

August 6<sup>th</sup>, 2024  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Clerk was arranging Zoom connection for Board Member, Regina Krebs.

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 6<sup>th</sup>, 2024, at 9:03 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. The meeting was called to order by Board Chairperson, Charlie Henery with the following board members in attendance: Jacob, Dittrich, and Henery. Krebs and Williby absent. Chairman 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. The agenda for said meeting was sent to all members of the County Board of Commissioners.

Pledge of Allegiance was recited.

**Agenda:** Motion by Commissioner Dittrich seconded by Commissioner Jacob to approve agenda as presented. Voting aye: Jacob, Dittrich, and Henery. Williby and Krebs were absent. Nays none. Motion carried.  
Removed from agenda: Paving/Asphalt/Repairs Courthouse Parking Lot; Matt & Tracy Booth Administrative Plat; Agreement-County Attorney; Inmate Housing Costs-Fees.

**Minutes: Minutes of the July 9<sup>th</sup>, 2024, Board of Commissioner Meeting:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the July 9<sup>th</sup>, 2024, Board of Commissioner Meeting as presented. Voting aye: Jacob, Dittrich and Henery. Nays none. Williby and Krebs were absent. Motion carried.

**Minutes: Minutes of the July 9<sup>th</sup>, 2024, Board of Equalization Meeting:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the July 9<sup>th</sup>, 2024, Board of Equalization Meeting as presented. Voting aye: Jacob, Dittrich and Henery. Nays none. Williby and Krebs were absent. Motion carried.

**9:05 AM:** Public Comment. Chairman called for public comment. Called again for public comment. No response.

**Correspondence was Reviewed:** Imprest Pledge Collateral; Nebraska Extension in Antelope County information; Copies of Subdivision Levy Resolution, and Heating and Cooling Contract; State of Nebraska Probation District Seven annual report and budget; Highway Superintendent annual certification of program compliance and resolution; Resolution copies from 1994 regarding closure of the road north of Section 34, Township 28, Range 8, West of the 6<sup>th</sup> PM, Antelope County, NE; copy of Pay Application to A&R Construction for \$129,189.33; Antelope County Treasurer report of Personal Property Distress Warrants; Lewis and Clark Lake Watershed project update; Tessa Hain's resignation from Extension Office; Invenergy Burger & Brats Dinner and donation presentation; livestock wasted control regulations – Aaron Rice; Veteran's Service Committee minutes and budget documents; Knox County Public Hearing notice regarding Bloomfield Airport Authority zoning change; Battle Creek aeronautical study results postcard; Clearwater Volunteer Fire Department Annual BBQ; Nebraska Jail Standards Annual Review – compliance review.

**The Clerk of the District Miscellaneous Fee/Revenue Report** for July was reviewed and put on file.

**The Treasurer's Sweep Account Statement** for July was reviewed and put on file.

**The Treasurer's Fund Balance Report** for July was reviewed and put on file

**The Treasurer's Miscellaneous Revenue Report** for July was reviewed and put on file.

**Receipts:** \$47.46 VSP reimbursement – General  
\$325.55 Alter Metal Recycling – surplus metal – Road & Bridge  
\$424.58 Alter Metal Recycling – surplus metal – Road & Bridge  
\$654.00 Roadrunner Iron & Metal – surplus metal – Road & Bridge

**Interlocal Agreement-Solid Waste Management Agreement.** Antelope County has been working with the Solid Waste Coalition to secure and obtain the ability of outside waste management companies to pick up trash and debris in Antelope County. This process started early this spring. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve interlocal agreement as written. Voting aye: Dittrich, Jacob, and Henery. Nays none. Commissioners Krebs and Williby were absent. Motion passed.

**THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT**  
**SOLID WASTE MANAGEMENT**  
**NORTHEAST NEBRASKA SOLID WASTE COALITION**  
ADOPTED October 1, 2023

**THIS THIRD AMENDED AND RESTATED AGREEMENT ("Third Amended Agreement") is made and entered into by and among the undersigned political subdivisions comprising the membership of the Northeast Nebraska Solid Waste Coalition ("Coalition"), listed on Exhibit "A" herein, whose governing bodies approved by resolution the Amended Agreement on or before October 1, 2023, in the interest of the members of the Coalition that this Third Amended Agreement shall supersede all prior agreements.**

**WITNESSETH**

WHEREAS, the undersigned political subdivisions have previously affiliated as members of the Coalition and intend to remain members of the Coalition;

WHEREAS, the members of the Coalition have found it necessary to amend the existing interlocal agreement to provide a mechanism for utilization in allowing additional political subdivisions to join the Coalition together with a need to amend certain provisions of the previously executed interlocal agreement;

WHEREAS, the members of the Coalition have executed a joint document which describes the amended agreement of the parties and therefore all prior iterations of the interlocal agreement of the Coalition are superseded by this Third Amended Agreement;

WHEREAS, the members of the Coalition for their common good and desire of protecting the Third Amended Agreement by Resolution and upon the execution of this Amended Agreement, including any addendum, amendment or modification thereto, the political subdivisions participating in membership shall become a member of the Coalition; and the parties to this Amended Agreement shall be bound by the terms of the Amended Agreement from time to time. Until such time as an equalized becomes a member, the applicant is subject to non-member rates, or denial of the use of the Facility;

WHEREAS, the members of the Coalition are in agreement for their joint and mutual benefit and to avoid any unnecessary interference with or liability for environmental clean-up as a result of hazardous material contamination to ground water and/or other segments of the environment, as well as any good closure rates or liability for the same, that any solid waste disposal facility or landfill created, built, and operated as provided herein shall exempt only solid wastes from the terms and conditions as approved by the Board of Directors of the Coalition ("Board"), subject to the terms and conditions set forth herein and the By-Laws of the Facility;

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions hereinafter set forth, the members of the Coalition being parties hereto agree as follows:

- The purpose of the Coalition is to build, maintain, and operate a solid waste disposal, recycling, and education facility for the citizens who are contributors of the parties hereto and for certain types of wastes from parties hereto who associate with the Coalition may withdraw from the Coalition as set forth in Paragraph 14 of this Third Amended Agreement, and to its extent such withdrawing party be released of liabilities of the Coalition incurred prior to such withdrawing party's notice of withdrawal;
- The parties hereto agree pursuant to the provisions of this Act, that the Coalition shall function as a local subdivision of government for the purposes of solid waste management, recycling, and disposal, and as a nonprofit agency, which shall be empowered to make all financial and policy decisions affecting the Coalition for which it is a successful agency;
- Additional political subdivisions or entities may wish to become parties to this Third Amended Agreement and added as members to the Coalition upon providing to the Chairperson of the Board a letter of application which shall be considered by the Board at the next regular or special Board meeting. The application must identify the solid waste management services to be provided, and identify which, if any, transfer station the applicant intends to utilize, and/or any private haulers that serve the applicant. Upon receiving the approval of members (75%) of the Directors and upon the governing body of the political subdivision applying for membership authorizing the execution of this Third Amended Agreement by Resolution and upon the execution of this Third Amended Agreement, including any addendum, amendment or modification thereto, the political subdivision applying for membership shall become a member of the Coalition; and the parties to this Amended Agreement shall be bound by the terms of the Amended Agreement from time to time. Until such time as an equalized becomes a member, the applicant is subject to non-member rates, or denial of the use of the Facility;
- The parties hereto are hereby authorized and encouraged to establish by separate interlocal agreement relationships with other parties hereto to provide for the most economically feasible location and development of their own transfer stations, including but not limited to transfer station consolidation, solid waste operation and maintenance, and related capital and operating revenue costs required to transport their waste to the solid waste disposal facility, whether by the political subdivision(s) involved, or through private haulers that serve the parties;
- Subject to Paragraph 17, the Coalition shall continue in existence and operation for the active life of the Facility and post-closure; it is the intent of the parties that the Coalition shall terminate on or as soon as practicable after the post-closure timeframe established by the rules of the Nebraska Department of Environment and Energy ("NDEE") or its successor agency;
- The Coalition shall be governed by the Board, which shall be made up of representatives as set forth herein. Said Director shall be appointed by Resolution of the applicable governing body, and each such applicable governing body may name an alternate person to do and vote in the absence of the governing body's alternate representative. The Coalition shall have, through the exercise of a majority vote of its Board, those responsibilities and powers set forth in this Act, as well as the power to enter into service agreements pursuant to Neb. Rev. Stat. §§ 13-800, et seq., and the power to enter into service agreements pursuant to Neb. Rev. Stat. §§ 13-1024.
- Provisions and responsibilities of the Board shall include, but not be limited to the following:
  - Set budgets and rates ("user fees") and to provide for a system of budgeting, accounting, auditing and reporting of all Coalition funds and transactions, for a deputy, and for the bonding of employees and officers or the provision of equivalent insurance coverage provided by the Coalition;
  - Establish solid waste disposal facility use rules and regulations for the Coalition facility, including those prohibiting various types of wastes;
  - Establish goals and/or mandates regarding waste reduction, reuse, and recycling;
  - Contract for the design, development, construction, operation, and maintenance of a publicly owned solid waste disposal facility with public or private entities as allowed by Nebraska law;
  - Manage and review solid waste disposal facility operations;
- Organize efforts to keep the general public informed of desired solid waste facility operations and procedures, and making the public aware of potential problems and concerns;
- Address questions and concerns of the general public;
- Make application for any permits or licenses required by regulating agencies;
- Site that the solid waste disposal facility operating personnel are kept abreast of latest developments and concerns regarding the solid waste disposal facility;
- Employ such personnel as are needed to carry out the objectives of the Coalition and to provide for their compensation, benefits, enact personnel rules and regulations, and terminate their employment;
- Adopt By-Laws regarding the organization and operation of the Coalition;
- Make application for and receive grants related to the solid waste management purposes for which the Coalition was formed;
- Borrow funds as necessary;
- To contract with and compensate consultants for professional services including, but not limited to, architects, engineers, planners, lawyers, accountants, rate specialists, and others found necessary or useful and convenient to the stated purposes of the Coalition;
- To sue and be sued;
- To purchase, lease, develop, construct, equip, maintain, and improve facilities and systems for use in solid waste management and lease or acquire land in fee by gift, grant, purchase or condemnation, as necessary for the construction and operation of such a facility or system;
- To acquire, hold, use and dispose of the reserves derived from the operation of solid waste management facilities and systems and other moneys of the Coalition;
- To acquire, hold, use and dispose of other personal property for the purposes of the Coalition; and
- Manage and review solid waste disposal facility operations;

(F) Organize efforts to keep the general public informed of desired solid waste facility operations and procedures, and making the public aware of potential problems and concerns;

(G) Address questions and concerns of the general public;

(H) Make application for any permits or licenses required by regulating agencies;

(I) Site that the solid waste disposal facility operating personnel are kept abreast of latest developments and concerns regarding the solid waste disposal facility;

(J) Employ such personnel as are needed to carry out the objectives of the Coalition and to provide for their compensation, benefits, enact personnel rules and regulations, and terminate their employment;

(K) Adopt By-Laws regarding the organization and operation of the Coalition;

(L) Make application for and receive grants related to the solid waste management purposes for which the Coalition was formed;

(M) Borrow funds as necessary;

(N) To contract with and compensate consultants for professional services including, but not limited to, architects, engineers, planners, lawyers, accountants, rate specialists, and others found necessary or useful and convenient to the stated purposes of the Coalition;

(O) To sue and be sued;

(P) To purchase, lease, develop, construct, equip, maintain, and improve facilities and systems for use in solid waste management and lease or acquire land in fee by gift, grant, purchase or condemnation, as necessary for the construction and operation of such a facility or system;

(Q) To acquire, hold, use and dispose of the reserves derived from the operation of solid waste management facilities and systems and other moneys of the Coalition;

(R) To acquire, hold, use and dispose of other personal property for the purposes of the Coalition; and

(S) To make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the Coalition;

(T) The Coalition shall be funded by the revenues derived from the rates ("user fees") set by the Board for solid waste disposed at Coalition facilities in accordance with the provisions set forth by the Board. NO PROPERTY TAX SHALL BE LEVIED FOR ANY COST RELATED TO THE CREATION, BUILDING, OR OPERATION OF THE SOLID WASTE DISPOSAL FACILITY provided, however that (1) in the event that funds derived from "user fees" are insufficient to service debt of the Coalition, then and in that event the individual members of the Coalition shall be assessed (which assessment may be provided for in any service agreement with each such member) on a per-capita basis on the basis of the entire population served by the members of the Coalition as determined by the most recent decennial census which assessment shall be paid by revenues derived from local property taxes or other local revenue sources; and (2) in the event of a request from the Board for the members' assistance in meeting state or federal financial assurance requirements of Coalition for closure, post-closure care or for corrective action, then and in that event the members shall participate in the Local Government Financial Test, the Local Government Guarantee, a State-Approved Mechanism, or in any combination of these financial assurance mechanisms as requested by the Board, on a per-capita basis on the basis of the entire population of the members of the Coalition as determined by the most recent decennial census. The rates charged by the Coalition shall be uniform for all members for disposal costs at the path of land facility based on the tonnage or volume of waste. Rates charged by the parties hereto to their constituents for collection and transfer to the solid waste disposal facility shall be the function and responsibility of each of the said parties hereto. The Coalition is hereby empowered and authorized to establish classes of user fees for the following:

- Members that send qualifying waste directly to the Facility;
- Member transfer stations that send waste to the Facility;
- Non-member transfer stations that send waste to the Facility;
- Non-transfer station and non-qualifying waste to Facility;
- City of Clarkston;
- Minimum charges;
- Landsfill Inspection Fee;
- Administrative Fee;
- Equipment Use Fee or special waste fee; and

care and any required corrective action has been completed. In the event any party hereto desires to withdraw from this Third Amended Agreement, said party shall forfeit any future opportunity for self-insurance premium payments or any financial benefits that shall remain in effect for any period of time that such party shall be a member of the Coalition. Any member seeking to withdraw from the membership in the Coalition shall be deemed to have agreed to the resolution of the members governing body approving withdrawal. The withdrawal shall be effective upon such filing.

15. Any solid or post-closure self-funded insurance funds shall be redemitted to the parties hereto at the time of such refund on a per-capita basis using the most recent decennial census weighted by Coalition membership years.

16. Any party to this Third Amended Agreement shall have the right to conduct an inspection of the solid waste disposal facility with not less than one (1) day's advance written notice to the Chairperson of the Board.

17. The Coalition may be dissolved only by the adoption of resolutions approving such action by the governing body of each member, provided that the Coalition may be dissolved only if all outstanding debts, notes, service agreements or other contractual or regulatory obligations and legal claims shall have been satisfied in full. Upon dissolution of the Coalition, each member shall become the owner of a fractional undivided interest in all remaining assets of the Coalition. Each member's undivided fractional interest in such assets shall be determined in accordance with that fraction which is produced, based upon the most recent decennial census, by dividing the population of each member by the entire population of all members of the Coalition, including the member by the entire population or not, owned by the Coalition shall be held in the name of the Coalition. All conveyances of real property owned or held in the name of the Coalition shall be authorized by resolution of the Board and executed by the Chairperson or Vice Chairperson of the Coalition.


18. Each party to this Third Amended Agreement shall execute duplicate copies of this Third Amended Agreement and provide one executed copy to the Board. The parties agree that the separately executed copies of this Third Amended Agreement shall constitute the Interlocal Agreement of the Coalition, shall be given full force and effect, and shall supersede all prior iterations of the Coalition's Interlocal Agreement.

19. Each member shall provide to the Coalition a certified copy of the resolution of the governing body of the member approving this Third Amended Agreement and a certified copy of the resolution approving said member representative to the board of directors, said resolutions being effective upon their filing with the Coalition.

21. This Third Amended Agreement may be amended upon approving resolutions adopted by the governing bodies of any percent (70%) of the participating members upon the most recent decennial census, if the members at the time of the proposed amendment. A certified copy of each approving resolution shall be submitted to and kept on file with the Board.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing Third Amended Agreement in duplicate this 6<sup>th</sup> day of August, 2024.

COUNTY OF ANTELPE  
STATE OF NEBRASKA,  
Municipal Corporation,

ATTEST:  
  
Chairperson of the Board

MEMBERS OF THE  
NORTHEAST NEBRASKA SOLID WASTE COALITION

- City of Battle Creek, Nebraska
- Burt County, Nebraska
- City of Columbus, Nebraska
- Village of Craig, Nebraska
- Village of Creston, Nebraska
- Dodge County, Nebraska
- Village of Duncan, Nebraska
- City of Fremont, Nebraska
- City of Hooper, Nebraska
- Village of Hoskins, Nebraska
- Village of Ingwood, Nebraska
- City of Madison, Nebraska
- Madison County, Nebraska
- Village of Meadow Grove, Nebraska
- Village of Nickerson, Nebraska
- City of Norfolk, Nebraska
- City of Oakland, Nebraska
- Village of Platte, Nebraska
- Platte County, Nebraska
- Village of Silver Creek, Nebraska
- City of Stanton, Nebraska
- Stanton County, Nebraska
- Village of Union, Nebraska
- Village of Winlow, Nebraska

NON-VOTING REPRESENTATIVE AND ALTERNATE CONTACT INFORMATION

Antelope County

Members: City of Norfolk, NE 78th Street, Norfolk, NE 68701 or Madison County

(Nebraska, if your entity has a non-representative or alternate, I need a certified copy of the resolution approving them.) Date: 6/18/2024

COALITION ENTITY: Antelope County

Representative: Carol Dittrich

Mailing Address: 501 M Street PO Box 24

Neligh, NE 68701

E-mail Address: cdittrich@antelopecounty-ne.gov

Home Phone Number: 402 578-5607

Work Phone Number: 402 578-5607

Cell Phone Number: 402 578 5607

Address: 1650 Rye

Mailing Address: 501 M Street PO Box 24

Neligh, NE 68701

E-mail Address: antelope@antelopecounty-ne.gov

Home Phone Number: 402 578-5607

Work Phone Number: 402 578-5607

Cell Phone Number: 402 928 0574

**Resolution: Solid Wasat Management:** Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve the resolution approving the interlocal agreement and authorizing the chairman to sign agreement and resolution. Voting aye: Dittrich, Jacob, and Henery. Nays none. Commissioners Krebs and Williby were absent. Motion passed.

RESOLUTION NO. 2024-08-0001  
Solid Waste Management  
Antelope County

WHEREAS, the County of Antelope, Nebraska has solid waste jurisdiction pursuant to the terms of the Integrated Solid Waste Management Act; and

WHEREAS, the County of Antelope, Nebraska has made an application for membership into the Northeast Nebraska Solid Waste Coalition; and

WHEREAS, the Board of Directors of the Northeast Nebraska Solid Waste Coalition did on December 13, 2023 approve the application of the County of Antelope, Nebraska for membership in the Northeast Nebraska Solid Waste Coalition.

NOW THEREFORE, in consideration of the foregoing recitals, the County Board of Commissioners of the County of Antelope, Nebraska hereby adopts the following resolution:

BE IT RESOLVED by the County Board of Commissioners of the County of Antelope, Nebraska that:

(1) The proposed Third Amended Interlocal Solid Waste Management Agreement is hereby approved;

(2) That the Chairperson of the County of Antelope is authorized to sign the Third Amended Interlocal Solid Waste Management Agreement on behalf of the County of Antelope, Nebraska.

PASSED AND APPROVED this 4<sup>th</sup> day of August 2024.

*Charlie Henery*  
Charlie Henery, Chairperson

ATTEST:  
*Lisa Payne*  
County Clerk

SEAL

**Resolution: Appointment of Members to Solid Waste Coalition:** Discussion of membership and county representatives. Commissioner Dittrich agreed to be a representative. Further discussion regarding alternate. Lisa Payne agreed to be an alternate. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to appoint Casey Dittrich, member; Lisa Payne, alternate and authorize the Chairman to sign appointment resolution. Voting aye: Dittrich, Jacob, and Henery. Nays none. Commissioners Krebs and Williby were absent. Motion passed.

RESOLUTION NO. 2024-08-0002  
Appointment of Member - Solid Waste Coalition  
ANTELOPE COUNTY, NEBRASKA

WHEREAS, the County of Antelope, Nebraska is a member of the NORTHEAST NEBRASKA SOLID WASTE COALITION; and

WHEREAS, as a member of the NORTHEAST NEBRASKA SOLID WASTE COALITION, the County of Antelope, Nebraska is authorized to name a representative to the Board of Directors of the Northeast Nebraska Solid Waste Coalition; and

NOW, THEREFORE, in consideration of the foregoing recitals, the County Board of the County of Antelope, Nebraska hereby adopt the following resolution:

BE IT RESOLVED by the County of Antelope, Nebraska that:

(1) *Casey Dittrich* is hereby appointed as the representative of the County of Antelope, Nebraska to the NORTHEAST NEBRASKA SOLID WASTE COALITION Board of Directors and, in the event of his absence, then *Lisa Payne* shall be declared as the alternate representative to the Board and shall act on behalf of the County of Antelope, Nebraska.

(2) That the above-named representative of the County of Antelope to the Northeast Nebraska Solid Waste Coalition Board of Directors shall serve as the representative until his or her successor is appointed by resolution of the County Board.

Passed and approved this 6<sup>th</sup> day of August 2024.

*Charlie Henery*  
Charlie Henery, Chairperson

ATTEST:  
*Lisa Payne*  
County Clerk

SEAL

**Heating & Cooling Contract:** Antelope County has been discussing a maintenance type agreement with Northeast Nebraska Heating and Cooling of Orchard, Nebraska. The contract was presented today, after Wesley Eisenmann had agreed and signed. Discussion. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve and authorize Board Chairman to sign agreement/contract. Voting aye: Jacob, Dittrich and Henery. Commissioners Krebs and Williby were absent. Nays none. Motion carried.

RESOLUTION # 2024-08-0003  
CONTRACT - HEATING & COOLING  
ANTELOPE COUNTY

Comes now Antelope County Board by and through Charlie Henery, Chairman of the Board of Commissioners and Northeast Nebraska Heating and Cooling by and through Wes Eisenmann and agree in contract as follows:

1. That Northeast Nebraska Heating and Cooling will service the heating and cooling units to the Antelope County courthouse and annex twice a year, once in April and once in September and that the rate of pay is \$90.00 per hour and is anticipated for one day and a half.

2. If it is determined that any service or inspection or more extensive work is needed or more equipment purchased, Northeast Nebraska Heating and Cooling will contact the County Clerk for such further authorizations that may be appropriate.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

Dated *August 6, 2024*  
*Charlie Henery*  
Charlie Henery, Chairman

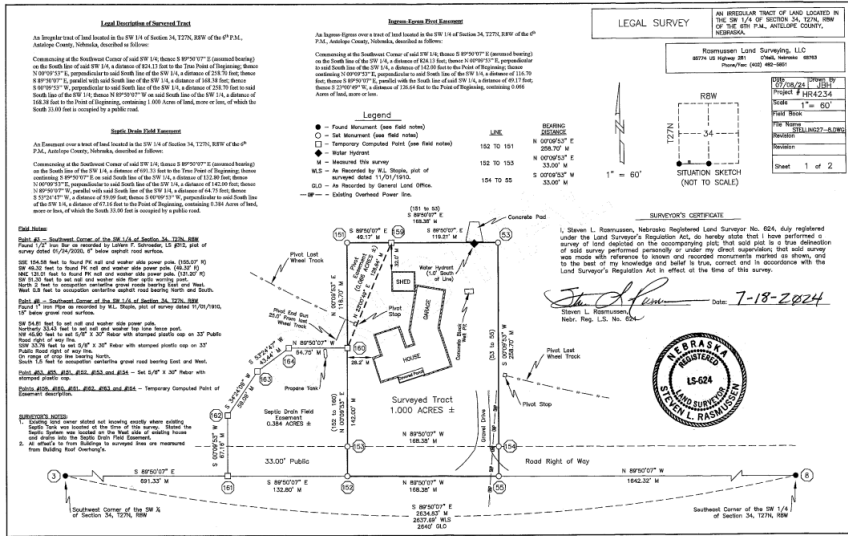
SEAL

NORTHEAST NEBRASKA HEATING AND COOLING

Dated *07/14/24*  
*Wesley Eisenmann*  
Wes Eisenmann

**Zoning Administrator Report:**

- Zoning Permit Report was shared and put on file.
- Administrative Plat: Booths – taxes are not paid- postponing approval.
- Ms. Wingate presented an Administrative Plat for Richard and Darlene Stelling. This is a one (1) acre tract in the S1/2SW1/4. Which is a home and building site. Ms. Wingate believes all setbacks are met and reports no issues. She believes the plan is to sell the 1 acre to a grandson. Discussion. Motion by Commissioner Jacob, seconded by Commissioner Dittrich. Voting aye: Jacob, Dittrich and Henery. Commissioners Krebs and Williby were absent. Nays none. Motion carried.



This Plot was Prepared at the Request of Richard Stalling, Orchard, Nebraska.

**ZONING APPROVALS**

**ANTELOPE COUNTY TREASURER'S CERTIFICATIONS**

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plot as shown by the records of this office.

*Richard Stalling* 8-1-2024  
Antelope County Treasurer Date

**APPROVAL OF ADMINISTRATIVE PLAT**

This Administrative Plat was approved by Antelope County on this 1st day of August, 2024.

*Walter Payne* County Clerk  
*Charles Hays* Chairman  
*Richard Stalling* Zoning Administrator

**REVIEW OF ANTELOPE COUNTY SURVEYOR**

This plot of 1.000 tract in SW 24-28-8 was reviewed by the office of Antelope County Surveyor on this 23 day of July 2024.

*Richard Stalling*  
Antelope County Surveyor

**Highway Superintendent: Nebraska Board of Public Roads Classifications and Standards Annual Certification of Program Compliance:** Antelope County is required to file annually the Certification to qualify for federal highway funds. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve Program Compliance for the 2022-2023 fiscal year and authorize signing. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried.

Do not create or revise the pages of this document, as revisions and recreations will not be accepted. Failure to return both pages of the original document by the filing deadline (October 31, 2024) may result in the suspension of Highway Allocation funds until the documents are filed.

**RESOLUTION**

**SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2024**

Resolution No. 2024-08-0004

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2118, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2130 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

Be it resolved that the County Board Chairperson of Antelope County is hereby authorized to sign the County Annual Certification of Program Compliance.

Adopted this 1st day of August, 2024 at Neligh, Nebraska.

County Board Members: *Walter Payne*, *Richard Stalling*, *Charles Hays*

County Board Member: *Walter Payne*  
Member: *Richard Stalling* Seconded the Motion  
Roll Call: Yes No Absent  
Resolution adopted, signed, and filed as adopted.

Attest: *Walter Payne* (Signature of Clerk)

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Do not create or revise the pages of this document, as revisions and recreations will not be accepted. Failure to return both pages of the original document by the filing deadline (October 31, 2024) may result in the suspension of Highway Allocation funds until the documents are filed.

**COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS 2024**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2118, 39-2120, 39-2121, and 39-2510(2), requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the County of Antelope hereby certifies that it:

- has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2118;
- meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- uses an accounting system including an inventory of machinery, equipment, and supplies;
- uses an accounting system that tracks equipment operation costs;
- has included in its public records the information required under subsection (2) of section 39-2510; and
- has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the County Board Chairperson.

Signature of County Board Chairperson (Required): *Walter Payne* 8-6-24  
Signature of County Highway Superintendent (Optional): *Richard Stalling* 8-6-24

Return the completed original signing resolution and annual certification of program compliance by October 31, 2024 to: Nebraska Board of Public Roads Classifications and Standards, PO Box 84759, Lincoln NE 68509

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**Nebraska Board of Public Roads Classifications and Standards Annual Certification of Program Compliance Resolution:** Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve and authorize signing of the resolution. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried.

**Road Closing Resolution Follow-up:** 1 mile of road north of Section 34, Township 28, Range 8, West of the 6<sup>th</sup> P.M. Antelope County, Nebraska. There are two (2) resolutions from 1994, one in which the County closed the road and retained R-O-W ownership, and the second in which the Township said they would not maintain said road. Discussion with Brian McDonald, Highway Superintendent, Leigh Kluthe, Road Superintendent, Megan Wingate, Zoning Administrator, and Joe Smith, County Attorney and the Commissioners. The Zoning Administrator has a zoning permit for a new house along that mile, and she is trying to determine the setbacks and if there is access or if the property access would all be from an ownership/driveway pass. Discussion. Mr. Kluthe was asked to visually inspect the road and area to determine maintenance, and the need of the ROW. Normally, Antelope County does not maintain ROW. Discussion to continue next week when more information can be gathered.

**One- & Six-Year Road Program:** Highway Superintendent, Brian McDonald met with the Board regarding the One- and Six- Year Road Plan/Program. He presented an updated plan from last year's plan and map. Essentially, this is done to continue receiving funding from the State/Federal Sources. The Board can add projects any time. Mr. Kluthe and the Commissioners discussed several projects and requested some projects from the Six (6) Year Program be moved to the One (1) Year Program. Bridge projects and various maintenance and improvements were discussed. Mr. McDonald requested the Board & Road Foreman to continue to review and add and subtract as needed. Mr. McDonald will meet again in September to finalize a date for the One- and Six- Year Road Program public hearing for October.

**Road Superintendent Report:**

- Oversize Permits:** JMS Crane & Rigging requested an oversize permit to move a crane from Tower #96 to Holt County. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0131)
- Oversize Permits:** Landstar Ranger requested an oversize permit to move a crane from Highway 70 to 513<sup>th</sup> Avenue N, West 846<sup>th</sup> Road to County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0132)
- Oversize Permits:** Landstar Inway requested an oversize permit to move a crane from Highway 70 to 513<sup>th</sup> Avenue N, West 846<sup>th</sup> Road to County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0133)
- Oversize Permits:** XLG Transportation requested an oversize permit to move a crane from Highway 70 to 513<sup>th</sup> Avenue N, West 846<sup>th</sup> Road to County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0134)
- Oversize Permits:** XLG Transportation requested an oversize permit to move a crane from 846<sup>th</sup> Road; 513<sup>th</sup> Avenue to Highway 70 to County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0135)
- Oversize Permits:** XLG Transportation requested an oversize permit to move a crane from 846<sup>th</sup> Road; 513<sup>th</sup> Avenue to Highway 70 to County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0136)

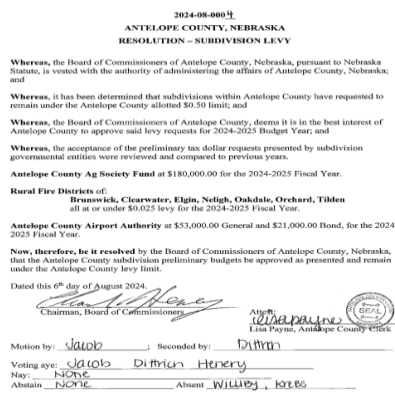
- **Oversize Permits:** Atlas Crane requested an oversize permit to move a crane from Highway 70 to 516<sup>th</sup> Avenue south - end at Boone County Line. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0137)
- **Oversize Permits:** Atlas Crane requested two (2) oversize permits to move a crane from Highway 70 to 514<sup>th</sup> Avenue south – east on 844<sup>th</sup> Road. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve two (2) oversized permits on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0138 – CL0139) (IN)
- **Oversize Permits:** Atlas Crane requested two (2) oversize permits to move a crane from 844<sup>th</sup> Road west to 514<sup>th</sup> Avenue south to highway 70. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve two (2) oversized permits on Road Superintendent recommendation. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. (CL0140 – CL0141) (OUT)
- **Access Permit:** Access permits was submitted by Levi Borntreger for access along 513<sup>th</sup> Avenue in the N½SE¼ Section 33, Township 28, Range 8, Antelope County, Nebraska. Access is to a new home construction. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve access permit as submitted. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried.
- **Pay Application:** pay application was submitted by A & R Construction Company for the 2023 Pavement Repair. Highway Superintendent Brian McDonald recommended approval. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve and pay application for \$129,189.33 to A & R Construction. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried.
- **Personnel Organization-Jobs-Job Descriptions...** general discussion regarding the pyramid/hierarchy of jobs within the Road & Bridge. Mr. Kluthe, Road Foreman, assumed the duties of the Road Superintendent upon his resignation in July. Mr. Kluthe discussed the duties and the possibility of different scenarios playing out in his identification of seven (7) barn leaders. The board requested Mr. Kluthe to figure out an ideal plan and a good structure for the best utilization of county employees and resources.
- **Rehire:** Monte Shabram was a Road & Bridge Employee who retired about a year ago. He has re-applied for a part-time permanent position within the Road Department. Mr. Kluthe is requesting a rehire. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve rehiring Monte Shabram. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried.
- **V-Plow Bids:** Discussion in the recent past was the County is needing two (2) V-Plows for equipment. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve advertising and accepting bids for two (2) V-plows. Voting aye: Dittrich, Jacob and Henery. Nays none. Krebs and Williby were absent. Motion carried. Discussion of bidding under \$50,000 can be an informal bid.
- **Road & Bridge Discussion:** Mr. Kluthe shared Road Project completion list, and continuing list of equipment maintenance issues, and a repair bill estimate for the motor grader. Discussion on the repair estimation. It was the general concession the bill may have some erroneous charges and a possibility to create huge additional fixes. It was discussed to possibly find a general mechanic for same work. No action.

**Assessors: Cemetery Report and Three (3) Year Plan:** Kelly Mueller, Antelope County Assessor shared the Three (3) Year Assessment Plan and her Annual Cemetery Report. No action needed or taken.

**Repairs to Parking Lot:** The Clerk was asked to continue getting bid for parking lot. Revisit during next weeks meeting.

**Budget:**

- **Subdivision Levy's. Annually the local subdivisions submit a preliminary levy to the Commissioner**  
Discussion of Subdivision Levy requests. Antelope County levy still allows room to have these levies remain under the County levy authority. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve the subdivision levy to remain under the County levying authority, and to authorize Chairman to sign same. Voting aye: Jacob, Dittrich and Henery. Nays none. Krebs and Williby were absent. Motion carried.



- **Budget review:** Discussion of capital improvements. Antelope County had approximately \$1,000,000 in capital improvements that was not used or spent during the 2023-2024 fiscal year. The Commissioners requested the time to review budget requests and to move the review until next week. A copy of the budget requests was sent with/to the Commissioners. No action taken. Discussion to continue next week.

There being nothing more to discuss.

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

The meeting adjourned at 11:46 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
 Chairman of the Board, Charlie Henery

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