

May 7th, 2024
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, May 7th, 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, Williby and Henery. 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 Dittrich seconded by Commissioner Jacob to approve agenda as presented. Voting aye: Jacob, Dittrich, Williby, Krebs and Henery. Nays none. Motion carried.

Minutes: Minutes of the April 2nd, 2024, Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the April 2nd, Board of Commissioner Meeting as presented. Voting aye: Jacob, Krebs, Dittrich and Henery. Nays none. Williby abstains. Motion carried.

Minutes: Minutes of the April 9th, 2024, Board of Commissioner Meeting: Motion by Commissioner Williby, seconded by Commissioner Dittrich to approve minutes of the April 9th, Board of Commissioner Meeting after changing east to west on Oakdale Cut across portion of the Road Superintendent Report. Voting aye: Jacob, Krebs, Williby, Dittrich and Henery. Nays none. Motion carried.

Minutes: Minutes of the April 9th, 2024, Board of Equalization Meeting: Motion by Commissioner Williby seconded by Commissioner Jacob to approve minutes of the April 9th, 2024 Board of Equalization Meeting as presented. Voting aye: Jacob, Krebs, Williby, Dittrich and Henery. Nays none. Motion carried.

Minutes: Minutes of the April 15th, 2024, Board of Commissioner Meeting: Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the April 15th, 2024, Board of Commissioner Meeting as presented. Voting aye: Jacob, Dittrich and Henery. Nays none. Williby and Krebs abstain. Motion carried.

Correspondence was Reviewed: Clerk's Pledge Collateral; notice from Applied Connective Technologies regarding customer appreciation invite; petition signature page for closing 1 mile of 842nd Road between 531st & 532nd Avenue; BC/BS rates for 2023-2024; Invitation to bid – 2024 Micro-surfacing Project; NACO Letter regarding insurance rates for 2024-2025 fiscal year; culvert bids-Metal Culverts, B's, Midwest Sales and Service; public notice Landowners regarding planting and tree removal; public notice of public hearing in Knox County on 5-14-2024 @7:30 PM-upgrade wind energy setbacks; Farmers Pride 36,000 gallon contract; Lewis & Clark Watershed project update; JEO letters regarding one (1) year warranty period on Ashfalls North; JEO letter regarding one year warranty on 2021 Pavement Repair; JEO letter regarding one year warranty on 2022 micro-surfacing project; road closing study regarding public hearing today; young and lively promotional grant request \$227.29; Orchard Historical Society promotional request \$350.00; City of Tilden Annual Report on Community Redevelopment Projects; Certificate of Liability Insurance – Rutjens Construction; NACO the marvelous adventures of Countyland book copies; Union Bank and Trust Hospital Bond Statement for April; ENDO International bankruptcy mailing; email correspondence with Wes Eisenmann regarding heating/cooling cleaning and maintenance for summer; Ponca Dance – vendor fair; work began on Eleanor Holm memorial on courthouse lawn.

Receipts: Road & Bridge – Selling metal – Roadrunner Iron and Metal \$330.40
General – Reimbursement on Overpayment \$1,724.94 First Concord Benefits

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

The Treasurer's Fund Balance Report for April was reviewed and put on file.

Treasurer's Miscellaneous Revenue Report for April was reviewed and put on file.

Promotional Grant: Orchard Historical Society submitted a request for promotional funds to advertise monthly meal, mother-daughter tea and food stand for the AAU power lifting meet. The total request was for \$350.00. Antelope County Visitors Committee approved it on April 18th, 2024. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve application. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried.

Promotional Grant: Young-N-Lively club from Elgin submitted a request for promotional funds to advertise Treasurers in the Park set for September 8th, 2024. The total request was \$227.29. Antelope County Visitors Committee approved it on April 18th, 2024. Motion by Commissioner Krebs, seconded by Commissioner Williby to approve application. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried.

Petition to Close Road – Terri Larson: Authorize Highway Superintendent to study an approximate one (1) mile of 842nd Road between 531st and 532nd Avenue for road closure. The petition receiving more than the required ten (10) signatures was circulated by Terri Larson. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to authorize Brian McDonald, Highway Superintendent to complete road study. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried.

Road Superintendent Report:

- **Restock/Replace Culvert Supplies:**
Culvert bids. Mr. Boggs received three (3) informal bids for culverts for the Antelope County Road and Bridge projects.
Metal Culverts Inc.: \$34,742.00
B's Enterprises Inc.: \$39,800.00; and
Midwest Sales and Service: \$50,011.20
Discussion of all bids, all vendors report the products are three (3) to four (4) weeks out. Tim Braithwait attended today's meeting. B's Enterprises has been easy to work with in the past. Motion by Commissioner Jacob, seconded by Commissioner Williby to accept the bid from B's Enterprises, Inc. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried.
- **8ft x 50 ft culvert purchase** -informal bids (culvert for sunken gardens area – 3 needed – 2 on hand) Mr. Boggs asked to table agenda item.

Handicap Entrance – Antelope County Museum: 9:29 AM: Deanna Martensen and Richard Schuchardt, representing the Antelope County Historical Society met with the Commissioners regarding a handicap entrance to the meeting room located in the rear (or south side) of the Historical Museum. Currently, the handicapped door in the vestibule of the front entrance of the building opens on opposite timing mechanisms, and they report this can be and has been a problem in the past. Mrs. Martensen has priced some used ramps that were approximately \$2,500.00. The ramps would have to be 28 feet long in order to meet the ADA standards. The recommendation is the ramp would go along the south side of the building. Currently the platform on this door is 49 inches (N-S) and 82 inches (E-W), and a 28-inch rise to the door. ADA also requires a 60-inch minimum diameter turning space for three (3)

point turn = 5 square feet. The door opening is good at 34.5 inches. They requested the 'County' help cover the cost for this. There are several guidelines to be met to meet the handicap guidelines.

The Historical Society is proposing to:

- 1) Remove the current landing; 2) remove the curb to accommodate ramp; 3) purchase used ramp and have installed; 4) change door handle to handicapped standards; 5) painting parking lot to indicate access and parking and signing; 6) possible door opener.

Mrs. Martensen is willing to shop the used market, however in the establishing of the ramp on the southwest corner of the museum, some cement work will have to be completed. Discussion of product and cement. The Board of Commissioners requested they get a better-more complete-bid of the total project. No action taken today. Mr. Schuchardt informed the Commissioners the Historical Committee members have been working on various patches to the museum roof; there is some sidewalk cracking, shifting, and breaking; the Episcopal Church needs painting. They will keep the County informed. No action taken.

Zoning Permit Report: Megan Wingate met with the Board of Commissioners for her regular meeting visit.

Today she presents:

- her monthly permit report, no action/discussion.
- Comprehensive plan survey results. There were 120 respondents to the survey. There were mostly positives. Mason with Marvin Planning and Consulting is still in analysis mode. No action.
- **Unimproved Road:** Ms. Wingate, and County Attorney, Joe Smith met with Mr. Yoder regarding the placing of a house on an unimproved maintenance road. The road currently runs (north to south) for about ¼ mile in good condition, the next ¼ mile is NOT in good condition, however it is this section Mr. Yoder wants to build his new home. The discussion Mr. Smith and Ms. Wingate had with Mr. Yoder is he wants simple in and out access. The road currently does not have ditches, and at some points the road edges are higher than the road. Discussion of maintenance of this road and the 'rebuilding' of same. It was agreed the County will make a passable road, to be maintained. Mr. Yoder understands he will not be top priority; however, the County will maintain the road to his house. Mr. Boggs stated he will sign the road – gravel ends and continue 'normal' maintenance on the road.
- No further report.

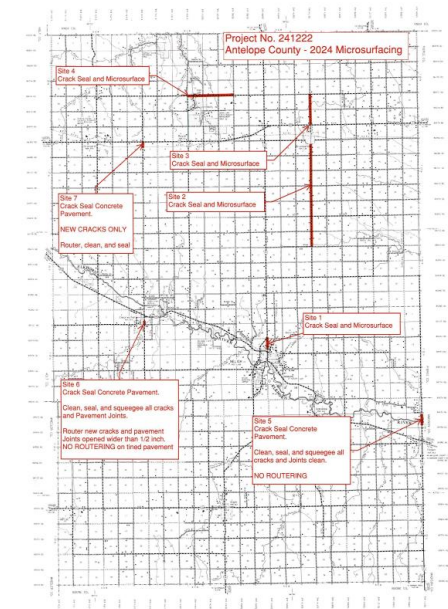
10:06 AM: Road Closing Public Hearing regarding the Closing of 510th Avenue between 869th and 870th Road. This petition started in Holt County with the Holt County public hearing on April 16th, 2024. The discussion and determination was to close the road, however, working with Antelope County after today's public hearing. Approximately, six (6) people were in attendance for the hearing. In addition, the five (5) Board Members, Clerk Lisa Payne, Highway Superintendent, Brian McDonald, Antelope County Road Superintendent/Foreman, Aaron Boggs and Leigh Kluthe. Two (2) members of the press, Terry Brookhouser, County Attorney Joe Smith. Chairman Henery opened the public hearing and turned it over to Brian McDonald. Brian McDonald stated the public hearing was to close an approximate one (1) mile of 510th Avenue between 869th and 870th Road. The petition originating in Holt County is on the Antelope – Holt County line. The public hearing in Holt County had no opposition voiced. The Supervisors in Holt County voted to close the portion of 510th Avenue as petitioned pending Antelope County Recommendation. The road study revealed there is NO indication of utilities, roadway is used as farm access to properties on the east and west sides of the roadway. The roadway is grassy and generally consists of two (2) wheel tracks down the center of the Right of Way, there are overgrown trees, no drainage structures, no utilities are evident; no properties would be landlocked with the closure of this road. Chairman Henery asked the petitioner and those in favor of closing to present. Mr. Greg Miller (petitioner) presents the road is not usable and it tends to be a magnet for young people – and they seem to get stuck on this road. Adjacent landowners seem to be in agreement of closing the road. Margaret and Richard Bachelor spoke in favor of closing the road. Tim and Marci Twibell own a similar stretch just south of this area. They voiced in favor of closing the road. 10:14 AM: Chairman Henery asked for people opposed to the closing to testify. Call for opposition to testify three (3) times. There being no opposition. Discussion on what happens to the road, who owns what, how do they know where the fence goes, etc.? A surveyor would have to establish the property lines if/when the Commissioners relinquish the right of way. No further testimony-discussion. 10:15 AM motion by Commissioner Williby, seconded by Commissioner Jacob to close public hearing. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried. Highway Superintendent Brian McDonald reports Holt County recommends closing of road, and his recommendation is to close this road and revert property back to landowners.

Motion by Commissioner Williby, seconded by Commissioner Dittrich to direct Brian McDonald to work on a resolution in conjunction with Holt County. Voting aye: Jacob, Williby, Dittrich, Krebs and Henery. Nays none. Motion carried.

10:19 AM-Bid Opening: Micro-surfacing Bids:

Brian McDonald states Missouri Petroleum submitted a bid, however they are not on the bidders list. There was a single bidder. Missouri Petroleum is probably under an umbrella for a bigger company. Bid totals from Missouri Petroleum has a start date of July 31st, 2024 and read as follows:

Site 1	Site 2	Site 3	Site 4	Site 5	Total
1 mi N Neligh	7 mi S Brunswick	2 mi N Brunswick	3 mi Grove Lake	14.5 mi all over	
\$79,272.50	\$706,419.50	\$184,046.00	\$235,300.00	\$12,000.00	\$1,217,038.00



Various discussion of bidding and lack thereof. Discussion regarding piecing out these projects and holding one back until the others are completed and deciding if we can defer the fourth and fifth projects if dollars are not allowed. Discussion of a cap and allowing contractors to complete projects until the cap is met. The estimate was at \$1,450,000.00 – so bid is under estimate. Varying quantity prices could be the difference between the estimate and bid. Site out at this point is not a good option. Site three (3) will be the last project done, so we can decide if the funding is available – including quantity. It was agreed site three (3) should be the final project and may be on the chopping block. Motion by Commissioner Dittrich to accept bid of \$1,217,038.00 from Missouri Petroleum pending verification of numbers and plain holder bidder by Highway Superintendent; reserving site 3 (Brunswick North) pending quantity and funds available. Discussion. Commissioner Dittrich rescinds motion. Discussion continues. Commissioner Williby makes a motion since Missouri Petroleum is the single bid, to waive formalities and accept bid from Missouri Petroleum pending verification on numbers by Highway Superintendent, Brian McDonald. Motion is seconded by Commissioner Dittrich. Voting aye: Williby, Dittrich, Krebs, Jacob and Henery. Nays none. Motion carried. Discussion continues. Commissioner Dittrich motions to accept bid and award it up to the bid amount – pending review of numbers

during construction. Motion is seconded by Commissioner Jacob. Voting aye: Williby, Dittrich, Krebs, Jacob and Henery. Nays none. Motion carried. Highway Superintendent suggested clearing some of this up during preconstruction review.

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

- **Access Permit:** Maxwell and Marissa Knust submitted an access permit to establish an entrance to their proposed building site. The access would be off of 848th Road. Mr. Boggs requests that access be between the white flags at the top of the hill and will work with the Knust's. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve access permit. Voting aye: Dittrich, Jacob, Krebs, Williby and Henery. Nays none. Motion carried.
- **Underground Permit:** Cody from two Rivers Irrigation submitted an underground for 867th Road electricity line for irrigation services. The landowner is Kevin Blair. Two Rivers is the contractor. This is in the SW¼ Section 13, Township 28, Range 6, west of the 6th PM, Antelope County, Nebraska. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve underground permit. Voting aye: Dittrich, Jacob, Williby, Krebs and Henery. Nays none. Motion carried.
- **Underground Permit:** Turnkey/Stealth – Mr. Boggs is still working details. No action today. – Airport Road.
- **Underground Permit:** Black Hills Energy submitted three (3) underground permits for the eastern side of Neligh. They are replacing service lines throughout Neligh City. They are trying to get the meters near structures to avoid damage along roadways. There are three (3) permits: 84866 525th Avenue; 1011 East 3rd Street; 84842 525th Avenue. Black Hills Energy hired Infrasource to complete the work. This is along the eastern edge of Neligh, Antelope County, Nebraska. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve underground permits. Voting aye: Dittrich, Jacob, Williby, Krebs and Henery. Nays none. Motion carried.
- **Oversize Permit:** Crane Service Inc. requested an oversize permit to move a crane down 530th Avenue south to 835th Road east to 533rd Avenue to 8536th Road to Highway 45. Request was to move two (2). Mr. Boggs worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob, Krebs, Williby and Henery. Nays none. Motion carried.
- **Farming County Right of Way:** County Attorney Joe Smith has been working with Mr. Boggs regarding some sites where owners have taken liberties beyond the property lines. This has been an ongoing issue in the past couple of years. Mr. Smith reports there are three (3) avenues. Under ordinances there are a number of things that can be enforced through 1) site triangular; 2) fees & citations (County Sheriff and County Attorney's Offices); 3) enforce through civil procedures – restraining orders and such. The problem discussed last year was an issue – however it was so late in the season to do anything. Mr. Smith suggested asking the County Sheriff to start enforcing these statutes through citations. Since 2021, Antelope County Board of Commissioners has been advertising at least twice a year regarding farming in County Right of Way. Mr. Smith suggests catching these early if possible. Having the Road Crew report any issues sooner rather than later. Safety is the biggest issue with these issues. The Road & Bridge will handle this on a case-by-case basis. The resolution – notice was published at the end of April. It will be published in June and again in August. The resolution gives the landowner a 10-day fixit timeline from the date of notification.
- **Oiling Crew:** Plants opened the 29th of April. North of Neligh they are starting a micro surfacing project. After which the plan is to do some shouldering on Orchard Road.
- **Shouldering Machine:** Mr. Boggs was talking with Contractors regarding how to do the trench widening, or how to do areas less than eight (8) feet which is what our paver will do. They have got what they call a shoulder or edge widener. Murphy (JD) is the only dealer that has them on hand. It is a conveyer belt with hopper that has a wing on the side of it, that goes from 1.6 feet to 7.9 feet. A lot of companies use these for trench widening and convex shapes. Skreed/Strike Off – Mr. Boggs inquires about renting a screed for \$5,000.00 a month – for the construction season 2024. It would work great for hot mix, but will work in the fall for gravel, clay etc. Retail is \$92,500.00. The Commissioners agreed to rent for the month. The rent will be reduced off of sale price if we decide to purchase in the fall.
- **International:** Truck repair – we installed new injectors. Intake port. Freightliner. Waiting for a pressure check.
- No further report.

There being nothing more to discuss.

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

The meeting adjourned at 11:21 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne