

September 1st, 2020
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 1st, 2020 at 9:00 AM in the Commissioner Meeting Room, Antelope County Courthouse, Neligh, NE. Notice of the meeting was given in advance thereof by publication in the two (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 9:00 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, Pedersen, Jacob, Krebs and Henery. Nays none. Motion carried.

Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve **Board of Commissioner Minutes for August 11th, 2020**. Voting aye: Pedersen, Jacob, Smith, Krebs and Henery. Nays none. Motion carried.

Motion by Commissioner Pedersen seconded by Commissioner Krebs to approve **Board of Commissioner Minutes for August 20th, 2020**. Voting aye: Pedersen, Smith, Krebs and Henery. Jacob abstains. Nays none. Motion carried.

Correspondence was reviewed: NDOR Past Due Bridge Inspection Reminder, \$3,000,000.00 Debt Service Schedule – Highway Allocation Bond; NDOR Upcoming Annual Bridge Inspection Reminder; Law Enforcement Center Inventory (it was not available during August Meeting); NIRMA Annual Meeting on Friday, October 2nd, 2020 at 10:00 AM; NIRMA election of Officers for the 2021 year; Letter from Deb Branstiter regarding Pledge Collateral for July and August of 2020; Letter from Ashley D. Boettcher regarding placement of 'Engine Baking Prohibited' sign on 513th Avenue'; Pipeline Awareness Newsletter; Black Hills Energy regarding COVID delay of payments; Budget Hearing and Cover Page of the 2020-2021 budget.

Receipts: \$ 2,961,750.00 Proceeds from the sale of the Highway Allocation Bonds

Antelope County Visitors Committee: Motion by Commissioner Smith, seconded by Commissioner Pedersen to appoint Kristin Childers to the Antelope County Visitors Committee to replace Vicki Miller who will be retiring from the City of Elgin at the end of September. Voting aye: Smith, Pedersen, Krebs, Jacob and Henery. Nays none. Motion carried. Miss Childers term is a four (4) year term to expire May 1, 2023. She will represent the City of Elgin.

Antelope Country Club Annual renewal of the Antelope Country Clubs Class C Liquor License. Publication in the paper. No comments or concerns were written or voiced. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve liquor license. Voting aye: Smith, Pedersen, Jacob, Krebs and Henery. Nays none. Motion carried.

Special Designated Liquor License for Prairie Creek Vineyards LLC, for November Fest on November 7, 2020. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve license. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.

Brett Sebastian with **GoRail** met via the telephone with the Commissioners regarding the current **Go Rail Project**. This is regarding the Stagger's Rail Act and the preservation for the act. They are requesting the Commissioners to sign a petition type letter to presented to Congress to support the rail system in Nebraska. Discussion of the Commissioners. The Commissioners will re-evaluate and will visit this again next week. No further action.

Public Hearing: One- and Six-Year Road Plan Hearing

9:32 AM Motion by Commissioner Smith, seconded by Commissioner Jacob to open the Public Hearing for One- and Six-Year Road Plan Hearing. Voting aye: Smith, Pedersen, Jacob, Krebs and Henery. Nays none. Motion carried.

Antelope County Highway Superintendent, Brian McDonald presented a list of projects and corresponding map. The One- and Six-Year Road Program is how the County qualify for gas tax money. This record has to be maintained to show how we spent the gas tax money. Basically, a One- and Six-Year Road Plan is to show how we intend to spend it. Brian has reviewed these projects and map with Aaron Boggs, Antelope County Road Superintendent. This is a continuous evolving list; and can be updated and changed. Mr. McDonald invited the Commissioners to introduce and or change any project on the list. Chairman Henery invited the public to make comments. Fred Thiele, from Clearwater asked the Commissioners about 516th Avenue going north of Clearwater for approximately 1.5 miles. He mentioned the Cemetery north of there needs to have a decent road for access by the public. Discussion between the Commissioners was to add the project mile to include the road past the cemetery. This area was overlaid with Sinclair Dirt earlier this summer to establish a base for future road building. The dust is crazy now, because of the dryness. It was agreed to add this stretch to the One- and Six-Year Plan. Discussion of the bridges on the Knox County Line. These bridges have been closed since the flood in March of 2019. They are currently on the plan; it was discussed whether both bridges need to be removed and replaced. Project #404 is ok for vehicle traffic, but is currently closed because project number 403 is out, and not able to accept traffic. Discussion of sharing the cost with Knox County. The current FEMA estimate is \$116,000.00, 75% is FEMA share and then NEMA would pay an additional 12.5% the remaining cost would be split between the two (2) Counties. FEMA dollars have to be spent within four (4) years of the disaster. \$116,000.00 would open the bridge next spring, but would not be for heavy traffic. The estimated cost for \$500,000.00 to repair Bridge Project 403, together the projects are estimated at \$650,000.00. Discussion whether we should repair the whole project, or do the temporary \$116,000.00 fix. Engineering would be an additional cost of repairing these bridges. Recommendation to leave the projects on the Plan as they currently are: C-2 (403) is on the 1-year plan; and bridge C-2(404) is on the 6-year plan. If the plan changes, either bridge could be done at any time. They just have to be on the One-and Six-Year Plan. Discussion of project 9 on the 6-year plan C-2(394) 'build new road at west edge of Clearwater between Sections 1&2-25-8', this project is no longer needs to be in the plan because of the moving of the High School out of the Village; it was discussed for a truck route. Projects less than a 3R (resurfacing, restoration, rehabilitation) does not need to be included in this list. Reconstruction projects should be listed.

10:04 Motion by Commissioner Smith, seconded by Commissioner Jacob to close public hearing. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Motion by Commissioner smith, seconded by Commissioner Jacob to Adopt resolution with the with the addition of 516th Road North of Clearwater and removal of C-2(394) – new road west side of Clearwater. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Antelope County, Nebraska
Resolution: 20-09-0001
One- & Six-Year Road

Be it resolved by the Board of Commissioners for Antelope County, Nebraska, that the One and Six Year County Road Program as prepared by Brian E. McDonald of Norfolk, Nebraska, and attached hereto, be adopted.

Board of Commissioners for
Antelope County, Nebraska

/s/ Charlie Henery

Chairman

Attest:

/s/ Lisa Payne
County Clerk

Passed and approved this 1st day of September, 2020.

Motion by Commissioner: Smith

Second by Commissioner: Jacob

That the above resolution be approved, the Chairman stated the motion and directed the Clerk to call the roll. Roll call resulted as follows:

Yea: Smith, Jacob, Krebs, Pedersen, Henery

Nay: -

The result of the vote being 5 Yeas and 0 Nays. The Chairman declared the motion carried.

RSR - Truck Bids: Aaron Boggs submitted a copy of a 2021 Mack GR64FT from RDO Truck Centers with warranty and exhaust affixed treatment package. Last month Bob Sobotka met with the Commissioners during the bid process. He had presented five options for the bid opening. He was asked to bring back the financing options. Two (2) of the used trucks presented were sold. Discussion regarding the purchase of new versus used, financing, maintenance, etc. Currently, Antelope County is renting a truck for approximately \$6K a month. If purchase happens the rental will go away. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to purchase the truck as bid with warranty and exhaust after treatment. Discussion continues. Clerk to submit to local banking institutions for financing options. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

Zoning Administrators Report: Mrs. Doerr was not in attendance. She had presented a 3.846 Acre tract in section 11-24-6 for Miranda and Kevin Hild. The house lot split is to satisfy lending institution request to facilitate the Deed of Trust. The Assessor confirmed there is an existing right of way on file for access to property. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve the 3.846 lot split in the S $\frac{1}{2}$ NW $\frac{1}{4}$. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried.

2020 Inventories were tabled until next week.

Budget Hearings: 10:30 AM Motion by Commissioner Krebs, seconded by Commissioner Jacob to open the public hearing regarding the proposed budget. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried. In attendance was five members of the public, 2 newspaper reporters, County Assessor, County Treasurer, Road Superintendent, Road Superintendent Consultant. Chairman Henery stated the hearing was to discuss the budget. He then asked for any comments from the Commissioners, and comments from the public. Nothing was voiced. County Clerk, Lisa Payne stated that the actual tax asking is down, and the proposed levy is a slight increase of .00572 from last. A highway allocation bond was added. Cash reserve for the 20-21 fiscal year was increased by nearly \$1,000,000.00. Capital Improvements were listed at \$500,000.00 of Road Improvements. The current figures represent the 1% levy increase approval of the Board. There were some changes of Fund numbers along with the addition of the Highway Allocation Bond Fund. The operating expenditures increased significantly, this is basically because of interfund transfers and how this will all work. Current transfers are over \$9,000,000.00.

10:41 AM Motion by Commissioner Pedersen, seconded by Commissioner Jacob to close public hearing regarding budget. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

10:42 AM Motion by Commissioner Pedersen, seconded by Commissioner Jacob to open the public hearing regarding setting the final tax dollar request for the 2020-2021 budget. Voting aye: Smith, Jacob, Krebs, Pedersen and Henery. Nays none. Motion carried. The final tax asking went down by \$10,000.00 also the valuation went down approximately \$2,000,000.00 (2%). Chairman asked the public if there were any questions. No response. Commissioner voiced no comments.

10:44 AM Motion by Commissioner Smith, seconded by Commissioner Jacob to close public hearing regarding budget. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

Motion by Commissioner Krebs, seconded by Commissioner Pedersen to **increase restricted funds by 1%**. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

Motion by Commissioner Jacob, seconded by Commissioner Smith to **approve 2020-2021 Budget** as presented. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

Motion by Commissioner Pedersen, seconded by Commissioner Jacob to **set final tax dollar request**. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

10-minute break

Road Superintendent Report:

- **TransCanada: Road Improvement Contract** - We are awaiting an agreement/contract from TransCanada for our legal Counsel to review. At present there is nothing to discuss.
- Discussion of **Auction Items for Purchase:** The County purchasing act gives authority of the supervisor/elected official for purchases under \$10,000.00. Items between \$10,000.00-50,000.00 is like bids. Over \$50,000.00 is a bidding discussion.
- Discussion of **Auction Items for Selling:** Belly dump trailer from Orchard, white truck with motor out, patching truck – Aaron is planning on repurposing. Sheriff Moore is planning an auction of the Impound Lot surplus and some of these items need to be placed with the impound lot auction. Aaron is attempting to repurpose some of the ‘old’ equipment. The Commissioners asked for a list of items to be auctioned. Discussion of Case Tractor on Big Iron or Sheriff’s Auction. Case tractor is missing gears. Aaron is looking to get a pickup. Weed department has items for auction. Aaron will contact Weed Superintendent regarding this.
- **Access Permit** was submitted by **Kirk Brozek** for access to a field in the NW $\frac{1}{4}$ 4-27-7 along 864th Road. Aaron indicated no issues. Motion by Commissioner Jacob, seconded by Commissioner Smith to approve access permit. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried. All County and State recommendations to be followed.
- **Underground Permit:** was submitted by **Elkhorn Rural Public Power District** for the placement of electric line underneath a gravel road 846th Road, in the NW $\frac{1}{4}$ 6-24-8. The purpose is to place a service line for power to Substation for Thunderhead Wind Farm. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve underground permit. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried. All County and State recommendations to be followed.
- Letter from Galyen Boettcher Baier PC LLO Law Firm regarding **‘Engine Brake Prohibited’** signage on 513th Avenue. It was discussed the current signage was down and replaced in a matter of days. The letter discussed was dated long after the day it was

replaced. Previous minutes will be checked for the resolution mentioned in the letter. The Board, the Clerk, nor the former Road Superintendent are recalling this resolution.

- **Frontier Communications** – They have sent us a bill for damage done to their telephone line during routine maintenance along the road. Casey Dittrich and Aaron Boggs are working with Frontier. No further action.
- **Ten Point Construction:** Motion by Commissioner Smith, seconded by Commissioner Jacob to approve and authorize Chairman to sign the 10 Point Construction Agreement. Voting aye: Smith, Krebs, Jacob, Pedersen and Henery. Nays none. Motion carried.

Preliminary Engineering Services Agreement & Resolution-Orchard Northeast Project NO. ER-2605(5) Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution and authorize Chairman to sign resolution. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

RESOLUTION
SIGNING OF PRELIMINARY ENGINEERING AGREEMENT – BK2032
Antelope County, Nebraska
Resolution No. 2020-09-00002

Whereas: Antelope County is developing a transportation project 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 for the Federal-aid project;

Whereas: Antelope County and JEO Consulting Group, Inc., wish to enter into a Professional Services Agreement to provide environmental services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Antelope County that:
Charles Henery, Chair of the Antelope County Board of Commissioners, is hereby authorized to sign the attached environmental services agreement between Antelope County, Nebraska and JEO Consulting Group, Inc.
NDOT Project Number: ER-2605(5)
NDOT Control Number: 32344
NDOT Project Description: Orchard Northeast
Adopted this 1st day of September, 2020 at Neligh, Nebraska.
The Board of Commissioners of Antelope County, Nebraska
_____/s/ Charlie Henery _____ /s/ Regina Krebs _____
_____/s/ Carolyn Pedersen _____ /s/ Eli Jacob _____
_____/s/ Dean Smith _____
Board/Council Member __Smith _____
Moved the adoption of said resolution
Member _Jacob _____ Seconded the Motion
Roll Call: __5__ Yes __0__ No __0__ Abstained __0__ Absent
Resolution adopted, signed and billed as adopted

Attest:
_____/s/ Lisa Payne _____
Signature County Clerk

Environmental Services Agreement & Resolution-Orchard Northeast Project No. ER-2605(5) Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution and authorize Chairman to sign resolution. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

RESOLUTION
SIGNING OF ENVIRONMENTAL SERVICES AGREEMENT – BK2033
Antelope County
Resolution No. 2020-09-00003

Whereas: Antelope County is developing a transportation project 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 for the Federal-aid project;

Whereas: Antelope County and HDR Engineering, Inc. wish to enter into a Professional Services Agreement to provide environmental services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Antelope County that:
Charles Henery, Chair of the Antelope County Board of Commissioners, is hereby authorized to sign the attached environmental services agreement between Antelope County, Nebraska and HDR Engineering, Inc.
NDOT Project Number: ER-2605(5)
NDOT Control Number: 32344
NDOT Project Description: Orchard Northeast
Adopted this 1st day of September, 2020 at Neligh, Nebraska.
The Board of Commissioners of Antelope County, Nebraska
_____/s/ Charlie Henery _____ /s/ Regina Krebs _____
_____/s/ Carolyn Pedersen _____ /s/ Eli Jacob _____
_____/s/ Dean Smith _____
Board/Council Member __Smith _____
Moved the adoption of said resolution
Member _Jacob _____ Seconded the Motion
Roll Call: __5__ Yes __0__ No __0__ Abstained __0__ Absent
Resolution adopted, signed and billed as adopted

Attest:
_____/s/ Lisa Payne _____
Signature County Clerk

Preliminary Engineering Services Agreement & Resolution-Tilden North - Project NO. ER-2580(3) Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution and authorize Chairman to sign resolution. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

RESOLUTION
SIGNING OF PRELIMINARY ENGINEERING AGREEMENT – BK2034
Antelope County
Resolution No. 2020-09-00004

Whereas: Antelope County is developing a transportation project 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 for the Federal-aid project;

Whereas: Antelope County and JEO Consulting Group, Inc., wish to enter into a Professional Services Agreement to provide environmental services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Antelope County that:
Charles Henery, Chair of the Antelope County Board of Commissioners, is hereby authorized to sign the attached environmental services agreement between Antelope County, Nebraska and JEO Consulting Group, Inc.

NDOT Project Number: ER-2580 (3)

NDOT Control Number: 32345

NDOT Project Description: Tilden North

Adopted this 1st day of September, 2020 at Neligh, Nebraska.

The Board of Commissioners of Antelope County, Nebraska

____/s/ Charlie Henery _____ /s/ Regina Krebs _____

____/s/ Carolyn Pedersen _____ /s/ Eli Jacob _____

____/s/ Dean Smith _____

Board/Council Member __Smith _____

Moved the adoption of said resolution

Member _Jacob _____ Seconded the Motion

Roll Call: __5__ Yes __0__ No __0__ Abstained __0__ Absent

Resolution adopted, signed and billed as adopted

Attest:

____/s/ Lisa Payne _____

Signature County Clerk

Environmental Services Agreement & Resolution-Tilden North - Project No. ER-2580(3) Motion by Commissioner Smith, seconded by Commissioner Jacob to approve resolution and authorize Chairman to sign resolution. Voting aye: Pedersen, Krebs, Jacob, Smith, and Henery. Nays none. Motion carried.

RESOLUTION
SIGNING OF ENVIRONMENTAL SERVICES AGREEMENT – BK2035
Antelope County
Resolution No. 2020-09-00005

Whereas: Antelope County is developing a transportation project 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 for the Federal-aid project;

Whereas: Antelope County and HDR Engineering, Inc. wish to enter into a Professional Services Agreement to provide environmental services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Antelope County that:
Charles Henery, Chair of the Antelope County Board of Commissioners, is hereby authorized to sign the attached environmental services agreement between Antelope County, Nebraska and HDR Engineering, Inc.

NDOT Project Number: ER-2580(3)

NDOT Control Number: 32345

NDOT Project Description: Tilden North

Adopted this 1st day of September, 2020 at Neligh, Nebraska.

The Board of Commissioners of Antelope County, Nebraska

____/s/ Charlie Henery _____ /s/ Regina Krebs _____

____/s/ Carolyn Pedersen _____ /s/ Eli Jacob _____

____/s/ Dean Smith _____

Board/Council Member __Smith _____

Moved the adoption of said resolution

Member _Jacob _____ Seconded the Motion

Roll Call: __5__ Yes __0__ No __0__ Abstained __0__ Absent

Resolution adopted, signed and billed as adopted

Attest:

____/s/ Lisa Payne _____

Signature County Clerk

No other issues to discuss.

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

Meeting adjourned at 11:37 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne