

November 4th, 2024
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Monday, November 4th, 2024, at 9:01 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. The meeting was called to order by the Board Chairperson, Charlie Henery with the following board members in attendance: Jacob, Williby, Dittrich, Krebs 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 Dittrich seconded by Commissioner Jacob to approve agenda as presented. Voting aye: Jacob, Krebs, Dittrich, Williby, and Henery. Nays none. Motion carried.

Minutes: Minutes of the October 8th, 2024, Board of Commissioner Meeting: Motion by Commissioner Williby seconded by Commissioner Dittrich to approve minutes of the October 8th, 2024, Board of Commissioner Meeting as presented. Voting aye: Williby, Krebs, Dittrich and Henery. Jacob abstains. Nays none. Motion carried.

Minutes: Minutes of the October 8th, 2024, Board of Equalization Meeting: Motion by Commissioner Dittrich seconded by Commissioner Williby to approve minutes of the October 8th, 2024, Board of Equalization Meeting as presented. Voting aye: Williby, Krebs, Dittrich and Henery. Jacob abstains. Nays none. Motion carried.

Correspondence was Reviewed: Personal Property Distress Warrants outstanding report from Treasurer; Northeast Nebraska Solid Waste Coalition landfill site observations; NDOT Broadband correspondence regarding informational meeting; 2024 Micro-surfacing Project certificate of substantial completion, change order #1, and payment application; picture of fence in right of way on Airport Road – County Attorney will continue to work with landowner to remove fence from ROW; MAXIMUS cost allocation plan for FY2023;

Receipt: \$18,008.00 to Road & Bridge – old, non-useful equipment sales – M&M Auctions LLC;
\$1,849.26 to Road & Bridge – scrap iron/metal; City of Elgin – material on North Street
\$5,138.80 to Road & Bridge – scrap aluminum; Roadrunner Iron and Metal
\$3,786.20 to Road & Bridge – scrap iron/metal. Gubbels Salvage

9:05 AM: Public Comment. Chairman called for public comment. Called three (3) times for public comment. No response.

Mandatory Drug Testing for Law Enforcement Employees Sheriff called this morning and wanted item taken off agenda. No action.

Find and Set Section Corner Stakes/Markers for local subdivisions: During recent correspondence with Elkhorn Rural Public Power District, they are planning on adding power lines along some Antelope County roadways. They are unable to locate markers, and requested the County find them. For the Department of Roads, Antelope County is responsible for locating markers. At which point Antelope County contacts Lavern Schroeder, RLS. Discussion with the Commissioners, County Attorney, Road Superintendent, it was decided to let the ownness finding and expense on the subdivision needing the location. A motion is made by Commissioner Williby, seconded by Commissioner Dittrich for the cost to be afforded to the subdivision. The County does not have and should not be involved in location or the cost there of. Voting aye: Williby, Krebs, Dittrich, Jacob and Henery. Nays none. Motion carried.

Distress Warrants: Treasurer, Deb Branstiter met with the Commissioners and presented a list of Distress Warrants that were sent to Antelope County Sheriff. She states some of the listed entities have already paid and are current. No action today.

Zoning Administrator Report:

- **Administrative Plat:** Mrs. Wingate presented an **Administrative Plat** for Matt Fischer & Muegge's. The parcel is 9.88 acres located in the E½SW¼ of Section 29, Township 28, Range 5, West of the 6th P.M., Antelope County, Nebraska. On this 9.88-acre tract they are planning on building a house. Access is good to both parcels, all setbacks have been met, no easements are required. Zoning Administrator recommends approval. Motion by commissioner Williby, seconded by Commissioner Jacob to approve the administrative plat as presented. Voting aye: Williby, Dittrich, Jacob, Krebs and Henery. Nays none. Motion carried.
- **Administrative Plat:** Mrs. Wingate presented an **Administrative Plat** for Smith's. The parcel is 4.083 acres located in the W½SW¼SW¼ of Section 11, Township 25, Range 6, West of the 6th P.M., Antelope County, Nebraska. This 4.083-acre tract is the farm operation - building site. Access is good to both parcels, all setbacks have been met, no easements are required. Taylor plans to move his family to the house located on the parent parcel and wants to separate the farm operation from the same. Zoning Administrator recommends approval pending removal of cement slabs that are currently on the line – and do not meet setbacks. Motion by commissioner Williby, seconded by Commissioner Jacob to approve the administrative plat with the cement slab contingency. Voting aye: Williby, Dittrich, Jacob, Krebs and Henery. Nays none. Motion carried.
- **No further report.**

Antelope County Extension: Amy Topp, Extension Board and Regional Coordinator; Kim Young – Extension Board Member; and Pam Slaymaker, UNL/Extension Educator met with the Board for the appointment of the new hire for the 4-H educator. They have hired Brooke Kumm to start May 27th, 2025, after her graduation in the spring of 2025 for \$40,000.00. Motion by Commissioner Krebs, seconded by Commissioner Williby. Voting aye: Williby, Dittrich, Jacob, Krebs and Henery. Nays none. Motion carried.

Ms. Young also requested a pay increase of \$2.00 for Lisa Welding – Extension Office Manager. This was originally presented in late June. At which time it was recommended to wait until after budget. Discussion. Motion by Commissioner Krebs, seconded by Commissioner Jacob to increase wage by \$2.00 (to 18.08) starting October 1, 2024. Voting aye: Krebs, Jacob, Williby and Dittrich. Henery no. Motion passed.

Road Superintendent Report:

- **Underground Permit – 532nd Avenue in NE¼ Section 34, Township 24, Range 5** – Alan Lind submitted an Underground permit for electric service to irrigation. Road Superintendent voice no issues. Discussion. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve underground permit on Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Access Permit-511th Avenue in E½SE¼ Section 19, Township 28, Range 8 (Sherman Township)** Dale Stelling submitted an access permit for entrance into a farm site. A culvert is needed, (40-foot length/24” width) and the County will work with landowner to install access. Road Superintendent voiced no opposition and gave verbal approval for landowner to proceed once the culvert arrives on site. No other conflicts. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve access on recommendation of Road Superintendent. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

- **Oversize Permit-Highway 14-855th Road -517th Avenue to Tower 3:** Barnhart Crane submitted five (5) oversize permits for access to a tower. Road Superintendent worked with crane operators and found the best route, and voices no issues today. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve oversize permit as per Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Underground Permit-521st Avenue between Sections 11-12, Township 27, Range 7 –** Michael Crabtree submitted an underground permit to place a permanent pipe to run electric/water for a cattle yard. Contractor is Durre Well. All specs will be met. Discussion. Road Superintendent voices no issues. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve underground permit as presented. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Oversize Permit-Highway 14-855th Road -517th Avenue to Boone County:** Barnhart Crane submitted an oversize permits for access to the Boone County Line. Road Superintendent worked with crane operators and found the best route and voices no issues today. (515th Avenue north to 837th Road east one mile to 516th Avenue, south bound on 516th to Boone County. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit as per Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Equipment Status Report** was shared. Grubb attempted a fix the grader and recommended running for durability – it has run for 12 hours. Transmission ate a quart of oil. Still investigating. Various discussions on equipment. Roller packers – need to go.
- **Equipment Sold on Auction – Not picked up: Mr. Kluthe will contact Matt McKay.**
- **Sunken Garden Bridge:** last culvert is placed. Cover and packing should be completed this week.
- **Culvert Bids:** Road Superintendent discussed obtaining culvert bids. Current stock is low.
- **513th Striping** should be completed in two (2) weeks.
- **Grader Training.** Last week there were two employees who attended grader training. This was at no cost. Trainees went to O’Neill. Overall Mr. Kluthe believes it went well.
- **Last Friday –** Overtime to take advantage of the little bit of moisture.
- **White Truck:** This truck has been discussed many times. The VIN number is unreadable, so there is very limited options as to how to sell. Scrap iron is about its value. Discussion. It is recommended to advertise truck for parts. Mr. Kluthe will look into. Social media/advertising. Sealed bids.
- **1989 Pickup –** scrap – except taking off the pickup box.
- **Paving machine is not under cover at this point –** it will go in the gravel shed for winter along with milling machine.
- **Shoulder machine –** discussion of purchasing as it seems to be more useful in laying product than other stock. Discussion of leasing – or purchase – possibly trading in the paving machine for credit on a motor grader and/or shoulder machine. The laydown machine did not move during construction season this year.
- **Discussion of Inventory.** Mr. Kluthe said he would try to present a current list of equipment (inventory).
- **No further report.**

License Plate Readers: In July, the Sheriff met with the Commissioners regarding electronic license plate readers to be placed along the highways. Today the agreements with Nebraska Department of Transportation are presented for signing. The County Attorney has reviewed and voices no issues. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve and authorize the Chairman to sign agreements (2). Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried. County:

<p style="text-align: center; font-size: 8px;">AGREEMENT NO. 23.242</p> <p style="text-align: center; font-weight: bold; font-size: 10px;">State/County Agreement Installation and Operation of Automated License Plate Reader on State Highway</p> <p style="font-size: 8px;">This Agreement is between the State of Nebraska, Department of Transportation (State), the County of Antelope, Nebraska (County), and Antelope County Sheriff's Office. This Agreement includes local law enforcement to confirm their understanding of the statutory and contractual obligations under this Agreement. The parties to this Agreement are collectively referred to as the Parties.</p> <p style="font-size: 8px;">Preliminary Statements</p> <p style="font-size: 8px;">Whereas, the Sheriff's Office is the local law enforcement agency of the County, and for purposes of this Agreement, the County and its Sheriff's Office will be referred to as "County," and</p> <p style="font-size: 8px;">Whereas, under the Automated License Plate Reader Privacy Act (the "Act") (Nebr. Rev. Stat. §§ 60-3201 to 60-3209), County is allowed to install, operate, and maintain an automatic license plate reader system ("ALPRS System") so long as it is operated for the purposes allowed and as provided in the Act.</p> <p style="font-size: 8px;">Whereas, County is currently planning to install, operate and maintain an ALPRS System on or along the State Highway at or near the location specified below in this Agreement, and</p> <p style="font-size: 8px;">Whereas, use of an ALPRS System could potentially be installed on part of the State Highway right-of-way, outside the traveled portion of the public property, and for this Agreement, the area of the State Highway located outside of the traveled way will be referred to herein as the "State Highway,"</p> <p style="font-size: 8px;">Whereas, County has requested permission from State to install, operate and maintain part or all of County's ALPRS System on the State Highway, and</p> <p style="font-size: 8px;">Whereas, State is willing to allow County to install, operate and maintain some or all of its ALPRS System on the State Highway as long as it is accomplished in no case, obligation, or liability for the State, in accordance with the terms of the Act, and consistent with this Agreement, and</p> <p style="font-size: 8px;">Whereas, the County Board authorizes its Chairperson to sign this Agreement, as evidenced by the Resolution of the County Board dated the 26th day of September, 2024, entered as <u>Antelope 2024-09-26</u> and made a part of this Agreement.</p> <p style="font-size: 8px;">NOW THEREFORE, in consideration of these facts and the mutual consideration of the Parties, the Parties agree as follows:</p> <p style="font-size: 8px;">Section 1. Purpose of the Agreement. The purpose of this Agreement is to authorize and provide the conditions for County to use and occupy the State Highway for the installation, operation, and maintenance of an ALPRS System.</p> <p style="font-size: 8px;">Section 2. Definition of "County's ALPRS System." County's ALPRS System includes but is not limited to ALPRS related equipment and materials installed by County on the highway including, but not limited to, ALPRS sensors, cameras, transmitters, receivers, antennas, power cables and equipment.</p>	<p style="text-align: center; font-size: 8px;">AGREEMENT NO. 23.242</p> <p style="text-align: center; font-size: 8px;">communication cables and equipment, attachment or connection devices, and other components, materials or equipment related to the ALPRS System Project.</p> <p style="font-size: 8px;">Section 3. Description of the Project. County proposes to install, operate, and maintain County's ALPRS System at the location listed on Attachment B to this Agreement, not to exceed ten (10) total proposed locations.</p> <p style="font-size: 8px;">Section 4. Duration of the Agreement. This Agreement will be effective beginning on the date it is signed by both Parties and will end on December 31st of the fifth year after the date when the Agreement was effective. Upon written request by County, and upon written approval by State, this Agreement may be renewed for up to two additional five-year terms.</p> <p style="font-size: 8px;">Section 5. County's Duties. County agrees to the following terms, conditions, and obligations for County's ALPRS System project in exchange for obtaining a limited right to use and occupy the State Highway as of right:</p> <p style="font-size: 8px;">5.1 Costs, Obligations, and Liability. County will be solely responsible for all costs, obligations, and liability arising out of the County's ALPRS System, and the County's use and occupation of the State Highway. County shall notify its insurance carrier, or its official risk management entity, of County's obligations under this Agreement and County will ensure that its obligations to be fully responsible for its use and occupancy of the State Highway as provided under this Agreement.</p> <p style="font-size: 8px;">5.2 ALPRS System Location Selection Process. In Antelope, R. County has identified proposed locations for installation of County's ALPRS System. County and State will work together in good faith to identify a location or locations acceptable to State for the placement of the ALPRS.</p> <p style="font-size: 8px;">5.3 Compliance with the Act. County will be solely responsible for complying with all applicable laws of the Automatic License Plate Reader Privacy Act and any other State or federal law related to County's use or occupancy of the State Highway and the operation of the ALPRS System.</p> <p style="font-size: 8px;">5.4 Obtain a Permit from State. Before using possession of the State Highway for the installation of County's ALPRS System, County must apply for and obtain a permit to use or occupy the State Highway from the State's local District Office using the State's standard permitting process.</p> <p style="font-size: 8px;">5.5 ALPRS Design, Structural Review, Environmental Review, Permits, Installation, and Traffic Control. County will be solely responsible for the design and installation of County's ALPRS System. If County's design includes construction of any ALPRS components to the State property or an attachment to the real estate, County must submit to State the design of a structural engineer that the general property or attachment has sufficient structural strength for installation of such device and shall obtain permission from State to use such real estate of general property or attachment. County will be responsible for any environmental review or necessary permitting required for County's ALPRS System Project. County will be responsible for any traffic control related to the installation, operation, repair, and maintenance of the ALPRS System, and such Traffic Control shall conform with the Manual</p>
<p style="font-size: 8px;">1</p>	<p style="font-size: 8px;">2</p>
<p style="font-size: 8px;">3</p>	<p style="font-size: 8px;">4</p>
<p style="font-size: 8px;">5</p>	<p style="font-size: 8px;">6</p>

County/City of Tilden:

