

September 6<sup>th</sup>, 2022  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 6<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: Krebs, Pedersen, Smith, Jacob, 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: Pedersen, Krebs, Jacob, Smith and Henery. Nays none. Motion carried.

**Minutes of the August 9<sup>th</sup>, 2022, Board of Commissioner Meeting, Minutes of the August 9<sup>th</sup>, 2022, Board of Equalization Meeting, Minutes of the August 24<sup>th</sup>, 2022, Board of Commissioner Meeting, Minutes of the September 1<sup>st</sup>, 2022, Board of Commissioner Meeting:** were postponed for further review.

**Correspondence was reviewed:** Pipeline Association for Public Awareness Newsletter; NIRMA letter introducing Todd Duncan and Law Enforcement and Safety Specialist; Bond Certificate Thunderhead Wind Energy, LLC; County Leaders Summit Flyer; JEO Road ROW report for 515<sup>th</sup> Avenue; Pay Application and Change Order for Missouri Petroleum Products Co, Inc; DEE letter regarding Cedar Ridge Beef Animal Feeding Operation; DEE letter regarding Yoder Farm Animal Feeding Operation; Union Bank & Trust monthly statement – AMH Bonds; NNTC 65<sup>th</sup> Annual Meeting notice; Budget Reports; Clearwater Village Building Permit for weather shelters; Tri-County Mitigation letter regarding upcoming meetings; Letter from Jueswi Person Specul – from West Virginia.

**Treasurer’s Fund Balance Report** for August was presented and put on file.

**Treasurer’s Miscellaneous Revenue Report** for August was presented and put on file.

**Clerk of the District Court Fee Report** for August was presented and put on file.

**Zoning Permit Report** for August was presented and put on file.

**Receipts:**           \$ 2,650.00           Village of Oakdale           Road and Bridge

**Voter Integrity** – Mike Seier, Connie Baker, Jack Hixson, Sheryl Baker representing Antelope County Patriots met with the Commissioners regarding voter integrity. The requested a copy of the USB drive that was uploaded to SOS – clerk responded the records are sealed per state statute. After asking where the election records were securely stored, Commissioner Smith stated all the information stored in the vault are public record, when in fact not all the information is public record. County Attorney will work on defining-interpreting statutes with AG’s Office and SOS. All agreed they wanted to the elected officials to follow the law. Tabulators have been in use since 2006 in Antelope County. Other counties have been using them for 30+ years. They were requested to go to the State level to get the changes made that they are requested. Connie Baker shared comments – from 09-20-2022 - from Secretary Evnen regarding absentee ballots. The Commissioners requested to hold topic until the County Attorney can clarify verbiage.

**Public Hearing:** 10:20 AM Closing of 515<sup>th</sup> Avenue between 840<sup>th</sup> and 841<sup>st</sup> Roads: Motion by Commissioner Smith, seconded by Commissioner Pedersen to open public hearing. Voting aye: Smith, Krebs, Pedersen, Jacob and Henery. Nays none. Motion Carried. Chairman Henery stated the reason for the hearing is to permanently close a portion of 515<sup>th</sup> Avenue between 840<sup>th</sup> and 841<sup>st</sup> Road, between Sections 35 and 36 in Stanton Township (Township 24, Range 8) West of the 6<sup>th</sup> PM, Antelope County, Nebraska. Brian McDonald reports he has completed a road study. The road is being used as pasture. The road was open, and never closed. However, today is not a used road, and has not been used for a long time. There are fences there now, but the true section line is not marked. Brian assumes the section line to be somewhere between the current fences. Discussion regarding where, when the fences were placed, Brian could not and did not comment as he did not know. 10:24 AM: Chairman called three (3) times for anyone opposed to comment. 10:25 AM: Chairman called for anyone in favor to comment. Marlin Conry, with Invenergy, (petition circulator), stated “The road has not been used, obviously for maybe ever.” We saw no record that even a two (2) track had been there. If so, it might have been a hundred year ago. But we saw no sign anything had been put in place other than fences there. And like Brian said, even when we are out there, there are no signs that even the tracks were ever there. There is no sign that anything has ever been there. Brian confirmed there is no record of the tracks. 10:27 Chairman asked for Neutral Testimony. No response. Chairman asked for any other comment. No response. Commissioner Krebs questioned the accessibility of the area. The parcels on the west are owned by the same owner. Land locking is not an issue, as the owner is the same. School land is to the east. 10:30 AM Motion by Commissioner Pedersen, seconded by Commissioner Jacob to close public hearing. Voting aye: Smith, Krebs, Pedersen, Jacob and Henery. Nays none. Motion carried. Brian McDonald recommended the County revert the property back to the adjoining landowners if the County were to close the road. Fences would be landowner responsibility and they need to be made aware. If in ten years that has not been changed, the fences would determine the property line. Motion by Commissioner Jacob to close 515<sup>th</sup> Avenue between 840<sup>th</sup> and 841<sup>st</sup> Road, reverting property to adjacent landowners. Motion is seconded by Commissioner Pedersen. Voting aye: Smith, Krebs, Pedersen, Jacob and Henery. Nays none. Motion carried.

ROAD CLOSING AVENUE  
RESOLUTION 2022-09-0002  
ANTELOPE COUNTY, NEBRASKA

WHEREAS Antelope County considered the possible vacation or abandonment of county roadway located on 515<sup>th</sup> Avenue, between 840<sup>th</sup> and 841<sup>st</sup> Road. Vacation of the whole mile running north and south, north of 840<sup>th</sup> Road and South of 841<sup>st</sup> Road. The road and right of way do not appear to have been utilized for many years. The mile of road is located between Sections 35 and 36, Section 24, Range 8, West of the 6<sup>th</sup> P.M., Antelope County Nebraska.

WHEREAS Antelope County Commissioners 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.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, said road be vacated and the right-of-way easement revert to the adjacent property owners.

Adopted this 6<sup>th</sup> day of September 2022, at Neligh, Nebraska

BOARD OF COUNTY COMMISSIONERS OF ANTELOPE COUNTY, NEBRASKA

\_\_\_/s/ Charlie Henery \_\_\_\_\_

Charlie Henery, Chairman

Commissioner Jacob Moved the adoption of said Resolution, Seconded by Commissioner Pedersen.

Roll Call: \_\_5\_\_Yea           \_\_\_0\_\_Nay

Resolution adopted, signed, and billed as adopted.

Attest:       \_\_\_/s/ Lisa Payne \_\_\_\_

Lisa Payne

**Set public hearing date and time for One- & Six-Year Plan:** Brian McDonald shared with the Commissioners the map and corresponding list of One- & Six-Year Road Project Plans.

Project 421 is not bid at this point.

Project 408 has been dropped – concrete overlay for 513<sup>th</sup> Avenue.

Projects 428-429 is improving the Summerland School Roads by 3R standards. This is still being worked out and may wait until 2024. To upgrade it we will have to go with minimum standards.

C-2(430) Sunken Gardens Bridge – it is in bad shape. Currently barricaded.  
Brian asked if there were any more changes to get them to Aaron or him before the hearing date.  
C-2(392) – is the burnt bridge in Oakdale Township – the County currently has the culverts for this bridge.  
Motion by Commissioner Smith, seconded by Commissioner Jacob to set One- & Six-Year Road Plan public hearing for Tuesday, October 4<sup>th</sup> at 9:10 AM, in the Commissioner Meeting Room, Antelope County Courthouse, Neligh, NE 68756. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery.  
Nays none. Motion carried.

ANTELOPE COUNTY, NEBRASKA  
Resolution Setting Public Hearing for One- and Six-Year Road Program  
RESOLUTION # 2022-09-0003

WHEREAS, the Antelope County Board of Commissioners, in order to receive State and Federal Funds for Road Maintenance must hold a public hearing to discuss the various Road and Bridge Projects with the public;  
WHEREAS, Brian McDonald, Highway Superintendent has requested a hearing date be set for October.  
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska that a public hearing date be set for 9:10 AM, on the 4<sup>th</sup> day of October 2022 to discuss and consider various Road Projects throughout Antelope County. The County Clerk is hereby directed to advertise and post notifications of such public hearing.  
Adopted this 6<sup>th</sup> day of September 2022, at Neligh, Nebraska.

BOARD OF COUNTY COMMISSIONERS  
OF ANTELOPE COUNTY, NEBRASKA  
\_\_\_\_\_/s/ Charlie Henery\_\_\_\_\_  
Charlie Henery, Chairman

Commissioner Smith moved to adopt said resolution, seconded by Commissioner Jacob.  
Roll Call: 5 Yea      0 Nay  
Resolution adopted, signed and billed as adopted.

ATTEST:  
\_\_\_\_\_/s/ Lisa Payne \_\_\_\_  
Lisa Payne, Clerk

**Thunderhead Road Use Agreement:** The bond is in place. Invenergy is requesting to release the agreement today. Mr. Boggs reports there are no issues pending. They have done everything he has asked them to do. Road review was completed by Mr. Boggs, Mr. McDonald and Marlin Conry. The bond will remain in place. Motion by Commissioner Jacob, seconded by Commissioner Krebs, to release the Road Use Agreement, leaving the bond in place until further notice from the Road Superintendent and approval of the Board of Commissioners. Voting aye: Smith, Krebs, Pedersen, Jacob and Henery. Nays none. Motion carried.

ANTELOPE COUNTY, NEBRASKA  
BOARD OF COMMISSIONERS  
RESOLUTION #2022-\_\_\_\_\_  
WHEREAS, In accordance with the County Roads Use Agreement dated May 14, 2019 (“RUA”) entered into between Antelope County and Thunderhead Wind Energy LLC ("Developer"), Developer has maintained and restored County roads to the as-found condition or better for the County roads identified on the attached Exhibit A.  
WHEREAS, The Developer has notified the County that it has completed all Road Maintenance following Final Construction.  
WHEREAS, The County roads listed on Exhibit A were reviewed jointly with representatives of Developer and the County and were confirmed to meet or exceed the as-found condition.  
WHEREAS, Developer has satisfied all terms, conditions and obligations of the RUA to the County’s satisfaction.  
WHEREFORE, upon approval of this Resolution by the County Board, the responsibility for maintenance of these roads will revert to and shall become the responsibility of Antelope County, and except for the conditions stated herein, all obligations of the Developer pursuant to the County Roads Use Agreement will terminate for County roads listed on Exhibit A.  
IT IS HEREBY RESOLVED, that Antelope County releases Developer from the road maintenance obligations set forth in the RUA and accepts responsibility for road maintenance as shown on the attached Exhibit A as of this date;  
IT IS FURTHER RESOLVED, that all obligations of the Developer pursuant to the RUA are hereby terminated, except for the Financial Assurance requirement set forth in Section 36 of the RUA.  
Developer shall maintain the Financial Assurance in full force and effect until the facility achieves commercial operation.  
ADOPTED AND APPROVED this 6<sup>th</sup> day of September, 2022, at Neligh, Antelope County, Nebraska.  
Commissioner: \_\_Jacob\_\_\_\_      Commissioner: \_\_Pedersen\_\_\_\_  
Moved to adopt said Resolution      Seconded the Motion

Roll Call: 5 Yea    \_\_-\_\_ Nay    \_\_-\_\_ Abstain  
Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF COMMISSIONERS  
\_\_\_\_\_/s/ Dean Smith\_\_\_\_\_  
Dean Smith, Dist. #1  
\_\_\_\_\_/s/ Regina Krebs\_\_\_\_\_  
Regina Krebs, Dist. #3  
\_\_\_\_\_/s/ Carolyn Pedersen\_\_\_\_\_  
Carolyn Pedersen, Dist. #5  
\_\_\_\_\_/s/ Eli Jacob\_\_\_\_\_  
Eli Jacob, Dist. #2  
\_\_\_\_\_/s/ Charlie Henery\_\_\_\_\_  
Charles Henery, Dist. #4, Chairman

Attest:      SEAL  
\_\_\_\_\_/s/ Lisa Payne\_\_\_\_\_  
Lisa Payne, Antelope County Clerk

EXHIBIT A  
511 from 843.5 to 844.5  
843 from 511.5 to 511.75  
511 from 513.5 to 514  
515 from 843.5 to 844  
844 from 517 to 517.5  
846 from 521 to 522

**Pay Application on Micro-surfacing from Missouri Petroleum:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve and pay the pay application for \$738,226.96. Voting aye: Smith, Jacob, Krebs, Pedersen, and Henery. Nays none. Motion carried.  
**Change Order on Micro-surfacing from Missouri Petroleum:** Motion by Commissioner Smith, seconded by Commissioner Krebs to approve change order resulting in an approximate \$97,000.00 savings.  
Discussion on **striping the micro-surfacing roads.** This will be part of a change order if we want Missouri Petroleum to complete the project on the micro-surfacing projects. The Commissioners verbally agreed the change order will result in a cost of approximately \$20,592.00 for striping. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve change order for striping. Voting aye: Smith, Krebs, Pedersen, Jacob and Henery. Nays none. Motion carried.

- Job Review/Reports:**
- Road Superintendent & Road Foreman: Commissioner Smith stated again he thought this was a valuable tool. Commissioner Smith made a motion to set the Road Superintendents wage with the County Clerk of the District Court, County Assessor, County Treasurer, and County Clerk, starting January 1, 2023, to continue with the same increases for the next four (4) years and to set the Road Foreman at 90% of that wage (58,980.00). Motion is seconded by Commissioner Krebs. Voting aye: Smith, Krebs, and Henery. Nays: Pedersen and Jacob. Motion passed.
  - Weed Superintendent: Commissioner Smith makes a motion to set Weed Superintendents wage to \$45,000.00 annually starting January 1<sup>st</sup>, 2023, and to increase Sheryl’s (part-time weed secretary) to \$18.00 an hour. Discussion. After discussion Commissioner Smith amended the motion to increase the Weed Superintendents wage only. Leaving the increase for the secretary at the Weed Boards discretion as that position is not hired by the Commissioners. Motion is seconded by Commissioner Jacob. Voting aye: Smith, Krebs, Jacob, Pedersen, and Henery. Nays none. Motion carried.
  - Veterans Service Officer: Motion by Commissioner Smith, seconded by Commissioner Jacob to increase the Veterans Service Officer to \$28.75 an hour, starting January 1, 2023. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.
  - Zoning Administrator: Motion by Commissioner Smith, seconded by Commissioner Jacob to increase the Zoning Administrator salary to \$22.00 an hour starting January 1, 2023. Voting aye: Smith, Krebs, Jacob and Henery. Nays Pedersen. Motion carried.

**Zoning Administrator Report:**  
Zoning Permit Report was reviewed and put on file.  
Zoning Administrator is not here for report.

- Road Superintendent Report:**
- **Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the application for an underground permit in the SE¼ Section 24, Township 25, Range 5, West of the 6<sup>th</sup> P.M. Antelope County, Nebraska. Purpose is to place a waterline. Mr. Boggs voiced no issues. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.
  - **Oversize Permit:** Motion by Commissioner Jacob, seconded by Commissioner Smith to approve the oversize permit submitted by Atlas Crane for moving a crane to tower 18 and return. Permit numbers 31 & 32. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.
  - **Oversize Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the oversize permit submitted by Atlas Crane for moving a crane to 835<sup>th</sup> Road and 529<sup>th</sup> Avenue and return. Permit numbers 33 & 34, blade moving. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.
  - **Access Permit** for Hochstetler in the N½SE¼ Section 6, Township 28, Range 8 (511<sup>th</sup> Avenue) was not reviewed so was asked to be on next week’s agenda.

**Inventories 2022:** 2022 Official Inventories were reviewed. Motion by Commissioner Pedersen, seconded by Commissioner Smith to approve and put on file. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

**Rehire Sheriff’s Office:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve rehiring of Amanda Boschen. Amanda was employed by the Weed Department several years ago. No issues. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

**Antelope Country Club:** No written or verbal correspondence has been received by the Clerk. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve and accept the liquor license renewal for Antelope Country Club for the 2022-2023 year. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

**Budget Review:** Last week the proposal of the budget was presenting a levy with a \$0.07 increase. During discussion this week, the Clerk and Commissioner Pedersen reviewed the budget and attempted to make cuts to help balance the budget. Every office and Road and Bridge were reviewed, and cuts were made where possible. The budget was presented to the Commissioners with last week’s figures in the Board Proposed with changes presented in the Board Approved column. It was done this way to show changes and make them visible for Commissioner discussion. The commissioners discussed adding in an additional \$250,000.00. With the proposed changes the levy increase is approximately \$.028 cents, presenting an approximate 0.30 cent levy. Motion by Commissioner Smith, seconded by Commissioner Pedersen to set budget public hearing at 10:30 AM and tax asking to follow. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

No other issues to discuss.

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

Meeting adjourned at 1:15 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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