weed Board meeting not having a quorum, Brian was asked by the Weed Board president to get permission from the Commissioners for attending a workshop/training on August 22nd and 23rd in Ord/Broken Bow area. No issues were voiced. Motion by Commissioner Jacob, seconded by Commissioner Smith to authorize Weed Superintendent to attend training on August 22nd, 2022. Commissioners granted permission. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.
- Commissioners asked Mr. Cornett about trees and overgrowth on Old Highway 14. And reminded him to spray around bridges.
- No further report.

Zoning Administrator Report:

- Administrative Plat: Linda Grosserode/Tintern: during recent activity, there has been some layout discussion and decision. The Current Tintern property has overlapped with Mrs. Grosserode's property. To clear the issue and established more friendly boundary lines, a survey was completed by Steven L. Rasmussen and presented for clarification. Ms. Wingate stated all was in order and both parties agree. Motion by Commissioner Jacob, seconded by Commissioner Smith to approve and file Administrative Plate for an irregular tract of land in the SE¹/₄, Section 15, Township 24, Range 6, West of the 6th P.M., Antelope County, Nebraska. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.
- The CAV Hemenway's – no report today.

IT Contract 2022-2023 – Applied Connective Technologies: Commissioners requested to add to next week's agenda to allow more time to review.

First Net Telephone Contract: Jackie Duncan, representative from AT&T Broadband met with the Commissioners and explained the importance and availability of the Broadband Network. The network gives priority to safety sensitive positions, including emergency personnel, and trickling to the government road employees. There cost is approximately \$40.00 a month, similar in price to the current cellular plan. Current phones 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). Unlimited data will not be throttled down. The network takes priority if there is heavy/high traffic. Aaron had a favorable report during his demo. The Clerk will continue to complete paperwork for the programming. No further action today.

Ashfalls Bridge: Brian McDonald presented a change order regarding the Bridge project. Attention on this change order was brought to the Commissioners several months ago regarding products used and not being contract worthy of government contracts. The current plant is to

complete cement slab bridge as compared to the steel beams as was bid. The change order is at no cost to the County and the contractor will withstand all costs associated. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve slab bridge and change order at no cost to the County. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

Set Hearing Date for ROW/Road Closing- 515th Avenue along an unused portion of 515th Avenue in Stanton Township. This one (1) mile stretch is between Sections 35-36, Township 24, Range 8, west of the 6th PM, Antelope County, Nebraska. Brian presented a road study report. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to set hearing date for Tuesday, September 6th, 2022, at 10:00 AM. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

RESOLUTION 22-08-00001
ANTELOPE COUNTY, NEBRASKA
Resolution setting Right of Way Closing

WHEREAS the Antelope County Board of Commissioners directed the County Highway Superintendent to study the use of 515th Avenue Between 840th and 841st Road located between Sections 35 and 36, in Township 24 North, Range 8 West of the 6th Principal Meridian, Antelope County Nebraska.
WHEREAS a written report of the use of the road has been completed by the Highway Superintendent and is 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 10:00 A.M. the 6th of September 2022 to consider whether or not to vacate or abandon 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 2nd day of August 2022, at Neligh, Nebraska

ATTEST:

_____ /s/ Lisa Payne Lisa Payne, Clerk	BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA _____ /s/ Charlie Henry Charlie Henery, Chairman, Commissioner Pedersen & Jacob Moved the adoption of said Resolution Roll Call: _5_Yea _0_Nay Resolution adopted, signed and billed as adopted.
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Stop Signs – intersection 841st Road and 520th Avenue: Brian McDonald will review the intersection and present a report. No further action.

10:00 Bid Opening: Koinzan Road – FEMA Mitigation: Brian McDonald was here for bid opening. Seven (7) bids were presented and opened.

BIDDER	AMOUNT	START DATE
Rutjens Construction, Tilden, NE	\$ 185,898.00	1 NOV 2022
Husker Engineering, Burwell, NE	\$ 194,582.00	10 OCT 2022
W. Theisen Grading, Norfolk, NE	\$ 199,979.59	24 OCT 2022
John Prouty Construction, O'Neill NE	\$ 170,546.80	05 SEP 2022
A&R Construction Co., Plainview NE	\$ 179,851.14	01NOV 2022
CDSi	\$ 265,048.00	12 SEP 2022
Klabenes Construction LLC, Neligh, NE	\$ 276,208.50	19 AUG 2022

Discussion of Bids. Motion by Commissioner Smith, seconded by Commissioner Krebs to accept the apparent low bid submitted by John Prouty Construction pending verification of numbers. Voting aye Krebs, Smith, Jacob, Pedersen and Henery. Nays none. Motion carried.

One- and Six-Year Road Program: discussion of projects. Discussion of Project #C-2(421) Install culvert on 524th Avenue near 840th Road. These culverts are in current Antelope County stock. Brian will evaluate and follow-up with Mr. Boggs, Road Superintendent and Commissioners. Project No c-2(392) is a bridge in this area, Section 31 & 32, Township 24 North, Range 6 West of the 6th PM, Antelope County, Nebraska. No other changes discussed.

Road Superintendent Report:

- **Underground Permit:** Great Plains. Mr. Boggs requested to hold.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by Mike Repholz of RES-Group to place a permanent electric line under 511th Avenue in the NW¹/₄ of Section 5, Township 23, Range 5 to the NE¹/₄ pf Section 6, Township 23, Range 5 West of the 6th P.M., Antelope County, Nebraska. Invenergy is contractor. Electric line is to connect wind towers and project substation. All work to be done according to County and State specs, including 72 inches below road surface. Voting aye Krebs, Smith, Jacob, Pedersen and Henery. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Smith to approve the application for underground permit submitted by Great Plains Communications to place a permanent phone line to upgrade phone and internet for rural customers. The line to be under 857th Road and 511th Avenue. All work to be done according to County and State specs, including 48 inches below road surface. Voting aye Krebs, Smith, Jacob, Pedersen and Henery. Nays none. Motion carried. There are a number permits that will be forthcoming to supplement the current permit.
- **Access Permit: Chance & Meggie Anderson** – submitted an access permit application off of 858th Road for access to cattle yards. The access is approximately 130 feet from intersection. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the access permit on 858th Road west of 533rd Avenue. No issues voiced. Voting aye Krebs, Smith, Jacob, Pedersen and Henery. Nays none. Motion carried.
- Mr. Boggs mentioned the ‘**No Outlet**’ request in Lincoln Township between Sections 34 and 35. Technically, there is an outlet at the end of the road, so a ‘no outlet’ sign would not be appropriate. He is discussing possibly something like gravel ends ahead.

Straight line winds: Currently, Antelope County does not have enough damage threshold at this time to file a FEMA disaster claim. At this point, FEMA has opened a disaster for public sector entities only, not the private sector. A public service announcement is posted on the Antelope County website.

Opioid Litigation: in the fall of 2021 the Commissioners made a motion to share the opioid relief money to Behavioral Health Services in Norfolk. Recent communication indicated Antelope County could appoint Behavioral Health as the award recipient in place of Antelope County. There are deadlines in place for doing so. The Clerk is currently working with personnel to make sure the timeline is good and paperwork can be completed. Follow-up later.

Inventories 2022: 2022 Inventories for Clerk of District Court, Clerk, Assessor, Treasurer, Attorney, Zoning, Weed, Road Department, County Court, Maintenance & Janitorial, Veterans Service Officer were presented for review. The Commissioners requested the inventories be emailed for review and presented next week for approval. There are a few inventories still outstanding and will be sent to Commissioners when received. Discussion of obsolete equipment/furniture currently being ‘stored’ in the basement of the courthouse. Commissioners agreed to allow maintenance/janitorial to sort and give obsolete equipment as the chairs presented earlier this summer.

Surveyor: During 2020 the elected surveyor position was to be an item on the 2020 General ballot. The Clerk missed this guidance, and the item was not placed on the 2020 ballot. To make the issue current the clerk is requesting a resolution from the Commissioners to place the item on the 2022 General Ballot. The purpose is whether to continue or not to make the surveyors position an elected office. In the past

15 plus years Antelope County has not had a candidate on the ballot for Surveyor, and it has resorted to an appointment by the Board. By eliminating the elected position, it will not appear on future ballots, and will continue to be an appointed office. Motion by Commissioner Pedersen, seconded by Commissioner Krebs to place item on the 2022 General Ballot, and allow Chairman to sign Resolution. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion passed.

SURVEYOR RESOLUTION NO. 22-08-0002

Antelope County

Election of County Surveyor

WHEREAS: Section 32-525(2)(a) of the Nebraska Statutes as Amended in 2014, provided that all counties having a population of less than 150,000 inhabitants were to submit the question of electing a county surveyor in the county to the registered voters of the county at a statewide general election in 2020; and

WHEREAS: the question of electing a county surveyor in Antelope County was not submitted to the registered voters of Antelope County at the statewide general election in 2020; and

WHEREAS: Section 32-525(4)(a) provides that the County Board shall submit the question of electing a county surveyor in the county to the registered voters of the county at the next statewide general election if the County Board, by a majority vote of all the members of the County Board, adopts a resolution on or before September 1 prior to the next statewide general election to submit the question to the voters; and

WHEREAS: 2022 is a year for a statewide general election, and the County Board is now given the opportunity under Section 32-525 to submit the question of electing a county surveyor in Antelope County to the registered voters of Antelope County at the statewide general election to be held on November 8, 2022.

NOW THEREFORE: be it hereby resolved by the Antelope County Board of County Commissioners, that the question of electing a county surveyor for Antelope County be submitted to the registered voters of Antelope County at the statewide general election to be held on November 8, 2022, and the question shall read as follows: Shall Antelope County elect a county surveyor to carry out the responsibilities of County surveyor as provided in Section 23-1901 of the Nebraska Statutes.

The form of submission upon the ballot shall be as follows:

FOR election of county surveyor

AGAINST election of county surveyor

IN WITNESS WHEREOF, this resolution is adopted this 2nd day of August 2022.

ANTELOPE COUNTY BOARD OF COMMISSIONERS:

_____/s/ Charlie Henery _____
Chairman or Vice Chairperson

ATTEST: ____/s/ Lisa Payne _____
Lisa Payne, County Clerk

Budget: Inquiry of budget action and timeline. Antelope County Commissioners requested a special meeting on August 24th, 2022, to review office budgets. Meeting was set for 8:00 AM on **Wednesday**, August 24th, 2022. Clerk to advertise meeting.

Road Superintendent and Road Foreman Review and Discussion: Commissioners discussed whether this should be in executive session or not. After verifying with County Attorney, it was decided to appoint a two (2) member committee to conduct employee performance review. The evaluation/review should include Road Superintendent, Road Foreman, Zoning Administrator, Weed Superintendent, and Veterans Service Officer. It was reiterated at no time should compensation/wages be discussed with the individual officers/offices. Motion by Commissioner Jacob, seconded by commissioner Pedersen to appoint Commissioner Smith and Commissioner Krebs to serve on the review committee, for the 2022-year. No compensation/wages will be discussed until meeting in Commissioner Public Session at future meeting. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion passed.

No other issues to discuss.

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

Meeting adjourned at 11:42 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne