

August 6<sup>th</sup>, 2019  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session for budget discussion on Tuesday, August 6<sup>th</sup>, 2019 at 9:00 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 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.

Vice Chairman Smith opened the meeting at 9:00 AM. Responding to Roll Call: Commissioners Henery, Smith, Jacob, Bentley. Commissioner Borer absent. 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 Henery, seconded by Commissioner Bentley to approve agenda as submitted. Voting aye: Jacob, Henery, Bentley and Smith. Borer absent. Nays none. Motion carried.

**Minutes of the July 23<sup>rd</sup>, 2019 Board of Commissioner Minutes:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve minutes as presented Voting aye: Jacob, Henery, Bentley and Smith. Borer absent. Nays none. Motion carried.

**Minutes of the July 23<sup>rd</sup>, 2019 Board of Equalization Minutes:** Motion by Commissioner Bentley, seconded by Commissioner Jacob to approve minutes as presented Voting aye: Jacob, Henery, Bentley and Smith. Borer absent. Nays none. Motion carried.

**Correspondence:** NE NACO meeting Friday, September 20<sup>th</sup>, 2019; Upper Elkhorn Watershed on hold project update; Past Due Bridge Inspection Reminder; NIRMA letter regarding Notice of Withdrawal of Dakota County Public Safety Service Agency; Lower Platte North NRD Hazard Mitigation Plan Update; Clerk of the District Court July Fee Report was presented; Zoning July Permit Report was presented; August NIRMA Safety Shorts; NACO email from Larry Dix regarding Open Meetings Act; Jail Standards letter stating the Antelope County Law Enforcement Facility is in full compliance; letter from Terry L. Jessen regarding a resolution to be passed regarding placing an issue on the 2020 ballot regarding tax relief; Woods & Aitken letter regarding investigation; Nebraska DEQ letter regarding approval to Operate LWCF – Phases Ib, Ic and IV.

**Clerk of the District Court July Fee Report** was reviewed and put on file.

**Distress Warrants:** 2018 Personal Property Distress Warrants were presented by the Antelope County Sheriff to show collections. Initially the total was \$14,240.14 uncollected taxes. To date there is \$1,674.86 uncollected representing three (3) parcels remaining uncollected, out of the initial 28. By statute these are to be presented on or before August 1. All were timely filed and presented.

**Distress Warrant Verification:** By statute on or before October 1, the County Treasurer must give a verification report of the uncollected Personal Property Distress Warrants. This report was presented to accompany the Sheriff collection list. All were timely filed and presented.

Regina Krebs, met with the Commissioners regarding the **Subdivision Levy Allocation**. By Statute, the subdivisions including the Airport Authority, Ag Society, and the Rural Fire Districts have to have a budget request submitted to the County Board by August 1<sup>st</sup>. The Board then decides if the subdivisions can be under the County levy. Since the county levy is at approximately \$0.21 there is room to leave these subdivisions under the county levy. As in the last couple of years, the Fire Districts are requesting \$0.02, Ag Society at \$0.005 (half-cent), and the Airport Authority at a quarter of one cent. Motion by Commissioner Henery, seconded by Commissioner Bentley to approve the Sub-divisions asking under the county levy. Voting aye: Jacob, Henery, Bentley and Smith. Borer absent. Nays none. Motion carried. Motion by Commissioner Bentley, seconded by Commissioner Henery to write a resolution approving same for subdivisions. Voting aye: Jacob, Henery, Bentley and Smith. Borer absent. Nays none. Motion carried.

**Zoning Administrator Report:** Liz met with the Commissioners and had a short report. She submitted her permit report. Fischer Ten North Cattle – is not approved on permit because it is being worked through the process. Planning Commission meeting is on the 13<sup>th</sup> of August. Variance Board is scheduled for the 20<sup>th</sup> of August.

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

Commissioner Smith brought in a flyer for a **Road Groom**. This piece of equipment was discussed during the meeting on July 23, 2019 it is a piece of equipment that works with the windrow left behind while grading. Casey has stated he wanted to see the 11-foot equipment in action before making any decision. There are four (4) sizes, the 11-foot being the recommended machine, as the 13-foot equipment almost becomes too wide. This is something that can be pulled behind a dump truck, or dually pickup. Commissioner Smith would recommend purchasing one to rove the county. Casey was not available during discussion.

**9:38 – 9:41 AM** Commissioner Henery left the room to talk to County Attorney.

**9:45 AM Keystone XL Landowner Update:** Art Tanderup, landowner in Keystone XL pipeline route, met with the Commissioners regarding some questions he proposed to be considered with the pipeline route. He discussed the road haul agreement and the length of same, along with other questions as: has the pipeline company taken out liability insurance, emergency spill procedures been shared with first responders, MSDS shared with the county for all fluid flowing through the pipeline, zoning requirements, permits for pipeline from the 'Board.' Discussion of the Zoning Regulations and Antelope County's possession of same. Mr. Tanderup stated he did not feel the landowners in Nebraska had due process on the layout of the route. Mr. Tanderup also stated there are a number of loopholes in the current TransCanada Permits, and he felt the actual line is a couple years out, if they are awarded such permits. Discussion of various issues arising along the route and various other county actions. Liz Doerr, Zoning Administrator will check what kind of regulations are available. Joe Ablor, Antelope County Attorney, suggested the Commissioners form a committee to investigate what kind of stuff needs to be regulated. Commissioners Smith and Bentley both volunteered their participation on the Committee.

**Poor Farm Bridge Bid Discussion:** Brian McDonald, Highway Superintendent met with the Commissioners in follow-up of bid opening on the 23<sup>rd</sup> of July. Brian explained the west abutment has shifted. Essentially, a dead man on the west side and pulling it back should

shore up the west side. The excavation on the first abutment may take some negotiation. The numbers on the bid are fine. There will be a change order for the second dead man and the work associated with that, Brian did not think it will change the timeline much, possibly a day or two. Thiesen was the only bid, and it was accepted, bending review and additional work.

**EWP – Emergency Watershed Projects:** Brian McDonald handed out a list with a map of the six (6) bridge projects. There were eight bridges submitted for help with mitigation process of which two (2) did not qualify: Koinzan Road and Poor Farm Bridge. Koinzan project did not meet the requirements because it runs perpendicular to the river channel; the Poor Farm Bridge – for prior structure damage. The program is for erosion protection, and preventing future infrastructure lost. Of the six accepted the total estimated repair cost is at \$399,178.61, of which Antelope County portion would be \$99,794.65 – NRCS would be responsible for \$299,383.96. These projects can be fixed with rocks, etc. NRCS has a nationwide permit through the CORPS, so the permit is covered.

Projects:

- 438: 848<sup>th</sup> Road: Channel has moved to the west. We will come in and RipRap along the west abutment.
- 439: 848.5 Road: (Thiele Dairy) Channel has cut to the north and cut out the abutment. We are getting quotes on putting the two (2) wings back. The RipRap portion will be EWP funding, bridge repair will be a FEMA cost. This is a sandbag stream, if we don't repair it, we will have to deal with a bunch of wetland delineations/impacts.
- 441: 516<sup>th</sup> Avenue (Bridge north of Clearwater) There is a big bow of the NW quarter of that bridge. They are going to let us silt in approximately 600-700 feet of us dumping Riprap along there. The county will have to buy right of way to do this.
- 442: 513<sup>th</sup> Avenue: Contract had been let, we are trying to get FEMA mitigation fund. It was under construction at the time. Brian recommends not taking this one. (1:37:17)
- 443: 516<sup>th</sup> Avenue (Weinrich Bridge) North Abutment, channel scoured out the abutment. We will try to get the channel back to the south some and basically protect the north abutment. We will have a big wing to put in there.
- 444: Knox County Line Bridge: channel has cut a big diversion to the east, making it almost 90 degrees back to the bridge. It washed out the edge of the bridge as well. This will be a split with Knox County – sponsor reimbursement will be shared.

These will be presented next week for acceptance. After acceptance, permit agreement with NRCS and an Interlocal Agreement with Knox County would be the next step. The funding for the actual bridge fixing will be submitted to FEMA. Once the agreement is in place, it is a pretty fast pace, but the construction has to be done in conjunction. Brian has talked with NRCS regarding availability of contractors and products when the projects are actually accepted.

#### **Road Superintendent Report:**

- Commissioner Smith asked about Crumley property access. There is no update today. Brian is working on a plan temporary project. They are trying to work on building it back up and getting the curve correct. There is a damaged truss bridge there, the plan is to take the money it cost to repair the bridge, decommission the bridge, and use that money to build a road north of the bridge. On the 26<sup>th</sup> of August Casey and Brian has a meeting with FEMA, they will have engineers out there, and we will pitch the alternate project to them. We need their approval before we make a permanent plan. Originally, we established a plan for a rough idea and Brian laid out a road that would meet minimum standards. Mr. Crumley, did not like where that was at, and wanted it closer to the original road. The change is 90% workable, but there is a curve that is causing an issue. He continues to work with Casey and the land owner on establishing a temporary plan. We are providing a driveway now. We are working on better access to fields.
- Curt Thiele called Casey regarding getting some repairs done between the Highway on the east side of Clearwater on the River Bridge. Assessor records indicate that Clearwater owns the road, including east side ROW all the way to the north side of Frenchtown Road. The County has maintained that forever including oil and filling holes. There are some bad holes there. Is Antelope County going to overlay and repair that? This stretch needs some major repairs. The plan is to overlay 516<sup>th</sup> Avenue south of Clearwater, it is also owned by Clearwater. (grinding of ZigZag road can start anytime – those millings are going to 516<sup>th</sup> Avenue) Totally, it is at three-quarter of a mile, long quarter to south, short mile to the north. The question is: should Clearwater be responsible for their share of repairs to the stretches owned by the Village of Clearwater.
- Casey mentioned the County used to help the city/villages by providing a patching, operator, and \$500-\$1000 worth of material for a day. He felt this is something we could do, and work with the towns to provide that service. It will be on the 13<sup>th</sup> of August agenda for discussion/motion.
- Commissioner Smith stated Curt Mitteis asked about grading a couple of gravel streets in Orchard. Mr. Mitteis, has asked Casey about making a windrow to. Mr. Mitteis also asked Commissioner Smith if we could at least have the County grader grade that gravel like they have done, then Orchard could reimburse the County. It was discussed, the Road and Bridge employees were told not to maintain, grade etc. unless they were Antelope County roads during the discussion of removing snow from private enterprise. Casey asked about utilizing County equipment for making wind rows etc, and who designates when and how?
- **Underground permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for underground fiber optic line permit submitted by Great Plains Communication, to place a permanent phone line under 512<sup>th</sup> Avenue between Sections 8 & 9 Township 26, Range 8 West and 857<sup>th</sup> Road between Sections 5 & 8 Township 26, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. For the purpose of bringing fiber optic broadband to rural customers. Access is along a gravel road. Road Superintendent asked – to bore all structures and intersections at a minimum of 5-foot depth. Voting aye: Henery, Jacob, Bentley, and Smith. Borer absent. Nays none. Motion carried. All work to be done according to County and State specs.
- **Underground permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for underground fiber optic line permit submitted by Great Plains Communication, to place a permanent phone line under 857<sup>th</sup> Road between Sections 6 & 7 Township 26, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. For the purpose of bringing fiber optic broadband to rural customers. Access is along a gravel road. Road Superintendent asked – to bore all structures and intersections at a minimum of 5-foot depth. Voting aye: Henery, Jacob, Bentley, and Smith. Borer absent. Nays none. Motion carried. All work to be done according to County and State specs.

**Road Groomer.** Holt County currently has the Groomer. Casey said he would prefer the 11-foot piece, and he would like to see it in action. Casey will try to make time to go visualize it this week.

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

Meeting adjourned at 11:23 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Vice-Chairman of the Board, Dean Smith

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