

May 5th, 2020  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, May 5<sup>th</sup>, 2020 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska and via ZOOM Meeting, Antelope County Courthouse, Neligh, NE.

Notice of the meeting was given in advance thereof by publication in the two (2) 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, and posted on the Antelope County Website with the Zoom Meeting information.

Chairman Henery opened the meeting at 9:00 AM. Responding to Roll Call: Commissioners Smith, Krebs, Pedersen, Jacob and Henery present. Chairman stated the Open Meetings poster is posted on the east wall of the Commissioner Meeting Room. Additional copies available in the County Clerk's Office.

Pledge of Allegiance was recited.

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

Motion by Commissioner Jacob seconded by Commissioner Pedersen to **approve the Minutes of April 14<sup>th</sup>, 2020 Board of Commissioner Meeting** as presented. Voting aye: Smith, Pedersen, Krebs, Jacob and Henery. Nays none. Motion carried.

**Correspondence was reviewed:** Email from Deann Haeffner regarding signing of the Board Preapproval Report when meeting by Zoom for the Commissioners to acknowledge in lieu of signing the claims (the Commissioners agreed to sign the report and not to send email with approval); NE Economic Development Letter; Northeast Nebraska Area on Aging Annual Letter, NACO letter regarding the 2020-2021 Premium – no increase and letter regarding the BCBS presentation; lawn mower bids from Reinke and AKRS; Clerk of the District Court April Fee Report, Past Due Bridge Inspection letter from NDOR, a draft of a letter releasing the Upstream Bond & a copy of an email between Casey and Marlin Conry regarding road in the Upstream RUA; NIRMA Safety Shorts. Commissioner Meeting is on Monday, May 11, 2020 at 8:00 AM available by ZOOM; Thiele Dairy general operating permit for operations confining cattle from DEQ; JEO letters regarding 6-month Miscellaneous Asphalt Repair Projects and Improvements C00020705P project; State of Nebraska Department of Transportation list of projects including the Clearwater Bridge Project.

**Clerk of the District Court April Fee Report** was reviewed and put on file.

**Zoning Permit Report for April** was reviewed and put on file.

**Receipts:** \$10,000.00 Disaster Fund transfer from General Fund

**Lawn Mower:** Eddie Schindler, Building and Grounds Maintenance met with the Commissioners regarding the purchase of a Lawn Mower. The current mower is going on four (4) years old, with 400 hours and he is hoping to get a mulching mower, to cut expense of hauling. Discussion regarding purchasing a new mower verses contracting the yard work. Commissioner Pedersen will contact a couple of mowing businesses to ask what a contract of same would cost the County. No further action.

**Oversized Load Resolution:** Discussion during the April 14, 2020 meeting regarding the permanent instillation of a Permit to move heavy and oversized load. It was requested a resolution be written. Resolution presented. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution. Voting aye: Smith, Jacob, Pedersen, Krebs and Henery. Nays none. Motion carried.

Antelope County Board of Commissioners  
RESOLUTION – Permit to Move Oversized/Overweight Vehicles and Loads  
2020-05-0001

WHEREAS the Antelope County Board of Commissioner has received evidence that the public movement of oversized/overweight vehicles and loads, defined per Nebraska Department of Transportation, across and along Antelope County Roadways is needed to accommodate new and existing permanent or temporary locations in Antelope County,

WHEREAS oversized/overweight vehicles and loads may be dangerous, and not in the best interest of the county, county road ways, and may provide a danger to motorists and other individuals if not site specific; and may cause hazards that endanger motorists, County employees, County equipment, and interfere with the proper maintenance of the roadway, especially after the completion of such moves, if not properly sited;

WHEREAS, Antelope County Commissioners established a written policy and permit application for the formation and dedication of oversized/overweight load movements as deemed necessary by the Antelope County Highway Superintendent and County Commissioners,

WHEREAS, Antelope County Commissioners intends to have the applicant assume all liability and responsibility for any and all property damage or personal injuries, which may occur by, through or in consequence of the movement of said vehicle, equipment or load. The applicant shall further agree that he shall be liable and responsible to the County for any damage to any county property, road signs, roadway, road structure, bridges, bridge approaches, and public utilities which may occur by, though, or in consequence of the movement of said vehicle, equipment or load;

WHEREAS, all applications shall have a 'Certificate of Insurance' of an amount sufficient to cover any and all damages and the applicant shall comply with all laws of the State of Nebraska and all rules and regulations of the Antelope County Road Department, which is now or may be adopted relative to use of the roads; permitted moves shall cross bridges at a crawling speed, and will be the only vehicle on bridges while crossing. A County representative will accompany all routes involving bridges; the applicant shall be responsible for trimming and removal of trees along the route, permission must be obtained for trees not in the County right of way;

NOW, THEREFORE, BE IT RESOLVED that Antelope County shall, exercise its right to locate, map, verify and permit the oversized/overweight load along any and all site-specific locations, and exercise its right to charge a fee for such permitting,

AND, these applications for permits shall be on file at the County Clerk's Office, the proper fee collected and recorded by the County Clerk's Office. After the Oversized/Overweight Load Permit Application is filed, and before it is discussed during open session, the assigned Antelope County Personnel will inspect and sign off the site-specific addresses and routes documented; a copy of the authorized permit shall be carried in the vehicle to which it refers, a copy of aforementioned permit is attached;

BE IT FURTHER RESOLVED that Antelope County Clerk shall collect a fee of \$100.00 for each Permit to Move Oversized/Overweight Vehicle and Load Application. Any and all engineering fees incurred by the County, pertaining to the specified route, will be the applicant's responsibility. This permit application fee must be paid and the permit application shall be filed with the Antelope County Clerk's Office no less than 48 hours prior to the regularly scheduled Commissioner Meeting in order for it to be placed on the agenda.

Dated this 5<sup>th</sup> day of May, 2020.

\_\_\_/s/ Charlie Henery \_\_\_\_\_  
Charlie Henery  
Chairman of County Board

\_5\_ Yays

-\_ Nays

Motion by Smith, seconded by Jacob to accept said resolution.

Voting aye: \_Smith, Krebs, Jacob, Pedersen, Henery. Absent none\_. Nays \_none\_.

Motion \_\_\_XXXXX\_\_\_ Passed \_\_\_\_\_ Defeated

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

Dennis Johnson from Busch and Roe Agency met with the Commissioners regarding **accessing a parcel in the NW 24-26-5** (Willow Township). This 40-acre parcel is land locked and there is no formal easement for property access. The currently landowner is not willing to grant an easement. The current landowner has been going over the adjacent property without any written access permission. Brian McDonald stated the if it has never been open, the County does not have a right of way. Brian stated this situation is covered in state Statutes 39-1713 through 39-1716. Kelly Mueller, Assessor states the R-O-W is not being taxed. The current access is a trail road. Joe Abler recommended Mr. Johnson make a petition to the County to make formal action to petition to the County to create an access road.

**Jared Reimers, from Adrian Smiths Office** met with the Commissioners via ZOOM regarding current events at the Senators Office. Discussion of the small business and programs set up to help with the small or no profit business, and the concerns of covering loss to the small business owners and concerns of losses with all farming programs. The Commissioners asked about FEMA funding. They will send a waiver for the County to sign so they can look into it. No action.

**Brian McDonald** met via ZOOM regarding **843<sup>rd</sup> Road (west of 514<sup>th</sup> Avenue 1/2mile)**, to discuss upgrading construction of this road and building this road by approximately 2 feet. This is a trail road now, and there are drainage issues in this area. Tubes that are being used will be for equalization tubes. Brian emailed the plans today at 9:00 AM, plans were printed. Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve plans for Invenergy to proceed with the construction of this road. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Swales in the Royal Road were discussed with Brian McDonald regarding the Invenergy RUA release. This area seems to be in the same area of the crane crossing damage of a couple of summers ago. This road, like all roads will deteriorate over time. It was reported this does not seem to be any worse than when it was initially constructed. It was established, it is better than what it was before it was damaged. Knife River will be contacted to look at it.

Commissioner Smith asked about large aggregate rocks used in the Thunderhead project to fill in blow out areas. It was discussed this is normal practice and typically the heavy rocks go down and sand/dirt fill in. Typically, once these are settled this should not be an issue. Tracking these areas by be beneficial in the future.

**Release of \$1,000,000 Upstream Road Use Agreement Bond**, Brian stated the upgrade roads are fine. He inquired about a couple of spots they needed to obtain a flood easement. It was asked about whether they had done something so they did not have to do anything. Casey does not recall this situation. Discussion about these areas. Casey and Brian will discuss this with Marlin Conry and get back to Commissioners.

**Disaster Declaration/Emergency COVID:** as discussed in April. Motion by Commissioner Smith, seconded by Commissioner Jacob. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

ANTELOPE COUNTY STATE OF EMERGENCY/Disaster Declaration

Corona Virus/COVID-19

Antelope County, Nebraska, with the inclusion of all cities, villages, businesses, schools, political subdivisions and communities within, has a great potential of suffering from county-wide damages resulting from the COVID-19/Corona Virus event(s) that has/will occur beginning on January 31, 2020, and on-going and continuing indefinitely causing disruption of services and costs-incurred for the prevention of and protection from endangerment of the health and safety of the citizens and businesses of Antelope County.

Therefore, the Chairman of the Antelope County Board of Commissioners has declared a state of emergency authorized under Nebraska State Statute R.R.S. 81-829.50 on behalf of Antelope County, and will execute for and on behalf of Antelope County, the expenditure of emergency funds from all available sources, the invoking of mutual aid agreements and the applying to the State of Nebraska for assistance from the Governor's Emergency Fund and any other resources he/she deems necessary in the fulfillment of his duties.

Dated this 14<sup>th</sup> day of April, 2020

\_\_\_/s/ Charlie Henery \_\_\_\_\_  
Charlie Henery  
Antelope County Board of Commissioners

WITNESS my hand and seal of my office this 14<sup>th</sup> day of April, 2020.

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

seal

**Courthouse Opening:** It was agreed to have the Courthouse stay as is through June 2, 2020, when the Commissioners meet again. It was asked what precautions the County was taken to protect the employees and/or the public at that time. It is time to plan now so we are ready on the 2<sup>nd</sup> of June. It was suggested to make a plan for obtaining masks and or other safety equipment – for employees.

**Impound Lot Tree Overgrowth:** Sheriff Moore met with the Commissioners regarding **trees on the west side of his impound lot**. The trees are growing, hindering and actually moving the fence. Big Timber is willing to cut the trees for \$300.00 - \$500.00, and utilize the inmates to remove the branches. Liability of the inmates was discussed. All inmates have the opportunity to refuse to help.

**State owned Tower in NE Antelope County.** There is a tower in NE Antelope County on the Copenhagen Road the State is willing to 'sell' to the County for placing of NRIN equipment. They are willing to sell for \$1.00 with the stipulation if the County is no longer needed the ownership will revert back to the State. Joe Abler, County Attorney is working on contract to be signed. It will be presented next week for signing.

**2940 Account Fund.** This account was created after the Law Enforcement Center was opened. The Nebraska State Auditor helped set this account up to help separate revenues in County funds. It is currently being used for expenses like inmates' medical expenses, and other expenses so as to not have such expenses being taken from tax revenues. Discussion on the availability of these revenues as part of the General Fund. All claims are approved through the Board of Commissioners. The revenue collected in that fund is collected through town patrol contracts and inmate contracts. It was reminded, in the beginning the 20 extra beds was removed from the building contract because they did not want to 'make money.' Sheriff Moore assured the Commissioners he had the County's best interest at heart. He believes the fund has been a win-win for the County, and it has been paying some General Fund Expenses i.e. attorney bill for Liermann Trial, transfer to General Fund for insurance premium cost, and transfer to Road and Bridge to help pay Road & Bridge Expenses. It was recommended the Commissioners need to give all of the official's guidance on what claims the Commissioners want to have discussed and approved before an actual claim is presented. It was stated the Villages and Towns did not make a contract payment to build/construct a bridge.

**Timeline for Claims:** discussion regarding the deadline for claims being turned over to the Clerk's Office. All claims are reviewed by the whole Board during the meeting. In April the Board did not meet in person, so it was not available for the Board to review the claims. The Board will receive a Board-Preapproval Report at noon the day before the meeting. All claims not in the claim run will be held separately, for Board review.

#### **Road Superintendent Report:**

Aaron Boggs, Road Superintendent met with the Commissioners...

- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by Steve Keetle of Keetle Farms to place a permanent electric line beneath 861<sup>st</sup> Road in the NW¼ of Section 16, Township 27, Range 6 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Jim Blackburn is owner, Keetle Farms is tenant. Electric line to bring electricity to irrigation well. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by Steve Keetle of Keetle Farms to place a permanent electric line beneath 861<sup>st</sup> Road in the NW¼ of Section 17, Township 27, Range 6 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Keetle Farms is owner and tenant. Electric line to bring electricity to irrigation well. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the application for underground permit submitted by Jeremy Martensen to place a permanent electric line beneath 845<sup>th</sup> Road in the SW¼ of Section 31, Township 25, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. DeAnna Martensen is owner, Jeremy Martensen is tenant. Electric line to bring electricity to irrigation well. Aaron moved placement approximately 100'. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for access permit submitted by Dennis Blair to access 516<sup>th</sup> Avenue along the NW¼ of Section 18, Township 24, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. DPKL LLC is owner. Aaron reported no issues. All work to be done according County and State specs. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by Joan Allemang to place a permanent electric line beneath 858<sup>th</sup> Road in the S½ of Section 31, Township 27, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Joan Allemang Revocable Trust is owner. Electric line to bring electricity to power pivot. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for access permit submitted by Western Area Power Administration to access 510<sup>th</sup> Avenue along the SW¼SW¼ of Section 31, Township 25, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. This is a temporary access to unload poles; line of site is limited. They are to place a person there while unloading. Contractor will have to widen the access, temporary access. All work to be done according County and State specs. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Smith to approve the application for access permit submitted by John Kester to access 848<sup>th</sup> Road along the NE¼ of Section 25, Township 25, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Erickson DBK is owner. All work to be done according County and State specs. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the application for underground permit submitted by Elkhorn Rural Public Power District to place a permanent electric line beneath 844<sup>th</sup> Road in the S½ of Section 8, Township 24, Range 6 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Elkhorn Rural Public Power District is owner. Dexter Hanzel is building a new home. Electric line to bring electricity to provide new power line for new home. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve the application for underground permit submitted by David Owenby of Invenergy to place a permanent electric line beneath 519<sup>th</sup> Avenue between Section 21, Township 24, Range 7, and Section 22, Township 24, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Kevin Dinslage and West Cedar Valley Farms are owners. Electric line to connect between wind towers and project substations. All work to be done according County and State specs, including 48 inches below road surface. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.

- **Miller Asphalt Chunk:** Darrell and Rhonda Miller submitted a claim for damage to their car in the amount of \$1,344.44. On April 9<sup>th</sup> their 2003 Marquis sustained damage while meeting a van on 839<sup>th</sup> Road. It is alleged the van threw up a chunk of asphalt that hit the Miller vehicle. Deputy Lawson completed a report and took pictures of the vehicle and road. There is significant road wear. The Commissioners thought this was a no-fault incident-hazard of road, however wish to submit to NIRMA to let them make a determination. Road Superintendent Boggs stated if not already, the area will be addressed today.
- **Antelope County has leased a tractor from Dinkel.**
- **The Neligh tractor is needing brakes,** the estimate is \$5,300.00. To repair the tractor has to be split and do the pistons and new seals. Neligh is using the leased tractor as they are using the road groom.
- **Tilden North and South Bridge Project is started.** This is a \$346,076.08 project. The project will probably be done before the end of the fiscal year. So those claims will be in this budget year. We pay the full share with the State of Nebraska DOT reimbursing the 55%. We will be removing a bridge on 510<sup>th</sup> Avenue between 868<sup>th</sup> and 869<sup>th</sup> Road, so an extra expense will be tied to this project.
- **Approach on Bridge North of Orchard** will be part of the Asphalt discussion.
- **Weinrich Road:** Because the claim has not been paid, County Attorney did not think Antelope County should access any work until the claim is paid. Commissioners discussed this claim should be through the 2575.
- **Millings:** There is enough product to overlay 7+/- miles. (Approximately \$160,000.00 for grinding.)

**Zoning Administrator Report:** Liz met with the Commissioners. Presentation of Zoning Permit Report. No further report.

**Clerk of the District Court Retirement:** With the announcement of Judy Cole retiring at the end of June, a vacancy in the Official position will occur. Discussion of process. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to advertise locally as the appointed has to live in the County. We will advertise for two (2) weeks and review applications/applicants on the 2<sup>nd</sup> of June. Voting aye Jacob, Henery, Pedersen, Krebs and Smith. Nays none. Motion carried.

**Cash-In-Lieu** Antelope County currently pays \$400.00 to an employee not taking the County Insurance, and an additional \$350.00 if his/her spouse is opting out of insurance. Discussion on the amount and what other Counties have paid. Clerk to check with Judd Allen of NACO regarding same.

**Road Superintendent Report Asphalt Road Conditions/Repairs:** Aaron met with the Commissioners regarding the condition of the asphalt roads in Antelope County. After much discussion and weighing options, budgets, conditions, man power and overall costs, it was determined with the 2020 budget winding down and limited funds limits the amount and type of work that can be done. The decision going forward has to be working for a future of total maintenance of ALL County Roads. Aaron is requesting a workable complete plan so everybody is on the same page. Discussion of utilizing access to up to four (4) local or easily accessible asphalt companies this year.

**12:42** Commissioner Henery leaves meeting.

- **Asphalt Road discussion continues:** Because of limited funds and so much unknown it was discussed to complete core drilling on approximately 10 areas of asphalt breakup across the county to have the knowledge of what lays under these roads to establish an appropriate action going forward:
  - 511<sup>th</sup> Avenue between 837<sup>th</sup> and 838<sup>th</sup> Road ½ mile
  - Mile going east out of Elgin
  - ½ mile 534<sup>th</sup> Avenue 847<sup>th</sup> Road
  - Cemetery Road
  - 854<sup>th</sup> Road between 515<sup>th</sup> and 516<sup>th</sup> Avenue
  - Plainview Country Club 532<sup>nd</sup> Avenue between 864<sup>th</sup> & 865<sup>th</sup> Roads and 865<sup>th</sup> Road between 531<sup>st</sup> & 532<sup>nd</sup> Avenue
  - 866<sup>th</sup> Road between 513<sup>th</sup> and 514<sup>th</sup> Avenue
  - 866<sup>th</sup> Road between 516<sup>th</sup> and 517<sup>th</sup> Avenue
  - 513<sup>th</sup> Avenue between 869<sup>th</sup> and 870<sup>th</sup> Road

Casey Dittrich had spoken with an Omaha Company they thought they could be out here in a couple of weeks to core these areas for approximately \$600.00 a mile –adjust accordingly for smaller areas. They will take pictures of areas cored so there will be documentation of same.

**Budget:** Commissioner Krebs stated the budget process needs to start now, talking about budget process. Deciding on big ticket items, like road projects and equipment. Having all of that planned out so it is part of the budget before it is a rush to approve budget at crunch time.

**ZOOM meetings** to continue for one (1) month.

There being nothing more to discuss.

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

Meeting adjourned at 2:14 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

By: \_\_\_\_\_  
Vice-Chairman of the Board, Regina Krebs

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