

August 1st, 2023
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 1st, 2023, 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: Heithoff, Williby, Jacob, and Henery. Krebs absent. Chairman Henery stated 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.

Moment for Commissioner Krebs, who is still in the hospital with some complications.

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

Minutes of the July 11th, 2023, Board of Commissioners Meeting: Motion by Commissioner Heithoff seconded by Commissioner Williby to approve minutes as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

Minutes of the July 19th, 2023, Board of Equalization Meeting (protests): Motion by Commissioner Williby seconded by Commissioner Heithoff to approve minutes as submitted. Voting aye: Heithoff, Williby, and Henery. Nays none. Jacob abstains. Krebs absent. Motion carried.

Correspondence was reviewed: Copy of JEO Report regarding 858th Road between 521st and 522nd Avenue; \$265.00 NIRMA check for tow bill of sheriff's car from June 22, 2023 accident; Thank you from Miles of Smiles Coordinator; Union Bank and Trust Hospital Bond Refinancing monthly statement for 06-30-2023; Certificate of substantial completion 2021 pavement repairs; ashfalls north change order #2; contractors application for payment; personal property distress warrant report form County Treasurer; email from Roger Synovec regarding paving of 865th Road – adding to one and six road program; Certificate of Substantial Completions Ashfalls North; Application for payment Ashfalls North.

Cintas Medical Supplies: Antelope County has contracted with Zee Medical to service and stock the medical supply cabinet located in the Commissioner Meeting Room. Zee Medical was purchased by Cintas Medical Supplies a short time ago. The cabinet is for the Courthouse entirety. To get the current supplies up to date supplies totaling approximately \$190.00 is needed to make the minimum recommendation of OSHA standards. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve the purchase of stock to make current the med box and to continue a quarterly inspection/stocking by the Cintas team. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried. The Road Superintendent will work with Cintas to assess the need in the employee road barns.

Certificate of Substantial Completion: A & R Construction Company, 2021 Pavement Repairs, Date of Substantial Completions is July 12th, 2023. Motion by Commissioner Heithoff, seconded by Commissioner Williby to approve and authorize Chairman to sign certificate. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.

Change Order #2: Dixon Construction, Co, Ashfalls North Bridge. This is a \$112.00 credit for a change order to reconcile as-built quantities to contract amount. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve Change Order and authorize Chairman to sign. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.

Zoning Administrator Report: Mrs. Wingate had no report today.

Promotional Grant: Orchard Free Days – \$310.00 Orchard Community Club: Becky Moser submitted request. Orchard Free Days are community days where fellowship and gathering with games, swimming, and BBQ. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve promotional grant. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

Promotional Grant: Neligh Chamber of Commerce BBQ \$350.00 – Antelope County Fair. Pork sandwich, chips, and beans Saturday night of the fair. Sara Borer with Neligh Chamber office submitted request. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve promotional grant. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

ARPA Fund Balance – during 2021 America Recovery Plan Act \$1,220,000.00 was awarded to Antelope County to help with COVID relief. During fiscal year 2022-2023 these dollars were expended to a road projects. In the interim approximately \$12,920.34 was accrued as interest and was not expended as this amount was not budgeted to be expended. Currently the Clerk and the Treasurer are requesting the transferring of the revenue balance of the ARPA Fund (2580) to revenue for the general fund. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve the transferring of funds. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried. Later, following a discussion with the Treasurer regarding closing of the Account and Fund. The motion was made by Commissioner Williby, seconded by Commissioner Jacob to transfer and close the account and fund. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

Contractors Pay Application: Dixon Construction, Ashfalls North pay application for \$108,061.03 was presented this is the final payment. Brian McDonald stated there is no need to hold this as the agreement between the landowner (Crumly) and the contractor has nothing to do with the County. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve and authorize Chairman to sign. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

Certificate of Substantial Completion: Dixon Construction Co, Ashfalls North. Date of Substantial Completion: July 19, 2023. Brian McDonald, Highway Superintendent approved completion. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve and authorize Chairman to sign. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

9:31 AM Public Hearing: Motion by Commissioner Williby, seconded by Commissioner Heithoff to open public hearing. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried. Chairman states the reason for the hearing is to consider vacating 858th Road between 521st and 522nd Avenue. Brian McDonald, Highway Superintendent introduces the report: This is essentially to consider whether or not to vacate a public roadway. The roadway is currently open to the public. The road study showed the road is open and currently being used. This is the hearing for the public to voice why or not they want to close the road. Commissioner – Chairman – Henery asked for people opposed to testify. Matt Klabenos appearing by phone spoke in opposition because they utilize the road and recently worked with Elkhorn Rural Public Power District to clear trees and brush along this route to alleviate any line interruption. Chairman asked two (2) more times for opposition testimony. 9:39 AM Chairman asked for testimony in favor of Road Closure.

Phyllis Perdew testified the road has been closed. She stated the road has recently been opened for side-by-side traffic. She has problems with deer hunters along that road shooting deer on her land. She has cattle in her yard, and feels the hunters have been a threat to her livestock.

Chairman asked two (2) more times for favorable testimony.

Chairman asked for neutral testimony.

Highway Superintendent said at this time we can close the hearing and you can make a decision.

9:41 AM Motion by Commissioner Heithoff, seconded by Commissioner Jacob to close public hearing. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

Mr. McDonald then says: You have got two (2) options: you can vote to keep the road as it is and keep as a public road, or you can vote to close the roadway. If you do that you have to decide what happens to the right of way. You close the road and maintain the right of way, or you close the road and relinquish the right of way. Discussion. Motion by **Commissioner Williby, seconded by Commissioner Heithoff to keep road open**. Voting aye: Jacob, Williby, Heithoff, and Henery. Nays none. Krebs absent. Motion carried.

Highway Superintendent, Brian McDonald met with the Board. regarding the One- and Six- Year Road Plan/Program. He presented last years plan and map. Essentially, this is done to continue receiving funding from the State/Federal. The Board can add projects any time. Roger Synovec had requested hard surfacing of 865th Road in front of his house. This was hard surfaced, and he wants it paved. The Road Superintendent and Commissioners did not think this project needed to be added as they probably won't be paving this road, as it was part of the maintenance program. He states JEO will be working on the **fracture critical bridges** in Antelope County this month.

Distress Warrants: Deb Branstiter, Antelope County Treasurer met with the Commissioners regarding her return of distress warrants report in follow-up of Sheriff Moore's report last month. Mrs. Branstiter agrees with the report from Sheriff Moore and requests the striking of the balance of \$15.82 as this amount is minimal and she believes the 'owners' to be out of state. Striking the uncollected items means they will still be collectible but will not be in the lineup of research in 2023-2024 list of uncollected. Motion by Commissioner Heithoff, seconded by Commissioner Williby to approve and strike the balance of uncollected taxes. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion passed.

Water issues around foundation of Antelope County Courthouse: Leigh Kluthe, Antelope County Road and Bridge Foreman was asked by the Antelope County Commissioners to assess the issues of water leaking into the courthouse in multiple locations. Discussion on various options, and fixes. Mr. Kluthe believes the utilization of dirt to redirect the water flow during rains and water flow is the most complete answer. The Commissioners discussed utilizing the Sheriff and inmates in conjunction with the mowing of the Courthouse grounds to add dirt and molding of same to help flow water away from the structures. Sheriff Moore agreed to help and utilize inmate help as needed.

Edging of sidewalks around the grounds. Sheriff Moore will work with local vendors to obtain an edger and edge courthouse grounds.

Road Superintendent Report:

- **Oversized Permit:** Permit submitted by Jeff Holt from Wilkerson Crane Rental to mobilize a crane to Tower 118 utilizing 836th Road to 535th Avenue, to 835th Road, to 529th South. Mr. Boggs voiced no opposition. Motion by Commissioner Jacob, seconded by Commissioner Heithoff to approve Oversized Permit as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.
- **Planting in Roadway:** Road Superintendent reports there is a farmer up north who has planted up till the middle of the road. He will be checking with County Attorney on how to proceed as the landowner was warned last year.
- Commissioners inquired as to the **eight (8) mile road** and the **paving** of same. Mr. Boggs replied the weather has not cooperated. They will resume when the weather has straightened.
- No other issues to report.

No other issues to discuss.

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

The meeting adjourned at 10:31 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____

Chairperson of the Board, Charlie Henery

Attest: _____

County Clerk, Lisa Payne