

September 3<sup>rd</sup>, 2024  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 6<sup>th</sup>, 2024, at 9:00 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. The meeting was called to order by Board Chairperson, Charlie Henery with the following board members in attendance: Jacob, Krebs, Williby, Dittrich, and Henery. Chairman stated that the open meeting laws are posted on the east wall of the Commissioner's Meeting Room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the three (3) county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. The agenda for said meeting was sent to all members of the County Board of Commissioners.

Pledge of Allegiance was recited.

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

**Minutes: Minutes of the August 13<sup>th</sup>, 2024, Board of Commissioner Meeting:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the August 13<sup>th</sup>, 2024, Board of Commissioner Meeting as presented. Voting aye: Jacob, Williby, Krebs, Dittrich and Henery. Nays none. Motion carried.

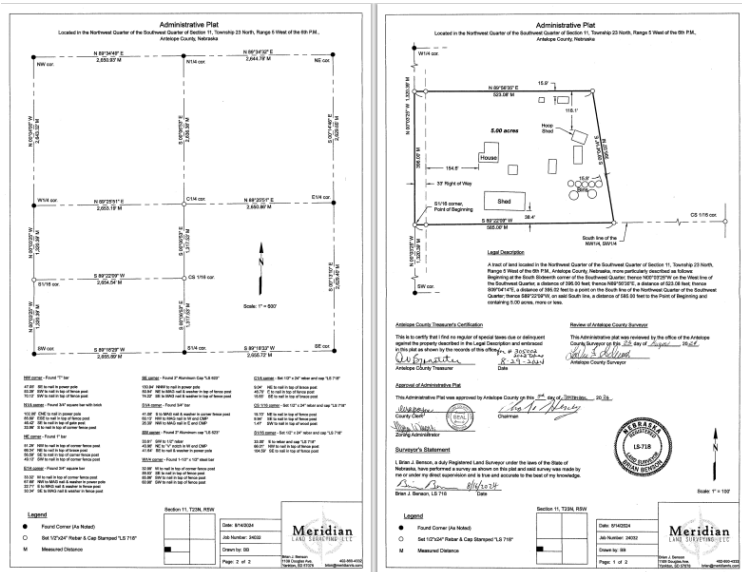
**Minutes: Minutes of the August 13<sup>th</sup>, 2024, Board of Equalization Meeting:** Motion by Commissioner Jacob seconded by Commissioner Dittrich to approve minutes of the August 13<sup>th</sup>, 2024, Board of Equalization Meeting as presented. Voting aye: Jacob, Dittrich, Krebs, Williby and Henery. Nays none. Motion carried.

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

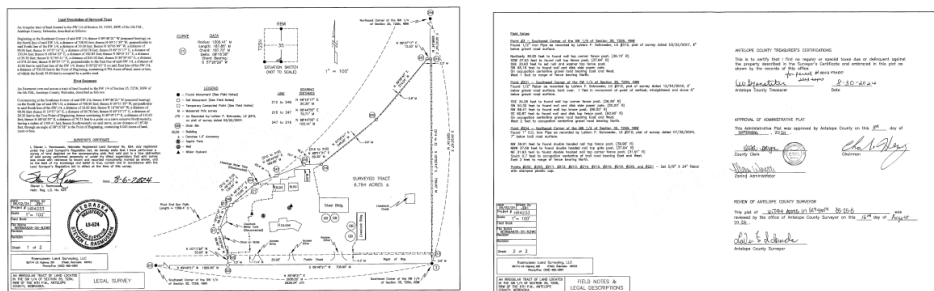
**Correspondence was Reviewed:** letter from County Treasurer and list of prior delinquent real estate parcels; A&R Construction contractors application for pay, certificate of substantial completion, and change order; Auction Time – list of equipment sold; Kroger National Opioid Settlement agreement; Group Whole Life Proposal – Allstate – Karter Otte; Complete overhaul bids from John Deere & Cat for motor graders; Road Department equipment status report; NNTC annual report; Aaron Rice Livestock Animal Feeding Operation – SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 15, Township 25, Range 6; BC/BS Nebraska creditable coverage letter; Valerie Hart – is not able to haul commodities any more.

**Zoning Administrator Report:** Ms. Wingate shared the following plats:

- Administrative Plat: Tucker Hecht submitted a plat for 5 Acre tract in the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 11, Township 23, Range 5 west of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Lying seven and a half (7.5) miles south of Tilden. Ms. Wingate reports all setbacks are met, the surveyor walked and verified all lines are greater than 15 feet from buildings. She believes the family plans on selling the surveyed parcel and keeping the parent parcel. She reports no issues and recommends approval. Access is good to both parcels (parent and acreage). Motion by Commissioner Dittrich, seconded by Commissioner Williby to approve Plat as submitted. Voting aye: Dittrich, Williby, Krebs, Jacob, and Henery. Nays none. Motion carried.



