

April 2<sup>nd</sup>, 2024  
 Antelope County Board of Commissioners  
 Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, April 2, 2024, at 9:00 AM in the County Commissioner’s Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. The meeting was called to order by Board Chairperson, Charlie Henery with the following board members in attendance: Jacob, Krebs, Dittrich and Henery. Williby was absent. Chairman stated that the open meeting laws are posted on the east wall of the Commissioner’s Meeting Room with more copies available at the County Clerk’s Office.

Notice of the meeting was given in advance thereof by publication in the three (3) county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk’s office. The agenda for said meeting was sent to all members of the County Board of Commissioners.

Pledge of Allegiance was recited.

**Agenda:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve agenda as presented. Voting aye: Jacob, Dittrich, Krebs and Henery. Williby was absent. Nays none. Motion carried.

**Minutes: Minutes of the March 12<sup>th</sup>, 2024, Board of Commissioner Meeting:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the March 12<sup>th</sup> Board of Commissioner Meeting with the deletion of verbiage regarding public report. Voting aye: Jacob, Krebs, Dittrich and Henery. Williby was absent. Nays none. Motion carried.

**Correspondence was Reviewed:** Holt County Road Study on 510<sup>th</sup> Avenue; Union Bank & Trust Hospital Bonds Revenue Funding Statement for February 29, 2024; Certificate of Liability Insurance for Willow Creek Sand & Gravel; Thank you form St. Boniface Altar Society; Imprest Pledge Collateral; Payments from National Opioid Settlements.

**The Sheriff Fee Report** for February was reviewed and put on file.

**Quarterly Jail Inspection:** Commissioners Dittrich and Jacob will conduct the Quarterly Jail Inspection for the 2<sup>nd</sup> Quarter 2024 after today’s meeting.

**Access Permits/Building Permits-unimproved roads:** County Attorney, Joe Smith, met with the Commissioners regarding building permits. While reviewing statutes and Antelope County Zoning Regulations, it is best practice for the County Zoning Administrator and/or County Commissioners to deny such permits to respect Section 3.08 Scope of Regulations:

No Building, structure, or land in the unincorporated areas, excluding the portion of unincorporated areas over which cities and village are granted and are exercising zoning jurisdiction in Antelope County shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Resolution herein specified for the district in which it is located and except after receiving a zoning permit from the Antelope County Zoning Administrator and:

1. Every building hereafter erected shall be located on a lot of record.
2. Only one principal building will be permitted on one lot of record, except in Planned Unit Development.
3. In a Planned Unit Development, before a zoning permit can be granted, an application for a Zoning Compliance Certificate shall be submitted for approval.
4. **After a county road has been classified as a minimum maintenance road or is an unimproved road, no zoning permits for residential dwellings, mobile home, or manufactured home shall be issued on any property adjoining such classified road.**

A lengthy discussion involving the Zoning Administrator and Road Superintendent. Zoning Administrator has agreed to check with the Road Superintendent regarding permits on unfamiliar roads to verify conditions surrounding road. No action taken.

- The County cannot deny any owner access to property.
- There were a couple of examples of various similar situations in the County. A comprehensive answer was not established for these existing structures. No further action.
- Recommendation from the County Attorney was to continue to deny building and access permits on minimum maintenance road.
- The Road Superintendent will work with the Zoning Administrator on roads along these situations.

**Zoning Administrator Report**

- **Zoning Permit Report** was reviewed and put on file.
- No further report.

**Antelope Country Club Liquor License:** The Antelope Country Club did not renew their Liquor License in the Fall of 2023 as was protocol. At this point, the entity started the process over. They have submitted the paperwork to Nebraska Liquor Control, it was publicized for the required time, and is presented today for the Commissioners to approve. The Clerk did not receive any verbal or written comment regarding renewal. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve the liquor license renewal for Antelope Country Club. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed.

9:45 Bid Opening:

**Gravel:** 9 Gravel – Aggregate Bids were received. Bids were opened. Discussion. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to accept any and all bids. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed.

Bids received from: J&J Material; Matteo Sand and Gravel; Pollock Redi-Mix; Emme Sand and Gravel; Willow Creek Sand and Gravel; Spud Sand and Gravel; Cole and Gravel; Bazille Aggregate; and West Hodson.

<b>Road Gravel @2835#s per Yard</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
Bazile	\$ -	\$ 22.82	\$ 16.10		\$ 15.05	\$ 1.05
Emme	\$ -	\$ 19.99	\$ 14.10		\$ 12.85	\$ 1.25
Matteo	\$ -	\$ 28.35	\$ 20.00		\$ 17.00	\$ 3.00
Cole	\$ -	\$ 19.85	\$ 14.00		NB	\$ -
Pollock	\$ -	\$ 19.69	\$ 13.89		\$ 10.75	\$ 3.14
Spud	\$ -	\$ 21.19	\$ 14.95		\$ 12.95	\$ 2.00
Vakoc	\$ -	\$ -	NB		NB	\$ -
Willow	\$ -	\$ 18.43	\$ 13.00		\$ 11.11	\$ 1.89

<b>Mud Rock</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
Bazile	\$ -	\$ 26.03	\$ 18.36		\$ 17.41	\$ 0.95
Emme	\$ -	\$ 43.23	\$ 30.50		\$ 28.50	\$ 2.00
Cole	\$ -	\$ 28.49	\$ 20.10		NB	\$ -

Pollock	\$ -	\$ 21.01	\$ 14.82		\$ 11.75	\$ 3.07
Spud	\$ -	\$ 22.61	\$ 15.95		\$ 13.95	\$ 2.00
<b>Oversized</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
Bazile	\$ -	\$ -	\$ -		\$ 14.75	\$ (14.75)
Emme	\$ -	\$ 34.73	\$ 24.50		\$ 22.00	\$ 2.50
Cole	\$ -	\$ -	\$ 26.25		NB	\$ -
Pollock	\$ -	\$ 26.93	\$ 19.00		\$ 14.75	\$ 4.25
Spud	\$ -	\$ 33.95	\$ 23.95		\$ 21.95	\$ 2.00
J&J	\$ -	\$ 58.12	\$ 41.00		NB	\$ -
<b>Armor Coat Gravel</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
Emme	\$ -	\$ 19.99	\$ 14.10		\$ 12.25	\$ 1.85
Matteo	\$ -	\$ 28.35	\$ 20.00		\$ 17.00	\$ 3.00
Cole	\$ -	\$ 21.12	\$ 14.90		NB	\$ -
Pollock	\$ -	\$ 19.69	\$ 13.89		\$ 10.75	\$ 3.14
Spud	\$ -	\$ 21.19	\$ 14.95		\$ 12.95	\$ 2.00
<b>Bank Run</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
Emme	\$ -	\$ 7.09	\$ 5.00		\$ 3.50	\$ 1.50
Pollock	\$ -	\$ 8.51	\$ 6.00		\$ 3.52	\$ 2.48
Spud	\$ -	\$ 5.67	\$ 4.00		\$ 4.00	\$ -
Willow	\$ -	\$ -	NB		\$ 7.50	\$ -
<b>1" Crushed Rock Base/Specialty Dirt</b>						
Vendor	per Ton	per Yard	Bid Ton	Bid Yard	2023 Price	Difference
J&J	\$ -	\$ 47.49	\$ 33.50		\$ 29.00	\$ 4.50
Willow	\$ -	\$ 10.63	\$ 7.50		\$ 6.00	\$ 1.50

**Hot-mix – Asphalt:**

Two (2) Bids were received and opened. Discussion. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to accept any and all bids. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed. 2 Bids received: Knife River and Midwest Coatings. If another outfit moves in, we can accept bids at that time.

Vendor	Per Ton		Bid Ton		2023 Price	Difference
Knife River	\$ 85.00	Sioux City /Yankton	Stationary Plant	April-October	\$	FOB
Midwest Coatings	\$ 98.00	Norfolk	Season		\$	FOB

**Asphaltic Oil:**

Single Bid was opened. Discussion. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to accept any and all bids. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed. A single Bid: JEBRO

<b>Asphaltic Oil</b>					
Cut	Jebro	Flint Hills		2023 Price	Difference
MC3000	\$ 3.82	NB		\$ 3.90	\$ (0.08)
MC800	\$ 3.95	NB		\$ 4.07	\$ (0.12)
MC250	\$ 4.09	NB		\$ 4.18	\$ (0.09)
CRS2	\$ 2.92	NB		\$ 3.00	\$ (0.08)
CRS2P	\$ 3.13	NB		\$ 3.21	\$ (0.08)

**Armor Coat:**

Four (4) Bids were received and opened. Discussion. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to accept the Sta-bilt bid. Past performance and work history, ability to do a double lane pour and layout are reasons why the motion was made. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed.

Contract	Labor			2023 Price	Difference
Sta-Bilt	\$ 3,260			\$ 2,960	\$ 300
Road Guy	\$ 2,800			\$ 3,350	\$ (550)
TopKote	\$ 5,000			\$ 4,200	\$ 800
Figgins	NB			\$ 5618	\$ -
Midwest	\$ 3,700			\$	\$ -

**Possible Road Closure** 534<sup>th</sup> Avenue between 869<sup>th</sup> & 870<sup>th</sup> Road. Brian McDonald, Antelope County Highway Superintendent met with the Commissioners regarding the possible closure. Holt County has completed a study and public hearing scheduled for April 16<sup>th</sup>. Mr. McDonald requested the Board of Commissioners sign a resolution authorizing him to do a study of the road. Holt County had received a petition to close and has completed their study and are proceeding. Mr. McDonald hopes to have a report to the Commissioners next week, and a public hearing to follow next month. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to authorize the Highway Superintendent to complete a road study. Voting aye: Dittrich, Krebs, Jacob and Henery. Williby was absent. Nays none. Motion passed.

RESOLUTION  
ANTELOPE COUNTY, NEBRASKA

WHEREAS, the Antelope County Board of Commissioners wishes to consider the vacation or abandonment of 210<sup>th</sup> Avenue located between 869<sup>th</sup> and 870<sup>th</sup> Road and is between Sections 1 and 4, Township 28 North, Range 8 and 9 West of the 6th Principal Meridian, Antelope and Holt Counties, Nebraska.

WHEREAS, Nebraska State Statute 39-1722 requires that the Antelope County Board of Commissioners request the Highway Superintendent to study the use of the road and submit a written report to the county board within thirty days.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, that the Highway Superintendent is directed to complete a study of the use of the county road described above. A written report of the study findings and recommendations is to be submitted to the County Board within thirty days.

Adopted this 2nd day of April 2024, at Neligh, Nebraska.

ATTEST:  


  
 BOARD OF COUNTY COMMISSIONERS  
 OF ANTELOPE COUNTY, NEBRASKA  
 Commissioner: *Dittrich, Krebs, Jacob*  
 Moved the adoption of said Resolution  
 Bill No. 15, Title \_\_\_\_\_, Day \_\_\_\_\_  
 Resolution adopted, signed and filed  
 as adopted.

Mr. McDonald discussed **crack sealing** north of Tilden where there is alkalosis reaction with the concrete. Basically, we are going to go in and paint it. He believes the same kind of reaction is happening by Clearwater – which he will look at today. Mr. McDonald does not think routing around the area will help as jarring the area may cause more cracking. CVA Road – he will check today. He will get a quote for those two areas (Tilden & Clearwater) lump sum. If CVA is bad he will add to it. Opening the bids in May. The concrete and the aggregate reacted, and it splits the aggregate and breaks down the concrete. Bader Highway and Midwest Coatings are two of the vendors who do this.

Road and Bridge Projects – **Earmarked:** **Kate Sullivan** Deb Fischer is looking for road projects to sponsor and consider as pet projects. Mr. McDonald talked to JEO’s grant writer regarding the **Summerland-Orchard Roads** by Summerland School (513<sup>th</sup> Avenue & 857<sup>th</sup> Road). This is a huge project; however, Mr. McDonald believes the cost share is 80/20. Basically, the improvements would be ‘close’ to highway standards. Because the school districts hits part of four (4) counties (Holt, Antelope, Wheeler & Knox), and there has already been concerns in the area, it seems to be a prime opportunity to effect a lot of people. There is no timeline yet. The Commissioners all agreed it was a good fit for the County and proceeding with the application process was in order. No action is needed at this point, JEO grant writer will check into it. They are trying to do some prep work. The Commissioners agreed to help with narratives as needed. Mr. McDonald will work with the JEO team, and keep the Commissioners informed.

**Road Superintendent Report:** Mr. Boggs met with the Commissioners for regular meeting report.

- **Access Permit:** Derek Zuhlke submitted an access permit in December of 2023, at which time the permit was table because of the weather and conditions not being favorable to facilitate disruption along County Roads. Today is presented for approval. The access requested is along 860<sup>th</sup> Road and widening of existing access. Mr. Boggs reports he will work with the landowner on placement and front footage, and recommended approval based on the availability of Road Superintendent. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve access as per Road Superintendent recommendation. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Oversize Permit:** Crane Service requested an oversize permit to move a crane out of County. Mr. Boggs worked with crane operator to facilitate a good, safe route. The move has already happened. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Access Permit:** Boyd Pedersen, with Antelope County Shooters Club submitted an access permit to establish a different entrance to the Shooting Range on 848<sup>th</sup> Road. Their plan is to change the existing access to an access about 100 feet east of the current access. When the new access is established, they will remove the original access to the east of existing. Mr. Boggs offers no objections and will work with the Shooters Club to get this accomplished. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve access permit. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Underground Permit:** Boyd’s Electric submitted an underground for 859<sup>th</sup> Road electricity line for irrigation services. The landowner is W.K. Hughes. Boyd’s Electric will be doing the work. This is located in the SW¼ Section 25, Township 27, Range 7, west of the 6<sup>th</sup> PM, Antelope County, Nebraska. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve underground permit. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Underground Permit:** Boyd’s Electric submitted an underground for 522<sup>nd</sup> Avenue (north of 859<sup>th</sup> Road) electricity line for irrigation services. The landowner is Randy Hughes. Boyd’s Electric will be doing the work. This is located in the SE¼ Section 25, Township 27, Range 7, west of the 6<sup>th</sup> PM, Antelope County, Nebraska. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve underground permit. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Underground Permit:** Boyd’s Electric submitted an underground for 517<sup>th</sup> Avenue electricity line for irrigation services. The landowner is Schindler Brothers. Boyd’s Electric will be doing the work. This is in the NE¼ Section 19, Township 23, Range 7, west of the 6<sup>th</sup> PM, Antelope County, Nebraska. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve underground permit. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Oversize Permit:** Barnhart Crane and Service requested an oversize permit to move a crane from Tower 32 down 853<sup>rd</sup> Road to Highway 14. Mr. Boggs worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Oversize Permit:** Barnhart Crane and Service requested an oversize permit to move a crane from Tower 32 down 853<sup>rd</sup> Road to Highway 14. Mr. Boggs worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Oversize Permit:** Williams Midwest House-movers, Inc. submitted an oversize permit to move a house structure from 841<sup>st</sup> Road (north of Elgin-east of Highway 14) to Boone County. Mr. Boggs, Road Superintendent, worked with Williams Midwest House-movers to establish a good, safe route. Mr. Boggs recommends approval. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve permit. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Underground Permit:** Garet Schindler submitted an underground permit to supply electrical lines for a lift station for tile service. This is in NW¼ Section 26, Township 25, Range 7, West of the 6<sup>th</sup> PM, Antelope County, Nebraska. Mr. Boggs voiced no opposition and recommended approval. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve underground permit as recommended. Voting aye: Dittrich, Jacob, Krebs and Henery. Nays none. Williby was absent. Motion carried.
- **Asphalt Plan:** Mr. Boggs reported he will have an asphalt plan ready to present next week. No action.
- **Equipment List of current usable** – and list of obsolete equipment should be forthcoming.
- **Contract Work:** A&R has started work on the intersection south of Clearwater. Their plan is to move to the school intersection the day after school lets out, on or about May 17<sup>th</sup>, 2024.
- Road and Bridge was reminded they have to have **\$2.5 million** of capital improvement expenses during fiscal year.
- No further report.

**11:07 AM Executive Session:** Motion by Commissioner Jacob, seconded by Commissioner Dittrich to go into executive session for the purpose of personnel issues. Voting aye: Jacob, Krebs, Dittrich and Henery. Nays none. Williby was absent. Motion passed. Met for approximately 42 minutes. Attending the executive session was Commissioners Jacob, Krebs, Dittrich, Henery, County Attorney Joe Smith, County Sheriff Bob Moore. **11:48 AM** Motion to end executive session and go back to regular session was made by Commissioner Dittrich, seconded by Commissioner Jacob. Voting aye: Jacob, Krebs, Dittrich and Henery. Nays none. Williby was absent. Motion passed. Chairman stated no action was taken during executive session.

There being nothing more to discuss.

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

The meeting adjourned at 11:49 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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