

June 4<sup>th</sup>, 2019  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, June 4<sup>th</sup>, 2019 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Borer, with the following board members responding to roll call: Bentley, Henery, Smith and Borer. Jacob absent. Chairman Borer stated that the open meeting laws are posted on the east wall of the Commissioner's 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. Chairman stated public comments and discussion of agenda items will be before the board takes up the agenda item. Upon the conclusion of public comments, the board will then take up the agenda item. No additional questions or comments will be taken from the audience, including elected officials, unless they are requested by the board.

Pledge of Allegiance was recited.

**Agenda:** Motion by Commissioner Smith, seconded by Commissioner Bentley to approve agenda, with the exception of withdrawing the **ProtexCentral Contract** till next week, at the request of Ed Schindler, Courthouse maintenance. Ray Payne wanted a couple of minutes to talk today, he did not get himself on the agenda soon enough. Voting aye: Smith, Bentley, Henery, and Borer. Jacob absent. Nays none. Motion carried.

Motion by Commissioner Bentley seconded by Commissioner Henery to **approve the Minutes of May 7<sup>th</sup>, 2019 Board of Commissioner Meeting** as presented. Voting aye: Bentley, Henery, Jacob, Smith and Borer. Jacob absent. Nays none. Motion carried.

Motion by Commissioner Bentley seconded by Commissioner Henery to **approve the Minutes of May 14<sup>th</sup>, 2019 Board of Commissioner Meeting** as presented. Voting aye: Smith, Bentley, Henery and Borer. Jacob absent. Nays none. Motion carried.

Motion by Commissioner Bentley seconded by Commissioner Henery to **approve the Minutes of May 14<sup>th</sup>, 2019 Board of Equalization Meeting** as presented. Voting aye: Borer, Henery, Smith and Bentley. Jacob absent. Nays none. Motion carried.

**Correspondence was reviewed:** Legal Shield renewal flyer; NDOR Past Due Bridge Inspection; NIRMA/NIRMA II 2019-2020 Billing Statement; NIRMA subsequent Billing Statement; NE Nebraska Economic Development District member letter; May Zoning Permit Report; May month end current expenditure report; copies of County Board and R&B Budgets – for action today; 2019 Oakdale Cemetery Auxiliary Newsletter; Stealth Broadband Static IO Information; Alert Roof Systems – brochure; Klabenes Land & Cattle LLC – Nutrient Management Plan – Nebraska Department of Environmental Quality; Certificate of Liability Insurance; Steve Weinrich report of the personal property road damage in Sherman Township (short discussion regarding same – no answers).

**Receipts:** None

**Antelope County Library Association:** the following Librarians and Library Board Members presented with a short introduction of their current Library Programs and offers. All presenters thanked the Commissioners for the previous donations and for working with them through the year. Each library, excluding Oakdale Public Library presented a written report substantiating reports.

Cindy Lee Simeon, Director, Raymond A. Whitwer Tilden Public Library  
Donna Hamilton, Orchard Public Library  
Becky Williams, Oakdale Public Library  
Dawn Curtis, Board Member, Clearwater Public Library  
Jennifer Norton, Director, Neligh Public Library  
Barb Bode, Co-Chairperson, Elgin Public Library (Diane Gunderson, Co-chairperson)

The clerk did not have the yearly contribution available. She will have as an agenda item next week. No further action.

Liz Doerr, **Zoning Administrator** presented her May Zoning Permit. Showing a slight increase over last month's permits. The Planning Commission will be meeting on Tuesday, June 18<sup>th</sup>, 2019. Liz will begin to review Invenergy Thunderhead site plan when it is available. No further report.

**May Zoning Permit Report** was reviewed and put on file.

Casey Dittrich presented the **Road Superintendent Report:** Asphalt Patching is underway and going well. The asphalt patching crew and equipment moved from the Pierce Road to north of Tilden last night. They are going this morning. They will move from there to south of Oakdale and then to east of Elgin. Currently, they are at about 1200 Tons at the end of the Pierce Road. (\$326,000.00 for 1000 ton). At the end of today it should be about \$520,000.00 in patching repairs. That includes Royal, Neligh-Pierce and North of Tilden. Casey presented a map that shows the spots that qualify for the FHWA funds that we have. McDonald will present shortly. There is approximately \$2.5 million in the R&B budget. Casey asked how the Commissioners think we should proceed – continue with Asphalt repairs, armor coating, or other ideas. List of Repairs; Oakdale-Oakdale Cemetery; East of Elgin east of Million Dollar Corner, east of Koizan Ranch, South of Clearwater on Orchard Road between HWY 275 and Orchard Bridge – (patching truck was out there this weekend) and Ashfall Road (These are all FHWA roads.) We will continue to mill roads as long as we can, currently they are running Monday – Saturday 7AM-7PM. Millings are being piled on Dave Schrader's pivot corner. When the weather straightens, we will haul right down the Pierce Road to place them. Fixing is following the breaking. Knife River is a great crew, and going great guns – and it is going well. On Friday, the plan is to start overlaying Royal Road. Traffic has continued throughout this and the hope is to keep it moving. Casey reached out to some contractors with trucks to help haul gravel.

**Airport Millings** -asphalt- we have spoken for it – and they will keep us in mind with the millings. Casey will continue to check base with Rick Schindler at the airport.

**Orchard North Bridge:** the start date on this was May 13<sup>th</sup>, 2019 – to date it has not been started. They are reporting a 7 – 10-day project. We will start hauling dirt. Hopefully, we will see them this week. Commissioner Smith stated he has concerns of the sheet piling being used. As the bid was substantially lower than the other bids. Brian McDonald stated there is no subpar pilings. Antelope County will supply all material.

**Underground Permit:** Motion by Commissioner Henery, seconded by Commissioner Smith to approve the application for underground permit submitted by Keith Dittrich to place a permanent underground electric line across 531<sup>st</sup> Avenue in the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 15, Township 24, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska, for irrigation well power. Fox Trenching will do the work. Keith and John Dittrich– owner; Dittrich Farms Partnership tenant. This is a gravel road. Voting aye: Henery, Bentley, Smith and Borer. Nays none. Jacob absent. Motion carried. All work to be done according to County and State specs.

**Underground Permit:** Motion by Commissioner Smith, seconded by Commissioner Henery to approve the application for underground permit submitted by Andy Frey to place a permanent underground electric line across 849<sup>th</sup> Road in the NE¼ of Section 20, Township 25, Range 5 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Andy Frey – owner and Tenant. Kevin Reuss will be doing the work. This is a hard surface road. Voting aye: Henery, Bentley, Smith and Borer. Nays none. Jacob absent. Motion carried. All work to be done according to County and State specs.

**Access Permit:** John Thiele submitted an access request along 512<sup>th</sup> Avenue. Casey had not inspected. He asked for it to be bumped until next week.

**Cemetery Road:** Hot mix. The need to repair was discussed. There is a large number of homes, in a short stretch. On next week's agenda.

**Ray Payne,** asked to speak with the Commissioners as he missed the deadline to be on the agenda. 'Well I wanted to address it because reading the paper from last month I noticed a bill in there from Woods and Aitkens. It was a \$3,300.00 bill and there is another bill for \$2,200.00 and some. That is \$5600.00 that we spent on an investigation that the State Patrol already had done. I am wondering why. And I understand that there is another bill that is still outstanding that is possibly equal to this. That is \$10,000.00 on an investigation the Antelope County Tax Payers are responsible for that the State Patrol has already done an investigation on. We have a county attorney, that is on our staff. Why are we spending taxpayer money for a petty crime? \$10,000.00, that Mr. Bentley, you have stated that you have a fiduciary responsibility to the taxpayers of Antelope County. I wish you would explain to the taxpayers why you have spent \$10,000.00 on this case for a private attorney, when we have our own county attorney, and the State Patrol has already done the investigation.' Commissioner Bentley, Smith and Borer state 'we can't comment.' Commissioner Bentley state he did not have the statement with him, but it was because of 'litigation, and possible – pending litigation we can't discuss any of this.' Ray Payne said, I understand you can't discuss the case, but I want to know why you thought you needed to do this. Commissioner Smith, said maybe that is why we can't discuss this because there are things you don't know.' Ray Payne responded, so in other words you don't trust the State Patrol's investigation? You don't trust the State Patrol? Commissioner Borer stated 'that has nothing to do with it.' Commissioners Bentley and Smith, stated 'that is it.' Conversation ended.

**VSO Quarterly Report:** He gave a special thank you to Diane Carlin, CEO of Antelope Memorial Hospital for being proactive and getting the AMH Physicians signed up for VA-Healthnet and Tri-Care West Benefits, which is new legislation which is called the VA Mission Act. This becomes active in two (2) days. They still have to have VA approval – but that means the VA patients can be seen at the hospital.

**Stolen Valor Case:** A private citizen was portraying himself as a US Marine Corps Veteran. Your Veterans Service Officer is cooperating with law enforcement and has provided all information relevant to the case. As reported to the County News the individual in question was not receiving any county, state or federal benefits. The County Attorney approved and was involved in any information provided to the public in absence of a Public Affairs Officer.

**FY18 501 Veterans** in the county. \$3,297,000.00 in federal benefits to the county.

**Veterans Aid:** One county Veterans Aid paid in the fiscal year. State and Federal would not assist. It was a minimal amount.

**Flooding:** One veteran received help through the VSO office.

**Checking Account Balance:** \$1,951.56 Big Account: \$24,408.97

VSO presented a written report of account/fund balances.

**Pickup Claim:** Jonny Dodge: Casey Dittrich is ready for 'newer' wheels. Sheriff Moore ordered a new pick-up a couple of months ago as reported by him during regular session. The pick-up is at Jonny Dodge and the Road and Bridge is ready for the 'used' pick-up it was requested to pay the balance today. Motion by Commissioner Henery, seconded by Commissioner Bentley to approve the claim of \$20,000.00 balance to Jonny Dodge to purchase the 2019 1500 Ram Crew Cab. Voting aye: Bentley, Henery, Smith and Borer. Jacob absent. Nays none. Motion carried.

**Tractor Claim: Kayton International** - \$78,000.00 paying out right and financing through Bank of Elgin with yearly payments beginning 6/1/2020 and 6/1/2021 with payments of \$27,853.76 and on 06-01-2022 for \$27,853.78. Motion by Commissioner Smith, seconded by Commissioner Henery to approve claim of \$78,000.00. Voting aye: Smith, Henery, Bentley and Borer. Jacob absent. Nays none. Motion carried.

**Marx Repair:** Purchase tractor at 0% interest with down payment of \$9,000.00 and four installments of \$19,749.75. Motion by Commissioner Smith, seconded by Commissioner Henery to approve the claim for \$9,000.00 to Marx Repair for down payment. Voting aye: Smith, Henery, Bentley, and Borer. Jacob absent. Nays none. Motion carried.

**Cash-In-Lieu Agreement:** The Cash-In-Lieu option will again be offered to full-time permanent employees not opting to utilize the current healthcare. This was discussed and approved to continue through the 2019-2020 calendar year during insurance coverage review. The contract with First Concord Benefits was presented today. The in-lieu payment of \$400.00 employee and \$350.00 for spouse will continue by a motion from Commissioner Henery, seconded by Commissioner Bentley. Voting aye: Henery, Bentley, Smith and Borer. Jacob absent. Nays none. Motion carried.

A resolution for the adoption of same was presented. Motion by Commissioner Henery, seconded by Commissioner Smith to approve said resolution. Voting aye: Henery, Bentley, Smith and Borer. Jacob absent. Nays none. Motion carried.

**ANTELOPE COUNTY BOARD OF COMMISSIONERS  
CASH IN LIEU - RESOLUTION  
2019-06-0001**

We, the Commissioners of Antelope County, Nebraska consent and agree that the following resolution was made on June 4<sup>th</sup>, 2019, at Antelope County Courthouse, Neligh, Nebraska.

WHEREAS, it is Antelope County practice to pay the Cash-In-Lieu to employees not utilizing the current Health Insurance;

WHEREAS, the Commissioners of Antelope County consent to adoption of Cash-In-Lieu as an option to our group medical insurance available to the elected officials and full-time employees of Antelope County, Nebraska, and

WHEREAS, those elected officials and full time employees of Antelope County, Nebraska electing to participate in the Cash-In-Lieu option, after presenting notice of Proof of Coverage and submitting a signed Affidavit of Other Coverage to the Commissioners of Antelope County, Nebraska be eligible for said cash-in-lieu benefits in the amount of \$400.00-employee and \$350.00 spouse, monthly, total to be no more than \$750.00 .

THEREFORE, IT IS RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS that the Cash-In-Lieu Option offered by First Concord Benefits Group be offered to those elected officials and full time Antelope County employees wishing to participate according to the above requirements. Said Cash-In-Lieu payment shall be addressed as monthly income and all withholding requirements will be administered accordingly.

This policy will go into effect on July 1, 2019

PASSED AND APPROVED THIS 4<sup>th</sup> Day of June, 2019

Antelope County Board of Commissioners

\_\_\_\_\_/s/ Tom Borer \_\_\_\_\_

Tom Borer, Board Commissioner

Attest:

\_\_\_\_\_/s/ Lisa Payne \_\_\_\_\_(seal)

Clerk, Lisa Payne

Motion by Commissioner \_Henery\_, seconded by Commissioner \_Bentley \_ to approve the resolution as presented.

Voting aye: \_Henery, Bentley, Smith, Borer \_\_\_\_\_

Nays: \_\_\_\_\_ - \_\_\_\_\_

Abstain: \_\_\_\_\_ - \_\_\_\_\_

Jacob absent

**TV for Meeting Room.** Razor Tracking offered a smart 55" TV with the purchase of the GPS units. Discussion of where the Commissioners wanted the TV placed in the Commissioner Meeting Room. It was agreed to place TV on North wall of meeting room. All in agreement.

**NIRMA/NIRMA II Billing and Deductible** – there was a brief discussion on changing the deductible. The Commissioners wanted to look at a loss data report before making a decision. It will be on the agenda for next week.

**Brian McDonald: Highway Superintendent** met with the Commissioners regarding some of the Flood Bridge Projects and follow-up on other projects. Brian stated we are going to need a request of Engineering Services. Tomorrow, Casey and Brian will be meeting with EWP (NRCS) and some of the projects will go one way or another with more bank stabilization. It might be easier to use that funding on some of these. Brian and Casey will make that decision with them in the field. The Knox County project, might go EWP, the Weinrich Bridge might go either way. EWP will be utilized to stabilize the bank erosion on some of these structures. There will be some private citizens at the meeting tomorrow, however, EWP funds need to be used to protect public structures. Steven Weinrich access road was discussed and it does not seem to fit these criteria. Other EWP projects looking at is Royal Road North of Koinzan bridge (south of HWY).

**Road Closings:** Andy Frey presented with two (2) road closing petitions. These petitions had the necessary 10 signatures. They are looking at closing two different sections of road.

- 1) The first is a half mile of 847<sup>th</sup> Road in Elm Township (25-5), between Sections 27 and 34. The section of road petition to be closed is the east ½ mile between 531<sup>st</sup> and 532<sup>nd</sup> Avenue.
- 2) The second is a mile stretch on 848<sup>th</sup> Road in Elm Township (25-5), ½ mile on either side of the ROW of 530<sup>th</sup> Avenue. The closure would be the west half between section 20 and 29 and the east half between sections 21 and 28. These lay between 529<sup>th</sup> and 531<sup>st</sup> Avenue.

Motion by Commissioner Henery, seconded by Commissioner Borer to authorize Brian McDonald, Highway Superintendent, to do a study on both roads. Voting aye: Henery, Smith, Bentley and Borer. Jacob absent. Nays none. Motion carried.

**Budget Function Adjustments – County Board (General) & Road & Bridge Payroll** During a review of the budget after May month end it was noted there were a couple of functions that will not be able to absorb June expenses as presented. The first is the County Board under the General Fund. The mileage line item is over budget, with mileage to be paid in June as well. Currently, without any mileage the budget is going to be over by approximately \$2,000.00.

The other Function over is the Road and Bridge payroll tax fund. At this time, it looks short on funds. With payroll through the flood and post flood work and hiring of employees this budget will be short. It was discussed how this will cause a deficit.

Motion by Commissioner Bentley, seconded by Commissioner Smith to approve the Function adjustments to these accounts from their perspective Miscellaneous Accounts. The motion

to transfer \$4,000.00 to County Board Function (601) from General Miscellaneous (970), and to transfer \$3,000.00 to Road and Bridge Payroll (705-00) from Road and Bridge Miscellaneous (705-08). Voting aye: Henery, Smith, Bentley and Borer. Jacob absent. Nays none. Motion carried.

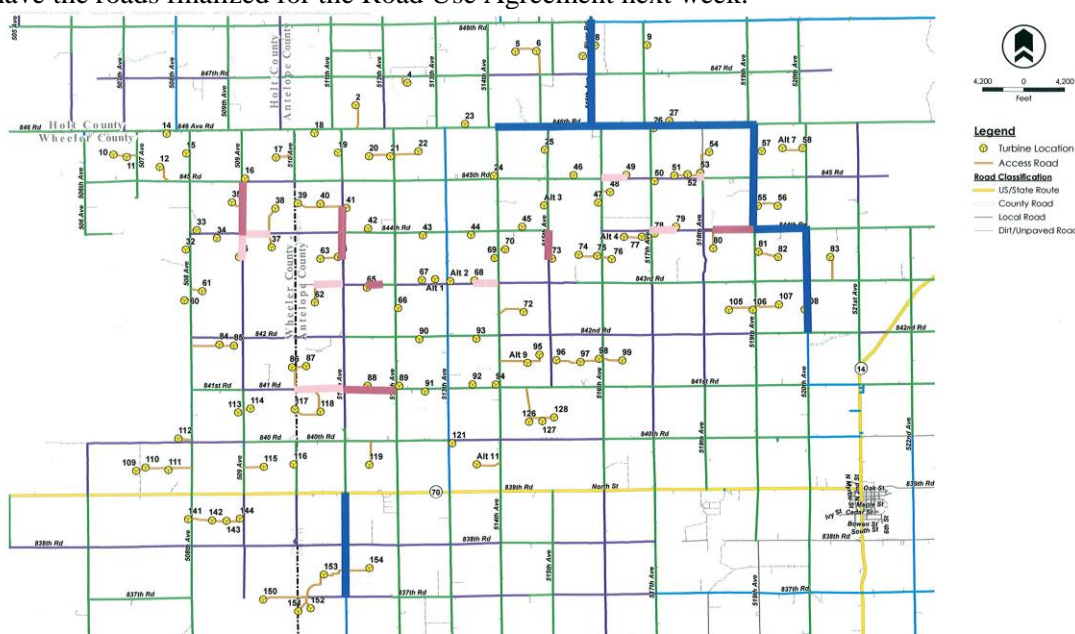
**Marlin Conry, Invenergy Road Superintendent** met with the Commissioners regarding **milling of County Roads** and cost sharing of same. He presented a map for review. Invenergy has presented 13 miles of road in the Thunderhead footprint, represented in heavy blue. They are proposing the County grind, mill, and remove the millings on the 13 miles and Invenergy will come back and build with four (4) inches of Sinclair gravel. He is hoping this will work in with the County’s plan to grind asphalt roads. This could be a cost share project for Invenergy and Antelope County. Commissioner Smith asked about the Sinclair gravel on the road south of CVA. It was discussed maintenance of this has to be done when it is wet by adding more product and smoothing out. Long term maintenance is easy and very workable. (The miles lay out as follows: 2 miles of 511<sup>th</sup> Avenue between HWY 70 & 837<sup>th</sup> Road – Park Center Church Road; 2 miles of 520<sup>th</sup> Avenue between 842<sup>nd</sup> and 844<sup>th</sup> Road; 1 mile 844<sup>th</sup> road between 520<sup>th</sup> & 519<sup>th</sup> Avenue; 2 miles of 519<sup>th</sup> Avenue between 844<sup>th</sup> & 846<sup>th</sup> Road; 5 miles 846<sup>th</sup> Road between 514<sup>th</sup> and 519<sup>th</sup> Avenue; 2 miles of 516<sup>th</sup> Avenue between 846<sup>th</sup> & 848<sup>th</sup> Road.) Discussion of releasing these roads to Invenergy seems to be easy especially since they will be maintaining it during the ‘fresh’ lay of Sinclair dirt when it is settling and slimy. Discussion of hauling millings, and the utilization of county employees’ verses hauling contracting. Hauling is a very viable option, so current employees can continue their current work load. It was voiced that this is part of a plan that will probably need to be done sooner than later, and we don’t want to be the ‘would have/should have’ team. Invenergy has alternative routes/plans if the county does not want to agree with plan. Including utilizing Highway 70 a lot more and utilizing county roads in limited session. Invenergy will plan on grading roads and working on foundations this summer, with turbine components to start showing up the last half of October. Invenergy did not want to see the county or themselves to go in and fix these roads, whether patching or overlaying, if the plan will ultimately be to grind these roads. There may be some Invenergy truck traffic prepping starting this summer, so it is ready to go for construction next spring. Invenergy should have final site plans within a week. – There are three (3) turbine sites that are still up in the air – one (1) in Antelope County with the other two (2) having a possibility of being moved to Antelope County if the Wheeler County Placement does not work out. 846<sup>th</sup> Road connects Highway 14 to Highway 281 – which if decent it will be utilized more to go across county. The two (2) miles on 511<sup>th</sup> Avenue are not priority; they are offering as a help tool. 513<sup>th</sup> Road was proposed by Invenergy, but they thought its usage was more than the county wanted to bargain for, therefore this is not part of the plans. 513<sup>th</sup> Avenue will be utilized and most of the Invenergy traffic will utilize it. Invenergy is purposely avoiding the bridge on 846<sup>th</sup> Road, because of the weight limit. The Invenergy lay down lot has not been determined yet. At present they do not know where the majority of traffic will be until all of the sites are identified, including a laydown lot and the cement plant. The Commissioners were encouraged to drive the Thunderhead footprint for a decision next week.

On the same map, there were a couple of pink heavy lines. Invenergy classified these roads: the dark pink are roads that will need to have a full upgrade, they are questionable for information purposes and are up for review. Marlin will review to make sure the classifications are right.

The heavy light pink lines are upgrades roads that are good candidates for **abandoning right of ways**. All of the marked light pink roads are two (2) track roads. They have not been studied; this is through a cursory review only. They have not approached land owners, Marlin wanted to check with the Commissioners before they proceeded further. The purpose of abandoning the right of ways is so the county does not have to maintain these wind tower roads that go to a turbine only. If the right of ways are abandoned the landowners each receive 33 feet of the road ROW. The right of way for a whole mile is 4 acres. The studies will reveal power lines, etc, and easements would have to be maintained by same. The Commissioners all voiced their agreement of abandonment studies.

Kelly Mueller, County Assessor agreed to layer the turbine placement map with her GIS aeriels. So, the layout will be available regarding locations and clustering.

The Road Use Map is not available. The map presented today is an opinion of Invenergy’s crews to establish a workable RU map. Marlin is hoping to have the roads finalized for the Road Use Agreement next week.



**Road Summary**

**LB512 Disaster Relief Bill:** Kelly Mueller, Antelope County Clerk, met with the Commissioners regarding this bill. She has been in multiple ongoing meetings with the Department of Revenue and State Assessors. The bill is written as a relief for individuals in a major **natural** disaster. The disaster has to be between January 1 and June 15<sup>th</sup> of the current year. The value of the property would have to be diminished by more than 20% to qualify for this relief. Today she wanted to give a heads up, and to make sure it was relayed that a more than 20% damage to property before any changes would be made.

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

Meeting adjourned at 11:48 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, Thomas Borer

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