

August 22<sup>nd</sup>, 2019  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in special regular session on Thursday, August 22<sup>nd</sup>, 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 Smith, seconded by Commissioner Borer to remove setting the election date from the agenda as submitted. Discussion ensued. With Commissioner Smith stating that a date was already in print, and didn't know where that came from. The Clerk responded with, 'by Statute it is set.' Commissioner Borer stated the handbook states that the election can't be called for until five (5) days after the official has been notified. Commissioner Smith stated this meeting was set up to discuss the budget, we weren't going to discuss anything else, we are burning up time already. The Clerk stated that when things are of emergency nature, you have to meet to discuss it. She discusses calling the Secretary of State Office. Commissioner Bentley stated he does not have a problem setting a date when it gets moved to a regular meeting. The Clerk stated, that is too late, by Statute that is too late. Commissioner Bentley, stated and you have already selected a mail out ballot? Clerk responds, that is my choice. Commissioner Bentley asked (to Clerk) that is only your job to decide. Clerk stated as the Election Commissioner it is. Clerk asked again if we wanted to call the Secretary of States Office. Joe Abler, County Attorney, stated he had been talking with the Secretary of State this has to be set. Joe Abler said the Board (political subdivision) has to officially set, make a motion for a date. Commissioner Smith stated, if we are going to set a date, then we are also, as far as he was concerned, we are going to set what type of election it will be. We already had to send out a letter because of what is going on and the way the petitions were circulated and the way the signatures were gathered. There is no way in the world it can be a fair election when they are mailed out and elderly people have them in their house for an extended period of time. There is no way, the people need to come to the polling place. Commissioner Bentley stated those same two (2) individuals that it has been alleged they were in uniform, both of them to gather the signatures. Nothing is going to stop them to also, in his opinion, force them, or intimidate them into voting the way they want to. Commissioner Bentley stated, he has no problem with the date. He has a problem with the mail out ballot. If we can agree to the date, that is fine it is set. He wants, and he feels the people (voter) deserve a chance to come in and vote in person. He does not want a mail out ballot. Clerk attempts to dial Secretary of States Office. Commissioner Bentley states, he is here to tell that there is a lot of allegations on the two (2) individuals that were getting the signatures were in uniform, very intimidating, they actually lied, lies being said, not being read the reason recall why or the responses to them. County Attorney stated they need to file a complaint with the State Patrol. Commissioner Bentley stated he has had 40 people tell him, they are scared to death of what the repercussions will be if they file a grievance, with you or anybody. Joe Abler states he has no way of doing anything unless they come forward. Commissioner Smith asked if the people filing the complaint can remain anonymous? Commissioner Bentley, states he thinks this should be postponed at least until after the allegations are at least looked into. Joe Abler states, we do not have anything to look into until they are reported. He also said that is why he asked for people to report to him. Commissioner Bentley, asked if it is illegal for a Law Enforcement Officers to gather signatures while they are in uniform. Joe Abler responds, it is possibly some misconduct. Commissioner Bentley asks, if there is enough proof that that was, what happens then? Joe Abler states, 'if a report is made, action can be taken.' Commissioner Borer, asked, 'don't you think Joe, the County ought to be

