



RESOLUTION APPROVING DEPOSITORY AND SECURITIES

The Tilden Bank, Tilden, Nebraska

The Bank of Elgin

It was moved by Commissioner Krebs that the following resolution be adopted:

(person making motion)

RESOLVED that application for designation as County depository by (name of bank, city or village), Nebraska and that the deposit of the following securities aggregating in amount of the sum of (see below) to-wit:

The Tilden Bank – unlimited

The Bank of Elgin - \$1,000,000.00

with (president, vice-president, ceo, of bank, name of bank, city or village), Nebraska, by said Bank, as a pledge to secure deposits of the public moneys of this County in said Bank be and the same hereby is approved as to said securities and the deposit thereof with said trustee, on condition that said trustee issue its trust receipt thereof, as provide by the Section 77-2316 R.S. Neb.

RESOLVED, further, that said trust receipt when issued by said trustee shall be deposited by said Bank with the County Clerk of this County in lieu of the deposit of said securities with said County Clerk as a pledge to secure the deposit of said moneys in said Bank.

RESOLVED, further, that such trust receipt shall contain the following provisions which shall constitute the terms and conditions of the escrow.

I.

When the interest coupons attached to said bonds become due, the proceeds of collection shall be applied to the credit of said bank.

II.

The above securities shall be delivered to said bank only: (1) upon the joint order of the County Clerk and County Board of Supervisors of said county with resolution approving substitution of other securities, or (2) upon receipt of certificate of said County Treasurer that all deposits secured thereby been repaid.

III.

On presentation by the bank to the trustee of a certificate from the County Treasurer under seal, stating the amount of the deposits in said bank, together with a certified copy of a resolution of the County Board approving such withdrawal, the trustee may deliver to said bank designated securities in excess of 110 per cent of the deposits based on the then market value of securities deposited.

IV.

The above securities shall be delivered to the County Clerk of said county upon his written demand, (without further responsibility on the part of the trustee) supported by certified copy of resolution of the County Board of Supervisors of said county and (1) a certificate from the office of the Department of Banking under seal certifying that possession of said bank has been taken by said Department, or

(2) proof that a receiver of said bank has been applied for, with an affidavit signed by the County Clerk and attested by the County Treasurer under seal, or

(3) an affidavit of the Treasurer of said county that said bank has been unable to pay any check drawn by him on said bank.

Said county shall have the right to dispose of said securities and reimburse the county to the extent and for the amount of the deposit with interest in said bank.

V.

The trustee may at any time act in reliance upon the signature of any public officer, attested by his official seal, without liability to either the county or said bank.

VI.

Said securities shall be held by the trustee without cost to the county and the said bank shall pay all costs, expenses and charges for the safekeeping, transportation and handling of said securities. The county shall not be responsible for any loss of said securities or coupons thereon.

VII.

The trustee will give to said securities the same care it gives to its own property, but beyond that it will not and does not assume any responsibility.

VIII.

RESOLVED, further, that a copy of this resolution duly certified by the County Clerk of this County be transmitted to said trustee, and shall constitute the escrow agreement.

The motion was seconded by Commissioner Pedersen and on roll call the vote was as follows:

(name of person)

Ayes: Henery, Jacob, Krebs, Pedersen and Smith

Nays: None

Absent: None

The chairman declared the resolution adopted.

This is to certify that the foregoing is a true and correct copy of the resolution duly adopted by the County Board of Antelope County, Nebraska at the Antelope County Board meeting held at Neligh, Nebraska on the 14<sup>th</sup> day of January 2020, at which a quorum was present as shown by the minutes of said meeting and that said resolution is now in full force and effect.

In witness whereof, I have hereunto subscribed my name and affixed by official seal this 14<sup>th</sup>, day of January, 2020.

Seal

/s/ Lisa Payne  
County Clerk of Antelope County, Nebraska

Brittany Spieker, **Extension Educator met with the Commissioners regarding the Extension Annual Report.** She explained about their office, the Extension Board and 4-H Council leadership. They listed the many activities participated during 2019. Helping with flood recovery, 4-H activities, fair activities. The budget was reviewed. She also shared a number of flyers of various activities and presentations they are involved in.

Brittany also presented for replacement of **two (2) Extension Board members.** Both members have completed two (2) terms and are not able to fulfill another term.

1. Gail Wortman is retiring and Darrell Timm is willing to accept the position. Brittany wishes to appoint Mr. Timm to the Extension Board. Motion by Commissioner Pedersen, seconded by Commissioner Krebs. Voting aye: Pedersen, Krebs, Smith, and Henery. Jacob absent. Nays none. Motion carried.
2. Derek Zuhlke is retiring and Brittany presents replacing with Julie Krause. Motion by Commissioner Smith, seconded by Commissioner Pedersen to approve the appointment of Julie Krause to the Extension Board. Voting aye: Pedersen, Krebs, Smith, and Henery. Jacob absent. Nays none. Motion carried.

Commissioner Smith asked about Minutes. The Clerk has not completed proofing the public hearing typing. Commissioner Smith questioned about a typing error on the resolution for the banks. Clerk will fix for minutes.

It was requested to check on the value placed on ‘Old School House.’

**Haul Route Road Use Agreement: TransCanada** Dan Forbes, Britany Brockwell and Lisa Litska (Corporate Security) met to discuss the TransCanda Haul Route Agreement. This haul route agreement was presented in January, and is in today to discuss and update the Road Haul Agreement/map. The proposed agreement and map were emailed to the Commissioners. During last month’s discussion numerous ideas were presented, and Mr. Forbes believes all of those changes should be reflected in the current agreement. The bond company rating should be a triple B or better, that was added to the conditions. Claus for routine maintenance was added TransCanada has been working with Highway Superintendent, Brian McDonald and Road Superintendent, Casey Dittrich. The current road haul covers 111 miles of County gravel and 32 miles of County oil, and an additional 68 miles of state highway. The bond proposal is at 15,000,000.00 which is higher than any other bond amount. The bond was set at \$300,000 per asphalt mile and \$10,000.00 per gravel. Paragraph 35, refers to ‘any repair made to any non – Exhibit A Roads shall be repaired at a reasonable standard comparable to road conditions at or around the affected area and agreed upon by the County and

Keystone, subject to the conditions of paragraph 41.' - Casey expressed concern because there is nothing to protect the County because the conditions may not be evident until a later date – requested County Attorney reviews before any decision is made. Something like common practice or industry standard may be more appropriate. Paragraph 40, discusses what would happen for future repairs outside the RUA, and the construction is complete – looks good. Paragraph 19 has a \$5,000,000 insurance policy per occurrence. This agreement does not address dust control – which needs to be addressed. Main hub (pipe yard) (30-50 acres) is north of Royal, two (2) miles west of Grove Lake. Preconstruction survey needs to be completed on Ashfall Road, Orchard Road, and Royal Road. The pipe will be railed in and off loaded from there. It was voiced the County will have the final say on any road upgrades, Mr. Forbes agreed for TransCanada. Suggestion of striking paragraph 35. Commissioner Smith asked how pipe gets to placement from laydown yard? Mr. Forbes believes the roads not on the RUA will not be used. Commissioner Smith asked about future oil leaks? Britany Brockwell states they have always initiated a haul route agreement in those “emergency” situations. Commissioner Smith wants to make sure everyone is thinking about these issues. There is language that can be added to the RUA to address emergency situations, TransCanada will add this to the RUA. The Federal Government requires the Company to clean up and pay for these spills. It was reminded that we cannot agree to do something now for the future. We can know what is going to happen when it happens. It was reminded that every road that is crossed by the pipeline should be on Exhibit A of the Road Use Agreement. TransCanada stated they will bore all road crossings – five (5) feet below the ditch bank. Pipe in the field is four (4) feet in the open field. Boring normally does not require the closing of roads. Recapping today's suggestions and changes are as follows: strike out emergency clause in paragraph 35 because federal requirements; dust control; preconstruction survey on roads not on Exhibit A; finalizing of Exhibit A – with 10 or so crossings included. Commissioner Smith requests driveway permit for pipe yard. No action today.

**Bid Opening – Tilden North & South Bridge Projects:** These are/will be presented as a single project. Brian McDonald, Highway Superintendent was here for bid opening. Antelope County received one (1) bid from A & R Construction. The bid for a total of \$346,076.08, estimate was \$325,000.00. Bridges are as: Tilden South \$168,602.72 and Tilden North \$177,473.36. July of 2020 start date. Mr. Aschoff was in attendance today indicated they will start on Tilden North. This project is a matching bid project. This has got to be approved by DOT before it is approved. Casey assured this project was included in the budget.

Brian McDonald will be discussing with Road Superintendent Removal of Bridge 405 in northern Antelope County while it is frozen to get the bridge back to compliance.

The state of Nebraska presented two (2) **Project Agreements**. One for the Tilden Bridge and one on the Bridge on Verdigre Creek by Ashfall. The Tilden Bridge over the Elkhorn River north of Tilden, agreement is for erosion on the north bank and the channel. FHWA agreed that something had to be done further west to get the channel to move south. This agreement identifies payments and matching funds. The Bridge over Verdigre Creek by Ashfall, there was some damage to the approach on the channel bank on the northwest corner. Basically, we are going to try to armor that to protect the bridge. The channel has somewhat dropped, it is lower than it was last year. There is about a three (3) foot drop, and you can notice a little waterfall in the channel. The channel went down and widened. This will allow us to add some rip rap to this bridge. To the Tilden Bridge go in a put trainer fences outside of our right of way to try and get the stream back to where it should be. Brian believes these projects are about a year out. This will be a let project and the State will be paying the contractor. Brian believes this will be about an 80/20 state/county cost split.

**Verdigre Creek Bridge Resolution** presented. Motion by Commissioner Smith, seconded by Commissioner Pedersen to approve and sign the resolution approving the LPA Program Agreement. Total \$302,705.69 local matching of \$60,541.14. Construction probably about a year out. This is an agreement for an estimate on bidding for the project. Voting aye: Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Jacob absent. Changing Chairman from Smith to Henery.

Antelope County  
Resolution 2020-02-00003

Signing of the LPA Program Agreement – Federal-Aid Funding

**Whereas:** Antelope County (County) is proposing to develop and construct a transportation project for which it would like to obtain Federal funds;

**Whereas:** County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** County and State of Nebraska, Department of Transportation (State) wish to enter into an LPA Program Agreement – Federal-Aid Funds which will set out the various duties and funding responsibilities for the Federal-aid project; and

**Whereas:** County wishes to designate it representative for this project.

**Be it Resolved by the Board of Commissioners of the Antelope County that:**

The Chair, Charlie Henery, is hereby authorized to sign the attached **LPA Program Agreement-Federal-aid Funds** between the County and the State.

County hereby designates Brian McDonald to serve as County's representative and Project Liaison (PL) with State for this project.

Antelope County is committed to providing local funds for the project as required by the **LPA Program Agreement – Federal-Aid Funds**.

NDOR Project Number: ER-2605(5)

NDOR Control Number: 32344

NDOR Project Name: Orchard Northeast

Adopted this 4<sup>th</sup> day of February, 2020 at Neligh, Nebraska.

The Board of Commissioners of Antelope County

/s/ Charles F. Henery

/s/ Regina Krebs

/s/ Carolyn Pedersen

/s/ Dean Smith

Board/Council Member Smith moved the adoption of said resolution.

Member Pedersen seconded the motion.

Roll Call 4 yes, 0 no, 0 abstained, 1 absent

Resolution adopted, signed and billed as adopted. Attest: /s/ Lisa Payne, County Clerk

Motion by Commissioner Pedersen, seconded by Commissioner Krebs to approve and sign the agreement regarding the **Program Agreement for Verdigre Creek Bridge**. Voting aye: Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Jacob absent.

**Tilden Bridge Resolution** presented. Motion by Commissioner Smith, seconded by Commissioner Krebs to approve and sign the resolution approving the LPA Program Agreement. Total \$561,778.32 local matching of \$112,355.66. Construction probably about a year out. This is an agreement for an estimate on bidding for the project. Voting aye: Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Jacob absent. Changing Chairman from Smith to Henery.

Antelope County

Resolution 2020-02-00004

Signing of the LPA Program Agreement – Federal-Aid Funding

**Whereas:** Antelope County (County) is proposing to develop and construct a transportation project for which it would like to obtain Federal funds;

**Whereas:** County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** County and State of Nebraska, Department of Transportation (State) wish to enter into an LPA Program Agreement – Federal-Aid Funds which will set out the various duties and funding responsibilities for the Federal-aid project; and

**Whereas:** County wishes to designate its representative for this project.

**Be it Resolved by the Board of Commissioners of the Antelope County that:**

The Chair, Charlie Henery, is hereby authorized to sign the attached **LPA Program Agreement-Federal-aid Funds** between the County and the State.

County hereby designates Brian McDonald to serve as County's representative and Project Liaison (PL) with State for this project.

Antelope County is committed to providing local funds for the project as required by the **LPA Program Agreement – Federal-Aid Funds.**

NDOR Project Number: ER-2580(3)

NDOR Control Number: 32345

NDOR Project Name: Tilden North

Adopted this 4<sup>th</sup> day of February, 2020 at Neligh, Nebraska.

The Board of Commissioners of Antelope County

/s/ Charles F. Henery

/s/ Regina Krebs

/s/ Carolyn Pedersen

/s/ Dean Smith

Board/Council Member Smith moved the adoption of said resolution.

Member Pedersen seconded the motion.

Roll Call 4 yes, 0 no, 0 abstained, 1 absent

Resolution adopted, signed and billed as adopted. Attest: /s/ Lisa Payne, County Clerk

Motion by Commissioner Pedersen, seconded by Commissioner Smith to approve and sign the agreement regarding the **Program Agreement for Tilden Bridge**. Voting aye: Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Jacob absent.

**Road Superintendent Report:**

- **Road Groomer** ran for approximately nine (9) hours, covered 138 miles. According to Razor Tracking 1321 miles were covered by Antelope County Equipment yesterday with everything working. Conditions were not perfect, however; road employees worked long hours and covered a lot of roads. Wanting to get a jump on maintaining as there could be unfavorable weather next week.
- **Grinding of the milling product in Oakdale and Clearwater** needs to be decided. Prouty has agreed to grind this product, which needs to be done in the coldness of winter. Casey is stating best case scenario the product could cost approximately \$80,000.00 depending on condition of product. Grinding allows the product to be more readily usable. If grinding is completed the end product is more usable, and easily used. Discussion of budget, and cash flow of February and March, and the bid process, since this could be a high-ticket item. 848<sup>th</sup> on 516<sup>th</sup> Avenue is the projected laydown of material for later this summer. Currently, the product could allow us approximately three (3) miles when laid down. Grinding is quoted at \$825.00 a ton.
- Authorize Clerk to **advertise for bids**. In the past we have requested gravel, armor coating, culverts and asphalt and adding oversize gravel in the gravel bid. Motion by Commissioner Smith, seconded by Commissioner Pedersen to authorize clerk to advertise for bids to be opened in March. Voting aye: Smith, Pedersen, Krebs, and Henery. Nays none. Motion carried. Jacob absent.

Motion by Commissioner Krebs, seconded by Commissioner Pedersen to approve and appoint the **2020 Committees** as set by the Commissioners on the 14<sup>th</sup> of January 2020. Voting aye: Pedersen, Krebs, Smith and Henery. Nays none. Jacob absent. Nays none. Motion carried.

Motion by Commissioner Pedersen, seconded by Commissioner Krebs to appoint **Tom Nelson as the Veterans Service Officer; Bruce Ofe as the Weed Superintendent; Liz Doerr as the Antelope County Zoning Administrator; LaVern Schroeder as the Antelope County Surveyor; Brian McDonald as the Antelope County Highway Superintendent** for 2020. Voting aye: Pedersen, Smith, Krebs and Henery. Jacob absent. Nays none. Motion carried.

Commissioner Smith stated there are still issues going out on Thunderhead laydown yard, Meyers corner to laydown yard. The County has been working to improve this situation.

**SIP Truck phone** line follow-up was removed from agenda. Presenter not able to attend.

Award bid for Tilden North and South Bridge to next week's agenda.

Casey Dittrich, Road Superintendent reminded all that the Tilden north bridge is on Madison-Antelope County line, which will cost share expenses between the counties on this project.

No other issues to discuss.

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

Meeting adjourned at 11:29 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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