

August 13th, 2019
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 13th, 2019 at 8:00 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.

Chairman Borer opened the meeting at 8:00 AM. Responding to Roll Call: Commissioners Henery, Smith, Jacob, Bentley and Borer. 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 Bentley, seconded by Commissioner Smith to approve agenda as submitted. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion carried.

Review of **Payroll Claims**.

Review of **Vendor Claims**.

Payroll Claims: Motion by Commissioner Smith, seconded by Commissioner Jacob to **approve payroll claims** as presented. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion passed.

Vendor Claims: Motion by Commissioner Bentley, seconded by Commissioner Jacob to **approve vendor claims** as submitted. Voting aye: Henery, Smith, Jacob, Bentley and Borer. Nays none. Motion carried.

General: Antelope County Court, county court costs 331.30; Antelope County District Court, district court costs 102.00; Antelope County Sheriff, service and mileage fees to serve subpoenas, 585.93; Antelope Co Treasurer, fund transfer and journal entry 430,212.00; Antelope Memorial Hospital, inmate expenses, 227.00; Appera, towel service 39.20; Applied Connective, monthly email fee, office365 Business 132.00; Black Hills Energy, natural gas-heating, 467.38; Bob Barker Co, trousers and pants 152.38; Bomgaars, booster cable, power car wash, fuel in a can, gorilla duct tape, battery, PVC piping and fittings, fasteners 97.81; Donald Breaker, witness fee 28.12; Dean Brown, prior service 25.00; Butch's Body, deductible 2014 Ram Pickup 1000.00; C & R Supply, super swivel hose 52.73; Carquest, 12V aux dual power rocker switch 18.35; Carhart Lumber, flat twine 7.25; Carney Law, June and July Service 6451.24; Casey's, fuel, 1083.31; Elgin City, recycling 250.00; Neligh City, electricity, sewer, water 4865.35 – recycling 250.00; Clearly Comm, long distance phone 164.44; Clearwater School, fair ribbons 26.20; Consolidated Management, meals @ NCIC training 55.02; Cubby's, gas/fuel, 1743.54; DAS State Accounting – General Finance, network service charges sheriff, clerk 703.36; Doerr & Klein, attorney fees, mileage, postage, justice, copies 11,411.16; Dollar General, table covers, ajax, bleach, lunch bags, 59.80; Dusty's, fuel 89.00; Eakes Office, fasteners, calculator ribbon, note pads, colored paper, calendar, hi-liter 299.00; Egley, Fullner, Montag, attorney fees, 618.39; Electronic Systems Inc., work on fire alarm panel-law enforcement center, 300.00; Elgin Review, publications and notices, 537.00; Elite Court Ser, copies 223.40; Elite Office Products, copier contracts, 419.61; First Concord Benefits, membership fee 15.00; Frontier Communications, telephone 2313.73; Gerhold Concrete, smooth red brick 645.00; Great Plains Communications Inc., telephone 465.04; Hall Co Court, copies 2.75; Darrell Hamilton, prior service 11.00; Linda Hughes, Mental Health Board Hearing 50.00; Nadene Hughes, prior service 14.00; Jonny Dodge, inspect software and reprogram PCM TCM and RFH modules, replaced oils pressure sender 293.25; Madison County Court, copies 4.75; Madison County Sheriff, mental health board hearing 28.37; Madison County Treasurer, district judge expenses 111.56; Leo Market, diagnostic evaluation, Norton security, labor 73.00; Microfilm Imaging Systems, scanning equipment monthly rent 87.00; MIPS, budget, time clocks, accounts payable, ROD, payroll, taxes on line 715.05; Mr S's, fuel 248.54; NE Health & Human, financial responsibility for the developmentally disabled 183.00; NE Law Enforcement Center, tuition and lodging for training 360.00; NE Public Health Environment, blood alcohol test 105.00; Neligh Auto & Machine Inc., rubber metal clamp, nylon harness bracket, fuse, value pack, ex 34.45; Neligh-Oakdale Public Schools, fair ribbons 86.80; NE Community College, heart saver FA CPR AED ACI 82.00; NACO, 7 officials attending northeast workshop, 175.00; Bruce Ofe, meal 6.78; Connie Ofe, new phone 59.95; Office Depot, binders, dividers, pocket folders, 148.52; Valorie Olson, mental health board hearing 50.00; One Office, Sharp Copier Contract, excess copies 118.50; Orchard Public Schools, fair ribbons 29.80; Donna Payne, prior service 25.00; Petty Cash-Attorney, postage 23.25; Petty Cash-Clerk, title and tire fees 15.00; Petty Cash-Sheriff, checks 20.25; Pierce Co Sheriff, subpoena service return fees 61.92; Pinnacle Bank, tactical gear-inmates, 227.11; Pitzer Digital, publication and notices 677.27; Pope John-Art Department, fair ribbons 65.00; Precision Repair, oil change and inspection, labor, 54.49; Quill Corp, clear labels big-tab write-on dividers, file folders, electric stapler 76.45; Region 4 Behavioral, difference in June billing 503.50; Travis Rudloff, office supplies-labels 12.77; Schroeder Land Survey, surveying 155.00; Caroline Siems, prior service 25.00; Haiden Sleister, expert witness 28.12; Melaine Smith, mental health board hearing 50.00; Stealth Broadband, telephone 66.90; Ryan Stover, mental health board hearing, 75.00; Tax Valuation, defense of values per contract 1750.00; Chuck Thiemann, mowing-weed department 60.00; Thomson Reuters, Terrascan support, assessor and treasurer 15,411.13; Thriftway Market, rubber bands 6.27; Neligh Postmaster, annual box rent 150.00; US Cellular, sheriff cell phones 1247.92; Verizon Wireless, weed cell phone 78.73; Clearwater Village, monthly recycling 250.00; Washington County Court, certified copies 2.75; Wayne County Treasurer, district judge expense 4090.90; Bonita Welke, prior service 22.00; Wex Bank, fuel 528.97; Willie's Service, oil change, parts and labor 42.32; Woods & Aitken, general labor – agreement, wind farm permit review, open meetings act, emails, 2063.70; 319 Graphics, jail officer shirts 181.92.

Road & Bridge: Bazile Aggregate, road gravel by ton 622.13; Beckman Lumber-oxygen, acetylene 113.00; Black Hills Energy, natural gas-heating, 191.39; Bomgaars, tools, booster cable, straps, level, drill, hitch pin and clip, tow chain, power station, windshield wash, water multi-ball mount, bathroom tissue, mechanics set, padlock, shop towel, antifreeze, bug wash, gloves, place pac bait, hand cleaner, zep cleaner, gas can, recovery strap, batteries, 5 gallon buckets, power fuel, Tordon, bar oil, safety vest, fasteners, 1404.21; Carquest, oil stabilizer, PS Fluid, mini-blade, garage jack, 55 gal DEF, Oil Stabilizer 306.32; Tilden City, garbage, sewer, water 68.50; Constellation Gas, natural gas 8.20; Corner Service, halogen headlight 15.00; Cubby's, fuel 1641.09; D & M Machinery, box of rags, sea foam, carb cleaner, starting fluid 54.28; Elgin One Stop, glass treatment rainx, wire prim, socket ½ drive, 19.47; Elkhorn Rural Power, electricity, 515.70; Equipment Blades, Ram Sharq, Ram blades 525.60; Farmer's Pride, diesel fuel 25,280.55; Frontier Comm, telephone, internet 519.39; Ganskow Construction, truck hauling 1462.50; Great Plains Communication, phone and internet, 271.70; Green Line Equip, air filter, filter kit, o-ring, torq-gard, bulk hose, elbow fitting, hose fitting 424.60; Hinrichsen Sand and Gravel, road gravel 2,868.94; Island Supply Welding, Stargon nonflammable gas; 287.02; Joel Sinclair, 1" crushed 166,949.01; Jebro, Inc, MC250 96,731.53; JEO Consulting, permitting, final design, construction services 1298.75; Jimson Towing, trip to Emme Sand & Gravel to repairs 200.00; Jonny Dodge, fuel filter, air filter, axle steering stabilizer, replace spring loaded stabilizer, steering axle shocks, adjust brakes, tractor & trailer, fuel filters, tag axle steering stabilizer shock bent, steering axle shocks, adjust brakes, lube oil & filter, point inspection, exhaust noise, power steering pressure hose 1537.78; K Porter Const, crushed concrete 789.96; Kayton International, key set, o-ring, 5-gallon Hy-tr 192.51; Lawson Products Inc, screen mesh, graphite lube 96.90; Lazy T Tire, tire & tire expense 863.20; Lichtenberg Tire Service Inc, service call, shop supplies, o-ring, bolt on spare, tire disposal, rotate tires 1723.54; Mitteis Gravel, road gravel, mudrock, sand, dirt, 1980.48; Mr S's, ethanol, unleaded, 486.32; NACO, insurance premium 927.47; NE Public Power District, electricity 467.54; Neligh Auto, lamp, socket, impact wrench, battery test 361.73; Netcom, install GPS & razor, 4045.00; NMC Exchange, filters 2227.37; North Central Power, electricity 167.16; NE Nebraska Telephone, telephone and internet 99.07; Orval's Auto, spark plugs, spark plug boots, ignition coils, front bearing & hub asmys, front axle vacuum seals, axle tube seals, grease, brake caliper, front axle, manual lock outs 2706.11; Powerplan, turn signal, freight/shipping, turbo warranty work, fuel filters, AC repair, circle side shift cylinder, R&I, recondition 7496.95; Quick Serve, truck tire, labor, antifreeze, unleaded, stems, rims, service call, 7133.30; Razor Tracking Inc, monthly service licensing, data processing 375.00; RDO Truck, oil change and filters, fuel filter, 809.99; Royal One Stop, unleaded 341.70; Rutjens Construction, diaphragm & clamps for brakes, 60.59; Ryan's Truck, reman engine, bulbs, cam sensor, harness assembly, blue butt wire, power steering gasket, power steering fluid, washers & nuts, bolts, o-ring, shop supplies, shackle, hanger brackets, tie rods, cab airbags, u-bolt kit, oil pan, grease, 23,234.03; Sapp Bros Petroleum Inc, diesel 4,390.23; Spud Const, haul millings, back hoe used to bust up pile, 42 total loads, payloader, trucking, 117,005.55;

Stealth Broadband, phone and internet 56.70; Titan Machinery, glass upper rear window, glass RH upper no-door cab, freight 629.17; Verizon Wireless, cell phone x 2 326.16; Brunswick Village, water, sewer, trash 93.00; Clearwater Village, water, sewer, trash 133.00; Wex Bank, fuel 251.40.

Visitors Promo Fund: Neligh Chamber, promotional grant-fair BBQ 300.00; Orchard Community Club, promotion Orchard fun days 300.00.

ROD: MIPS, Nebraska Deeds online, 229.60.

Disaster Fund: A & R Const, hauled rock 11,833.28; B's Enter, spiral culvert 120"x 50 8 gauge, 22,770.00; Central Valley Ag, Roundup Power Max, hauling, 18,992.08; Emme Sand & Gravel, road gravel, AC gravel, dirty side rock, trucking fees, 46,414.65; Funk Construction, grader rental 5980.00; Gene Heithoff Truck, hauled gravel/rock from Spencer Quarries. 4460.96; Hinrichsen Sand, bank run, pack dirt, road gravel 6755.78; JEO Consulting, construction services, preliminary design survey & transportation, 9273.25; Matteo Sand & Gravel, road gravel, small rock, 26,547.30; Midwest Service & Sales, sheet piling, h-pile, wide flange, channel, hot rolled rod, plate with 1" holes, heavy bridge nuts, labor, freight, 9200.00; Pollock Redi Mix, road gravel, oversize n pit, 22,971.11; Road Builders Machinery & Supply Co, thermostat, plug stripped, fuel filter, oil fill tue, 10,099.74; Spencer Quarries, class 'a' concrete 1" rock, ¾ inch rock, 3115.32; Thiele Dairy, hauled dirt, payload rent, dirt, 575.00.

Law Enforcement: Applied Connects Tech, configuring AP in the Unifi Controller, troubleshooting public network, installed 4 indoor AP's, pulled cabling to outdoor access point location, installed new outdoor access point 1422.83; Carhart Lumber, plywood for cabinets, 69.62; Cash-Wa, Lawry Seasoning Salt, flour, sugar, pasta, macaroni, potatoes, biscuit, ice cream, turkey breast, spicy cinnamon, peanut butter, mayo, gelatin, can liners, gravy mix, kosher salt, ham, cabbage, American cheese, potato tots, sliced cheese, pork rib patty raw, sausage gravy, broccoli, biscuit dough, juice cups, pork patty, chicken crispy breast 1738.84; Culligan, water cooler, refills 62.75; Dean's Market, ground beef 319.00; Faith Regional Physicians Services, physical for jail school 208.00; Faith Regional Physician Services, routine office visit; 945.00; Faith Regional Physicians Services routine office visits 270.00; Hiland Dairy, milk 327.96; Lynn Peavey, blood alcohol kit, 53.50; Neligh Family Dentistry, inmate dental visits 502.00; Netcom, flat rate repairs master switch-radio wont power on, factory repair reinstalled, repair switch wiring, repeater locked, reset unit 1524.54; Platte County Detention Facility, housing invoice, 1250.00; Platte Valley Communications, speaker mic, set up UHF SL300 portables and to Neligh 2554.25; Precision Glass, 4 piece clear ½ with seamed edges 616.02; Thriftway Market, apple juice, bleach, eggs, sweet relish, margarine, easy off, Gatorade, water, mustard, powder sugar, brown sugar, spread, 30 gallon trash bags, cinch sack, Era, blue berries, baby carrots, lettuce, peppers, cottage cheese, yogurt, ex 494.19; Wanek Pharmacy, inmate medications, 897.56.

Commissary Fund: Bob Barker Co, OTC meds and supplies for med cart, uniforms, sinus pain relief, bandage, shampoo, playing cards, socks, sweatpants, shorts and soaps, 2863.82; Cash-Wa Dist, popcorn, candy, Reese's peanut butter cup, twix caramel, 313.58; Combined Public Communications, phone cards 1800.00; HBD, Inc, property pouches 200.00; Keefe Supply Co, coffee, sugar, pop tarts, jolly rancher candy 850.08; Pinnacle Bank, colored pencils, floss picks, movies, allergy meds, granola bars, dove soap, degree deodorant 1071.73; 319 Graphics, inmate clothing - sweatshirts 1915.50.

Building Fund: Merit Mech, service call for HVAC, labor, Trane invoice 8936.00; Warren Garage Door, sally port west door 315.00.

General-Total Payroll: 104,214.59; AFLAC, insurance 1035.53; Ameritas, retirement 14,860.75; BC/BS, insurance 69,699.16; Garnishment, 1420.12; Colonial Life & Accident Insurance, insurance 3.25; WH, 9,863.61; First Concord Benefits, insurance 733.33; Liberty National, insurance 39.17, ST, 4192.76; Madison National Life, insurance 91.24; NACO Vision Insurance - VSP, insurance 549.07; SS, 20,806.64; Washington National Insurance, insurance 722.72.

Road & Bridge-Total Payroll: 76,650.62; AFLAC, insurance 181.87; Ameritas, retirement 10,494.38; BS/BC, insurance, 29,629.10; Colonial Life & Accident Insurance, insurance 18.00; Garnishment, 427.88; WH, 7858.05; First Concord Benefits, insurance 373.11; Liberty National, insurance 70.92; Madison National Life, insurance 51.92; ST, 3282.10; NACO Vision-VSP Insurance, insurance 191.41; SS, 15,323.94; Washington National Insurance Co, insurance 302.80.

Thunderhead Road Use Agreement Construction Schedule: David Owenby, Construction Manager, Invenergy met with the Commissioners regarding the upcoming Thunderhead Construction and Road Use. He stated the plan is to start construction activity within the next week. He shared a map of the roads they will be opening under the road use agreement, for the first phase of the project. They will be working with the county milling up 846th and the Zig Zag Road. The laydown yard will be on the south side of 846th Road between 520th and 521st Avenue. The bridge upgrades that are on 846th, which are required, will be starting late next week, or the following week. The last week of August, they will start installing some turn radius'. Casey Dittrich had met with Invenergy last week and he is in agreement with the current plan. 513th Avenue is not included in this first stage, and Casey has discussed at length – for construction it is not needed at this time. Invenergy plans to open the rest of the Road Use Agreement in October 2019. Commissioner Smith, asked if Brian McDonald and Casey had completed the preconstruction analysis, Casey confirmed. Casey stated the grinding of the zig zag will probably not start for a couple of weeks, the plan is to start on the southern end and work north. Commissioner Smith asked about keeping the roads wet to alleviate the dust coming off that road, Invenergy agreed. Delivery route is still being finalized. It is shown, but has not been finalized. Invenergy confirmed the Commissioners there is a mechanism in place for informing their subcontractors of Road Use Agreement and penalties.

Minutes of the August 6th, 2019 Board of Commissioner Minutes: Motion by Commissioner Henery, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Smith, Jacob, Henery, and Bentley. Borer abstained. Nays none. Motion carried.

Treasurer's July Fund Balance Report was reviewed and put on file.

Treasurer's July Miscellaneous Fee Report was reviewed and put on file.

Sheriff July Fee Report was reviewed and put on file.

Correspondence was reviewed: Statement from Union Bank and Trust AMH Hospital Bonds; equipment/employee fee resolution.

Zoning Administrator Report:

- Liz Doerr met with the Commissioners. There is a Planning Commission Meeting today. She received a follow-up email from Michael Courtney, Senior Manager, Asset Management Invenergy regarding the collapsed tower. The report is in follow-up to the email in July regarding the collapse of a tower north and east of Neligh. They plan on decommissioning the tower and rebuilding a tower in the same location. While they are still working with GE regarding the root cause analysis and what happened, they are contributing it to a faulty repair and want to assure all this is an isolated incident.
- Letter from Keith Dittrich, Ponderosa Acres Subdivision. He has applied for a temporary building permit to initiate and construct a home on this property. Mr. Dittrich has been in contact with Dover Realty in Norfolk to sell and build homes on this property. In the original suburb approval, it was approved to construct the road when a permit is filed for construction as to not spend erroneous money building a road to nowhere. Mr. Dittrich stated Travis Howard is currently out in the subdivision doing work on these lots, as he believes it is good sense. Mr. Keith Dittrich submitted the building permit and a road access. Casey believes this is a \$5 - \$10,000.00 project. Mr. Keith Dittrich is proposing a \$300,000.00 structure on the lot. Commissioners agreed to proceed with building of proposed road as original plan.
- Commissioner Smith asked about a response back from Brooking, South Dakota, pipeline resolution. To which there was no report.

Fixing of Courthouse Parking Lot: Commissioner Henery stated there is some - including two (2) critical holes in the parking lot and overall it is needing overlaid. Commissioner Henery was hoping to get Knife River here, but they are busy, and do not have the manpower. Discussion of options. Commissioner Henery will talk to Ed Schindler to get bids for fixing the holes yet this fall.

Dog Running at Large: Marlowe Jensen and Justin Jensen met with the Commissioners regarding a dog at large in the Village of Royal. Mr. Jensen has had a couple of run ins with what appears to be an angry dog. This dog runs at large, and is not leashed. The Village of Royal does not have ordinances regarding dogs running at large. Joe McNally, from McNally Law Office is working with the Village to

update the ordinances. County Attorney, Joe Abler, and County Sheriff, Robert Moore both spoke regarding same. Sheriff stated he could issue a 'dog running at large' citation but there is no ordinance to issue that. The dog did not bite, he ran circles around the victim. Sheriff has asked the owner to leave the dog inside and to keep the dog chained up if outside. If the ticket is written, the judge would not have a punishment in her chambers. The ordinance is a work in progress. The dog owner and the complaintive were derogatory to each other. A 'dangerous dog' by statute is a dog that attacks, kills a human being, has inflicted injury to a human being that requires medical treatment, or has killed a domestic animal without provocation... This is a Village of Royal issue.

Road Superintendent Report: Casey met with the Board, regarding 516th Avenue going through Clearwater. Also, in attendance was Tina and Jay Snider and Curt Thiele representing the Village of Clearwater. The County has maintained this stretch; however, the Village of Clearwater owns the road through Clearwater. The Village wondered about the condition of the road. Currently, it is in severe need of repair. This stretch was discussed in previous meetings however, and Casey reached out to the Village Board and representative, and Jay Snider, Tina Snider and Curt Thiele were in attendance. The County is preparing to repair and overlay with milling 516th Avenue – which is included in the RUA with Thunderhead-although they have no intention to utilize this stretch. It is not the intention of the County to funnel traffic over this road. Discussion of flood damage, and the inclusion of this stretch in the FEMA damage assessment and which entity would/should own it. Tina, Clearwater Village Clerk, stated FEMA asked her who maintained the road the day before the flood, thus leaving it in the County's hands. Discussion of completing the project on both sides of Clearwater, and leaving the stretch through Clearwater undone, does not seem to make sense. There is a manhole in this stretch, which may hinder process. Clearwater Village Board members are able to work with the county on this. Millings will start from the north of Clearwater to south of Clearwater. We should have more than enough milling to complete this portion of 516th Avenue. The southwest corner of town, road going out to Thiele Dairy and the hog confinements, it is heavy truck traffic. Commissioner Henery discussed not charging the village for the millings, but they would pay for the oil. During discussion, Clearwater Village asked about cost, Casey estimated the cost at approximately \$50,000.00. Commissioner Henery asked about cost sharing and having Clearwater pay the County back over 4-5 years, County Attorney, wanted to look into this, he thinks it is possible. The County agreed 516th Road needs to be fixed north, south and through Clearwater. The County will add this stretch to the damage assessment for FEMA.

- **Orchard Windrow:** The windrow Orchard wants is to repair the road they feel is in the shape it is because of truck traffic from County Road. Orchard is willing to buy the material, oil and everything they want to rent our services to mix it.
- Setting a precedent if we pay for each town County access roads – we will have eight villages and towns in here requesting fixes. Casey, Road Boss, is confident he can get the windrow Orchard needs utilizing the new fees (discussed below). Casey suggested the County can engage fixes when we are working on the road in proximity to the damaged areas, located near villages and towns, to include it in our scope of work to come to a good stopping point, as to not stop abruptly and leave a stretch of severe damage next to newly repaired roads. Casey will reach out to each Town/Village.
- **Road and Bridge Fees:** in 2018 the Commissioner Board, discussed and approved fees for the County Road and Bridge working on projects outside of/or caused by 'outside Antelope County control.' Discussion of these fees. The Board discussed the current rates. General discussion desired some adjustments. Human Labor @ 45.00; Road Maintainer: \$110.00; Bobcat/Skid Steer Loader \$60.00; Straight Dump Truck \$105.00 (10 Yard); Tuck Tractor with Side-dump Trailer \$130.00; Payloader \$110.00; Vibrator-Packer: \$80.00; any other additional equipment not listed is to be billed as deemed appropriate, reasonable and fair by the Board of Commissioners. It was requested to type up a resolution, and present for the 3rd of September.
- **EWP Emergency Watershed Projects:** Brian presented and discussed these projects with the Board last week. Brian recommended approval of these projects except Project #442 – 513th Avenue. Motion by Commissioner Henery, seconded by Commissioner Jacob, with an estimated \$99,794.65, compared with total proposed cost of \$399,178.61, approving five (5) of the six (6) approved or five (5) of the eight (8) submitted – excluding Project #422 on 513th Avenue. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.
- **Buying and Selling Equipment:** Road Builders CAT 140H, we have been renting this unit, and Road Builders made a proposal to sell to the County. Casey presented three comparable bids for purchase of this machine. \$75,000.00; Hours 8688. \$58,000.00 Hours 11381; Road Builders is at \$44,616.50 – no wing included. Motion by Commissioner Smith, seconded by Commissioner Henery to purchase 140H for \$44,616.50. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.
- **Driveway Permit:** Ponderosa Acres Subdivision. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve and accept permit to Ponderosa Acres. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.
- **Patcher:** Casey asked about selling the old Patcher-Roscoe RA300 to Rose Equipment, they offered to purchase it for \$17,250.00. They will provide all transportation. It was discussed to advertise. We will follow up next meeting.
- **Klabenes Trailer:** Klabenes owns a 2006 Trail X Belly Dump that we have been pulling since last October, when ours was damaged. We have done a few small repairs, but not a dime of rent etc. Matt Klabenes set a purchase price of \$26,000.00. It does need a roll over tarp. Casey will get comparable purchase bids.
- **Trailer at Sheriff:** no action.

Bridge on Clearwater Creek – Clearwater Creek: Casey has talked with Thiesen – Casey will be meeting with Thiesen about the Poor Farm Bridge. They will also discuss the Clearwater Creek bridge. FEMA funds will be utilized to repair the bridge back to within its right of way. It is also part of the EWP funds we will be going out of the county right of way to repair the north bank to steer it back to the bridge. The intent is to have that bridge open by the end of the year.

Casey discussed **Road and Bridge Budget**.

General Budget Discussion: Commissioner Borer stated he thought maybe the 'Finance Committee' maybe preliminary go through the budget with the Department Heads next week. Clerk stated she thought maybe we were behind the eight ball at that point. Commissioner Borer stated 'the Finance Committee does make the budget, unless the Board changes it.' Casey stated he could potentially spend \$1,000,000.00 before next meeting. But he is mindful of the fact that the cash/taxes may not be sufficient to cover the claims coming in so fast. County Treasurer, stated she thinks the discussion with the Officials/Department heads should be in public session. Commissioner Borer stated 'since the Finance Committee is in charge of making the budget, we would preliminary meet with everybody, and bring it to the Board to discuss.' That is what statute says, Section 23-906. Commissioner Smith, said he fully expected if the Finance Committee met with the Department Heads, it would be fully discussed at the Board Meeting. Commissioner Bentley stated, 'I think all the Finance Committee would do was bring the Finance Committee's proposed budget to the full Board for discussion. Know, it has to be discussed and voted on by the full Board. It is going to take a lot of details, one, two, three at a time to meet with the Departments Heads, I would think.' County Assessor said she thinks it would be better to talk with the whole board during public session, instead of having the Finance Committee present the individual office budgets. Commissioner Bentley, stated budgets would be agreed upon by the elected officials and the Finance Committee. Commissioner Smith made a **motion to hold a special meeting to discuss budgets** on Thursday, August 22nd, 2019 at 8:00 AM. Motion is seconded by Commissioner Henery. Voting aye: Smith, Henery, Jacob, Bentley, and Borer. Nays none. Motion carried.

Discussion of Legislature Bill 103. Subdivision preliminary levy request resolution was postponed.

County Veterans Service Officer: Tom Nelson met with the Commissioners regarding appointment of Don Carter for a five (5) year term on the Veterans Service Committee. Motion by Commissioner Henery, seconded by Commissioner Jacob to appoint Mr. Carter to the Veterans Service Committee. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.

- In light of the decision made above, Mr. Nelson deferred his budget discussion until next week.
- Mr. Nelson asked about increasing the County Veterans Aid, to \$20,000.00, and increase his petty cash to \$2,000.00 and turning the interest over to the treasury every month. Leaving a monthly balance at \$2,000.00. The Petty Cash is a checking account used to help in emergency aid situations for Veterans. Mr. Nelson reported he normally uses Nebraska Veterans Aid, and as a last resource uses this fund.

Fracture Critical Bridge: Antelope County has a number of Bridges scheduled for inspection and if needed load re-rating. The State of Nebraska DOT has arranged for the inspections and have hired consultants to ensure uniformity. The NDOT requested signing of an agreement for these inspections. The cost of these inspections is expected to be \$37,669.91 Soft match funds will be used if available if not the County will be responsible for 20% cost share. Motion by Commissioner Smith, seconded by Commissioner Henery to approve agreement and resolution. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.

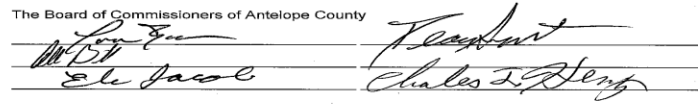
**RESOLUTION
SIGNING OF THE PROJECT PROGRAM AGREEMENT
2019 FRACTURE CRITICAL BRIDGE INSPECTION**

Antelope County
Resolution No. 2019 06 001

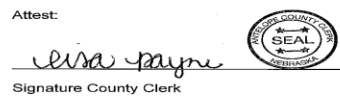
Whereas: the Nebraska Department of Transportation (NDOT) is developing a transportation project, on the behalf of the county, for which it intends to obtain Federal funds;
Whereas: Antelope County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid projects;
Whereas: Antelope County and the NDOT wish to enter into a Program Agreement to provide for fracture critical bridge inspection and load re-rating (if necessary) services for the Federal-aid project.
Be It Resolved: by the Board of Commissioners of Antelope County that:
Chair of the Antelope County Board of Commissioners is hereby authorized to sign the attached Project Program Agreement between the Antelope County and the NDOT.
Antelope County is committed to providing local funds for the project as required by the Project Program Agreement.

NDOT Project Number: STP-NBIS(118)
NDOT Control Number: 01003
NDOT Project Name: 2019 Fracture Critical Bridge Inspection

Adopted this 13th day of August, 2019 at Neigh Nebraska.
(Month) (Year)

The Board of Commissioners of Antelope County


Board/Council Member Smith
Moved the adoption of said resolution
Member Henery Seconded the Motion
Roll Call: 5 Yes - No - Abstained - Absent
Resolution adopted, signed and billed as adopted

Attest:

Signature County Clerk



**AGREEMENT FOR
CONSULTANT INSPECTION AND LOAD RE-RATING
ON COUNTY FRACTURE CRITICAL BRIDGES**

PROJECT NO. STP-NBIS(118)
CONTROL NO. 01003
ANTELOPE COUNTY, NEBRASKA
STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION
STATEWIDE 2019 FRACTURE CRITICAL BRIDGE
INSPECTIONS AND LOAD RE-RATINGS

THIS AGREEMENT, entered into by and between Antelope County, Nebraska, hereinafter referred to as the "County", and the State of Nebraska, Department of Transportation, hereinafter referred to as the "State".

WITNESSETH

WHEREAS, certain bridges on county roads in said County have been designated as being eligible for Surface Transportation Program (STP) Funds by the Department of Transportation, Federal Highway Administration, hereinafter call FHWA, in compliance with Federal laws pertaining thereto, and

WHEREAS, STP Funds have been made available by Title 23 of the United States code, providing for the inspection and load re-rating (load re-rating is not necessary if bridge condition remains the same) of the fracture critical bridges on its public roads, and

WHEREAS, the Federal share payable on any project provided for by the above mentioned code shall not exceed eighty (80) percent of the eligible engineering for bridge inspection and load re-rating costs thereof, and

WHEREAS, regulations for carrying into effect the provisions of the above mentioned code provide that the Federal share of the cost of such project shall be paid only to the State, and

WHEREAS, the County's share of the proposed project shall be twenty (20) percent of the actual project costs and this share may be funded with County's Soft Match Balance, and

WHEREAS, the State is willing to obtain Federal approval of the proposed work and Federal funds for the proposed project, with the understanding that no State funds including State-Aid Bridge funds are to be expended on this project, and

WHEREAS, the County has earmarked or will be using a portion of the County's Soft Match Balance to pay all project costs not paid for by Federal funds; such costs based on twenty (20) percent County participation are currently estimated to be \$7,533.98, but such costs may increase or decrease due to variations between the estimated and actual project costs, and

WHEREAS, the County desires the inspection and load re-rating (if necessary) of the fracture critical bridges on its public roads, as evidenced by the Resolution of the County Board dated the 13th day of August, 2019, attached hereto, identified as Exhibit "A", and hereby made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The State and the County agree that the Federal share payable on this project shall not exceed eighty (80) percent of the eligible engineering for bridge inspection and load re-rating (if necessary) costs thereof.

SECTION 2. The State hereby agrees to present this project to the FHWA for its approval, if necessary, and the County understands that no State funds will be expended for this project.

SECTION 3. The State agrees to cause to be performed the inspection and load re-rating (if necessary) of the fracture critical bridges that are due for inspection in 2019 in the County. The State will continue to have jurisdictional responsibility for all public bridges on the State highway system. Further, the State will be responsible for arranging for the inspection by consultants, for the county, on their fracture critical bridges. It is the intent of the parties that this agreement does not shift to the County any jurisdictional responsibility for bridges on the State highway system, and does not shift any duty to the State for jurisdictional responsibility of any bridges off of the State highway system.

SECTION 4. The proposed work of the Consultant shall be performed in accordance with the following publications:

1. AASHTO Manual for Bridge Evaluation (MBE) First Edition 2008.
2. AASHTO Standard Specifications for Highway Bridges, 17th Edition, 2002 (LFD)
3. Minimum Design Standards, 2008, Board of Public Roads Classifications and Standards.
4. Safety Inspection of In-Service Bridges, 2004
5. Fracture Critical Techniques for Steel Bridges, 2009
6. Bridge Inspection Program Manual, 2010
7. Coding Guide for Structure Inventory and Appraisal, published by the State, March 2002.
8. AASHTO LRFD Bridge Design Specifications, 4th Edition, 2007

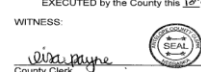
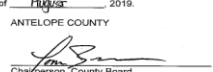
SECTION 5. The total cost of this work is currently estimated to be \$37,669.91, with the County's twenty (20) percent share being \$7,533.98. Both parties recognize this is a preliminary estimate and the final costs may well be higher or lower. Costs incurred by the State with respect to the entire project shall be considered as a part of the total cost of the project to be paid out of County and Federal funds. It is also understood that the costs incurred by the State attributable to this project, will not include any administrative cost or expenses of

State administrative officials. The final settlement between the State and County will be made following final audits and when final costs have been determined by the State.

SECTION 6. It is further understood that the County's share of the total project costs shall be all costs not paid for by Federal funds. Therefore, if the Federal government refuses to participate in the project or any portion thereof, the County is responsible for full project payment with no cost or expense to the State in such project or portion thereof. Should the project be abandoned before completion, the County will pay all costs incurred by the State prior to such abandonment.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereto duly authorized as of the dates below indicated.

EXECUTED by the County this 13th day of August, 2019.

WITNESS: ANTELOPE COUNTY

County Clerk

Chairman, County Board

EXECUTED by the State this 13th day of August, 2019.

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION
Jodi Gibson
Local Assistance Division Manager

Project No. STP-NBIS(118) - 2 - Agreement No. BL1944
Control No. 01003
2019 Fracture Critical Bridge Inspections

Project No. STP-NBIS(118) - 3 - Agreement No. BL1944
Control No. 01003
2019 Fracture Critical Bridge Inspections

"S", "M", or "U" Bridge

Firm	Structure No.	Location, Feature Intersected	County/Location	Original Inspection Cost
KMA	C000200205P	6.5N 2W OF ROYAL at S BR VERDIGRIS CREEK	Antelope	\$1,641.93
KMA	C000202905P	.2E NELIGH at BELMAR CREEK	Antelope	\$1,660.27
KMA	C000203305	5.5S 1W OF OAKDALE at STREAM	Antelope	\$1,660.27
KMA	C000204105	2.3S 3E OF OAKDALE at SAINT CLAIR CREEK	Antelope	\$1,568.59
KMA	C000205610	1S 1W OF OAKDALE at Cedar Creek	Antelope	\$1,531.93
KMA	C000210305	3.2S 4.5W CLEARWATER at CLEARWATER CREEK	Antelope	\$1,746.80
KMA	C000210505	3S 4W OF CLEARWATER at CLEARWATER CREEK	Antelope	\$1,531.93
KMA	C000211205	2N 1W OF ROYAL at HAY CREEK	Antelope	\$1,458.59
KMA	C000213105	3.5E OF ELGIN at WEST CEDAR CREEK	Antelope	\$1,586.93
KMA	C000214705	2N 6E OF OAKDALE at AL HOPKINS CREEK	Antelope	\$1,586.93
KMA	C000216010	3S 1W OF OAKDALE at CEDAR CREEK	Antelope	\$1,550.26
KMA	C000216025	1S OF TILDEN at GILES CREEK	Antelope	\$1,513.59
KMA	C000220220	1W N14 KNOX CL at STREAM	Antelope	\$1,660.27
KMA	C000220310	5.5N 2W OF ORCHARD at S BR VERDIGRIS CREEK	Antelope	\$1,660.27
KMA	C000220810	4N .2E OF ROYAL at E BR VERDICRIS CREEK	Antelope	\$1,696.93
KMA	C000221130P	5.5N 2.2E OF ORCHARD at S BR VERDICRIS CREEK	Antelope	\$1,875.14
KMA	C000230510	2.7N 1W OF ORCHARD at BIG SPRINGS CREEK	Antelope	\$1,623.60
KMA	C000236220	2S OF TILDEN at GILES CREEK	Antelope	\$1,568.59
KMA	C000242110	1.7N 1E OF ROYAL at E BR VERDIGRIS CREEK	Antelope	\$1,783.47
KMA	C000243920	5N 2E OF BRUNSWICK at STREAM	Antelope	\$1,623.60
KMA	M170502705P	.2S OF NELIGH at ELKHORN RIVER	Antelope	\$2,523.44
KMA	M170502710P	S EDGE NELIGH at ELKHORN RIVER	Antelope	\$2,616.58

Commissioner Smith addressed the Board: Commissioner Smith has received telephone calls from the public, and the contractor that was involved originally in the removal of a bridge on the county line that was removed, with a culvert replacement. He did not mention the contractors name because he saw no fault or responsibility that lies with them. The Contractor was contracted by the County to do the work. The Contractor informed Commissioner Smith he was contacted by the County Sheriff regarding the issue of the bridge. If there is an investigation into this bridge, he believes as the Board they should be aware of this. To his knowledge there is not known of an investigation going on. He brought this up so the tax payers and the Board is aware of the situation. He had communicated with Knox County and they will participate going forward with the repairs and replacement of the new bridge eventually. He believes it was brought up for point of information to the Board, and everybody needed to be aware of, because of the future bridge replacement.

Public Hearing Resolutions: Motion by Commissioner Bentley, seconded by Commissioner Smith to approve resolutions to hold public hearing on two (2) separate road closings in Elm Townships. The public hearing was scheduled during the July 23, 2019. Today, a resolution was presented for advertising purposes. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried.

2019-08-0002

Antelope County, Nebraska

Resolution – Setting Public Hearing for Road Closing

WHEREAS, the Antelope County Board of Commissioners directed the County Highway Superintendent to study the use of 848th Road between 529th Avenue and 531st Avenue, in Elm Township, Antelope County, Nebraska.

WHEREAS, a written report for the use of the road has been completed by the Highway Superintendent and is filed with the County Clerk,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, that a public hearing date be set for **10:00 AM** the 3rd day of September, 2019 to consider whether or not to vacate or abandon 848th Road. The County Clerk is hereby directed to send copies of this resolution by registered or certified mail to the abutting and adjacent landowners.

Adopted this 13th day of August, 2019 at Neligh, Nebraska.

Board of Commissioners, Antelope County, Nebraska
/s/ Tom Borer, Chairman

Attest:
/s/ Lisa Payne, Clerk

Motion by Commissioner Bentley
Seconded by Commissioner: Smith
Ayes: 5 Nays Abstain Absent

2019-08-0003

Antelope County, Nebraska

Resolution – Setting Public Hearing for Road Closing

WHEREAS, the Antelope County Board of Commissioners directed the County Highway Superintendent to study the use of 847th Road between 531st Avenue and 532nd Avenue, in Elm Township, Antelope County, Nebraska.

WHEREAS, a written report for the use of the road has been completed by the Highway Superintendent and is filed with the County Clerk,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska, that a public hearing date be set for **10:10 AM** (or to follow PH on 848th Road) the 3rd day of September, 2019 to consider whether or not to vacate or abandon 847th Road. The County Clerk is hereby directed to send copies of this resolution by registered or certified mail to the abutting and adjacent landowners.

Adopted this 13th day of August, 2019 at Neligh, Nebraska.

Board of Commissioners, Antelope County, Nebraska
/s/ Tom Borer, Chairman

Attest:
/s/ Lisa Payne, Clerk

Motion by Commissioner Bentley
Seconded by Commissioner: Smith
Ayes: 5 Nays Abstain Absent

Pledge Collateral: \$3,010,000.00 Pledged; plus, FDIC insured of \$250,000.00.

Library Association: Neligh and Elgin both had submitted their interlocal agreement annual renewal for fiscal year 2019-2020. Motion by Commissioner Bentley, seconded by Commissioner Smith to approve interlocal agreement as presented. Voting aye: Bentley, Smith, Henery, Jacob and Borer. Nays none. Motion carried. Other towns/villages to follow.

**INTERLOCAL AGREEMENT FOR ANTELOPE COUNTY
AND
ANTELOPE COUNTY LIBRARY ASSOCIATION**

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN Antelope County, Nebraska, a Political Subdivision, by and through its Antelope County Board of Commissioners, (hereinafter referred to as "County") and the Antelope County Library Association consisting of the public libraries of the Cities of **Neligh, Elgin** each being Municipal Corporations, by their respective Mayors, Chairpersons, and Trustees, respectively.

WHEREAS, Nebraska Revised Statute Section 13-801 Et. Seq., R.R.S. 1943 (reissued 1997), the "Nebraska Interlocal Cooperation Act" authorizes the parties hereto to unite their efforts and resources to accomplish the intent of this agreement; and

WHEREAS, the Antelope County Library Association, by and through their respective community libraries does agree to provide all services and materials to the residents of Antelope County, Nebraska, whom are not residents of the respective Municipal Corporations, under the same terms and conditions as provided to the residents of such Municipal Corporations;

WHEREAS, the Antelope County Library Association's mission statement is to serve the communities of Neligh, Elgin, Tilden, Brunswick, Royal, Orchard, Clearwater and Oakdale as well as all residents of rural Antelope County, Nebraska, as a resource for information, entertainment, cultural opportunity, and educational development, thereby enhancing and enriching the lives of the users. That the libraries within said communities shall be active and progressive institutions providing materials that reflect the needs and interests of its patrons. That said Library Association shall seek equitable funding, share materials and solutions to problems, provide access to resources beyond each of their individual facilities by cooperative agreements with library organizations at the local, regional and state levels and to strive to make use of all possible resources and ideas to meet the needs of the patrons of each of the communities and of the residents of the entire county.

WHEREAS, Nebraska Revised Statute Section 77-3442 R.R.S. 1943 (reissue 1996) provides that \$.05 per \$100.00 of taxable valuation of property subject to the county levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.

NOW THEREFORE, in consideration of the foregoing recitals and their mutual covenants here and after expressed, the parties agree as follows:

Each of the communities, Brunswick, Royal, Orchard, Clearwater, Neligh, Elgin, Oakdale and Tilden by and through their public libraries commonly referred to as the Antelope County Library Association shall provide all services and materials currently available through the public libraries, to non-residents of their community so long as such residents are residents of the county, under the same terms and conditions as such services and materials are provided to the resident of their respective communities.

That the County agrees to contribute financially to the Antelope County Library Association and agrees to implement a levy not to exceed \$.05 per \$100.00 of taxable valuation of property on an annual basis to the Antelope County Library Association, by paying to the respective libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Royal, Orchard, Clearwater and Oakdale the applicable amount as provided by this agreement. That a like amount shall be included in the County's budget, reviewable, on an annual basis. This funding to be supplemental funding and not replace other funding.

That this agreement shall have an effective date of July 1, 2019, and shall continue in full force and effect for a period of one year.

This agreement shall not be construed as to form an additional political subdivision. The parties hereto agree to comply with any and all laws, rules and regulations, whether same be local, state or federal, required in the administration and execution of the terms and provisions of this agreement. Further, that no party will assign any rights granted under this agreement.

This agreement shall be administered by the Antelope County Clerk, as directed by the respective board of the parties hereto.

IN WITNESS WHEREOF, the parties have executed the agreement on the dates appearing directly below their signatures.

Dated: , 2019.

VILLAGE OF CLEARWATER, a Municipal Corporation

BY: ___Mike Schmitt_____
Mayor, City of Elgin

BY: ___Joe Hartz_____
Mayor, City of Neligh

ATTEST:

___Vickie Miller_____
Elgin Clerk

___Dana Klabenes_____
Neligh City Clerk

Dated: August 13th, 2019.

ANTELOPE COUNTY NEBRASKA

BOARD OF COMMISSIONERS

BY: ___Tom Borer_____
Chairman of County Board

___/s/ Eli Jacob_____
Commissioner

___/s/ Allan Bentley_____
Commissioner

___/s/ ___Charles Henery_____
Commissioner

___/s/ Dean Smith_____
Commissioner

ATTEST:

___/s/ Lisa Payne____ (seal)
Antelope County Clerk

All County Inventories were presented for approval by the Commissioners. The Commissioners requested copies be made of the inventories for their review, and for them to be put on the agenda for September for approval.

Antelope Country Club Liquor License Renewal: The renewal notice for Antelope Country Club was published July 24th, 2019. No opposition was received by the County Clerk, and no opposition was in attendance today. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the Antelope Country Club Class C Liquor license. Voting aye: Henery, Jacob, Smith, Bentley, and Borer. Nays none. Motion carried.

No other issues to discuss.

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

Meeting adjourned at 12:10 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Tom Borer

Attest: _____
County Clerk, Lisa Payne