

January 7, 2020
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, January 7th, 2020 at 9:01 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Smith, with the following board members responding to roll call: Jacob, Henery, Pedersen, Krebs and Smith. Chairman Kerkman stated that the open meeting laws are posted on the east wall of the Commissioner's room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the two (2) 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.

Pledge of Allegiance was recited.

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

Minutes of the December 3rd, 2019 Board of Commissioner Meeting: Motion by Commissioner Henery, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.

Minutes of the December 10th, 2019 Board of Commissioner Meeting: Motion by Commissioner Henery, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Henery, Pedersen and Krebs. Nays none. Abstain: Smith. Motion carried.

Minutes of the **December 10th, 2019 Board of Equalization meeting** were presented. Motion by Commissioner Jacob, seconded by Commissioner Henery to approve minutes as presented. Voting aye: Jacob, Henery, Pedersen and Krebs. Nays none. Abstain: Smith. Motion carried.

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

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

Sheriff's December Miscellaneous Fee Report was reviewed and put on file.

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

Zoning Permit Report for December was reviewed and put on file. **Zoning Yearly Permit** was reviewed and put on file. **Yearly Summary Report** was reviewed and put on file.

Correspondence was reviewed: Antelope County Planning Commission Meeting minutes from August 13, 2019; NDOR Upcoming Annual Bridge Inspection Reminder, NDOR; Upcoming Bridge Inspection Reminder; Past Due Bridge Inspection Reminder; NIRMA Safety Shorts for January 2020; NPERS Retirement News for January 2020; SunVest Solar Inc, Conditional Use Permit Submittal for public hearing on 01-14-20; Elkhorn Solar LLC & Ewing Public School Administrator's Reports; Highway Superintendents report for Road Closings on 847th Road and 848th Road (Elm Township); NNTC correspondence regarding recent changes to internet and telephone; FTC A-1 Janitorial refund of payments made for 'free' samples 2015; Mueller Dairy and Livestock Concentrated Animal Feeding Operation, ice shedding minutes from February and March 2019; meeting minutes from February & March ice sling discussion.

- IRS correspondence regarding an audit on the tax-exempt bonds issued in 2013. Commissioner Krebs will work with the Clerk to compile this information.

Discussion of next weeks agenda. There are possibly long discussion and many items on the agenda. It was decided to play by ear. Re-organization may be delayed on the agenda.

Tax Valuation Contract: Antelope County Assessor, Kelly Mueller met with the Commissioners regarding a discrepancy in the contract approved last month. The property tax administrator is requesting added verbiage of 'taxation' be added to #9 of the contract. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the updated contract with Tax Valuation Contract. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.

Liz Doerr, **Zoning Administrator** gave her meeting report. Monthly Zoning Permit Report, Yearly Permit Report and Yearly Summary Report were reviewed.

- Liz requested the appointment of Neil Williby to the Board of Adjustments to replace Randy Hughes, who wishes not to be on the Board, and whose term was up on December 31, 2019. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the appointment of Neil Williby for a 3-year term to fulfill the vacancy. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- With the appointment of Neil to the Board it creates the alternate member vacancy. Commissioner Henery has discussed with Corey Curtis and he is willing to accept the appointment, term is to expire 12/31/2021. Motion by Commissioner Jacob, seconded by Commissioner Henery to appoint Corey Curtis as an alternate for the Planning and Zoning Board. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- Planning Commission minutes from August 13, 2019 meeting.
- Lot Split: Charlie and Shelley Bode are requesting a lot split of their building site from the parent parcel in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 23, Range 7, west of the 6th PM, Antelope County, Nebraska. They are requesting to split a 2.049-acre lot. This meets the requirements; taxes are paid and there are no issues. Motion by Commissioner Henery, seconded by Commissioner Krebs to approve lot split. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- Ice sling: will be discussed later.

Brian McDonald, Antelope County Highway Superintendent met with the Commissioners regarding the road closing of 847th and 848th

- Road in Elm Township. **847th Road:** During the initial study it was recommended to close the road. Today he agrees with that recommendation and believes closing and signing as such-the black diamond with red dots. Discussion. Motion by Commissioner Henery seconded by Commissioner Pedersen to have Highway Superintendent write a resolution to close 847th Road between 531.5

Avenue and 532nd Avenue, and turn right of way back to land owner(s). Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.

- **Elm Township 848th Road:** During the initial study Brian McDonald recommended to close the road. Today he agrees with that recommendation and believes closing and signing as such-the black diamond with red dots. Discussion. It was brought up that a motion was made, seconded and passed to close the east half mile between section 21/28 of this request in September 2019, reverting property back to landowner, after closing the public hearing. Motion by Commissioner Henery seconded by Commissioner Smith to have Highway Superintendent prepare a resolution to close 848th Road between 529.5 Avenue and 530.5 Avenue – west ½ mile of this request, between Sections 20 & 29, and turn right of way back to land owner(s). It was verified all landowners have access to their land. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- Highway Superintendent requested the board to approve the Clerk to **advertise the Tilden North & South Bridge Projects**. These are box culvert replacements. The North is a triple 12 x 8, and the South is a triple 12 x 6. The DOT is sharing the cost, so essentially will pay for one of the projects. The projects were filed as a joint project, and the cost estimate is \$325,000.00. Brian shared a cost estimate for the projects. (The other part is the bridge on Holt County line – using bridge lightly because there is no deck, no beams and no superstructure, basically there is an abutment on each end. Brian will work with Road Superintendent to get the remaining structure removed.) These three (3) structures were all part of the funding request. There will be dirt removed during this project. Motion by Commissioner Jacob, seconded by Commissioner Krebs to authorize the clerk to advertise the Tilden North and South Bridge Projects. Voting aye: Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- Brian shared a map of the Crumley area for next week. The map shows three (3) alignments of the roadway around his property. The third and current eliminates replacing the abutment and the bridge on the original route. It will be proposed as alternate FEMA funding project.

Robert Latimer and Dan Forbes, **TC Energy met with the Commissioners to discuss Keystone Haul Route and Heavy Haul Agreement.** -Brian McDonald, Highway Superintendent has been working with them on their haul route roads. The have videoed the roads with basically a 360 camera. All of the culverts are evaluated. As far as Brian McDonald is concerned the roads are well documented. Brian sees no issue with the presentation. If something needs to be readdressed at a later date it can be done. Remembering roads are not going to improve themselves, if the County does not improve the roads the current documentation is very acceptable.

- The current road haul map is a tuned down map of the original shared map. Currently, the haul route has 111 miles of gravel and 32 miles of asphalt county roads. Some preconstruction work, and possibly construction will be happening in 2020. The current proposed Road Use Agreement has the previously discussed updates. Currently, they have all of the Haul Route agreements in place for Nebraska, except Holt, Boyd and Antelope Counties. Mr. Latimer believes the bonding amount is somewhere in the figure of \$15 million. No further action.

Ice Sling: Zoning Administrator reported on Ice Sling issues during the Christmas Holiday. Liz reported she had received a call concerning ice sling. She reported this to Invenergy's ICC Office in Chicago. As a reminder, she stated specifics are needed to inform ICC of ice sling. After receiving the tower numbers, she reported to ICC again. The Sheriff Office have also called to report the ice slinging. WIOM is utilized and some of the towers had shut down as per protocol. Liz followed up with local Invenergy personnel and believe the correct protocol was followed and feels it worked well.

- Judy Wilcox stated she did not feel it worked. She does not believe Tower 222 was ever shut down. She requested to find which towers were shut down and when. Judy stated she doesn't believe the WIOM works on the towers. She shared pictures of ice on the blades, and a GE Report regarding Ice Shedding and Ice Throw. She believes Invenergy does know when conditions are right for ice buildup, and they should be shut down every time icy conditions are forecast. Commissioner Smith agreed that Invenergy knows which towers are along county roads (comparing it to irrigation running in the summer) and when the conditions are right and they could be more reactive. Commissioner Pedersen asked for a copy of a map of the towers with numbers. Liz stated she believes the correct procedures were followed and believe Invenergy acted in a timely matter. Judy asked about a possible 'fine' for future ice slinging. No action taken.

Road Superintendent Report (Mr. Dittrich absent)

- **Access permit:** Motion by Commissioner Jacob, seconded by Commissioner Henery to approve the application for placement of access permit along 841st Road, in the NW corner of Section 36 Township 24, Range 8 West, of the 6th PM, Antelope County, Nebraska. This request is along a gravel road and is to gain field access. Nebraska School Land is owner, Josh Schindler is renter. Josh Schindler is contractor. Road Superintendent had no issues. Voting aye: Henery, Pedersen, Krebs, Jacob, and Smith. Nays none. Motion carried. All work to be done according to County and State specs.
- **Access permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for placement of access permit along 841st Road, in the E½SW¼ corner of Section 29 Township 24, Range 7 West, of the 6th PM, Antelope County, Nebraska. This request is along a gravel road and is to gain new residence access. Austin Mitchell is owner, and contractor. Road Superintendent had no issues. Voting aye: Henery, Pedersen, Krebs, Jacob, and Smith. Nays none. Motion carried. All work to be done according to County and State specs.
- **OT/Compensatory Time Hours.** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the resolution to pay OT/Compensatory Time hours by choice on a month to month basis. Voting aye: Henery, Pedersen, Krebs, Jacob, and Smith. Nays none. Motion carried.

ANTELOPE COUNTY COMPENSATORY TIME – OVER TIME HOURS RESOLUTION 2020-01-00001

WHEREAS, Antelope County Commissioners currently have a policy to bank overtime hours accrued by the Road and Bridge Employees as Compensatory Time; and,

WHEREAS, Antelope County Board of Commissioners in response to numerous hours and extended work load demanded of the Road and Bridge Employees are allowing an option to the Road and Bridge Employees for overtime hours – overtime paid out or compensatory time banked on a month by month basis; and,

WHEREAS, Antelope County Commissioners and Road Superintendent would like to continue the overtime hours be paid at the employee's discretion by month, as it creates good will and harmony amongst the employees; and,

WHEREAS, the Antelope County Board of Commissioners and Road Superintendent wishes to continue to show appreciation to the Road and Bridge Employees, and in thankfulness for their service and dedication, it is the intention of providing the compensation for these extended/overtime hours in a manner elected appropriate by the employee each month.

THEREFORE, Due to the circumstances and in the desire to benefit the Employees, by allowing the employee to choose the manner in which any overtime hours are paid, it is the Board of Commissioners intention to allow Antelope County Road and Bridge Employees to elect how Antelope

County pays any extended/overtime hours; whether they are paid, or banked pursuant to this policy. Payment and/or banking of hours will be monitored by Road Superintendent.

BE IT THEREFORE RESOLVED, by the Antelope County Board of Commissioners that the overtime/extended hours, no matter the amount can be paid as overtime in a deposit, with no hours being applied to Compensatory Time if the employee so chooses. However, Compensatory Time may continue to be utilized at the employee's discretion. As usual no more than 160 hours of Compensatory Time may be banked at any time. In order to be paid the hours as a lump sum the employee must sign a waiver agreeing to same.

Passed and adopted this 7th day of January, 2020, pursuant to a motion made on December 10th, 2019 authorizing same.

Antelope County Board of Commissioners

_____/s/ Dean Smith _____

Chairman of County Board

Attest:

_____/s/ Lisa Payne _____ seal

Lisa Payne

Motion by Commissioner Henery, seconded by Commissioner Jacob.

5 Yays

0 Nays

0 Abstain

0 Absent

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

Meeting adjourned at 11:18 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Dean Smith

Attest: _____
County Clerk, Lisa Payne