

August 20<sup>th</sup>, 2020  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Thursday, August 20<sup>th</sup>, 2020 at 8:03 AM in the Commissioner Meeting Room, Antelope County Courthouse, Neligh, NE. Notice of the meeting was given in advance thereof by publication in the two (2) county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's Office. Agenda for said meeting was sent to all members of the County Board of Commissioners. The meeting was open to the public and was available by ZOOM.

Chairman Henery opened the meeting at 8:03 AM. Responding to Roll Call: Commissioners Smith, Jacob, Pedersen, Krebs and Henery. Chairman stated Open Meetings poster is posted on the east wall of the Commissioner Meeting Room. Additional copies available in the County Clerk's Office.

Pledge of Allegiance was recited.

**Agenda:** Motion by Commissioner Jacob seconded by Commissioner Pedersen to approve **agenda** as presented. Voting aye: Smith, Jacob, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Correspondence was reviewed:** Mack Financial Services Financing Application for trucks; Nebraska Department of Health amount owed correction letter; NEMA payment letter of \$5,610.81; Proposed TransCanada Contract Agreement for Gravel Improvements (Aaron Boggs); Public Hearing and Cover Page of the 2020-2021 Budget papers; Thunderhead Wind Energy LLC Bond #PB00264800224; Local Project Monthly Status Update (2) Tilden North, Orchard NE.

**Receipt:** \$8.49 rebate on engine brake cleaner – Lawn Mower; \$ 34.70 refund Verizon. Both to General Fund.

Discussion on **Road & Bridge** and TransCanada Road Improvement Contracts: Aaron discussed TransCanada is having a difficult time finding a contractor to work on the gravel roads and completing the proposed Phase 1 work as presented. They have discussed options and have offered to pay 'the County' \$150,000.00 a mile to grind asphalt roads and a 6" overlay with a 1" crushed rock. This included approximately 16 miles. The below is a list of proposed projects for Antelope County to commit to. Antelope County to complete the work, or contract same and TransCanada would pay the County a lump sum as printed below. The Commissioners discussed the liability of the Road Use Agreement, and how that folds out. It was agreed that nothing can happen till all of the legal representation has agreed. The discussion of the origination of the type of dirt we desire to use, and if it is not available at the time, we need it. Discussion of the County not being able to complete the obligation before construction of the Pipeline begins. Discussion of the Road and Bridge Department Work Load. The County Attorney questioned the liability and the negotiation of said RUA and projects. TransCanada will continue to complete the hard surface roads. Antelope County will be responsible for gravel, roads. Time is of the essence, if we are going to do the grinding, we need to keep the grinder going. Aaron discussed this with Tim Baxter of NIRMA and he was certain they would be able to provide information by the end of the day.

### **Proposed TransCanada Contract Agreement for Gravel Improvements**

Antelope County will improve gravel roads as stated:

\$150,000 per mile 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight

\$0.36 per sq. ft Grinding Asphalt or \$42,000 per mile

-529<sup>th</sup> Ave between Bridge North of Hwy 275 and 850<sup>th</sup> Rd - 5.5 miles

- 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight = \$825,000

- 600' of grinding old asphalt = \$4,800

-850<sup>th</sup> Rd between 529<sup>th</sup> Ave and 534<sup>th</sup> Ave – 5 miles

- 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight = \$750,000

-866<sup>th</sup> Rd between 513.5 Ave and 517<sup>th</sup> Ave – 3.5 miles

- 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight = \$525,000

- 1.5 miles of grinding old asphalt = \$63,000

-849<sup>th</sup> Rd between 529<sup>th</sup> Ave and 530<sup>th</sup> Ave – 1 mile

- 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight = \$150,000

- 1 mile of grinding old asphalt = \$42,000

- Project already completed by Antelope County

-849<sup>th</sup> Rd between 530<sup>th</sup> Ave and 531<sup>st</sup> Ave – 1 mile

- 1" Crushed Rock @ 6" Overlay / Placement / Antelope County Oversight = \$150,000

- 1 mile of grinding old asphalt = \$42,000

- Project is slated for Phase 3 or after construction of pipeline

**Total Price of Contract Agreement = \$2,551,800**

Antelope County is required to complete the gravel portion of the agreement before June 1<sup>st</sup>, 2021

If the portion of said agreement is not completed by June 1<sup>st</sup>, 2021 TransCanada will be allowed to use roads for construction in this agreement.

Upon completion of improvements TransCanada's delegated engineers and Antelope County delegated engineers will need to agree that road improvements are satisfactory for both parties to continue usage per the RUA.

Motion by Commissioner Smith, to **accept the proposed TransCanada Contract Agreement pending approval of Legal Counsel for ALL parties involved. (Antelope County, NIRMA, and TransCanada). With the possibility of having a contract wrapped before the next meeting and possibly by the 25<sup>th</sup> of August, 2020. And to allow Chairman to sign contract if needed.** Motion is seconded by Commissioner Jacob. It was discussed that the Road Superintendent was appointed to negotiate roads for the RUA and this will be in play for this issue. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

**Budget:** It was discussed to add this amount to the Budget. It will not change the tax asking as the expenditures will come out of the Road and Bridge Fund, under a separate Function and the revenue will come as a payment from TransCanada.

**Budget:** Discussion of holding the budget hearing during the 1<sup>st</sup> meeting in September. It was set for 10:30 AM on September 1, 2020. Commissioner Smith stated he would have liked to see the levy remain the same as last year. It was stated the levy would not change if we lowered the asking by \$120,000.00 in light of the Highway Allocation Bond Money it is explainable. With the bonded funds and improvements with TransCanada the roads should be in a good place at the end of the fiscal year. Discussion of actual tax asking dollars it is right on break even from last year. The valuation of the County went down approximately 2%. Levy's increase with the lowering of valuation is inevitable if you are asking for same dollars, or an increase in tax asking. Budget expenditures and revenues to increase by \$2,551,800.00 per above figures. Advertising of budget hearing for the 1<sup>st</sup> discussed and decided.

No other issues to discuss.

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

Meeting adjourned at 8:54 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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