

June 1st, 2021
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, June 1st, 2021 at 9:00 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Henery, with the following board members responding to roll call: Jacob, Henery, Pedersen, and Smith. Krebs out of town, and attended via Zoom. Chairman Henery 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. Agenda for said meeting was sent to all members of the County Board of Commissioners. Meeting was available by Zoom.

Pledge of Allegiance was recited.

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

Minutes of the May 4th, 2021 Board of Commissioner Meeting: Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion carried.

Minutes of the May 11th, 2021 Board of Commissioner Meeting: Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion carried

Minutes of the May 11th, 2021 Board of Equalization Meeting: Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion carried.

Correspondence was reviewed: Nebraska DOT Local Project Monthly Status Update for Orchard NE and Tilden North; NIRMA sign audit report; Nebraska Department of Transportation Past Due Bridge Inspection Report; Shurco account authorization; NNTC letter regarding spending of American Rescue Plan dollars; Brandon Christiansen Livestock Concentrated Feeding Operations approval letter; TERC letter regarding current assessed values are in acceptable range; Northeast Nebraska Economic Development District annual renewal letter; Letter regarding annual inspection of Antelope County Law Enforcement Facility; Frontier Communications bankruptcy update; TERC letter regarding ruling on Homestead Exemption ruling in favor of home owner/taxpayer; Casey Dittrich email regarding FEMA projects/payments;

Zoning Permit Report was reviewed and put on file.

Receipts: \$3,627.00 JEO Consulting refund to Road & Bridge – the State and County both paid, refund came back to County.

Improvement Fund Grant: request from **Elgin Bargain Box** for an improvement grant for the replacing of the roof. They are requesting funds to help with their 'Raise the Roof Fund.' Request is for \$1,750.00. Funding was approved by Antelope County Visitor Committee. Motion by Commissioner Jacob, seconded by Commissioner Smith to approve request for funds. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion passed.

Promotional Fund Grant: request from **Neligh Chamber of Commerce** for a promotional grant for promotion of the Annual Chamber BBQ during the Antelope County Fair. Request is for \$350.00. Funding was approved by Antelope County Visitor Committee. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve request for funds. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion passed.

Zoning Administrator Report: Liz met with the Commissioners. Reviewed permit report. Site inspection by FEMA went well, she is anticipating a follow up report. Working on possibly setting up a Planning Commission Meeting. No further report.

Summerland School Sign Study/Placement: Aaron Boggs met with the Commissioners to confirm the placement of reduced speed, flashing light, and school zones to be place on all four approaches on the Orchard and Summerland Roads. The County will purchase, install and maintain signs. Summerland School will reimburse the County for sign costs. No opposition voiced regarding placement of signs. All agreed safety of the students was paramount.

Clearwater School Property Access: this discussion is in follow-up to a discussion from late summer early fall of 2020. The Clearwater School Building Grounds was purchased by Educational Service Unit, they did not want/need the adjacent existing track/football field parcel. Current access to the approximately 5.2+/- acres track/football field area is via an access that is between a private home and the current school. ESU wishes not to continue to allow access to the public for safety and traffic concerns. Clearwater Public School has inquired if the County would allow public access in/through/along the Clearwater Barn yard. Lengthy discussion regarding the access, other land owners in the area are willing to work with the school to grant easements/access if needed. The school land locked themselves on this property, which poses a problem in the transferring of the property. The County wishes to have a formal easement/access agreement drawn up for review. The County requesting access not be through the County property, however are willing to work with an access that is along the west edge of the property. Follow-up on June 8, 2021.

10:00 AM Public Hearing:

Motion by Commissioner Jacob, seconded by Commissioner Smith to open the Public Hearing. Voting aye: Jacob, Smith, Pedersen, and Henery. Krebs absent. Nays none. Motion passed.

Chairman Henery opened the public hearing taking roll call and explaining the public hearing is for the closing of 510th Avenue on the Holt County Line between Sections 9 & 10, Township 28, Range 8; the bridge has been out for +/- 40 years.

Brian McDonald: Again, this is a public hearing for input for the Board about this closure. To me, I went and drove this thing and presented my report. To me from the north we cannot close the whole ½ mile as it would landlock the property. It looks like it is getting used down to a pair of driveways from the north end. **Henery:** Do you have some pictures? Or some...? **Clerk:** Here is... the hearing notice. Do you want the study? Do you want me to make another copy of the study for you guys? **McDonald:** I thought they had the study, I guess. **Clerk:** They had it... I will make another copy.

Henery: She will make a copy right now. **Smith:** I am sorry Brian, I was...I wasn't listening. **Kelly Mueller:** Do you guys want an aerial map of this? **Henry:** Please. **Smith:** Is this for the full mile or...? **McDonald:** The study was for the full mile. That is the way the Board asked. **Smith:** Ok. I heard you mention that, and I wanted to get caught up is all. **Henery:** We are getting some paperwork here. They are doing some copying, and getting an

aerial photo, and then getting your study copied. So, each one of us have a copy. We will just hold up just a second. Was this one petitioned?

McDonald: This is where we closed, or we pulled the one bridge and removed it from the system as part of the County Bridge Match Program. The Boards had pushed for the closure of this one. **Henery:** Ok, it is not actually somebody presented? **Clerk:** Here is my original. I am making copies and my machine stopped so... I will go get them. **McDonald:** Are the meetings always smoother in Holt County? **Holt County Supervisor:** We hope so.

Henry: Seems like it is getting to be more and more and more. I mean it used to be a little shorter meeting, and run through it. There are more activities going on than what there used to be for sure. **McDonald:** You about have to be an attorney and an environmental scientist anymore. New copier on agenda? **Henery:** Yeah, you know it is kind of hard to schedule an equipment breakdown. **Smith:** Well, I am all right with what I've seen there. **Henery:** Have you seen this, Carolyn? **Pedersen:** Yes. **Henery:** Well, we probably won't need the copies after she gets them done. **Smith:** I was going to say we.... **McDonald:** I guess um... I guess the other piece of this is from the south side, the landowner in Antelope County on the east has got a driveway north of the intersection aways. I think he would have some difficulty getting in at the top of the hill or whatever. So, to me the treed section is probably about all you could really consider to close. **Henery:** (to Hold County Supervisor/Road Superintendent) Have you guys got a copy of this? OK So you are proposing to not close the whole mile? Right? **McDonald:** Well, I do not think you can. I guess at this stage it is all information. Um, again this is a hearing for public input. I am not sure what we have for public input on it. **Aaron Boggs:** Lisa had a couple of calls.

Clerk: I did have a couple of calls. Did you call for comment? **Henery:** No, not yet. Let's ask the people in favor of the request to testify. If there is ay one here in favor of it, please step forward and tell us your thoughts on this.... Anybody opposed to testifying? Or opposed to road closing.... If not, we will take the request – that she got a couple of emails or just one (1). **Clerk:** I got one email from the Schleuseners, and a couple of phone calls this morning. The Schleuseners letter went where? **Smith:** Its right here. **Clerk:** I am going to read that out loud. **Henery:** Please go ahesna dn red that Lisa. **Clerk:** To Whom it may concern-, This letter is in response to the notice of a public hearing to consider whether or not to vacate or abandon the portion of 510 Avenue between 868 and 869 Roads on the Antelope – Holt County line. We have no position on this matter. Respectfully, we would like the Antelope County Board of Commissioners to consider further directing a study of the use of 510 Avenue, from aforementioned location, north to the county line, 869 Road north to 870 Road (County line). What is considered the “legal roadway” of 510 Avenue is not even passable. Traffic that does go through travels across private property, our hay meadow, causing large ruts and damage to the hay meadow. This is a yearlong frustration caused by flooding and high-water tables. The area that was studied does not experience damage to private property / agricultural ground as this area experiences year-round. Respectfully submitted, Jeff and Vicki Schleusener, 86680 513 Ave., Orchard, NE 68764, (402) 894-5495. (This letter and pictures circulated amongst the Commissioners prior to the hearing.) She did send pictures, if you want to look at them Brian. **McDonald:** Is she discussing she wants additional stuff closed, where they have problems, as opposed to the next mile? **Clerk:** I believe she want another area studied, correct. **McDonald:** I got you. Aaron, a road study.... **Clerk:** And then I did get a call from a Fred Cronk this morning. He had gotten one of our letters also. He said he is pretty sure the bridge has been impassible for forty years, and he really does not have an opinion one way or another. He just wanted to make sure he was understanding he knew what was going on. I kind of explained it that we are in the midst of the State trying to clean up some bridges and so forth that are maybe not working the best, and/or helping us pay for some bridge repairs, and we were just looking at option on this bridge so we were looking for public comment. He did not really have a comment either way. Shortly after that I got a call from a Greg Miller. His parents are Glen and Edna Miller. He told me that they own property on both the north and south side of 510th Avenue. He said he want us to be aware if we do close that we may be landlocking some property in the area. I said that is something we cannot do as a Board of Commissioners is to land lock anybody. He does not think completely closing that road is a good option. He said right now he is traveling lots of miles to get around to his properties, because he has to go completely around the section. So, he wanted that voiced. So, I voiced it. **Henery:** (to Brian) Basically, what you are saying.

McDonald: Uh ha. And it looks like there is some use from both ends, there is. **Clerk:** Then, last week, Alton Smith, is from North Carolina and he has relatives in the area, or maybe his wife has relatives in the area, and he had some questions as to what this all pertains to. I told him similar to what I just said about doing the study and seeing what interest there is out there. He wants a call back with what the County recommendations are. I did tell everybody that we would hold our hearing today and present our findings. And if this was to go forward Holt County would hold another public hearing and go from there. Then the Commissioners and the Supervisors from Holt County, our Commissioners and Supervisors from Holt County would make an ultimate decision. **Henery:** Ok. **Clerk:** If that is wrong, I apologize. That is what they were told. **Henery:** I don't know if it's right or wrong, but it sounds like how it should be. **McDonald:** We have got people from Holt County here from the County side of it.... I guess you can probably close your hearing if there is no public input. **Henery:** Ok. It seems not. It seems like we read the public input. There was no vocal. **Smith:** So, I guess what I am wondering, how does this get handled? If I got the name correct, did you say it was Greg Miller called you? **Clerk:** Yes. **Smith:** No written testimony, just verbal? **Clerk:** Correct. **Smith:** And they have concerns but it is not written. So how does that get taken into consideration. I mean it is nice to hear, and I am glad that it was done but I don't know for sure how we take that into consideration. And that is all I guess, go ahead and close the hearing. I just wanted to have that out. **Henery:** (to Brian McDonald) Do you have any input on that? **Clerk:** I guess I think he.... **McDonald:** What he was saying was pretty much my concerns, I think. **Smith:** And so, what properties then was he referring to... **McDonald:** There. **Smith:** I guess it really doesn't matter. **Boggs:** There is a quarter here. This is his parents, and this is his parents as well. He is concerned if we close this he can't get through. This bridge has been out for 40 years. **McDonald:** I was going to say, right now there is not pasture. **Smith:** This is north? **Boggs:** Yes. **McDonald:** We took this bridge out. There is a driveway roughly right in there. The driveway.... **Smith:** His property is here and here. **Boggs:** Yes. **Smith:** Ok, so, that Holt County property. **Boggs:** Technically yes. **Smith:** Which is still of concern, but not really. **Boggs:** Well, it is, but the problem is he is, is that he has to go around this way. Well, he has never been able to get through here. **Smith:** He has never been able to go through there. **Boggs:** So, his concern is that he is going to have to continue to go out and around. We are not replacing the bridge. **Smith:** Right. Ok. **Clerk:** He had mentioned that too. He just said right now it is a lot of miles. If you replaced the bridge, he would not have to drive all those miles that he has been doing for the last 40 years. He did mention that. I feel he made a valid comment to us in regards to the public hearing in regards to the notice we sent him. I believe he needed to be heard. **Henery:** Yes. **Smith:** O! that fine. I am just wondering.... **Henery:** Maybe he will want to present something in writing to Holt County, when they have their, if he chooses to when they have their public hearing. Maybe he will have something in writing for them. **Clerk:** He was very nice; he wasn't upset or anything. He just wanted us to know. He was trying to get to the fields this morning. **Henery:** Is there any other testimony? Any other questions for the Commissioners? If not, I need a motion to close the public hearing. **Jacob:** I will make that motion. **Pedersen:** I'll second it.

10:15 AM Motion by Commissioner Jacob, seconded by Commissioner Pedersen to close the Public Hearing. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
Discussion continues. Brian recommends the only section of road that can be closed would be the treed area that can be closed. It is impassable. I do not know how recently that road has been traveled. The trees are pretty good size on the north side. The other option is to close it to public travel. It is not physically possible to travel. Return right of way to adjacent landowners. Closing this with three red diamonds on both the north and south side of the driveways. Gary Connot and Scott Kies were in attendance. Gary Connot, Holt County Road Superintendent concurs with Brian McDonald to close only the portion of the road. Holt County has a public hearing scheduled for June 16th, 2021. The Board recommended the Clerk to write a letter relaying the recommendation of the Antelope County Board of Commissioner's to Holt County. Motion by Commissioner Smith, seconded by Commissioner Jacob, stating the Board would like to close the section of roadway, if after their hearing we can do a joint resolution. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.

- Regarding Schleusener's concern on the email. Brian suggests to email the landowner and suggest to have them petition to have the road closed.
- A letter that was not signed, was in the drop box and found after the public hearing was shared with the Commissioners. Because the letter was not signed the Commissioners agreed it was not relevant to the hearing.

Culvert on 524th Avenue between 839th & 840.5 Road-Duane Kerkman met with the Commissioners regarding a culvert in this area. He reports in 2018 they met with the Board of Commissioners regarding a box culvert, at which time a culvert was approved. In 2019, after the flood the project was bumped. They are hoping on further action at this time. Discussion. It was requested to check the 2018 minutes of the Commissioners. It was found that on May 8th, 2018 the Commissioners had signed a resolution to reclassify the road as a minimum maintenance. Brian will check on status. Mr. Kerkman stated he thought there would be dirt available if needed. No further action today.

State Recreational Road Funding for Ashfalls roadway 7+/- miles: Brian presented a letter to request funding from the State to help in maintaining Ashfall Road. Discussion of holding maintenance of the road till after the application approvemnt. Aaron will work on possibly getting the road ready. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve letter and authorize Chairman to sign. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.

June 1, 2021

Paul Kleper
NDOT – Local Projects
PO Box 94759 Lincoln, NE 68509


RE: Project Letter of Intent to Request Recreational Road funding
Patching and Micro surfacing of Ashfalls Road, Antelope County

Dear Mr. Kleper:

The purpose of this letter is to request funding State Recreational Road Funding for Antelope Counties portion of the Ashfalls roadway consisting of approximately 7 miles of existing asphalt roadway. The county would like to have a project to patch the pavement as needed and have a micro surfacing placed on the entire width of the pavement. We feel that the project would be eligible under the Heavy Maintenance Portion of the Maintenance Program.

It is our understanding that Knox County will also be requesting the same for their portion of the Ashfalls roadway and would request that both projects be completed under one project with each county paying their respective share.

If you require additional information, please contact our Highway Superintendent Brian McDonald.

Sincerely,

Charlie Henery,
Antelope County Board Chairman

Gary Connot, Holt County Road Superintendent requested mileage **maintenance swap** on 510th Avenue between sections 25 and 36, Holt County and 864th – 866th Road. The Commissioners agreed and voiced no opposition, and gave it to Road Superintendent discretion.

Executive Session – Personnel Issues – Commissioners met in Executive Session to discuss merits Zoning Administrator Position.

10:56 AM Motion by Commissioner Pedersen, seconded by Commissioner Jacob to met in Executive Session regarding Zoning Administrator Position. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.

Met with the four (4) Commissioners in attendance. Liz Doerr was asked to meet – met for approximately 10 minutes. County Clerk, Lisa Payne was asked to meet – met for approximately 10 minutes. Met for approximately 42 minutes. 11:38 AM Motion by Commissioner Pedersen, seconded by Commissioner Jacob to close Executive Session. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried. After Executive Session: It was announced no action will be taken.

Road Superintendent Report:

Summerland School Sign Placement: Candice Hoke inquired with Aaron regarding placement of School Location Signs along the Highway 275 and 513th Avenue. Aaron verbalized no issues and it did not seem to hinder visibility.

- **Underground Permit** Underground Permits (6)–SW¼NW¼ 16-25-6; SW¼NE¼ 21-25-6; NE¼SE¼ 5-24-6; NW¼ 15-24-5 to SE¼ 9-24-5; SE¼ 9-24-5/Mid-states Data, Turnkey. These crossings will bury fiber optic cable for data transmission. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve permits. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **Underground Permit** Underground Permits Black Hills Nebraska Gas LLC. 848th Road in SW¼ Section 22, Township 25, Range 6, west of the 6th PM, Antelope County, Nebraska. Natural Gas line for residential and agricultural purpose. Owner-Stephanie Leigh, Contractor is Black Hills Energy. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve permits. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **Underground Permit** Underground Permits Black Hills Nebraska Gas LLC. 848th Road in SW¼ Section 22, Township 25, Range 6, west of the 6th PM, Antelope County, Nebraska. Natural Gas line for residential and agricultural purpose. Owner-April & Gail Knust, Contractor is Black Hills Energy. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve permits. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **Underground Permit** Underground Permits Anson Electric. 855th Road in NW¼ Section 21, Township 26, Range 8, West of the 6th PM, Antelope County, Nebraska. Purpose is to provide power to irrigation well. Owner-Rita Anson, Contractor is Anson Electric, Inc. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve permits. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **Underground Permit** Underground Permits - Frontier Communications. 851st Road in between Sections 2 & 11, Township 25, Range 7, West of the 6th PM, Antelope County, Nebraska. Purpose is to provide new equipment/cable telecommunications equipment on right of way. Owner-Frontier Communications, Contractor is TBD. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve permits. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **Access Permit:** Tract in the E½NE¼ Section 28, Township 24, Range 7, West of the 6th PM, Antelope County, Nebraska. Richard Miller submitted a permit to increase access to a proposed home site. Aaron has asked to trim trees on property looking to the north. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve access permit. All County Specs to be met. Voting aye: Jacob, Smith, Pedersen and Henery. Nays none. Krebs absent. Motion carried.
- **Newman Signs Invoice Update: 9-1-1 Signs:** Newman Signs from Fargo, North Dakota have sent the wrong signs. Correspondence/communication breakdown was not complete. Discussion today was to have the County Attorney review and write a letter, or give guidance as to how to proceed. Aaron is checking in to see if we can modify the current inventory to utilize the products if we cannot get a satisfactory result.
- **Detachable Low Boy Trailer:** Aaron has been discussing NACO regarding obtaining bids, and auction purchasing. Beth Ferrell, purchasing attorney with NACO. Special purchasing procedure: the governing Board may waive bidding requirements if the County can save a significant amount of money by entering into a special purchase. Five (5) days prior to making a special purchase publish a notice about such special purchase, stating the items considered and inviting informal quotes. In short, we will publish bid request, appoint a purchasing agent, establish Board’s price comfort level, and set a cap to bid. Beth suggests a cap of \$45,000.00.
 - Motion by Commissioner Smith, seconded by Commissioner Pedersen to advertise for informal quotes for the detachable lowboy trailer as per previous corrected specs, as soon as possible. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
 - Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve appointing purchasing agent: Aaron Boggs, Road Superintendent and Eli Jacob, Commissioner. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.

- Motion by Commissioner Smith, seconded by Commissioner Pedersen to set a cap of \$45,000.00 max bid for special purchase of a lowboy detachable trailer. (\$45,000.00 minimum bid from previous bid.) Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- Motion by Commissioner Smith, seconded by Commissioner Pedersen to allow the Road Superintendent to set up bidding profiles on the bidding sites as necessary. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.
- **TransCanada** – 850th Road is complete – North of Orchard was the next spot to go to (3.5 miles between 513.5 Avenue and 517th Avenue – straight east of Gravel bit. It was ground up and put down. It is in pretty good shape. Aaron wondered about moving the millings that were earmarked for this to another County chosen project.

Zoning Administrator Position – No action today.

No other issues to discuss.

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

Meeting adjourned at 12:09 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne