

April 2nd, 2019
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, April 2nd, 2019 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Borer, with the following board members responding to roll call: Jacob, Bentley, Smith, Henery and Borer. Chairman Borer 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 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. Chairman stated public comments and discussion of agenda items will be before the board takes up the agenda item. Upon the conclusion of public comments, the board will then take up the agenda item. No additional questions or comments will be taken from the audience, including elected officials, unless they are requested by the board.

Pledge of Allegiance was recited.

Agenda: Motion by Commissioner Smith, seconded by Commissioner Bentley to approve agenda. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried.

Discussion regarding approval of the **Minutes of March 12th, 2019 Board of Commissioner Meeting**. The Board asked if the prices quoted by Sheriff Moore could be added to the correspondence. Item was tabled until April 9th, 2019. Motion by Commissioner Bentley, seconded by Commissioner Henery to table until next week. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried.

Motion by Commissioner Bentley seconded by Commissioner Henery to **approve the Minutes of March 14th, 2019 Emergency Board of Commissioner Meeting** as presented. Voting aye: Bentley, Jacob, Smith, Henery and Borer. Nays none. Motion carried.

Motion by Commissioner Bentley seconded by Commissioner Henery to **approve the Minutes of March 17th, 2019 Emergency Board of Commissioner Meeting** as presented. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried.

Correspondence was reviewed: Minutes of the October 23, 2018 Planning Commission Meeting; NDOR Upcoming Bridge Inspection Reminder; NDOR Past Due Bridge Inspection Reminder; Copy of the notice of budget amending hearing; Email from Nat Drucker regarding the ice sling from Tower 65 regarding WIOM; Revised Administrators Report regarding US Cellular Tower in 18-27-5). Stealth Broadband Bids for Barns 4 & 5, Courthouse, Weed, and County Attorney.

Receipts: \$427.00 Highway Mart – General (check issued twice in 2018); \$237,457.96 Buyback Program Street (146,569.88) & Bridge (90,888.08) Highway Funds; \$200,000.00 IEA Renewable Energy Inc – Road & Bridge - resolution #2018-09-0001 exchange for intersection 529 & 849th Road; \$25.89 – General Judges Office check issued twice; \$1.00 City of Neligh – General – old communication tower.

Committee Reports: Dean Smith attended the Northeast Area of Aging Meeting – nothing to report.

Bid Statute Review: Kelly Mueller stated there was some confusion last month regarding the competitive bidding process. 'Statute 23-3109 Competitive Bidding may not require Nebraska Statutes 23-3109. Competitive bidding; when not required; waiver of bidding requirements; when ; (1) Competitive bidding shall not be required (a) when purchasing unique or noncompetitive items, (b) when purchasing petroleum products, (c) when obtaining professional services or equipment maintenance, or (d) when the price has been established by one of the following:' and then it goes into a bunch of different federal things.' She stated the Statutes are all intertwined and you have to read all of them to get a full picture. Commissioner Bentley asked if it is wrong, or should they be getting bids as a due diligence to the taxpayer. To make sure we are getting the best deal for them. Kelly stated for specialized services it seems to be nonproductive for a specialized bid. Commissioner Bentley asked to have the following email from County Attorney, Joe Abler entered into minutes. This was how County Attorney asked us to respond to this.

Allan Bentley

From: Antelope County Attorney
Sent: Monday, March 11, 2019 2:54 PM
To: Allan Bentley
Cc: Tom Borer; Sheriff Bob Moore; Charlie Henery; Dean Smith; Eli Jacob
Subject: FW: Purchasing Act

Mr. Bentley,
In response to your inquiries regarding the bidding process that must be followed by the County for purchases in excess of \$10,000.00, I have attached a link to the "Purchasing Act" from the NACO website which Lisa Payne provided me. After reviewing that, it's apparent application to Sheriff Moore's computer software system he desires to purchase to comply with federal reporting regulations that was discussed at last weeks meeting would require him to obtain three informal bids "if practicable". Otherwise, his requested purchase may fall under an exemption from the bidding process. Possibly under purchasing "unique" or "noncompetitive" items, professional services or equipment maintenance depending on exactly what it is. Please review the attached link as well as Neb. Rev. Statutes 23-3104 thru 23-3115. I am not aware of exactly what Sheriff Moore is wanting to purchase, nor am I aware of any "free" alternative. After reviewing the statutes and comments in the attached link, I am of the opinion that Sheriff Moore must secure and record with the County Clerk at least three informal bids or quotes if the purchase is for more than \$10,000.00, but less than \$50,000.00, prior to making the purchase on behalf of the County.
I hope this answers your questions. Thanks
Joe Abler
Antelope County Attorney

From: Lisa Payne <clerk@antelopecounty.org>
Sent: Monday, March 11, 2019 2:20 PM
To: Antelope County Attorney <attorney@antelopecounty.org>
Subject: Purchasing Act

http://www.nacone.org/pdfs/counties/Purchasing_Act_2018.pdf

Road Superintendent Report: Road Superintendent, Casey Dittrich gave a quick estimate of materials and machine hire we used to date. There were 44 contractors hired throughout this process. The preliminary figure is \$810,000.00 estimating 75-80% of machine hire. The claims will be kept separate. We were rolling 45 trucks at one time, and he knew there was serious expense. There will be additional costs with fuel, labor and incidentals. Casey reported he drove every mile of road north of 857th Road last week. Next week we will update the map with all passable roads, and maintenance and better signage on the road closed signs. They will start pulling snow fence and place a 30x30 Road Closed sign will go up on the roads that closed.

Brian McDonald is here today to review eight (8) major structure damage. The estimated expense on these is an additional \$1,830,000.00 – part of this will be shared with Knox County. Brian reminds some of these will be FEMA dollars. Brian stated there is a clause in the bidding statute that says. There are two (2) different funding: FEMA and FHWA (Federal Highway Administration.) Brian met with FEMA workers last week – because we are in an emergency – some of the bidding (funding) limits are off. Generally, it is \$10,000 to \$50,000.00, Brian believes this is lifted to \$100,000.00 – because of the emergency nature of the repair.

Road and Bridge Projects

#1 On 513th Avenue north of Orchard. Main avenue to Knox County. Approach is washed out on west side. Picture is standing south looking north. There is erosion at least 4 feet under the road. \$150,000.00 repair, build new wall, sheet piling, rock and fill. Brian has plans done. Timber wing had damage, and the channel cut north and damaged the wing. Sheet pile wall with 25-foot extension, rip rap, armor bank and bring back around through the bridge. Essentially, we need 3 quotes from contractors. FHWA funding. Higher volume road. It is designed with putting in sheet piling. Once the quotes are in we may need a quorum to award the bid. Brian thinks Thiesen may be available. The road is closed – unsafe to travel. One of the Sheriff Deputies has been checking the barricade daily. It is signed bridge out – road closed. This road impacts the most traffic – as far as alternative routes.



#1 FHWA Project

C000200705P Damage: Channel at northwest corner shifted north and washed out timber wing extension. Solution:

construct new wing extension with steel sheet piling and install rock through bridge opening along abutment and around Northwest wing. Status: Plans near complete and ready to submit to contractors for Quotes. Cost estimate: \$150,000

#2 Ashfall Road – Big bridge over Verdigre Creek. FWHA funds. Bank erosion upstream of bridge. Additional rip-rap north bank. Picture is upstream looking west. There is a bunch of piling upstream of the bridge, that have to have been cut off and buried. Also, there is some old bridge railing. The bank has shifted and we lost some rock under the bridge. Brian will have a site visit with DOT this week – and he will be showing this structure. The bank will have to be stabilized is slightly off right of way. They will have to let me know what they will allow, and we will go from there. Little impacted travel on this structure.



#2 FHWA Project

C000241507 Damage: Bank erosion upstream of bridge. Solution: add additional rip-rap north

bank west of the bridge. May not be on ROW. Status: Site visit with NDOT this week to discuss options. Cost estimate: \$50,000

#3 529th Avenue east of Oakdale, north bank of the Elkhorn River. Tie rod is broken. FHWA funding. The plan is to get this open ASAP. Thiesen repaired the tie rod, excavate, and repack to get it open. He completed that @ \$10,500.00. There is some more work to be done. The channel cutting to the north, there is an adverse angle, and comes square into the north pier. Brian is questioning some NRCS Funding. They are looking at projects they can put rip rap down and protect the infrastructure. (looking for avenues for other funding). Currently open, is signed as closed is passable to vehicle traffic. Crew working today, there are haybales in the washouts. This is a huge traffic impactation. Emergency Watershed Protection area. **#3 FHWA Project** C000233910



Damage: North abutment approach loss and broken tie rod. Damage to Ice breaker on north pier, Debris hung up on

Pier. Channel approach is very poor. Solution: Repair tie rod, remove and replace guardrail, backfill. Replace damaged icebreaker and remove debris. Status: Tie Rod repaired and backfill have been completed and structure open to traffic. We will meet with NDOT later this week to discuss options for the ice breaker and debris removal. This would be best completed in mid-summer when water is low. We will also discuss possible options to improve channel alignment. Cost to Date: \$10,500 to repair tie rod and restore backfill to open bridge to traffic. Cost estimate: \$40,000 to replace ice breaker. Channel realignment to be discussed with NRCS when we identify possible Funding Sites.

#4 South of Clearwater \$30,000.00; FEMA funding. Sheets went down. Loss of approach, fill and loss of wing. The water is down quite a bit – shouldn't be an expensive fix. Brian will look at today. **#4 FEMA Project** 000220905



Damage: Loss of approach fill and loss of wing. Solution: replace wing with new and

restore fill. Status: Preliminary, going to site visit today to do further evaluation with water down. Will develop repair plan and obtain quotes. Cost estimate: \$30,000 (preliminary)

#5 Poor Farm Bridge – 1-mile South of Tintern. FEMA funding. Essentially, this is shot. Loss of abutment wall. \$130,000.00. Possible NRCS project. Rip-rap the whole thing. There are two (2) homes with alternative routes. Because of the alternative routes Casey would consider this high priority. **#5 FEMA Project** C000215810



Damage: Loss of abutment wall. Solution: construct new abutment wall. Will likely require stiffer sheeting and a dead man. Status: Preliminary, going to site visit today to do further evaluation with water down. Will develop repair plan and obtain quotes. Cost estimate: \$130,000

#6 West of Ashfall Road – Weinrich Road. Upstream of the big Ashfall bridge. FEMA funds - \$130,000.00 Essentially, we are looking at an abutment wall and full. Construction of a new abutment wall, will likely require stiffer sheeting and a dead man. Mitigation funds or alternative projects. #6 FEMA Project C000200205P



Damage: Loss of abutment wall and fill. Solution: construct new abutment wall. Will likely require stiffer sheeting and a dead man. Status: Will develop repair plan and obtain quotes. Cost estimate: \$130,000

#7 County Line north of Ashfall – Loss of east approachment and severe damage to wing and abutment. The channel has shifted to the east on southwest corner, after making a large bank cut upstream. FEMA funds. \$800,000.00 split with Knox County. Replacing the abutment wall and extending the wing out that far, and rip – rap will likely make this not cost effective to repair. We have to show FEMA what it will cost and make the case for FEMA. We may meet the threshold and it could be 50/50 split. Possible mitigation project.



#7FEMA Project

C005416210

Damage: Loss of east approach and severe damage to wing and abutment. The channel has shifted after making a large bank cut upstream of the bridge. Solution: Possible channel stabilization, Possible remove and replace wing and abutment, Possible new structure. Status: We will develop repair plans and estimates for FEMA to determine if structure would qualify for replacement or mitigation. Visit with NRCS to determine if they would participate in bank stabilization. Cost estimate: \$800,000 County share would be split with Knox County.

#8 East of Everett Meyers. 870th Road \$500,000.00. FEMA project. There was an 8-foot culvert, and it is way undersized. The current culvert was moved and is mostly buried. It needs to be a bridge structure. Split with Knox County. It is state law that county line bridges are shared equally by the bordering County's. There is some impacted homes. FEMA Project C000210215



Damage: Loss of roadway approach and culvert pipe. Solution: replace with new bridge. Pipe too small for crossing. Status: Waiting to meet with FEMA and Knox County to discuss options. Cost estimate: \$500,000; County share would be split with Knox County

The total projected cost of these projects is \$1.8 million. The eight (8) presented projects are bigger projects involving the Highway Superintendent either for engineering or structure. There are many other projects throughout the county that currently are being handled by the county employees. Some will be completed by the end of today, the end of the week and some may take longer. There is not a short-term fix to the whole it may be years. Overall, there are over 300 FEMA qualifying incidents. We are in the process of organizing the various projects into size and folders. Casey is working on paperwork, this is expected to be long and arduous. Next week there will be a better picture as to the scope of the project. We are working on projects. We will continue to pound away at this.

Brian McDonald has another site on 848th Road that we did not have pictures of. This site has flooded numerous times, and Brian is looking at working with the NRCS and Game and Parks using Emergency Watershed money. This area is out be Koinzan's. This has been a problem for a number of years. NRCS will sometimes help in to protect public infrastructure. When asked about the FHWA Brian



Improvement Grants: Neligh American Legion Baseball Dugouts. Approved by Visitor Committee. New Dugouts and storage behind dugout. \$1500.00. Motion by Commissioner Henery, seconded by Commissioner Smith to approve. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. **Neligh Young Men's Club;** Date: They Club is looking to repair and replace flags and poles that are broken, worn and damaged. \$1500.00. Motion by Commissioner Smith, seconded by Commissioner Henery to approve. Voting aye: Smith, Bentley, Jacob, Henery, and Borer. Nays none. Motion carried.

Liz Doerr, **Zoning Administrator** gave a short report. There were no permits issued in March, thus no March Permit Report. Liz presented the minutes from October 23, 2018 Planning Meeting. She has been working with the Flooding Reporting and NEMA. She has two homes right now in the Flood Plain (Koinzan and Dover). If they are not in the flood plain, she does not have to review them. Antelope County has not been approved for individual assistance. Liz reported she has a Planning Commission meeting today. Keith Dittrich subdivision public hearing is today and it will be a public hearing for the Commissioners next month.

Public Hearing: USCOC Nebraska/Kansas LLC for a telecommunications tower on a tract in the NW¼ 18-27-5. 11:23 AM Motion by Commissioner Henery, seconded by Commissioner Smith to open the Public Hearing. Voting aye: Henery, Smith, Jacob, Bentley and Borer. **Liz Doerr:** I will present this because Deb Brown is the gal that is working on it, and because of miscommunication she thought the meeting was next week. We had a set of drawings we looked at last meeting for the driveway. These are the construction drawings, with everything. When we had the hearing with the Planning Commission, one of the things that is in our Zoning Regulations on wireless communications it does allow, is we can basically we can grant a variance. Normally, that would go to the Board of Adjustments. They had already sent to FFA. They had the lease, the surveys were all done for this taller tower, but it did not meet the setbacks. The Planning Commission made a recommendation to deny it based on that because they just didn't feel comfortable with granting, or making a recommendation to grant it with that being, like 45 feet to close to the road. So, Liz talked to Deb Brown and told her if she can meet it, take it to the County Board. Liz talked to her, and discussed all of their options. So US Cellular decided they would change the height, it will be a little bit shorter. This is on Rollie Pudenz's land, up by Brunswick – almost a mile west – where we talked about that driveway. So, they shortened it. By shortening it they did not have to re-survey, they did not have to change the lease, they do not have to go through FAA, because it is under the FAA Guidelines. Because it meets the setbacks now. Liz revised her report to say she recommends approval. If there are more questions, Deb is available by phone. **Dean Smith:** So, what is the height of the tower now, and what did they propose?

Liz Doerr: It is 195, it was 250 foot with a small antenna so it was 256 feet. Now the overall height is 199 feet. **Dean Smith:** I guess the reason I am bringing this up is... Do they think they are going to get the same coverage and everything by going shorter. Because in rural Nebraska, we need all of this communication stuff we have a chance to. And what do we have to do to change? **Charlie Henery:** You talked about the north end of the county already. **Dean Smith:** I can't believe they are going to be able to get the same... **Liz Doerr:** Yeah, and I don't think. She did send a new coverage map. Somewhere, I know in this.... **Dean Smith:** And, I mean, I guess that is their decision. **Charlie Henery:** That is only a 57-foot difference.

Dean Smith: And so, how, it would have had to be what 40 more feet from the road. **Greg Wortman:** It was 40-feet from one road and like 25 feet from the other. So, they missed the set back from both ways. At first, when we looked at it at home, we thought heck, we could just let this thing go. As we discussed it and what this could possibly bring to us in the future. Things with wind turbines and other things, we decided not to grant that 40 foot. Even though it is 40 foot and it seems easy, it just seems like a bit of a risk the Board did not want to take. When it did not look like to him like there was not a really good reason why it couldn't have been scooted in 40 foot and over 25 feet, to actually meet the setbacks. So, to hear that they are shortening it, is disappointing. But that is their decision not ours. **Dean Smith:** So it is like they already had it surveyed to put their flag here, and didn't want to change their.... **Greg Wortman:** They knew the rules, they knew what the setbacks were, in my opinion. Maybe I am wrong. They had to know what the rules were and they... I think everybody when they read this stuff at home was all for approving it with the 40-foot variance. But, then as we got to talking about it and what other things this could bring up to us, just by allowing this. We felt there was no reason why it couldn't be moved over 40, and over 25. **Dean Smith:** And they have no desire to do that, US Cellular doesn't huh? Try to move it to accommodate the taller tower. **Allan Bentley:** It looks like they got room. **Liz Doerr:** And part of it was because, from what I understood, their lease with the landlord, which is Rollie. They were concerned about like when they spray getting to close to there, or hitting it with equipment. And so that is why they wanted it so far off the pivot, but then it put it to close. **Greg Wortman:** But it was not in jeopardy of being hit by the pivot. That would not have been a.... To me that was a land owner... **Charlie Henery:** If the person running the sprayer hits it. That is his fault not to see it. I mean, because it was closer or further away, he could still hit it. **Greg Wortman:** And they are getting, you know we were talking about the wind turbines, they are getting compensated for it. So, you may have to give something up. But that is for them to decide not us. **Liz Doerr:** Right. **Charlie Henery:** They got a coverage map, do they? **Liz Doerr:** These are the coverage maps based on the 250 foot. So, you can see here, you know the green is where it is good. See it is going to fill in some gaps there. But now making it shorter she hasn't submitted that as revised so I don't know how much it will affect it. **Dean Smith:** And I guess, I don't know, I am not to say that is our decision to make here.