safe and have a walk-in election?' Joe stated if that is an option, that is an option. Commissioner Bentley stated, I am alright with this if we have a walk-in election. I am alright with the date and everything, but we need a walk-in election. Clerk states, 'I don't think that is for you to decide, and by Statute that is not for you to decide.' Commissioner Bentley stated 'only you?' 'Why did you choose that over a walk-in election?' The Clerk stated there has to be at least five (5) polling places, that would be at least 25 poll workers. It is difficult to do, even during the Primary and General. Commissioner Smith, stated when he heard about mail-in ballots, he believes it is absolutely the biggest opening of the gate for corruption, intimidation of the voter, there is no way to validate that that person was not coerced or helped to say this is what you should vote for. There is no-way when you have something as, this cannot be a mail in ballot. This is as important, or more important than... You have, we just went through our audit, we have not got the official document yet. The accusations of misappropriation of funds, there was no misappropriated funds in the audit. So, there is one allegation that has been brought against the Commissioners that are up for recall. Commissioner Smith asked Commissioner Borer and Lisa (Clerk) if the exit interview said anything about misappropriation of funds. Both respond 'no.' The audit looks better than it has in the previous years. So, there is an allegation that is on that document of recall, that is not true. No misappropriation of funds. Allegations of hiring a law firm, that is a line item on our budget, we have this law firm on retainer. There is a line item for that law firm to handle legal needs of this county. It is attorney-client privilege that that firm was hired to conduct the investigation. So, how and why is that an allegation for having done their due diligence of protecting the County from potential litigation. Which has happened in the past of employees not being terminated correctly, or relieved of their duties. This Board voted five to zero to hire the firm to use some of our retainer money. Clerk speaks, and gets a "point of order." Commissioner Smith continues, so, how can there been misappropriation of funds when two (2) people cannot misappropriate? How many people were read the documents when the recall was given to them? How many of them were told if they sign this, they will get to vote on who gets to replace them? How many people were told falsehoods and then you think the ballots should be a mail in ballot? Because, misappropriations of funds can be used, was falsely used as an allegation against two (2) Board members. If there was misappropriation of funds, it is the entire Board-all five (5) of them. The Clerk said maybe that was not the incident that was referred to. Commissioner Smith, stated it was a five to '0' vote the firm is on retainer to help advise the Board to not make legal mistakes. Commissioner Bentley stated, it was stated numerous times to me by a lot, a lot of individuals that Lyle did not read the allegations, nor my response. He talked about other issues that were not even on there. Commissioner Smith stated, quite honestly, if those that carried those petitions and as many signatures that they gathered they should know the commissioners replies verbatim. Commissioner Bentley stated, I am telling you the intimidation of that deal was incredible, but that is done and over. Those people who signed it have to answer to Lyle, that is not my problem. I am not going to let Lyle and Bob intimidate those same people into you have to sign this. That is what they do. Commissioner Borer stated no public comments, until the Commissioners are done. Commissioner Bentley states, 'I am alright with this as long as we get to have a walk-in vote. I am OK with it. I don't know why you can't agree to that one thing. I can't see how one person, you Lisa, is going to be allowed to further cause possible corruption, collusion and intimidation of our voters.'" Sheriff Moore asks, "I just want to be clear; you are accusing me of corruption this morning in this public meeting?" Commissioner Bentley says, 'I am going to talk to you later Bob.' Commissioner Bentley continues, 'I want to know why is everybody against a walk-in vote? Why would that be?' Clerk responds, because it is a headache for me to try to find election workers. Commissioner Bentley yells, 'You don't think this whole thing wasn't a headache for Tom and I, really, to try to defend ourselves from false allegations. All of them. So, because you are Lisa you get to dictate, who and when you do. But the rest of us have to go through these lies, point blank lies, provable lies, as they are read this and not read this. As they were coerced into signing these petitions. And I had to listen to this, and listen to this. And you don't think that's caused me undo....' (Lyle Juracek, a member of the audience makes an inaudible derogatory comment to the Board.) Commissioner Smith states, 'what was that Lyle? Would you want to repeat that in public forum? No, the exact words, what you just said?' Unidentified public comments. Commissioner Smith, stated I am not asking him, I am telling him. Lyle stated, 'when your name is on the bottom of my checks, I'll listen to you.' Commissioner Bentley continued, 'and that is a great example of what I am saying, what Lyle has done to everyone of us our whole lives. I have known him for 40 years. He has bullied me for 40 years. He did it just there.' It was warned from the audience, that it better stop, Sheriff Moore stated, you better stop guys, you are digging a hole, you better stop. Commissioner Bentley continues with, 'I am alright with the date as long

as it is a walk-in ballot. I am all right.’ Commissioner Jacob states, ‘Lisa is a voted in official. She is not just Lisa; she is the Clerk.’ Clerk continues, ‘And Election Commissioner. I was elected as was every one of you sitting at the table, and a couple of people sitting in the audience as well. I have a duty to everybody too. You guys sit up here and preach you have a duty, every one of us was elected to do a duty. I feel it is just as important as your job. I was elected by the people of Antelope County. Every one of them.’ Commissioner Borer requested for a vote and second. Attorney, Joe Abler asked what was the motion. It was clarified that the date of election be removed from the agenda was the motion on the floor. Joe Abler state there are some time restraints that have to be met, and the election has to be set. Commissioner Borer states, ‘I am going to call for a vote, and remove it from the agenda so we can move on, Charlie?’ Commissioner Henery asked, should we do that before we talk with the Secretary of State? Commissioner Borer says, yes. Clerk clarifies, that your legal counsel told you to hold off, and it is duly noted that your legal counsel told you to wait. Commissioner Borer stated, ‘I’ve already received counsel on it.’ Commissioner Henery says, I have not, my counsel is Joe sitting back there and he suggested that we do not do this until we talk to the Secretary of State. Commissioner Borer continues with roll call vote. Voting aye: Smith, Bentley, and Borer. Nays: Henery and Jacob. Motion carries. (At this time Lyle Juracek, member of the audience makes an inappropriate gesture towards the Board.)

**Agenda:** Motion by Commissioner Smith, seconded by Commissioner Bentley to approve the adopted agenda, after removing election date off agenda. Voting aye: Smith, Bentley, and Borer. Nays: Henery and Jacob. Motion carries.

**Minutes of the August 13<sup>th</sup>, 2019.** Commissioner Henery, seconded by Commissioner Jacob to approve the minutes. Voting aye: Henery and Jacob. Nays: Smith, Bentley, and Borer. Motion does not pass.

**Levy Resolution:** Motion by Commissioner Bentley, seconded by Commissioner Smith to approve Subdivision Levy as presented. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion carried.

2019-08-0004  
Antelope County, Nebraska  
Resolution – Subdivision Levy

**Whereas**, the Board of Commissioners of Antelope County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Antelope County, Nebraska; and

**Whereas**, it has been determined that subdivisions within Antelope County have requested to remain under the Antelope County allotted \$0.50 limit; and

**Whereas**, the Board of Commissioners of Antelope County, deems it is in the best interest of Antelope County to approve said levy requests for 2019-2020 Budget Year; and

**Whereas**, the acceptance of the preliminary tax dollar requests presented by subdivision governmental entities were reviewed and compared to previous years.

**Antelope County Ag Society Fund** at \$145,000.00 for the 2019-2020 Fiscal Year.

**Rural Fire Districts of:**

<b>Brunswick</b>	\$ 77,272.85
<b>Clearwater</b>	\$54,754.56
<b>Elgin</b>	\$ 36,214.41
<b>Neligh</b>	\$ 79,014.03
<b>Oakdale</b>	\$ 41,161.51
<b>Orchard</b>	\$ 73,056.59
<b>Tilden</b>	\$ 85,330.57

All representing at or under \$0.02 levy for the 2019-2020 Fiscal Year.

**Antelope County Airport Authority** at \$63,000.00, for the 2019-2020 Fiscal Year.

Now, therefore, be it resolved by the Board of Commissioners of Antelope County, Nebraska, that the Antelope County subdivision preliminary

budgets be approved as presented, and remain under the Antelope County levy limit.

Dated this 22<sup>nd</sup> day of August, 2019.

\_\_\_\_/s/ Tom Borer \_\_\_\_\_  
Chairman, Board of Commissioners

Attest:  
\_\_\_\_/s/ Lisa Payne \_\_\_\_\_ seal \_\_\_\_\_  
Lisa Payne, Antelope County Clerk

Motion by: \_\_\_ Bentley \_\_\_\_\_  
Seconded by: \_Smith \_\_\_\_\_  
Voting aye: \_Bentley, Smith, Henery, Jacob and Borer \_\_\_\_ -- \_\_\_\_\_  
Nay: \_\_\_\_\_ none \_\_\_\_\_  
Abstain \_\_\_\_ 0 \_\_\_\_\_ Absent \_\_\_\_\_ 0 \_\_\_\_\_

**Fund Transfer:** General to Road and Bridge: \$20,000.00 Motion by Commissioner Henery, seconded by Commissioner Jacob to approve claim from General to transfer to Road and Bridge. Voting aye: Smith, Jacob, Henery, Bentley and Borer. Nays none. Motion carried.

**Copies of inventories distributed**

**8:28 AM** Commissioner Bentley leaves meeting stating he understands the budget pretty well and has asked the individual department heads to talk to him. He has a meeting to get to.

**General Budget Discussion:**

Discussion of valuations. 2,483,485,076  
Budgets were reviewed by department and with the appropriate department heads when available.  
Casey Dittrich, Road Superintendent discussed some variations in his previous request.

Motion by Commissioner Smith, seconded by Commissioner Henery to **remove inactive funds from budget.**

- Funds: 2355 Stop Program 652-00
- 2430 K-9 Fund 651-00
- 2500 Federal Grants 651-00 & 970-00
- 5400 Weed Control 970-00

Voting aye: Smith, Henery, Smith, and Borer. Nays none. Motion carried. Bentley absent.

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 10:46 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, Tom Borer

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