

April 4, 2017  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular extra session on Tuesday, April 4, 2017 at 9:04 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.

Road Boss Report. Mr. Dittrich reviewed budget and expenditures and gave the following report: Overall, the road and bridge budget is at 54% at the end of the 3<sup>rd</sup> quarter. With a little over \$2.5M left in the budget, he wants to carry out some of the larger purchases planned. There are some large projects that he wants to start soon, they may spill over into the next fiscal year. The 3 bridges total nearly \$870k. Other major items: **Wages** – An increase in the budget of 4% over last year to cover road boss wage and an additional PT guy. As projected, wages should be under budget by about \$113k. **Equipment Parts and Repairs, Machine Hire** –The budget was increased 7% over last year's expense due to the age and condition of our equipment. As projected, we will be under budget by over \$200k. **Asphalt Oil** –Increased the budget 8% over last year's expense in hopes of getting more miles overlaid. Due to the wet weather, and lower cost of oil, we have \$219k left in asphalt budget. **Gravel and Borrow** – Increased the budget over 30% on gravel and borrow to cover the planned increase in windrows and larger rock use. The savings are unexplainable, but as projected, we will be under budget by over \$400k. **Fuel** –decreased the budget 11% from last year's budgeted amount due to price and use. As projected, we will be under budget by about \$86k. **Machinery** – We have replaced 1 semi-tractor and added 1 additional (not counting the insurance deal). We have also purchased a sidedump, and tractor backhoe. We have \$326k left in our machinery purchase budget. At the time the budget was done, we intended on buying 2 trucks, an excavator, sidedump, dump truck, and lowboy. **Armor Coat** – Increased the armor coat budget by 24% in order to do more miles of road. In 2015, we did about 10 miles. Last year we did over 30 and we still have \$18k left in our budget. He discussed the following for plans moving forward: **Equipment Purchases**: 10 of our 21 maintainers have over 12k hours, are 20 years old, or both. We have an operator in every machine when it snows, and I don't believe we have ever had anyone snowed in for more than 12 hours after the storm. If we sold more maintainers than we can afford to replace, snow removal time would increase. We still have a payment on the 12M3 in Neligh, but all other equipment is paid for. I would like to put 50% down on 2 new machines and sell our 2 roughest units. This would cost approx. \$280k - less the value of the 2 sold units. - The average age of our 10 yard trucks is 23. We spent \$185k last year on at-large parts and repairs. The at large equipment is almost all trucks and trailers. Our oil repair crew is using 3 trucks 10 hours a day right now. I would like to purchase 2 new or used dump trucks. This would leave a truck at every barn for spotting in gravel and helping haul windrows while still keeping the oil crew going. A decent used truck would be \$60-80k while a new one would be \$120-150k. - Our packer was not designed to be used the way we need it, but if we buy the right type of packer, the Bomag could follow it while laying oil. We should have 3 packers working when laying oil. Units with less than 1000 hours are usually in the \$40k range. - Our only 1 ton pickup is a 1985 model and is on its last breath. We need to be able to move these 30,000 packers around the county. A good used 2WD diesel dually and triple axle gooseneck trailer would cost about \$30-40k. The sign truck has over 250k miles and is also limping. Another crew cab ¾ ton would be great so we could bolt the flatbed and hoist we have on it now. We could find something to suit our needs for under \$20k. - Maintainers - \$250k, Dump trucks - \$150k, Packers - \$80k, Pickups and trailer - \$60k = \$540k. – The plan is to shoot oil on all 3 mix strips at least once before July 1<sup>st</sup>. This will cost approximate \$200k, he would also like to do 10-20 miles of armor coat in June. We need to seal some of our cracking roads or we will never catch up. He would like to replace some larger cement culverts and non-buried structures with arched tubes. A 60" tube 50' long would cost about \$5,000 installed, and there are more than we could replace in a year out there. The need to correct the 2016 Buyback funds.

Motion by Commissioner Schwager, seconded by Commissioner Henery to advertise for bids to purchase maintainers, dump trucks, 2 trailers, packer and a pickup. Plan would be 50% down, and payments for 3 years, on the big equipment. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Highway Superintendent, Brian McDonald met with the Commissioners regarding the **closing of 515<sup>th</sup> Avenue**. Mr. Charles Meis filed a petition to close 515<sup>th</sup> Avenue between 842<sup>nd</sup> and 843<sup>rd</sup> Road; Sections 23 and 24 in Stanton Township (24-8). The board requested a study of the road be completed. Mr. McDonald has recommended closure of the road way if there is no opposition from the adjacent land owners. He suggested setting a public hearing. There are a couple of power poles in the first 1000 feet of the south half mile. It is a good tract road, up to the half mile. The farmer on the east side has fenced to the center of the section line, and the road is shifted to the west 33 feet. The road in every direction at the north end of the mile is a two-track trail. Commissioner Schwager motioned to set the Public Hearing for May 2<sup>nd</sup>, 2017 at 9:40 AM. Motion was seconded by Commissioner Schindler. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion passed. Clerk is to advertise for three (3) weeks and to contact all adjacent land owners – four adjacent mile land owners Sections 13, 14, 23, and 24.

**Resolution**  
**Road Closing Hearing**

BE IT RESOLVED, by the Board of Supervisors of Antelope County, Nebraska, that a public hearing date be set for 9:40 AM the 2<sup>nd</sup> day of May, 2017 to consider whether or not to vacate or abandon the county road located between Section 23 and 24, Township 24 North, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska.

Adopted this 4<sup>th</sup> day of April, 2017, at Neligh, Nebraska.

Antelope County Board of Supervisors

LeRoy Kerkman /s/

Chairman of County Board

Attest: Lisa Payne /s/  
Antelope County Clerk

**Wage Differential** was discussed. Road Boss, Casey Dittrich requested the board give him liberty to hire employees at a wage which is different than the current wage set by resolution. Along with this he would like to increase wages according to performance/merit review. Mr. Dittrich referenced the use of wage as an incentive, and the possibility to hire an individual for a possible part-time/temporary basis at an agreed upon lesser wage. Casey explained the various circumstances he has dealt with during his tenure, and feels more than capable to handle the various employee wages. He would like to start varying some of the current employees by increasing wages to employees with a performance merit approval. Discussion continued. Commissioners agreed this would work with

the current situation, of the Road Boss handling all Road and Bridge employees, and the annual performance reviews. They requested a policy be written for approval, to implement a performance based wage increase. This will be on future agenda.

The **Veterans Service Committee** was to meet with the commissioners to get an approval on their choice of an officer. At 9:48 AM, the Veterans Service Committee met with the Commissioners and requested to go into Executive Session to discuss Personnel Issues and Wages. Motion by Commissioner Schwager, seconded by Commissioner Jacob to go into executive session. Voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried. Approximately 12 minutes later, executive session dismissed and Commissioner Henery, seconded by Commissioner Jacob motioned to go out of executive session, and return to regular session. Voting aye: Henery, Jacob, Schindler, Schwager and Kerkman. Nays none. Motion carried. Chairman Kerkman announced "No Decision was made and they would meet again on the 11<sup>th</sup> of April."

**Midwest Striping:** Curt and Casey Claussen, owners of Midwest Striping, Grand Island, Nebraska met with the commissioners regarding striping of Antelope County roads. They specialize in county and city striping and customize individual striping options for all situations. They are willing to do a few miles to many miles. They currently use a billing system that charges \$300.00 a mile. A gallon of water based paint with 7-8 pounds of beads. They bring the material, machine and man power, and ask the county to provide a man for guidance and to follow the job with a "wet paint" sign. Discussion on the legality of striping verses no striping. Casey Ditrach will check on this. No action taken.

2017 **Gravel, Asphalt, Culvert and Armor Coating bids** were accepted until 9:00 AM today. The following bids were open: The **asphalt oil** bids were opened at 10:20 AM with the following vendors submitting bids: Flint Hills Resources, Omaha, Nebraska – no representative present MC-800 \$ 508.00 per ton – MC-800 \$ 2.09 per gallon - prices good for 3 days from April 4, 2017; JEBRO, Inc., Sioux City, Iowa MC-3000 \$1.96/per gallon, MC-800 \$2.00/per gallon; MC-250 \$2.31/per gallon; CRS-2 \$1.70/per gallon and HFE-150 \$1.77/per gallon. Motion by Henery, seconded by Jacob to accept the bid from JEBRO, Inc for the following amounts: MC-3000 \$1.96/per gallon, MC-800 \$2.00/per gallon; MC-250 \$2.31/per gallon; CRS-2 \$1.70/per gallon and HFE-150 \$1.77/per gallon. Those voting aye: Henery, Jacob, Schwager, Schindler and Kerkman. Nays none. Motion carried.

The following **culvert bids** were opened at 10:30 AM: B's Enterprises, Inc., Norfolk, Nebraska, Tim Braithwait present bid prices good from July 1, 2017 – June 30, 2018; Midwest Service and Sales, Schuyler, Nebraska, no representative present, prices good July 1, 2016 – June 30, 2017. Motion by Schwager, seconded by Henery to accept all culvert bids. Those voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

The following **gravel bids** were opened at 10:40 AM. Willow Creek Sand & Gravel, Orchard, Nebraska road gravel \$11.00 per yard at pit and armor coat gravel not bid; Mitteis Gravel, LLC Orchard, Nebraska road gravel and armor coat gravel \$9.00 per yard at pit site, Mudrock \$14.00 per yard at pit site; Emme Sand & Gravel, Oneill, Nebraska road gravel \$9.25/yard picked up at pit, 3/8" and 1" screened rock (if available) @\$17.00 /ton; Hinrichsen Sand & Gravel, Ewing, Nebraska road and armor coat gravel \$9.25 per ton picked up at pit; Pollock Redi Mix, Ewing, Nebraska road and armor coat gravel \$11.25 per yard, over size per cubic yard \$16.00, Mudrock per cubic yard \$10.00 all at pit; and Matteo Sand & Gravel, Norfolk, Nebraska road and armor coat gravel \$12.00 per ton picked up at pit. Motion by Henery, seconded by Jacob to accept all gravel bids. Those voting aye: Henery, Jacob, Schwager, Schindler and Kerkman. Nays none. Motion carried.

The **armor coating bids** were opened at 10:50 AM with the following vendors submitting bids. The Road Guy Construction Company, Yankton, South Dakota - \$2180.00 per mile; Sta-bilt Construction Company, Harlan, Iowa -\$2270.00 per mile and Topkote, Inc., Yankton, South Dakota - \$3,570.00 per mile. Motion by Schwager, seconded by Jacob to accept Road Guy and Sta-Bilt armor coating bids so that both companies can be used if the other vendor is not available when the county is ready to armor coat. Those voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried.

Motion by Commissioner Henery, seconded by Commissioner Schindler to approve the **road access** permit for Christopher Kozisek, for field access in the Northwest Quarter of Seciton 16, Township 26 North, Range 7 West if the 6<sup>th</sup> P.M., Antelope County, Nebraska. Purpose is for field access. Owner: Board of Education Lands and Funds, Tenant is James Thiesen. Road Boss, Casey Ditrach requested the access be 50 feet north of south line of Northwest Quarter. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schwager seconded by Commissioner Jacob to approve the **underground road permit** for Johnston Farms, Inc. for the purpose of electric service for a tower to a booster for internet from CVA Royal house. The permit is for an electric line to go under 859<sup>th</sup> Road in the Northwest Quarter of Section 35, Township 27 North, Range 8 West if the 6<sup>th</sup> P.M., Antelope County, Nebraska. Purpose is to boost internet connection. Owner and Tenant: Johnston Farms Inc. Road Boss, Casey Ditrach requested the depth below should be a minimum of 48 feet. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

Aaron Kinnan, contractor, met with the commissioners to discuss the **East Access Door** on the old courthouse. This door leads to the parking lot and currently pulls into the hallway. This is a contrast to safety measures and practices recommended by the fire marshall and safety council. In order to improve the functionality of the door, Mr. Kinnan believes it will need to be reconfigured and reworked to have the door opening out. Discussion of the safety practices of the county building and accesses. Questions were asked about options. The current door is not functioning well enough for the traffic, and is sometimes not latched at the end of the day. It needs to be physically shut to ensure it is shut and locked, and it is often overlooked by employees leaving after hours. The idea of having an exit only door at that location was met favorably by the commissioners. Mr. Kinnan presented an estimate for "remove and replace east exterior door with half window opening out. Window above door will have to be moved out and drywall work, and tile work inside. Finish exterior wood, labor and material" at a cost of \$7,350.00. Discussion on the options and various scenarios were evaluated. Motion by Commissioner Henery, seconded by Commissioner Schwager to approve changing door to a swing out, safety bar, window, exit only door. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried. Aaron will work with building maintenance supervisor, Eddie Schindler.

**Self-Funding Insurance:** Josh Gray and Jeff Hammer with Hammer Insurance met with the Commissioners regarding self-insurance. Looking at options for the 2017-2018 insurance benefit for county employees. They overviewed the self-funding insurance practice. The only way to give a safe and accurate estimate on the dollars needed to secure this insurance is to have all employees complete a Nebraska Uniform Health Questionnaire, and then complete an insurance risk management study. Self-funding is securing money to pay for employee health claims up unto a predetermined amount, in addition you pay a premium for a catastrophic payer for claim over and

above a certain predefined amount (i.e. \$30,000.00). There is also a maintenance fee involved with the insurance agent who is administering the plan/policy for the county. No action was taken.

**Law Signage/Flag Pole:** Signage in the courthouse lawn, and the flag pole condition were discussed. As maintenance/custodian Eddie Schindler is requesting updating the flag pole, lighting and the illumination of the Antelope above the front door of the old courthouse. Discussion was favorable for the updating and construction of new signage and lighting structures. However, this budget year the building fund is low on funds. It was decided Eddie could plan on improving and updating the lawn structures, if the funding could come out of the 2017-2018 budget expenses.

**Zoning Administrator Report:** Liz Doerr met with the commissioners to review planning and zoning happenings. Minutes from February meeting. The permit report was submitted and distributed. Three (3) new homes are being planned with a total of \$1,140,000.00 in construction costs. Planning commission met with Keith Marvin, who provided the latest draft of wind regulations. We made some changes. They met on Monday, because of some conflicts, at the beginning of the meeting it was announced there would be no public comment, and no decision would be reached. There were some comments about a public meeting breach-however, it is permissible to have a meeting without public comment. They continued the meeting to April 11, 2017 at 12:30 PM. They wanted to see if Keith could come to another meeting. The Planning Commission is requesting at least two (2) more meetings. The discussion of increasing setbacks instead of sound level. The setbacks would increase to 2,400 feet to a nonparticipating land owner, and two (2) wind towers up to 4,000 feet. Keith Marvin and Joe Abler talked regarding the pipeline, and are recommending the regulations for such be left up to the state and federal government. Motion by Commissioner Henery, seconded by Commissioner Schwager to authorize **an additional two (2) meetings for Mr. Marvin.** Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried. Liz reported she had nine (9) permits from Invenergy, for Upstream. She has not been out to inspect anything, so they have not been issued yet. She is working on a variance for a grain bin that was built too close to the road. Late fees/penalties were addressed Liz said if she has to send a "Notice of Violation," she normally assesses a fine. Late fee is 10 x the permit fee. The assessor requested all fees and penalties be assessed.

Motion by Commissioner Schwager, seconded by Commissioner Henery to authorize clerk to **transfer \$10,000.00 from General Fund to Building Funds.** Voting aye: Schwager, Henery, Jacob, Schindler and Kerkman. Nays none. Motion carried.

**Foreclosure:** Deb Branstiter, Antelope County Treasurer met with the Commissioners in follow up of the Foreclosure from the January 2016. Deb is looking for a motion listing the parcels so she has a complete comprehensive list, and Attorney Abler could act accordingly. Motion by Commissioner Schwager, seconded by Commissioner Schindler to foreclose and continue to foreclose on the following parcels:

PARCEL	NAME	AMOUNT
208600	ALMENDARIZ, MIGUEL	\$1,443.18
689500	COOPER, JAMES H & YVONNE	\$1,543.31
694400	COOPER, JAMES H & YVONNE	\$1,311.02
135000	KNIFFIN, CHARLES & HELEN	2,401.79
219900	RUNDQUIST, GLENN A ETAL	3,142.44
106400	SCHOLL, TAMRA & SCHMIDT, N	\$1,876.01
29300	STARMAN, STEVEN, L & SANDRA	\$202.80
136800	STINES, FRED & CANDICE	720.05

Motion included the need to turn the above parcels over to County Attorney, Joe Abler to foreclose. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Met as a **Board of Equalization** from 11:47 – 11:48 AM.

Motion by Commissioner Jacob, seconded by Commissioner Schindler to approve **Board of Commissioner Minutes** from March 14, 2017 as presented. Voting aye: Henery, Jacob, Schindler, Schwager and Kerkman. Nays none. Motion carried.

**Jail Inspections:** Moved to April 11, 2017 agenda.

**Correspondence** was reviewed: NIS Customer Satisfaction Survey Results; Senator Adrian Smith Farm Bill Listening Tour Stop in Aurora, Nebraska; Aerial Intelligence for County Government Flyer presentation Thursday, April 6th, 2017; TransCanada Permit for Keystone XL; NIRMA Safety Shorts; Vince Kirby Family Thank You; Northeast Community College Graduate Report; A-1 Janitorial Statement; Employee Handbook updates distributed.

**Receipts** reviewed: \$5.23 Ameritas refund of retirement contribution; \$10,000.00 Fund Transfer General-Building; \$12.50 Northeast NACO refund half of registration fee.

Planning Commission Minutes from February 28, 2017 was reviewed and put on file.

Discussion held regarding **Employee Handbook/Policy.** A meeting is scheduled Tuesday, April 11, 2017 to follow the Commissioner meeting. Commissioners Schwager and Kerkman are on the policy committee.

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

Meeting adjourned at 11:58 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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