Charlie Henery: Well, I am thinking if they shortened it up, they still feel it was a benefit to it. Or they would be splitting that... I mean it has got to cost a lot of bucks. **Eli Jacob:** If they are satisfied with it. (Dean acknowledges agreement.) **Charlie Henery:** If they are satisfied with it. Yeah. I know what you are talking about coverage. (Dean acknowledges agreement.) **Liz Doerr:** Because I spelled out all of the options to them. You know, moving it, shortening up, you know if they wanted to revise it, or if they wanted to submit it based on the original drawings and then see if you guys wanted to approve the variance. The Planning Commission was not at ease with that. So, even though we have a recommendation to deny from the Planning Commission, that is on this. They resubmitted this set of drawings, and that is why I have done the revised report saying it meets the setbacks. So, the Planning Commission had said if they could do that, they were in favor of it. But their action was on the first drawings. **Charlie Henery:** So, you are kind of recommending to go with the shorter tower, and everything is fine? **Liz Doerr:** If you want to go with that yes, everything is fine. You know I suppose if you want to go with the taller tower then you would have to be ok with going against the Planning Commission and granting the variance. **Allan Bentley:** Greg, are you all right with the shorter tower at the location? **Greg Wortman:** If it meets the setbacks, then absolutely I am. I don't like to say no to any of these permits, especially 40 foot. I mean 40-foot guys come on. But there is a reason why there is setbacks too. And, if this would guarantee this would not open up a can of worms we probably would have gone with it. Something is going to come back and bite us in the butt. **Liz Doerr:** And that is what they stated. (Commissioners agree verbally.) **Charlie Henery:** On the other aspect if we would. I am not in favor of going against the Zoning Commission. **Greg Wortman:** That would not bother them a bit. We wanted to get it to your table. **Charlie Henery:** What I want to say is, if we grant them a variance that does not mean that the next one that we are going to grant them a variance. You know that is at our discretion. **Greg Wortman:** We discussed that too. Because the way this tower is built it is a

collapsible tower. If it does go down, it is supposed to go straight down. That is information you can use as putting a condition on it. Well we are going to allow this because it collapses this way, if it doesn't. **Liz Doerr**: Yeah, you can do it because of the design. **Greg Wortman**: You can take this stuff under consideration, but still approve it. **Dean Smith**: So does it have guide wires? **Liz Doerr**: And this one, when they changed it, it is going to be a mono pole. **Dean Smith**: you probably don't know, what is the one that is $\frac{3}{4}$ of a mile north of Highway 20? **Liz Doerr**: Oh, I don't know. See it was designed this this, and now it is going to be designed like that. **Charlie Henery**: I guess, I personally if they want to do the shorter tower, and they can make it work. I guess the other thing is that driveway. **Liz Doerr**: Right, I did not know if you discussed that with Casey before I came in. They had submitted that application, and I had understood they were going to build up that driveway where it was. And, that is what they have in their survey, but they said if they can't get it approved at that spot they were going to use it as it is since it is grandfathered in. **Charlie Henery**: One way or another, they are going to use that driveway. Either make it better or leave it like it is. **Liz Doerr**: At the last meeting you guys were talking about you hate to make them take out some of those trees there. But to the west it is more just tall deciduous trees, it is not a regular shelter belt. You know, so if you did make them move it, it maybe wouldn't be as big a deal, because it is not that much of a windbreak. However, she said then they would have to do a new survey of the driveway and lease. Because they are leasing and right now the lease spells out that area. **Dean Smith**: Well yea, but I mean, it is their business decision and everything, but I think if we could have maybe reached a few more people, it would have been a good deal. But I am not going against the Zoning recommendations either for what we have. **Liz Doerr**: And I think that part of this decision was to keep this moving. So, they did not have to go back do a bunch of changing the lease, resurveying. Because of getting close to construction time. Plus, moving it would mean refile with FAA and there would be delays with that. **Charlie Henery**: That is true too. If they want to move forward with it. We go with a shorter tower, and leave the driveway like it is and move forward. **Allan Bentley**: Yep. **Tom Borer**: If they don't like it they can come back. **Dean Smith**: I guess I move to approve the... **Charlie Henery**: We have to ask for public comments. **Tom Borer**: Yeah, is there any public comments? **Lyle Juracek**: How much further distance does that 47 feet make to US Cellular? Miles? **Liz Doerr**: I don't know we can call her if you want. **Lyle Juracek**: No, I was just curious if that map shows a field of parameters? **Dean Smith**: Not on the shorter tower. **Tom Borer**: They don't show. **Liz Doerr**: These are on the original. **Dean Smith**: There has got to be some. **Charlie Henery**: But like I say if they were comfortable with the shorter... **Liz Doerr**: It kind of fills in mostly this area around Brunswick. You know this red and white is no coverage. And it eliminates a lot of that and makes most of it green. **Greg Wortman**: That wasn't our goal to have them shorten it up. We wanted it to work. I think you understand. **Liz Doerr**: Right. **Lyle Juracek**: Especially 9-1-1. Cell phones this day and age. **Charlie Henery**: You are talking 57-foot. That may get you over the hill to the next guy. **Dean Smith**: That is a lot. 57. **Liz Doerr**: And usually, these towers are engineered they are not going to buckle at the ground level. They will buckle up in the middle somewhere. So, if you feel like it is not enough difference to make it fall onto the road and be a safety hazard that way. **Dean Smith**: Now was the original one the one that was supposed to collapse, or is the new one. **Greg Wortman**: The original one. **Dean Smith**: The original one? **Greg Wortman**: Self-Collapsing they called it. It was supposed to go straight down. That was something we felt we could use to put in as a condition, why we were going to approve it. **Charlie Henery**: And you don't think like if we would give a variance, it would bother the Zoning Board at all? **Greg . Wortman**: No. **Charlie Henery**: They wanted us to make a decision. **Liz Doerr**: I think so. **Greg Wortman**: Not at all. There would be no hard feelings. **Eli Jacob**: I think we leave it the way it is. **Dean Smith**: I think it would be better for residence to be taller. **Charlie Henery**: For everybody. There is a blank area up in there. North of Neligh. **Allan Bentley**: Yeah, there is. **Eli Jacob**: They need all the height they can get. **Greg Wortman**: Put your choices, put your conditions and move on. **Eli Jacob**: They made it shorter so they don't have to light it, right. **Liz Doerr**: No, I don't think was any of the consideration. **Charlie Henery**: And they had it approved with the FAA at the taller height. **Liz Doerr**: At the taller height, yes. **Charlie Henery**: Everything was approved? Everything was OK? **Greg Wortman**: Yes, at the taller height. We were the problem. **Charlie Henery**: I don't know you were the problem. **Dean Smith**: Somebody marked the map wrong when they were designing it. **Liz Doerr**: Yeah, because it was designed before I got it. See and the two (2) conditions that I have in here that we kind of recommended are taking from the Zoning Regulations. And it says: The applicant shall comply with applicable regulations for signage. Because cell towers do have to have signage. And I would have them put the 9-1-1 address there. And then upon completion of construction of the tower and prior to the commencement of use an engineer's certification that the tower is structurally sound and in conformance with the applicable regulatory standards shall be filed with the Zoning Administrator. And that is straight out of the Zoning Regs. And so, but if you do decide to go with this one I think we need to have the condition that it will, you know because they resubmitted with this. We want to spell out that you are approving the original design and allowing the variance so it can go into the location, where it was originally proposed. And maybe even put a reason on it you know so that it would help them in the future. So, if another one comes in say well in this case, we felt that because the amount of variance was relatively small and the need for coverage in that area, that we are allowing the variance to put it in this location, or something to that effect. **Charlie Henery**: Casey, on that cell tower up there, the driveway, we had a discussion on it. Are you OK with it? Because if we tell them that they cannot have the driveway there they are going to use the old one just like it is, or they are going to improve the old one. What is your thoughts? **Casey Dittrich**: What we have done in the past is called that existing. And they can improve their driveway limitedly, within reason. If it is 200-foot-wide up to an intersection that is different. They can improve it and improve surface height, increase the width. As long as the width is within our specifications. Our total width is 74-75 feet. If it is within our specs the placement is the big question mark. Lets call it existing and let them go about their business. **Liz Doerr**: And they did say that during construction it will be a different. But afterwards it may be once or twice a month that anybody will be using it when they go check equipment. **Charlie Henery**: Pudenz's will be using it more to go in and out of the field than the cell tower people will. Like they always have not that they are going to increase it. **Allan Bentley**: Is there any opposition? Has there been any neighbors not want it? **Liz Doerr**: Nope. I have not received any comments that way. Other than Jack, Jack Pudenz was at the meeting saying his reasons why he wanted it where it was in here. **Dean Smith**: Well the long-term benefit you know because they are not going to rebuild one of these. I mean the long-term benefit to get to more customers, or more residence would be make a taller tower. Would make more sense-you know this is a long term thing. As long as we don't get us into a short term. **Tom Borer**: If we approve the taller tower will they even consider it or will the just stick with the short one, because ... **Dean Smith**: We hope they do the tall one. I guess we could make that they... **Tom Borer**: Because the FAA. **Liz Doerr**: We can call her if you want. **Dean Smith**: No, they have already been approved for the tall one. **Charlie Henery**: They have been approved and everything for the tall one. **Liz Doerr**: FAA has approved it. **Charlie Henery**: Everything is set to do the tall one. If we so choose. **Tom Borer**: I guess it don't matter if they do the shorter one or not. Just if we want to grant the variance. **Dean Smith**: Well the taller one should get to more people. Is what I am getting at. Get more phone service to more people. **Liz Doerr**: Over a few more hills. **Allan Bentley**: Yeah. **Tom Borer**: Yeah, I am OK with it. **Charlie Henery**: Are we done with the public hearing? **Tom Borer**: Do we need to make a motion? **Dean Smith**: Should we go out of public hearing? **Charlie Henery**: I make a motion to go out of public hearing. (11:43 AM) **Eli Jacob**: I second that. **Roll call vote**: Voting aye: Henery, Jacob, Bentley, Smith, and Borer. Nays none. Motion carried.

Approval of US Cellular Tower: Commissioner Henery made a motion to approve the variance on the taller tower with the conditions that Liz mentioned. Motion is seconded by Commissioner Jacob. Short discussion. Voting aye: Henery, Jacob, Bentley, Smith and Borer. Nays none. Motion carried. Later in the meeting, after Liz spoke with Deb from US Cellular. She checked with US Cellular engineers, and the FAA permit for 250 feet was cancelled. So, to not extend the construction they prefer to stay with the shorter tower. Commissioner Henery, seconded by Commissioner Jacob to rescind motion to approve the taller tower. Voting aye: Henery, Jacob, Smith, Bentley and Borer. Nays none. Motion carried. Motion by Commissioner Henery to **approve the 195 (199) foot tower with the two conditions** as per US Cellular application. Motion was seconded by Commissioner Jacob. Voting aye: Henery, Jacob, Smith, Bentley and Borer. Nays none. Motion carried.

Catastrophic Inmate Medical Insurance: Discussion on the policy, options and payouts. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve Option 1 on the recommendation of Sheriff Moore. Voting aye: Henery, Jacob, Bentley, Smith and Borer. Nays none. Motion carried.

Thunderhead CUP: Commissioner Smith added this to the agenda. He believes it is on the agenda regarding moving the towers away from the roadway. The Thunderhead engineers are redesigning the layout. They will make a mindful decision on the school land tower placement – as this is tax dollars Antelope County will not be receiving. Commissioner Bentley asked about Wheeler County’s \$3 million bond on the Road Use Agreement and would it be mirrored for Antelope County. Nat Drucker and Mike Degan were in agreement the Road Use Agreement would be county specific but should mirror each other. Commissioner Bentley asked about decommissioning on individual towers – as is Wheeler County.

Thunderhead Road Use Agreement: Invenergy is working with Casey Dittrich, Antelope County Road Superintendent to hammer out a couple of details. They are trying to get their thoughts together and keeping County Attorney, Joe Ablor in the loop. They hope to be able to have the Road Use Agreement to the Commissioners next week, or early next month. Commissioner Smith spoke about various incidents that happened during the 2018 summer construction of Upstream. He mentioned this is very serious and he wants to make it clear Antelope County cannot spend the amount of time with the new project that they did in the past. Nat Drucker stated he understood and was working on their end to help eliminate those issues. They did not contract with the same contractor outfit as Upstream. Road construction will start mid – to late summer 2019. Towers will probably not start until 2020.

Disaster Fund: Follow-up of the flooding, Nebraska State Deputy Auditor suggested creating a fund to funnel all of the disaster expenses and revenues to keep a good record trail. We are able to keep expenses through the same fund. Long discussion of various avenues of budgeting and tracking, both long and short term.

Motion by Commissioner Smith, seconded by Commissioner Henery to create a disaster fund for the purpose of utilizing/paying of expenses of flood disaster relief. Voting aye: Smith, Henery, Jacob, Bentley and Borer. Nays none. Motion carried.

Motion by Commissioner Smith, seconded by Commissioner Bentley to transfer \$2,000,000.00 loan from Inheritance Fund to the newly created Disaster Fund for disaster expenses. Voting aye: Smith, Bentley, Henery, Jacob and Borer. Nays none. Motion carried.

Universal Insurance Applications: Lisa estimated she had approximately 20-25 forms completed and returned. There are probably 25-30 more that need to be returned. The Commissioners asked to have a letter sent to the employees who have not responded. A discussion of the protected information that is shared on these forms. The commissioners said if individual employees wanted to complete the forms and make four (4) copies and return the five (5) copies in separate envelopes that is not a problem. They would like to get this information sooner so they can talk with various companies and get the bids/quotes. Joe Smith, acting Antelope County Attorney said he thought it was very reasonable for the county to request the employees complete the forms. A letter will be written/sent to employees.

Brittany Spieker with the Extension Office met with the Commissioners regarding the **appointing of Kathy Fuesse to the Extension Board** for a three (3) year term. Motion by Commissioner Henery, seconded by Commissioner Jacob to appoint Kathy Fuesse to the Extension Board. Voting aye: Henery, Jacob, Smith, Bentley, and Borer. Nays none. Motion carried.

Road Superintendent Report:

Driveway Permit: Motion by Commissioner Jacob, seconded by Commissioner Bentley to approve the application for driveway permit submitted by Stacey Klabenes to place a driveway in the NE¼SE¼ of Section 20, Township 26, Range 7. There were no issues. It was a wind tower driveway, being utilized currently by the Klabenes’s. Voting aye: Jacob, Bentley, Henery, Smith and Borer. Nays none. Motion carried.

Driveway Permit: Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for driveway permit submitted by US Cellular to reconstruct a driveway in the NW¼ of Section 18, Township 27, Range 5. This was discussed earlier and no issues were voiced. Voting aye: Jacob, Bentley, Henery, Smith and Borer. Nays none. Motion carried.

Driveway Permit: Doug Haselhorst SW¼NW¼ 16-25-6 tabled until next meeting.

GPS on Equipment: Safety Meeting with Road & Bridge Employees: **GPS** was discussed. One employee voiced if the GPS went into his machine – he would be finding a different job. The general consensus was negative. A long discussion between the Commissioners and Casey regarding pros and cons of the same. Commissioner Henery discussed the need for tractors over the need to spend money on GPS. Dragging is needed throughout the county. Commissioner Jacob stated a lot of money was spent on the radios and they are working fine. ‘Jack Allemang spoke strongly about the need to fix the road. Spending money on GPS is not going to fix roads. The roads are in horrible condition.’ Commissioner Bentley spoke of revisiting this issue later this summer, all were in agreement.

1:26 PM to 2:06 PM The Commissioners met in **Executive Session** regarding personnel/litigation matters. Commissioner Borer made a motion to go into executive session, seconded by Commissioner Henery to go into executive session regarding personnel matter. Voting aye: Henery, Jacob, Smith, Bentley, and Borer. Nays none. Motion carried.

Motion by Commissioner Henery, seconded by Commissioner Smith to go out of executive session. Voting aye: Henery, Jacob, Smith, Bentley, and Borer. Nays none. Motion carried.

March OT/Compensatory Time Road and Bridge: The Road and Bridge Employees must be commended for the work they have put forth during and since the flood in mid-March. The Commissioners expressed their appreciation for the great work and dedication by all of the employees. They are requesting the hours worked in excess of the 40 be at the employee’s discretion as to payment of overtime or compensatory time. All were in agreement. A long, detailed discussion on what, how and the duration of this choice should be. The Commissioners suggested through the end of the fiscal year. A motion was made by Commissioner Smith, seconded by Commissioner Jacob to approve the Road and Bridge Employee choice of type of payment for hours worked in excess of 40 for the months of March, April, May. The month of June will be back to compensatory time, because of the fiscal year end in June. Voting aye: Smith, Jacob, Bentley, Henery and Borer. Nays none. Motion carried.

Motion was made by Commissioner Jacob seconded by Commissioner Henery to **adjourn**. Voting aye: Henry, Smith, Jacob, Bentley and Borer. Nays none. Motion passed.

Meeting adjourned at 2:28 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Thomas Borer

Attest: _____
County Clerk, Lisa Payne

