

January 7th, 2025
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, January 7th, 2025, at 8:00 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. The meeting was called to order by Board Chairperson, Charlie Henery with the following board members in attendance: Jacob, Dittrich, Krebs, Williby and Henery. Chairman stated that 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. The agenda for said meeting was sent to all members of the County Board of Commissioners.

Pledge of Allegiance was recited.

Agenda: Motion by Commissioner Williby, seconded by Commissioner Jacob to approve agenda as presented. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.

Minutes: Minutes of the December 3rd, 2024, Board of Commissioner Meeting: Motion by Commissioner Williby seconded by Commissioner Dittrich to approve minutes of the December 3rd, 2024 Board of Commissioner Meeting. Voting aye: Krebs, Dittrich, Williby, and Henery. Nays none. Jacob abstains. Motion carried.

Minutes: Minutes of the December 3rd, 2024, Board of Commissioner Meeting: Motion by Commissioner Williby seconded by Commissioner Dittrich to approve minutes of the December 3rd, 2024 Board of Commissioner Meeting. Voting aye: Krebs, Dittrich, Williby, and Henery. Nays none. Jacob abstains. Motion carried.

Minutes: Minutes of the December 10th, 2024, Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the December 10th, 2024, Board of Commissioner Meeting. Voting aye: Jacob, Dittrich, and Henery. Nays none. Williby and Krebs abstain. Motion carried.

Correspondence was Reviewed: road project manager position is open; certificate of liability insurance FNIC – JJK Construction LLC; Letter regarding revocation of Tobias S. Gay engineering license; Zelle reacquaintance letter; Nebraska Department of Environment and Energy letter regarding permit application submitted by Thiele Dairy, LLC; copy of the Elgin-Neligh Realignment of County Road agreement and resolution; Northeast Nebraska Solid Waste Coalition landfill site observation report-December; copy of changes made to application for underground permit; copy of the underground and oversize permit on today's agenda; copy of email from Kevin Barta, Knox County Bridge Crew with update and pictures on the County Line Bridge project; Imprest Pledge Collateral-\$4,025,000.00.

The Treasurer's December Fund Balance Report was reviewed and put on file.

The Treasurer's December Miscellaneous Revenue Report was reviewed and put on file.

The Treasurer's Sweep Account Statement for December was reviewed and put on file.

The Clerk of the District Court December Miscellaneous Fee Report was reviewed and put on file.

Receipts:
Invoice and payment-Village of Brunswick - \$17,668.75 – Road and Bridge
Invoice and payment-Shabram Grinding – \$2,240.00 – Road and Bridge
Payment – Alter Metal Recycling - \$1,574.40 – Road and Bridge

Quarterly Jail Inspection: Commissioners Jacob and Dittrich will conduct Jail Inspection after today's meeting.

Update Underground Permit: With a recent request from a public power district regarding placement of lines and guide wires inside the County right-of-way, and discussion of granting and processing on an individual case basis; it was the Commissioners' interest to make the current underground permit more uniform and user friendly. After discussion with the Road Superintendent, the clerk presented an updated form with a slight change in the title, basically leaving the context of the form as is. Discussion of the form presented. Multiple changes were discussed. Motion by Commissioner Krebs, seconded by Commissioner Dittrich to update the current form by:

Title: Application for Permit to Place a Structure Above or Below the County Right-of-Way

Legal Description: Reduce extra line.

1. Should be changed to: Type of Structure (instead of 'Size of Pipe')

'Purpose of pipeline or service line' should change to Purpose of Structure

Extra Line added after Purpose of Structure.

Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.

Janitor/Maintenance Report:

- Mrs. Schindler reported the window frames in the upstairs offices are secure and are actually falling off of the window frames. The Commissioners recommended contacting Bob Dainton to be called to see if he can help with this.
- Mrs. Schindler reported the carpet in the Clerk of the District Court office is buckling and is worried it is becoming a trip hazard. She wondered about the safety of the situation and ways to handle it. Commissioners Henery, Dittrich and Williby walked up and looked at the carpet and recommended ordering and installing new carpet. Mrs. Schindler will work with the District Court Clerk on type and timeline.
- It was recommended that Mrs. Schindler call the Sheriff if scooping has not commenced in a timely manner (by 6:30 am) after a snowfall that needs to be scooped.
- No further report.

Elgin - Neligh Realignment of County Road Agreement and Resolution: The State of Nebraska Department of Transportation is considering reconstruction of Highway 14 going south of Neligh to Elgin. There is an access that will need to be adjusted and the NDOT is requesting an agreement be in place showing the Counties' cooperation by providing road closing and access restrictions when necessary. Discussion. Highway Superintendent, Brian McDonald basically stated he did not think the County had any room for objection, and reassured the Board NDOT would work with the County at the time of construction as reasonable and needed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to authorize the chairman to sign resolution and agreement. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.

NEBRASKA
 State of Nebraska
 Department of Transportation
 ANTELOPE COUNTY
 PROJECT NO. STP-14-4(119)
 CONTROL NO. 32383
 ELGIN - NELIGH
 REALIGNMENT OF COUNTY ROAD

COUNTY AGREEMENT

THIS AGREEMENT is between the County of Antelope, Nebraska ("County") and State of Nebraska, Department of Transportation ("NDOT"), collectively referred to as the "Parties".

WITNESSETH
 WHEREAS, State intends to design the intersection of County Road 521st Ave ("CR-521st Ave") with Nebraska state highway 14 ("Hwy 14"), at a new angle with appropriate surfacing, and

WHEREAS, the realignment of the intersection of CR-521st Ave with Hwy 14 will require a temporary closure of CR-521st Ave.

WHEREAS, County agrees to sign the temporary road closure and any other that the County would choose to designate, if any, and

WHEREAS, State intends that the improvement be designed and constructed under the designation of Project No. STP-14-4(119) and

WHEREAS, after State has completed the county road work, County will be solely responsible for the maintenance, repair and replacement, when necessary, of any county road and drainage facilities, and

WHEREAS, County Board has authorized the County Chairman to sign this Agreement, as authorized by the Resolution of County Board dated the 7th day of January, 2025, attached as Exhibit "C", and incorporated herein by this reference.

NOW THEREFORE, in consideration of these facts and the mutual promises of the Parties, the Parties agree as follows:

Project No. STP-14-4(119)
 Control No. 32383
 Antelope County

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SECTION 1. DESCRIPTION OF THE WORK WITHIN THE COUNTY LIMITS
 The Parties agree State will develop plans and specifications and cause the project to be constructed at the location shown on Exhibits "A" and "B", attached and incorporated herein by this reference, and in accordance with plans and specifications and the provisions of this Agreement.

SECTION 2. COUNTY ROAD REALIGNMENTS AND FUTURE MAINTENANCE RESPONSIBILITIES
 The Parties agree that the project improvements will include realigning, modifying, and restriping the existing county road intersection to Hwy 14. The following Antelope County Road will be affected: 521st Ave, as shown on Exhibits "A" and "B". The intersection of CR-521st Ave with Hwy 14 will be closed during construction of CR-521st Ave. State will notify County in writing seven (7) days prior to the need for the road closure to be in place. State will notify County promptly when the county road work is completed, and CR-521st Ave can be reopened to traffic. After State has completed the county road work, County will be solely responsible for the maintenance, repair and replacement, when necessary, of any county road and drainage facilities, in accordance with Neb. Rev. Stat. § 39-2103.

SECTION 3. CONSTRUCTION SCHEDULE
 State will determine the construction schedule for this project. It is anticipated that the project will be completed in the fall of 2026 and be constructed in 2027.

SECTION 4. FINANCIAL RESPONSIBILITIES
 State will construct the highway improvements and county road realignment, as described in Section 1 of this Agreement.

SECTION 5. COUNTY ROAD TRAFFIC CONTROL
 County agrees to erect and maintain road closed signage and any other signing County may choose to place for the project. All signing shall be in conformance to the Manual of Uniform Traffic Control Devices (MUTCD), current version.

SECTION 6. RIGHT OF WAY
 All work will be performed within right of way owned by or to be acquired by State or within County Road right of way. County will retain all responsibilities assigned to County in Nebraska Statute as a part of the jurisdictional responsibility for county roads.

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SECTION 7. COUNTY RESOLUTION
 County Board has authorized the Chairman to sign this Agreement as evidenced by the Resolution of the County Board, attached as Exhibit "C" and incorporated herein by this reference.

SECTION 8. PLANS AND SPECIFICATIONS
 The plans and specifications for this project will be on file in the Union Central headquarters office of the Nebraska Department of Transportation.

SECTION 9. SEVERABILITY
 The invalidity or unenforceability of any such clause, provision, section, or part shall not affect the validity or enforceability of the balance of the Agreement, which shall be construed and enforced as if the Agreement did not contain such invalid or unenforceable clause, provision, section or part.

SECTION 10. COMPLETION
 This Agreement is the complete and exclusive statement of the arrangement between the parties, and supersedes all proposals, oral or written, and all other communications between the parties relating to the subject matter thereof. It may be amended from time to time in writing by the mutual consent of the Parties hereto.

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IN WITNESS WHEREOF, the Parties hereto execute this Agreement pursuant to their authority as of the date signed by each party.

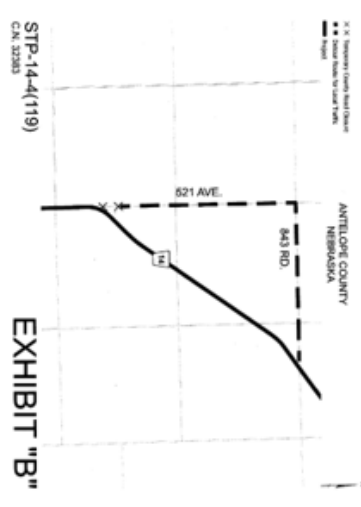
EXECUTED by County the 7th day of January, 2025
 WITNESSES: ANTELOPE COUNTY
 County Clerk
 Chairman, County Board

EXECUTED by State the ____ day of _____, 20____
 STATE OF NEBRASKA
 DEPARTMENT OF TRANSPORTATION
 Brandon Neumann, P.E.
 Highway Design Engineer

RECOMMENDED
 Ryan Donnell, P.E.
 District Engineer

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RESOLUTION
 A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION FOR:

NDOT Project Number: STP-14-4(119)
 NDOT Control Number: 32383
 NDOT Project Name: Elgin - Neligh

WHEREAS: The County of Antelope has been asked by the Nebraska Department of Transportation (NDOT) to enter into an Agency Agreement with NDOT for the above Project for the purpose of highway improvements on Highway 14 within the boundaries of the County; and

WHEREAS: The County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this project; and

WHEREAS: The County and NDOT wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the project;

BE IT RESOLVED: the following is the official action taken by the County Board of the County of Antelope Nebraska:

- The Chairman of the County Board is hereby authorized and directed to execute said Project Program Agreement on behalf of the County of Antelope and the County Clerk is authorized to attest said execution.
- This resolution will be marked Exhibit "C" and a copy attached to each Original Agreement.

PASSED AND APPROVED THIS 7th DAY OF January, 2025

ATTEST:
 County Clerk
 Chairman of the County Board

EXHIBIT "C"

Project Updates-Brian McDonald:

- County Bridge Matching Program: - County Line Bridge Project (with Knox County) (west of Highway 14) 80-foot precast slab. Plans are done, we are waiting for NDOT to give us the culvert plans for the other project that was sent in with this project. (Project 433). Two (2) miles north and one (1) mile west of Royal. Houses in the area – will have to be rerouted. The current regulations on bat requirement is that during construction season (April 1st-September 30th) no structures can be removed in case there are bat habitats. Brian is hoping to get the plans back from DOT by the end of January – submit for County Bridge Match – then remove both structures (bridge decks) before April 1st. He will be in touch with receipt of the authorization from NDOT, so (with permission from NDOT) these decks can be removed before any bat inhabitation.
- There are several state and federal commissions that can mess with the construction of replacement culverts.
- Will need to be bid for spring-summer construction, hopefully in February.
- In the Elgin area – Elgin Northeast (NE) there are two (2) half (½) mile roads 12 x 6 – Mr. McDonald will be getting the plans submitted today. Hopefully we will be letting these bids in March – April at the latest. Same thing here – removing structures before April 1st. We might be removing all structures as one project.
- Heithoff – N/S Bridge was to be replaced with two (2) ten-foot culverts. This one was replaced with a 72-inch pipe. Which does not allow correct flow. Two (2) 10-foot tubes probably are in order. Brian will inspect today – to see if two (2) eight (8)-foot tubes will work.
- Intersection north of Tilden – is being surveyed this week. Mr. McDonald will be in touch.
- Cattle crossing. Commissioner Henery asked about an old wooden structure in northern Antelope County in which the deck appears weak, but there is a cattle crossing underneath it. Does the County need to maintain the cattle crossing? Mr. McDonald will check on the most appropriate replacement option. He is not sure if you can replace it with a tube (8-foot). This is not a water crossing. This structure has been there for >60 years, and is located 856th Road, between Sections 8-17, Willow Township (26-5) between 529th – 530th Avenue. The County Attorney had no recommendation at this time. Mr. McDonald will work with Road Superintendent, on the individual structure.
- No further report.

9:07 AM: Public Comment: Chairman Henery called for any public comments three (3) times. No comments were voiced.

Zoning Administrator Report:

- The Zoning Permit Report for December** was reviewed and put on file.
- Reappoint Dave Miller, Kurt Rakow & Ron Thiele to the Planning Commission for a three-year term (term expires 12/31/27).** Motion by Commissioner Dittrich, seconded by Commissioner Williby to approve and appoint Dave, Miller, Kurt Rakow and Ron Thiele to the Planning Commission Board as recommended by Zoning Administrator. She has verified these individuals will serve. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.
- Reappoint Corey Curtis and Derek Zuhlke to the Board of Adjustment for a three-year term (term expires 12/31/27).** Motion by Commissioner Williby, seconded by Commissioner Jacob to approve and appoint Corey Curtis and Derek Zuhlke to the Board of Adjustment as recommended by Zoning Administrator. She has verified these individuals will serve. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.
- Reappoint Dave Miller to the Board of Adjustment for a two-year term (term expires 12/31/2026).** Motion by Commissioner Dittrich, seconded by Commissioner Williby to approve and appoint Dave Miller to the Board of Adjustments as recommended by Zoning Administrator. She has verified these individuals will serve. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.

January 9th, 2025 – National Day of Mourning – President Jimmy Carter: United States current Administration has declared Thursday, January 9th, 2025 as a national day of mourning. As such, the Federal offices are closed, trickling down to the State offices. The Antelope County Board motion made last January stated when the State or Federal declares a holiday, Antelope County will observe same. The County Attorney stated a National Day of Mourning is NOT the same as a National Holiday. The state mandated the Courts remain open. Discussion. The Federal and State Offices being closed constitute no support for the offices from the senior offices. Discussion of options of NOT closing on the 9th. A floating holiday for employees to observe before the end of February, allowing the courthouse to remain open, and allowing the employees the benefit of the day off. Motion by Commissioner Krebs, seconded by Commissioner Jacob for the courthouse to remain open and allow all full-time employees a floating holiday (7.5 hours) to be taken with Officials-Supervisor authorization before the end of February 2025. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried

River Road and Nebraska Street/Clearwater Village Board: John Zwingman, City Engineer for Clearwater Village, was present today. He reported he had received a text from the 'gal at the city' and the representative was ill and was not able to attend. He requested the discussion be tabled. The Commissioners asked what the 'discussion' could entail as this subject had been discussed multiple times. It was discussed that Mr. Zwingman would meet with Road Superintendent, Leigh Kluthe and Highway Superintendent, Brian McDonald to discuss the current situation and plan of attack. No action today.

9:39 AM Commissioner Henery stepped out of the meeting.

Road Superintendent Report:

Rehire: Motion by Commissioner Dittrich, seconded by Commissioner Krebs to rehire Robert Hart. Road Superintendent reported Mr. Hart left in good standing, and had satisfactory work performance while here. Road Superintendent has no issues with rehire. Voting aye: Jacob, Dittrich, Krebs, and Williby. Henery was out of room for vote. Nays none. Motion passed.

9:43 AM Commissioner Williby left the meeting – prior obligation.

Tabletop Exercise 9:45 -11:40 AM Active Threat Training – Bobbi Risor and _____ Mackenzie, with Region 11 Emergency Manager hosted a table top exercise regarding an active shooter type scenario in the Courthouse Annex. Approximately 29 people were in attendance – including sheriff, deputies and department personnel, police, emergency medical services, hospital personnel, fire chief, various facility operators, and Antelope County Officials. Discussion and interactive scenarios were completed. No action today.

Short break.

Road Superintendent Report:

Oversize Permit: Borsheim Crane Service submitted an oversize permit for a crane to move to a tower, utilizing 519th Avenue on Boone County Line, north 4 miles to 838th Road west on 838th Road 0.2 miles to access road. Mr. Kluthe reported this has been carried out, he had no issues and no issues were encountered. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve the oversize permit as submitted. Voting aye: Jacob, Dittrich, Krebs and Henery. Nays none. Williby was absent. Motion passed.

Underground Permit: Bauer Underground submitted an underground permit to cross 516th Avenue for the purpose of providing electrical service to a new building. This placement will be under 516th avenue north of Highway 20 approximately 310 feet, located in the NW¼ Section 1, Township 27, Range 8, West of the 6th P.M., Antelope County, Nebraska. Aaron Smith is the owner and tenant. Mr. Kluthe reports no conflicts. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve. Voting aye: Jacob, Dittrich, Krebs and Henery. Nays none. Williby was absent. Motion passed.

Adjournment: Motion was made by Commissioner Jacob seconded by Commissioner Dittrich to **adjourn**. Voting aye: Jacob, Dittrich, Krebs and Henery. Nays none. Williby was absent. Motion passed.

The meeting was adjourned at 11:46 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne