

August 4th, 2020
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 4th, 2020 at 9:01 AM in the Commissioner Meeting Room, 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. The meeting was open to the public and was available by ZOOM.

Chairman Henery opened the meeting at 9:01 AM. Responding to Roll Call: Commissioners Smith, Jacob, Pedersen, Krebs and Henery. Chairman stated 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 Krebs, seconded by Commissioner Pedersen to approve **agenda** as presented. Voting aye: Smith, Pedersen, Jacob, Krebs and Henery. Nays none. Motion carried.

Correspondence was reviewed: Distress Warrant Report from Sheriff, Distress Warrant summation from Treasurer, Past Due Bridge Inspection reminder, 2020-2021 Antelope County Library Contribution guesstimate amounts; NIRMA's Safety Shorts; Local Project Monthly Status Updates – Orchard NE – ER-2605(5) & Tilden North – ER-2580(3); Lewis & Clark Lake Watershed Project Update; email from Jon Cannon regarding Opioid litigation and County participation; NPERS Audit Report – 2 deficiencies; Antelope County Historical Society Summer 2020 Newsletter; State of Nebraska Probation District Seven.

Receipts: \$1,950.00 TransCanada Road & Bridge – Aaron & Casey work on Access & underground permits; FEMA distribution \$33,664.89 & \$29,339.48 to Disaster 2575.

Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve **Board of Commissioner Minutes for July 14th, 2020**. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion carried.

Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve **Board of Equalization Minutes for July 14th, 2020**. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion carried.

Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve **Board of Commissioner Minutes for July 28th, 2020**. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion carried.

Promotional Grant: Kimberly Young, with Elgin's Young and Lively Group submitted a Promotional Grant request for \$215.00. This request was approved by the Visitors Committee on July 29, 2020. Request is for advertising Treasurers in the park with crafters and direct sales. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve application/payment per recommendation of Visitor Committee. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Promotional Grant: Becky Moser, with Orchard Community Club submitted a Promotional Grant request for \$300.00. This request was approved by the Visitors Committee on July 27, 2020. Request is for advertising Orchard Days – local celebration on July 24-26, 2020. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve application/payment per recommendation of Visitor Committee. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Preliminary Levy Requests: Annually, the subdivisions are to submit a budget request to the Board of Commissioners. Motion by Commissioner Krebs, seconded by Commissioner Smith to accept the preliminary levy request under the County levying authority. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Letter going to Cemetery Road residents was signed, and will be mailed.

9:15 AM County Board of Equalization. Motion by Commissioner Krebs, seconded by Commissioner Jacob to open Board of Equalization. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried. Met for approximately four (4) minutes. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to go out of Board of Equalization and back to regular session. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried. 9:22 AM

Emergency Manager: Casey Dittrich is the only application received for this position. He confirmed he was still interested if it was an hourly position. There is training and how much is required for position. Discussion of paying hired applicant during training. Discussion of skill and qualifications. Applicant was interested in getting Board input regarding training opportunities if hired for position. It was presented as an hourly wage when the applicant is appointed. Motion by Commissioner Jacob to approve the application to appointment of Emergency Manager, seconded by Commissioner Pedersen. Hourly wage was discussed at no less than \$20.00. Commissioner Smith voiced how does a person get relieved of their duties if they are appointed? At this time, Mr. Dittrich withdraws his application. Commissioner Smith thanked Mr. Dittrich for withdrawing. Commissioner Henery stated he did not want to be Emergency Manager as he had stated in the meeting of the previous Emergency Manager resignation. With the withdrawing of Mr. Dittrich, Commissioner Jacob and Commissioner Pedersen rescinds their motions.

Zoning Administrators Report: Mrs. Doerr shared her monthly Zoning Permit Report. No other report.

Zoning Permit Report was reviewed and put on file.

Distress Warrants: Sheriff's Annual Report of Distress Warrant collection was presented and put on file.

Distress Warrants: County Treasurer, Deb Branstiter met with the Commissioners to present the report of distress warrant status. The report shared shows a total of \$21,482.24 collected, and a remaining outstanding balance of \$3,366.65. There is a parcel currently in receivership – which is not completely understood. County Attorney is knowledgeable of same. Treasurers report is reported as principal.

Budget: An expenditure report and revenue report of current budget figures was shared with the Commissioner last Friday. These reports show the expenditures discussed during last week’s budget expenditure meeting last week. There was little change – if any – from the discussion last week. With the two balanced, as of right now there is a difference of approximately \$35,000.00 more in tax asking. The budget documents have not been completely utilized at this time. The District Judge Costs Function there are no expenditure during the 2019-2020, it was explained the code for this expenditure had actually been taken out of Miscellaneous General. Road and Bridge has an expenditure of \$400,000.00 in machine and equipment, no discussion has taken place about equipment will be purchased.

5-minute break

Asphalt Patching Project Bids: Brian McDonald is here for bid opening. Two bids are received.

Ten Point Construction: Representative KR Buck in attendance. \$576,400 bid for concrete alternative repairs, and \$477,740.00 concrete repairs, start date September 8th, 2020. Includes all of the patching areas in the bids. These areas were measured by Road Superintendent and are site specific inclusive. There may be some additional changes as time produces damage etc. **A&R Construction** bid only asphalt repair at \$823,820.00, with a November 20th start date. Brian McDonald will review numbers this week, after numbers are reviewed, we can award bids next week. Ten Point is apparent lower bid, and he would recommend asphalt after he looked at all of the areas listed – he has personally visualized all areas.

KXL Land Owner Concerns: Art Tanderup and Bob Krutz met with the Commissioners regarding concerns of the TransCanada pipeline project. Art shared an article and a list of oil spills. They discussed where the project is through the court system and other aspects of the total project. He voiced some concerns of the project and pipeline employees along the line and staying in ‘man camps.’ No action. Liz Doerr, Zoning Administrator, provided an article on floodplain management regarding the obligations of local government on pipeline guidelines.

Road Superintendent Report:

- **Access Permit** was submitted by James Thiele for access to a field in the NW¼ 36-26-8. Aaron has signed no issues. Motion by Commissioner Smith, seconded by Commissioner Krebs to approve access permit. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried. All County and State recommendations will be followed.
- **Heavy Haul Permits:** Borsheim Crane Service submitted three (3) Oversize Load Permits for entry of three (3) cranes in the Invenergy Thunderhead project area. They have since removed two (2) cranes. They have worked with Aaron, and Aaron has

approved all. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve all five (5) over size load permits.

- **Truck Bids:** RDO, Norfolk Nebraska, with Bob Sobotka in attendance presented five (5) trucks that would meet the advertised specs. All trucks have 12 Speed Transmissions, tires are at 50% or better, brakes are at least 50% or better, all have passed DOT inspection, and fully serviced.
 - 2015 Mac CSU613 Day Cab, pusher, 482,000 miles, 227” wheel base \$57,000.00, Mac Air Ride Suspension, one owner
 - 2015 Mac CSU613 Day Cab, pusher, 413,000 miles, 227” wheel base \$55,000.00, Mac Air Ride Suspension, one owner
 - 2016 CSU613 227” Wheel base 485,000 miles, \$62,500, Mac Air Ride Suspension – Was brought out to test., one owner
 - 2021 Anthem AM 6042 MPA same transmission, pusher, 227” wheel base, 1000 miles \$117,115.00
 - 2021 MAC GR54FT, 1000 miles, more of a swing transmission \$123,943.00

Mr. Sobotka stated he could look into getting an extended warranty on the used trucks possibly 2y/200,000 miles. He will send quote on extended warranty.

Antelope County Average truck mileage is about 30,000 a year. A motor for our MAC truck that was down has been found and is being repaired. It was discussed whether a truck was needed with the repair in progress. Aaron Boggs, Road Superintendent discussed needing bigger machines to haul the bigger equipment. Wet Kits will have to be added to any purchase made - \$5-6,000.00. It was requested to think about this for next week, and we can evaluate the need and the extended warranty proposal supplied by RDO.

- **Road & Bridge Budget:** increase in budgeted wages. Aaron is hoping to hire a couple of employees at \$35K/year each, increase in Road Superintendent wages, and add merit increase on some employee wages.

Equipment discussed was a truck and/or dump trailer. Discussion of keeping the Grader upgrades rolling. There was a grader paid off in the 2019-2020 fiscal year. Refurbishing of a current machine was discussed estimating \$44,000.00, with a possible two (2) year warranty. Excavator is being leased currently, at least for 3 or 4 months. An increase of product (asphalt, armor coat, cement) cost is included in budget. Discussion if some of the expenditures are double budgeted between the R&B Bond Fund and the Road and Bridge Fund.

- **Review of Road Projects:** Aaron believes he has approximately 6-7 miles of millings between the Clearwater and Oakdale stock piles. Discussion of projects to utilize product.
 - **2 Miles West of Clearwater**
 - **527th Avenue 860th & 861st Road**
 - **Pierce-Neligh Corner**
 - **2 Miles straight north of Brunswick**
 - **865th Road between 531st & 532nd (Golf Course)**
 - **Grove Lake Road – future grind from 520th Avenue to Highway**

Budget: Commissioner Smith asked about Nameplate Capacity Tax revenue does not appear to be in line with last years amount. Antelope County Treasurer relayed the Nameplate Capacity

Tax by Statute is supposed to be paid quarterly, but they have the option to pay in one lump sum. As a caution, she did not want to include the whole payment in case it is not paid in increments. All projects except for Thunderhead is at full assessment this year.

Keystone Pipeline Road Haul Agreement: A current copy of the proposed Road Haul Agreement was distributed along with two (2) maps. The map was explained to be Exhibit A, and the second map showed the Phase 1 project roads part of Exhibit C. They have divided roads into Phase 1 which is projects to start immediately, and future projects will happen during or after construction. The Representatives with Keystone KXL Pipeline met with the Commissioners today to discuss and finalize the Road Use Agreement. The Road Use Agreement has been discussed multiple times throughout this spring. Keystone representatives have been meeting with Antelope County Road Superintendents regarding multiple road improvements they have committed to improve. They have committed these projects in phases, with the first phase to start immediately and to be completed before winter – if weather allows. Aaron reviewed with the Commissioners the projects committed in Phase 1. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to **approve the Road Haul Agreement as presented.** Discussion of various issues regarding Road Haul. Commissioner Smith stated he did not like approving a road haul agreement when there is no time frame on the project. He wondered if the Road Haul Agreements stay in affect indefinitely? TransCanada stated they have all of the permits they need to install the valve by Royal. Voting aye: Commissioners Jacob, Pedersen, and Henery. Nay: Commissioner Krebs, and Smith. Motion passed. More discussion on Road Map and exhibits in Road Haul Agreement. It was discussed and agreed maintenance will start today on the agreed upon Roads Exhibit C-1. *Commissioner Smith stated, 'you are dealing with a company that has the ability to hire and pay for more legal consulting than this entire County if they pooled their money together. So, we need to have the residents of the County, the current residents and the future residents of this County in our mind and protected.* Motion by Commissioner Pedersen, seconded by **Commissioner Krebs** to accept **Map #0802-01-039-52 & #0802-01-039-53 (2 pages) as presented by TransCanada with the Road Haul Agreement today, as Exhibit A.** Voting aye: Pedersen, Krebs, Jacob and Henery. Nays Smith. Motion carried. Discussion continues on clarifications on Phase 1 Construction Projects. *Commissioner Smith states, "the point I would like to make here, Art or somebody with Keystone can answer this probably. This project has been proposed for how many years?" (Somebody answers 10). 'So, depending on what happens in the future and so on, this has went on for 10 years, it could go on for another 10 years. So, what we have just done, we have an open ended Road Use Agreement that will go on for 10 years, until the project is done. Follow the next generation of Commissioners, will inherit it. Everyone will inherit it if it goes for 10 years. It may go for 15 months, everything is closed up and they are out of the County and it is done. But we have a past history that it has taken 10 years. So, we approved a Road Use Agreement that could go for any length of time, but there is a chance... ..yeah, I am not comfortable with that. I appreciate the improvements of the roads, if they want to do that on their dime, that is a fantastic thing. I think that is great, but I guess I have to think about. I don't know I am having trouble wrapping my head around that one."* Motion by Commissioner Krebs, seconded by Commissioner Jacob to **accept as Exhibit A1, Map #0802-01-053-01 & 0802-01-053-02 (2 pages) to Modify enforcement through Phase 1 of construction.** Voting aye: Pedersen, Krebs, Jacob and Henery. Nays Smith. Motion carried. Discussion continues on public

roads – all County Roads are public and we cannot limit traffic on same. More discussion.
Motion by Commissioner Pedersen, seconded by Commissioner Jacob, to ‘**Authorize Road Superintendent to act on Antelope County’s behalf to work with TransCanada on modifications to the Road Use Agreement, which would include, but not limited to, enter and exit portions of the Road Use Agreement, and negotiate start dates and end dates for construction projects, to negotiate contracts for road maintenance on County Roads within the Road Use Agreement and product issues or changes.**’ Voting aye: Pedersen, Jacob and Henery. Nays: Krebs and Smith. Motion passed.

No other issues to discuss.

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

Meeting adjourned at 1:47 PM.
BOARD OF COMMISSIONERS

ANTELOPE COUNTY

By: _____

Chairman of the Board,

Charlie Henery

Attest: _____

County Clerk, Lisa
Payne