

February 7, 2017  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular extra session on Tuesday, February 7, 2017 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Kerkman, with the following board members responding to roll call: Schindler, Jacob, Henery, Schwager, and Kerkman. Chairman Kerkman stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four 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.

Correspondence was reviewed: Union Bank & Trust Monthly Report for Antelope Memorial Hospital Bonds; DEQ letter to Hoffman and Sons 12-27-6; 2001 Company Warranted Roof Maintenance (Historical Museum) advertisement; NACO Institute of Excellence Brochure; TERC Hearing set for July 6, 2017 at 3:00 PM in Columbus; Past Due Bridge Inspection & Upcoming Bridge Inspection Monthly Reports; NIRMA Safety Shorts-February 2017; January's Zoning Permit Report; and Planning Commission Meeting Minutes from January 3<sup>rd</sup> and January 17<sup>th</sup>, 2017; DEQ Postcard regarding Solid Waste Management.

Discussion of 2001 Company letter for **Warranted Roof Maintenance on the Historical Museum**. This is an advertisement/No Action. Discussion of closing 870<sup>th</sup> Road on the Antelope-Knox County Line – item will be on Agenda for 02-14-2017. Info on NACO Northeast District Meeting on March 17<sup>th</sup>, 2017 was distributed. Commissioners Schindler, Kerkman, and Jacob agreed to attend. Audit bids for 2017 – to agenda on the 14<sup>th</sup> of February.

Receipts: \$4,365.00 correcting bond forfeiture paid to general fund (audit find); \$8.92 Mahaska (pop sales); Warren Garage Door, Inc. \$1685.75 (claim paid twice); \$100.00 Pinnacle Bank (sign rental).

Road Boss, Casey Dittrich gave a short report. He discussed the road release for the first phase of **Upstream**. That release has been in the works for a couple of months, and was dropped in January. They have inspected roads and all is good to release. The **Simple Sign program** is being implemented. Eli Jacob and Casey are working with the retroreflect meter, which is on loan from the University of Nebraska for one (1) month. They have worked approximately one (1) week, and have completed approximately 16% of the county roads, or 218 miles. They have tested 381 signs and 172 have failed. Currently, his plan is to complete inspection, and to replace the 20 'STOP' and 33 'YIELD' signs. Because of the cell phone spotty service there is some problems with coordinating all of the information. If the current rate stands, we could be upwards of 3000 signs to be replaced. He inquired into getting a \$400.00 computer, or at least a phone booster for his cell phone to enhance the reception. During the discussion, it was decided a phone booster might be easier and more economical. It was OK'd for Casey to purchase a phone booster for the usage. And possibly a second booster for another vehicle. Casey discussed the **Township balances**, currently, there are 10 Townships to complete and finish their work. There are some with 20-,30-, or more thousand dollars. He was wondering about ideas as to how to proceed. Should he be stock piling gravel, and/or should he continue the billing for maintenance, etc. It is possible for the Commissioners to set a levy for any township, that ended with a negative balance. Discussion on negative township balances was tabled. Drag, sitting as Neligh Barn, for testing. \$2,750.00 for one or \$2,500.00 each for two. This was a demo arising from contacts made at NACO. At this point, it is not the design Antelope County is looking for. JD Tractors – contracts are to start in March. Currently, Antelope County is down two (2) full time road employees. This last snow we had Jerry moving snow. Casey would like to hire a new employee for the Neligh Barn. Jerry Schwager voiced he would like to hire another full-time employee to help alleviate the congestion of a pending potential retirement of another employee. It will be on the agenda to discuss hiring next week.

Trent Howard met with the Commissioners regarding the Emergency Manager and update of the LEOP (Local Emergency Operations Procedures). Trent has been updating the procedures with the assistance of Faythe Peterson. This is the five (5) year revision. The update has been condensed by approximately 100 pages. Emergency Operations Center will be at the new Correctional Facility. He thanked the Commissioners for the implementation of the correctional facility. With the Communication center, tornado shelter, and generator– it is an ideal location for Incident Command for just about any disaster. Trent is requesting the implementation of the badging process. All of the commissioners, the road boss, sheriff, and the county clerk would need to be receiving FEMA badges. Badging would ensure access to the Emergency Operations sites. If the badge is in place, and a State or Federal Disaster is called, the reimbursement process can take place. Once the resolution is passed and signed, Trent will continue and get the updated LEOP manuals distributed. Mr. Howard also discussed the need for a debris disposal – an area which is designated for the removal and placing of debris during a disaster - something to think about prior to a declaration.

ANTELOPE COUNTY  
R E S O L U T I O N #2017-02-00001  
LEOP – Local Emergency Operations Plan

WHEREAS, the Antelope County Board of Commissioners, Antelope County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Antelope County, Nebraska; and

WHEREAS, it has been determined that Antelope County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Antelope County, the City of Neligh & Elgin and other cities and villages in Antelope County; and

WHEREAS, the Antelope County Board of Commissioners, deems it advisable and in the best interest of Antelope County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this 2016 Local Emergency Operations Plan supersedes all previous approved Antelope County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Antelope County, Nebraska, that the Antelope County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF February, 2017.

Board of County Commissioners,  
Antelope County, Nebraska  
\_\_\_\_\_/s/ LeRoy Kerkman \_\_\_\_  
Chairman, Board of Commissioners

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

Motion by Commissioner Schwager, seconded by Commissioner Henery, for approval. 5 Yays 0 Nays

**Board of Equalization:** Motion by Commissioner Schwager, seconded by Commissioner Schindler to meet as a board of Equalization. Voting aye: Schwager, Henery, Jacob, Schindler, and Kerkman. Nays none. Motion carried. Met as a Board of Equalization from 9:40 AM to 9:47 AM.

Brian McDonald met with the supervisors prior to the One and Six Public Hearing. He discussed the Wayne Wingate area. This is a flat area in NW¼ of Section 3, Township 23, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. The area at this point is flat, pastures, it meanders downstream and the next two (2) miles is the same story. The only way to get this cleaned up, is to remove the stocks, however, it will move the situation downstream. The only thing to do at this point is to survey the channel to the north, and let us know how much we are going to need to clean out. Either way, we are going to run into a court issue. To Get the velocity up, you are going to have to cut off some loops, and dig out the channel. They are not going to let you cut off more than 200 feet in a project. This would constitute a lot more than that. The brush out of a channel statutes would not apply here, since the area is so flat, there is not a definite channel. Brian, did not have any good suggestion at this time, there is not the flow capacity to more it down stream. The bridge is not broke. The character of the ground is the issue. Casey Dittrich suggested building the road up. Currently, there is no real solution without making a serious headache for the ground adjacent. Brian had no suggestions to fix the problem.

Brian also discussed 526th Avenue north of Neligh. Surveyors cross section. This is the area where Custer Township started a project, however, it is still is not complete. We have to find correct action to proceed and continue the road project. There are two (2) hills there, that are the issue. The second one to the north you are probably going to have to pull off about five (5) foot to get site distance. The rest of it flattens out, it is long study hills until you get to the very end of the mile. Section corners need to be reset by county surveyor so you can determine the site line. The shifting of the center line elevation is a huge question, and cannot be determined until the section corners are set. Hoffman is going to move forward, we need to have this set as soon as possible.

9:59 AM: Public Hearing: One and Six Year Road Plan. Motion by Commissioner Schwager, seconded by Commissioner Henery to go into public hearing for the One and Six Year Road Plan. Meeting opened by Chairman Kerkman, with the following answering roll call: Schwager, Henery, Schindler, Jacob and Kerkman. Also present was Road Boss, Casey Dittrich, and Highway Superintendent, Brian McDonald. Chairman Kerkman opened the meeting by reading the public notice: NOTICE OF PUBLIC HEARING, Antelope County, Nebraska, will hold a public hearing at the County Courthouse in Neligh, Nebraska, on the 7th day of February, 2017, at 10:00 A.M. for the purpose of presenting and adopting a One and Six Year Street Improvement Plan for said governing body. Anyone living within Antelope County, Nebraska, interested in the above notice may appear in person or by counsel and be heard. Antelope County, Nebraska. MCDONALD "Eli, this is a quick back ground. You guys get a big junk of your road budget as gas tax money. To get that funding basically, you have to build roads to a design standard, they have got to be on the one and Six Year Road Program, and when we spend the money, we have to complete an end of the year budget of how we spent it. That says we matched 25% of the funding. We are usually up the fifty to eighty percent. We have never come close to the 25 percent match, but we have to document that we have done the projects. This is the One and Six Year Road Program, as far as the projects that are on here, they can be built at any time. If you have a project that needs to be added throughout the year, we can do that by resolution, and add it to the One Year Program. Before we can do the construction, we have to add it to the Program. The other thing is we have got to certify when we built a road, this is new construction, not maintenance. If you go in and start pulling the hills down, and raising the road and widening it out, beyond what it ever was; it is new construction, not maintenance. We have got to certify that we do that and built the road to design standards. Any questions? I guess it is open to the public, if anybody has anything to say or any questions, now is the time. CASEY DITTRICH: I got a telephone call from Galen Furstenau, Elm Township Board about a couple of projects that are not on here. Intersection of 529<sup>th</sup> Avenue and 849<sup>th</sup> Road, by Verlon Furstenau. This road goes all the way east in Eddies District. This is just a rough intersection. I am not sure if these needed to be on the One and Six, I think it is something we can fix, however he wanted to me to discuss them. (He was asked to come up front, so he can be heard.) This is just a rough intersection; the oil is high and when you come of the gravel it is pretty rough. I am not sure it needs to be on the One and Six, but I told him I would bring it up. I think he would like to see a major change to the intersection, I think we could remedy the problem without totally changing everything. If we do that on the oil, we would have to overlay and engineer it, and it would be a big issue. Another thing is Eddie and Jerry were with me when we looked at the oil road north of Tilden by John Freys Feedlot. They want that intersection dropped down, and raise the bottom of it, another huge project. By the time, we got that to new standards, it would probably a 15-foot grade change. It is similar to what the Schuchardts change is, except there is no bridge at the bottom. It is a huge taller intersection, that goes way down at the bottom. They would like to see the hill come down and go down in the hole. Two things I thought I would bring up, I told them I would bring up, so I wanted to mention it. HENERY: Taking the road down north of Tilden, is not on here, right north of Sanne's. Remember we talked about doing this. That is not on this. DITTRICH: We can add that today. MCDONALD: yes. HENERY Remember we talked about doing that, ending the overcoat. DITTRICH: 848<sup>th</sup> Road and 534<sup>th</sup> Avenue, along the county line. SCHWAGER: Do you want to put that intersection on there, Casey? Or what do you think? DITTRICH: What is that? SCHWAGER: The one that we looked at. DITTRICH: That is what Charlie is talking about, yeah. (Indistinct conversation regarding location of the road.) HENERY: You talked about grinding that road in front of Verlon Furstenau's, you do not have that on here. KERKMAN: If you grind them, do you have to have that on there? HENERY: Did you ever check on this project of 324, that bridge right there by Neligh? DITTRICH: Yes, that is all ours. I was at city hall, and it shows our property line is pretty much at the end of our right of way. They have nothing going to the road. I checked with Dana Klabenes, and a guy from the city, it is definitely all ours, so I left it on there. HENERY: So, Lucy Allemang lives on that corner up there, to the north. Is she in there I wonder? It seems kind of funny, that, did not they annex like Vince Sausers house along that road, or did they not do that. CLERK: I do not think they did that. Like Sandy Knapp, I do not think they are in there either. They went along the highway. I think they wanted the businesses. KERKMAN: They wanted the businesses. HENERY: Because, like Jack Green's new house is annexed. (Casey brought up a map on this phone and explained the red is zoned and the black dotted line is the city/county border.) CLERK: That is part of the subdivision-Country Side Acres 2. Silent discussion regarding city boundary. HENERY: That must be where it stops. MCDONALD: About the only other comment I got, is the map I gave you last month, did not have project 394, which is basically, the mile east of clearwater, and (17:22) Project 393 Copenhagen Road, Jerry wanted to add some shoulder to that. KERKMAN: Anybody got any questions here? Nothing from the public? 10:07 AM I will close the public hearing. I will need a motion from the board to accept this, with the changes. MCDONALD: Let's make it clear what changes you are adding. I have got the Project on 534<sup>th</sup> Road, I will label it Project 395. Are the other two (2)... SCHWAGER: What did you change it to? MCDONALD: Add Project 395, as the intersection north of Sanne's to regrade. KERKMAN: That is our road numbers? MCDONALD: 534<sup>th</sup> Avenue just south of 848<sup>th</sup> Road. It is that intersection. DITTRICH: It is that intersection. KERKMAN: Any other additions? MCDONALD: The two (2) you discussed did you want to add those? DITTRICH: It is up to the board, I do not feel we need to at this time. We could put this...I guess Jerry and Eddie are here, when we went out and met with, north of Sanne's to look at that intersection after that meeting that day, met with John Frey's parked on the top of the hill. We talked about bringing that whole intersection down you know to that bottom. Galen Furstenau called me and would like to add it to the One and Six. Brian has never really seen it to give us an estimate. I can tell you I think it is probably more work than the Schuchardt corner, which is a \$300,000 and sum project. I guess I am looking to you two to see if you think we want to add it to our Six Year. The other one I can handle is separate grading. MCDONALD: You are probably looking at, if it is the same size dirt project, you are about \$100,000.00. I think we got \$80,000.00 in the Schuchardt dirt alone, the rest is box culverts. DITTRICH: It is a steeper hill than the Schuchardts, I mean its... MCDONALD: So \$100,000 dirt project. DITTRICH: They are climbing that hill going to the feed lot and if they have to turn that corner, which is a feat. I mean it is a hell of a hill to pull in a truck. HENERY: What needs to be done, what would be my thought on that intersection is the oil road, of course we did not over lay that but take that oil road and the dirt underneath it and bring it around the corner to the west. So it is more of a gentle slope so if it is coming up to that intersection like this, you pull the hill down to the south and just take dirt movers and put it around to the west. That would make it so it isn't quite as sloped. DITTRICH: I agree with you there. That is the one we will work on. I am talking a mile west of that, right were the feedlot is. HENERY: Oh OK. Where it comes up to the feedlot. DITTRICH: Yeah, you come off that intersection you are talking about, you hit the bottom and then it is a very steep hill going up. If it is something you want to see I am sure it will require purchase of a right of way. I mean it is a big project. What do you guys think Eddie, or Jerry, do you guys have any input in that? SCHWAGER: I do not think it needs to be on the One and Six. DITTRICH: OK. DITTRICH: I told Galen last week I would bring it up and explain it. SCHINDLER: Does it have to be on the One and SIX? SCHWAGER: You can add it. KERKMAN: You can add it any time, can't you? DITTRICH & MCDONALD: Yes! SCHWAGER: I know Casey you looked at it. Maybe we can look at it more this summer. Then if you want to add it to the One and Six, I think that is what we should do. Cause like he said, it will be a \$100,000.00 or a couple hundred-thousand-dollar dirt project. It goes straight up and they turn. I understand what they are turning their pods. They are turning and dragging the bottoms of their trucks. DITTRICH: They do. You would have to go north and south of the

intersection too, it is the only way. It is the highpoint. SCHWAGER: Yeah. That's right. Why don't we wait, and later maybe add it. SCHINDLER: Yeah, so, I think we should wait. MCDONALD: Don't add that one then? SCHWAGER: Let's wait, and don't add it if we need to. KERKMAN: So the only one we added was Project 395. MCDONALD: 395 would be the intersection north of Tilden. JACOB: What do I need to do to get started on the Thiele Dairy Road. MCDONALD: That is the one I added 2394. The first thing I would do on that one. Looking at the aerial, there is about six (6) spots where water is just sitting in that mile, basically right on the section line. The first thing you are going to have to do is determine what you have got for wet lands. Do a wetlands delineation on that mile. And then, we can figure what our impacts are going to be. But we got to determine what the wetlands are, because I have a feeling we are going to have to mitigate those. Anytime, you get over a tenth of an acre. And I know you are going to be over a tenth of an acre, and I know you are going to be over a tenth of an acre just looking at where those ponds were. You are going to have to mitigate that two (2) to one (1). So say we lost an acre, we are going to have to go out somewhere and buy two (2) acres- it is going to be two (2) for one (1), and create a wetland. Then you have got to certify that every year for – I want to say five (5) years. It has got to be established. If it is not established they will come in and tell you what you got to do. JACOB: How often do they update them wetland aerial views. MCDONALD: Basically, it is going to be in the fields. Whatever is the soil. The soil profile will tell you what it is. They will go out there and take core sample all the way along there, vegetation that is there. You can have an area that does not look any different from one spot to the next. But they do a soil profile, and if it has got hydraulic soils, it is wetland. That is what they would have to do a study on. SCHWAGER: Is that added to the One and Six? MCDONALD: Yeah, I forgot to add that one. That is the last project on the Six Year. JACOB: I talked to a guy Saturday who does the haying out there. He said there is less than one (1) acre of Wetlands all the way across there. MCDONALD: Ok, the problem is that is NRCS Wetlands. They do not talk to the CORE, it is government. What the CORE considers Wetlands, is different than what the NRCS considers Wetlands. So, basically the only way to determine is to do the delineation. JACOB: Well there are two (2) land owners all the way across there. I have talked to both of them. Neither one of them think there is going to be a problem getting them around. I guess whatever we need to do to get them to move on. MCDONALD: The next step would be authorizing us to do a wetland delineation. The other one I would probably go talk to the Department of Roads, because they have to give us an access permit at the north end. I do not know if that is controlled access up there. Because if it is that could be an issue. Basically, NDOR went in and bought the property to put the Highway in the generally took a controlled access, so they could fix points of access. The other thing we have to deal with is the trail. You are still dealing with, they want it to look like a rail road so we would have to deal with them and the 100-foot crossing. But, the first thing we have to deal with is to due delineation of Wetlands, which we cannot start until basically stuff starts growing. That probably cannot be done until May, maybe as early as April. JACOB: OK, Good. DITTRICH: is that something we need to do today. MCDONALD: It is not necessary. HENERY: Which road is that Eli? JACOB: 515<sup>th</sup> Avenue. It goes to Thiele Dairy. I am going to build a road straight north, over to the highway. Instead of going through the town. HENERY: That would not be a bad idea. JACOB: No, that way we bypass the town, with all of the traffic. And all of the water that comes in from the southwest there will run right down along there. There will not be a culvert or nothing in that road all the way to the highway. MCDONALD: Well, you have got a number of low spots, that you are going to have to put something in there. HENERY: To equalize the water. MCDONALD: There is probably five (5) or six (6) spots, you are going to have to tube, even just to equalize it. Just looking at the aerial. Is all I have done so far. JACOB: OK. HENERY: So is that section line, we can get the easement on that section line going north. MCDONALD: We have to buy the easement from the landowner. JACOB: I have had one land owner tell me he would give me the land if we could get it through there. But I am sure we are going to have to buy it. MCDONALD: We have been paying for right of way. JACOB: There is only two (2) landowners. Lucy Kester and Fred and Curt Thiele are the only two (2) we are going to have to deal with. HENERY: Then you are going to have to deal with the state to see if you can have an intersection on the highway. I think it is an excellent idea. I think it would really be beneficial. JACOB: The guys at the NACO meeting said if we have any problems with the state department, to get ahold of them. They could pull some strings in Lincoln. MCDONALD: I do not see the highway intersection being that big of a deal. HENERY: Is it a little bit further than a mile? JACOB: It will be, about a mile and an eighth. You see it crosses Frenchtown Road. That road on the north edge of Clearwater. DITTRICH: The amount of traffic that will take away from in front of school will be huge. That corner we had to overlay because the gravel the trucks going past there to Thieles was great. HENERY: Thiele's are not going to go away. They have expanded, they are going to be there a long, long time. Excellent idea. KERKMAN: Yes. JACOB: I want to veer it just to the west a little bit, north of the pavement that is there. That way we only have to cross two (2) people ground instead of five (5). Just a short 'S' curve. KERKMAN: Ok. MCDONALD: Either way, what we would probably take a 100-foot strip and delineate that all the way to the highway. That really is the first step. JACOB: We should probably go more than 66 feet; 100 feet would be great. MCDONALD: After we delineate that, we can decide how much of that we need, once we get a survey. Like I said that is the first step. DITTRICH: Jerry, should we add it to the One and Six Year – Shoulder on the north end of Copenhagen Road. HENERY: We better get the south end of Copenhagen Road done before we do shouldering on the north end. SCHWAGER: I got the Spieker Road to do also. I need Brian and Casey to come look at that. KERKMAN: Ok, can we move on here? MCDONALD: Basically, we need to authorize the Chairman to sign the resolution adopting the One and Six. CLERK: We need a motion to close the public Hearing. SCHWAGER: I make a motion to close the public hearing. HENERY: I second it. KERKMAN: Motion by Schwager, seconded by Henery to close the public hearing. Voting aye: Schwager, Henery, Jacob, Schindler and Kerkman. Nays none. Motion carried. Ok. SCHWAGER: I make a motion to adopt and accept the resolution for the One and Six Year Plan with the adoption of Project #395. SCHINDLER: I second. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

#### RESOLUTION

Be it resolved by the Board of Commissioners for Antelope County, Nebraska, that the One and Six Year County Road Program as prepared by Brian E. McDonald of Norfolk, Nebraska, and attached hereto, be adopted.

BOARD OF COMMISSIONERS FOR  
 ANTELOPE COUNTY, NEBRASKA  
 \_\_\_\_\_/s/ LeRoy Kerkman \_\_\_\_\_  
 Chairman

#### Need Pages with Projects

ATTEST:

\_\_\_\_\_/s/ Lisa Payne \_\_\_\_\_  
 County Clerk

Passed and approved this 7<sup>th</sup> day of February, 2017

Motion by Commissioner: Schwager

Second by Commissioner: Schindler

That the above Resolution be approved, the Chairman stated the motion and directed the Clerk to call the roll. Roll call resulted as follows:

Commissioners voting  
 Yea: \_\_\_Schwager, Schindler, Jacob, Henery and Kerkman \_\_\_  
 Supervisors voting

Nay: \_\_\_none\_\_\_ The result of the vote being 5 Yays and 0 Nays, the Chairman declared the motion carried.

Joe McNally, with the Antelope County Airport Authority met with the Commissioners to request to fill a position not filed during the 2016 election. Bruce Forbes did not run for office, thus leaving an opening on the Airport Authority Board. Joe requested the Commissioners to appoint Jeremy Knuth, to the board. Commissioner Henery made a motion to accept nomination and appoint Jeremy Knuth to the Airport Authority Board. Motion was seconded by Commissioner Schwager. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman.

Liz Doerr, Zoning Administrator met with the Commissioners regarding her meeting report. On January 17, 2017, the planning commission met to discuss land use chart, what is done as Conditional Use Permit, or just a regular permit. What is allowed and what is not allowed. Planning Commission has another meeting tentatively on the 28<sup>th</sup> of January. Keith Marvin, from Marvin Planning and Consulting will try to get a draft to the planning commissioner, of everything that was done. Everything, but the wind section. If that meets the Planning Commissions requirements, then they wind regulations will be reviewed during the next meeting. Then a public hearing for the Planning Commissions. Once that is completed and no major changes need to be made. A public hearing with the Commissioners will be scheduled.

Liz Doerr, talked with Keith Marvin and Brian McDonald regarding the site distance on driveways. They both suggest this should be in the road code. And suggested a permit would be a good example. Brian McDonald gave a professional opinion in regards and suggested a site study be completed for each driveway access. Casey would go out to site and access all of the area, including various other access, culverts, and site plans. Casey, after discussing with Brian McDonald, Casey Dittrich, Liz Doerr and Commissioners it was discussed to make a permit similar to the existing under road permit utilized by the county. This will be worked up and a policy and resolution be made available. On February 14, 2017 agenda.

Audio/Visual Equipment for the Commissioner Meeting Room was discussed. As the future of meetings will be somewhat with remote meeting location. It was requested to possibly set the room up with a flat screen TV with the ability to access the internet, skyping, and programs that are being shared during meetings. If individual programs are projected, it would have the ability to be shared with the meeting room in general. During the Planning/Zoning Commissioner meeting Keith Marvin was charging the county \$750.00 per meeting to appear in person, and with the ability to skype, he does not and would not charge the county the "per meeting" fee. The commissioners agreed to proceed with the capability of setting the room for the audio-visual plan of the future. County Clerk will contact Bill Rahder, Boyd's Network Solutions to install the system.

Motion by Commissioner Schwager, seconded by Commissioner Henery, to approve Brunswick State Bank, Bank of Elgin, Bank of Orchard, the Tilden Bank, Pinnacle Bank, Neligh and Heritage Bank, Neligh as county **depositories for 2017**. Those voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

RESOLUTION APPROVING DEPOSITORY AND SECURITIES  
(Bank)  
of (City & State)

It was moved by COMMISSIONER SCHWAGER that the following resolution be adopted:  
(person making motion)

RESOLVED that application for designation as County depository by The Bank of Elgin, Elgin, Nebraska and that the deposit of the following securities aggregating in amount of the sum of 1,000,000.00, to-wit:  
with \_\_\_\_\_, Vice President of \_\_\_\_\_, (City), 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 77-2328 R.S. Neb. 1943.

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 HENERY and on roll call the vote was as follows:

(name of person)  
Ayes: Henery, Jacob, Schindler, Schwager, Kerkman

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 7<sup>th</sup>, day of February 2017, 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 7<sup>th</sup>, day of February, 2017.

(Seal)

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

NIRMA insurance settlement was discussed and accepted during the January 10, 2017 meeting. At that time, the settlement had not been sent to us in time for the January meeting. Thus, Pete from NIRMA asked for a verbal acceptance in January and a formal motion to be made to accept the insurance settlement in todays meeting. Motion by Commissioner Schwager, seconded by Commissioner Schindler to accept the insurance settlement as defined by NIRMA. The settlement offer for the 2007 Kenworth Semi Tractor is for \$54,672.00. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schwager, seconded by Commissioner Schindler authorizing the clerk to transfer **\$300,000.00 from the Building Fund into the Road and Bridge Fund**. Transfer was completed on 01-12-2017. Those voting aye: Schwager, Schindler, Henery, Jacob, and Kerkman. Nays none. Motion carried.

Throughout the year in order to make transfers to various funds to protect shortages. Motion by Commissioner Schwager, seconded by Commissioner Schindler approving the form **authorizing the county clerk to make transfers** from the General Fund to the Road and Bridge Fund or other funds for 2017. Those voting aye: Schwager, Schindler, Henery, Jacob, and Kerkman. Nays none. Motion carried.

Motion by Commissioner Henery, seconded by Commissioner Schindler to approve the **Board of Equalization minutes** form the January 3, 2017 Board of Equalization Meeting. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the minutes of the **January 3<sup>rd</sup>, 2017 and January 10, 2017 minutes** as submitted. Voting aye: Schwager, Schindler, Henery, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Jacob, seconded by Commissioner Schindler to approve the **application for permit** submitted by David Beckman to place a **permanent electric line** beneath 525<sup>th</sup> Avenue crossing at the NW1/4 of Section 27, Township 23 North, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska, N.M. Beckman Farms, Inc., owners, said electric line to service center pivot irrigation; all work to be done according to county and state specs. Those voting aye: Jacob, Schindler, Schwager, Henery, and Kerkman. Nays none. Motion carried.

Commissioner Jacob presented a quote from Stearns Construction to complete a Lean-To on the west side of Clearwater's current county barn. The structure will be 16 feet wide and run the full 60 feet of the west side. The construction bid presented was \$6,848.00. This quote includes a light and plug in. Motion by Commissioner Henery, seconded by Commissioner Schindler to approve bid and construction of 60 x 16 foot **lean-to on the west side of Clearwater Barn**. The purpose of the lean to is to house all maintaining equipment/vehicles. Currently, during inclement weather the maintainer is in the elements. Voting aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion passed.

Commissioner Jacob also mentioned construction of a metal shed in the Orchard Barn area, to house vehicles and maintaining equipment. The commissioners agreed this is a good project and investment, however after discussing budgets and various items currently under contract and expenses out of the Building fund, it was discussed to put off construction to April or May of 2017, after checking budget balances. Discussion and agreement to stall construction at this time.

During the December 2016 meetings discussion was on **Upstream Phase I Road Release**. Per Emily Kobylarczyk, Invenergy the Upstream project will be completed in two (2) road construction phases. The first a small project was completed in December, however do to various circumstances was never on the agenda to officially release. Road Boss, Casey Dittrich, Supervisor Greg Koizan, and Marlin Conroy of Invenergy had driven the roads and given a verbal approval of the condition and release. A formal road release resolution was presented today. Motion by Commissioner Henery, seconded by Commissioner Schwager to approve and sign the road release as presented. Voting aye: Henery, Schwager, Jacob, Schindler and Kerkman. Nays none. Motion carried.

Antelope County

**Road Release – Upstream Wind**

RESOLUTION 2017-02 \_\_\_\_\_

In accordance with paragraph 6.i of the County Roads Agreement between Antelope County and the Developer, as defined therein, Developer has maintained and restored County roads to the as-found condition or better for the County roads identified on the attached Exhibit A. 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. Accordingly, 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 Amended County Roads Agreement will terminate for County roads listed on Exhibit A.

IT IS HEREBY RESOLVED, that Antelope County accepts responsibility for road maintenance as shown on the attached Exhibit A.

IT IS FURTHER RESOLVED, that except for the conditions stated above, all obligations of the Developer pursuant to the Amended County Roads Agreement are hereby terminated for County roads listed on Exhibit A.

Approved and adopted this 10<sup>th</sup> day of January, 2017.

\_\_\_\_\_/s/ LeRoy Kerkman \_\_\_\_\_  
LeRoy Kerkman, Chairman  
Antelope County Board of Commissioners

Attest:

\_\_\_\_\_/s/ Lisa Payne \_\_\_\_\_

Lisa Payne, County Clerk

Motion was made by Commissioner Henery, seconded by Commissioner Schwager to approve and adopt the policy as written. Voting aye: Henery, Schwager, Schindler, Jacob, Kerkman. Nays none. Motion passed.

\_\_\_5\_\_\_ Yays

\_\_\_0\_\_\_ Nays

EXHIBIT A (Page 2)  
UPSTREAM ROAD RELEASE  
FEBRUARY 7, 2017

Road	From	To	Status	Miles
523rd Ave	853rd Rd	854th Rd	Ready to Accept	1
853rd Rd	523rd Ave	524th Ave	Ready to Accept	1
854th Rd	522nd Ave	524th Ave	Ready to Accept	2
522nd Ave	853.9 Rd	854th Rd	Ready to Accept	0.1
523rd Ave	856th Rd	857th Rd	Ready to Accept	1
857th Rd	523rd Ave	524th Ave	Ready to Accept	1
852nd Rd	524th Ave	530th Ave	Ready to Accept	6
527th Ave	850th Rd	852nd Rd	Ready to Accept	2
528th Ave	849.5 Rd	850th Rd	Ready to Accept	0.5
529th Ave	851.5 Rd	852nd Rd	Ready to Accept	0.5
530th Ave	850.5 Rd	852nd Rd	Ready to Accept	1.5
850th Rd	527th Ave	528th Ave	Ready to Accept	1
		Total		<u>17.6</u>
527th Ave	852nd Rd	854th Rd		2
528th Ave	852nd Rd	853.5 Rd	Ready to Accept	1.5
853rd Rd	527th Ave	528th Ave		1
854th Rd	527th Ave	527.5 Ave		0.5

Motion was made by Commissioner Schwager, seconded by Commissioner Jacob to adjourn. Voting aye: Schwager, Jacob, Schindler, Henery, and Kerkman. Nays none. Motion passed.

Meeting adjourned at 11:06 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, LeRoy Kerkman

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