- Ms. Wingate presented an Administrative Plat for Leonard Kerkman. This is a 6.794 acre tract in the SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Section 35, Township 25 Range 8, West of the 6<sup>th</sup> PM, Antelope County, Nebraska. Ms. Wingate believes all setbacks are met, access is good (both parcels) easements are in place, no additional easements are needed and Megan reports no issues. Discussion. Motion by Commissioner Jacob, seconded by Commissioner Dittrich. Voting aye: Dittrich, Williby, Krebs, Jacob, and Henery. Nays none. Motion carried.



- No further report.

**Antelope Country Club: Liquor License:** Advertisement was placed as required. No written or verbal correspondence has been received by the Clerk. Motion by Commissioner Dittrich, seconded by Commissioner Jacob to approve and accept the liquor license renewal for Antelope Country Club for the 2024-2025 year. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**First Concord Benefits Renewal:** Annual renewal of the First Concord Benefits Agreement regarding 2024-2025 Plan Year. This agreement was sent by First Concord Benefits Group. It was sent to Antelope County Attorney for review, as it is a renewal we are at the mercy of the plan. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve and authorize the County Board Chairman to sign. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**First Concord Benefits Renewal Resolution:** Annual renewal of the First Concord Benefits Agreement 2024-2025 Plan Year. The resolution was presented to fully accept terms and conditions of the benefit renewals. Motion by Commissioner Dittrich, seconded by

Commissioner Krebs to approve and authorize the County Board Chairman to sign resolution. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

ANTELOPE COUNTY – FIRST CONCORD BENEFITS – 2024-09-0001  
CERTIFICATE OF RESOLUTION

The undersigned authorized representative of ANTELOPE COUNTY (the Employer) hereby certifies that the following resolutions were duly adopted by the governing body of the Employer on 3 September 2024 and that such resolutions have not been modified or rescinded as of the date hereof:

**RESOLVED**, that the form of amended and restated Welfare Benefit Plan, effective July 01, 2024, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan.

**RESOLVED**, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan.

**RESOLVED**, that the proper agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

The undersigned further certifies that attached hereto as Exhibits, are true copies of ANTELOPE COUNTY's Benefit Plan Document and Summary Plan Description approved and adopted at this meeting.

Company: ANTELOPE COUNTY

Signature: Charlie Henery

Printed Name: Charlie Henery

Title: Chairman, Board of Commissioners Antelope County

Date: 3 September 2024

**One and Six Year Road Plan:** Brian McDonald, Highway Superintendent, met with the Commissioners regarding the update on the One and Six Road Plan. In August, he met with the Board and Road Superintendent regarding projects for the Road Plan. Today, he presents an updated plan, and asks for updates, concerns and comments. Discussion of projects. Motion by Commissioner Williby, seconded by Commissioner Dittrich to set the One and Six Year Road hearing for October 1<sup>st</sup>, 2024 at 9:30 AM. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**Discussion of Sunken Garden Bridge:** Sunken Garden Bridge (838<sup>th</sup> Road & 525<sup>th</sup> Avenue) has been discussed multiple times over the years. The recent plan was to place culverts in the area and to pack aggregate to utilize the road. Recent discussions with landowners in the area are wondering if these repair dollars might be more useful in other areas, and to close the road. This project is on the one (1) year road plan. Discussion with Highway Superintendent, and ways to handle this. The road is temporarily closed because the bridge is out. Mr. McDonald recommends holding a public hearing along with the One- & Six-Year Road Plan Hearing and to make sure the landowners in the area know we will be discussing this road for possible closure during the hearing. In the meantime, the Road & Bridge employees can remove the deck and post it as closed. The outcome will depend on the discussion during the public hearing on October 1<sup>st</sup>, 2024. No further action today.

**A&R Application for Payment:** a pay application was presented for the intersection project – Summerland School intersection. The pay application is for \$18,162.99. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve and authorize Chairman sign the pay application and payment of same. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**A&R Certificate of Substantial Completion:** a Certificate of Substantial Completion was presented for the intersection project – Summerland School intersection. The Certificate of Substantial Completion basically marks the completion of the project and start of the warranty period. Motion by Commissioner Dittrich, seconded by Commissioner Williby to approve Chairman signing certificate of substantial completion. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**A&R Change Order #1:** a change order was presented for the intersection project – Summerland School intersection. The Change order is for \$688.57. reconciling quantities to as built. Motion by Commissioner Dittrich, seconded by Commissioner Krebs to approve Chairman signing change order. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

Discussion with Highway Superintendent regarding the **River Road (516<sup>th</sup> Avenue) in Clearwater**. Recent discussions with the Village of Clearwater, they have requested the County to 'help' with the laydown of a cold mix cure on 516<sup>th</sup> Avenue turning north off of Highway 275. There are three (3) manholes on this stretch. Discussion with the Highway Superintendent revolved around the County not being contractors. The Village has suggested local landowners would be willing to haul asphalt on a volunteer basis. The Highway Superintendent stated this is another barrier as the County is not able to insure this, and/or individuals on the road project. Manholes are an issue, however there will be greater issues if surfaces aren't right, there is a mishap with trucking, etc. Mr. McDonald thought the Village Engineer should initiate an estimate and present a project estimate and bid process. Highway Superintendent is not in favor of this project. He believes the County Attorney will recommend the same.

**Road Superintendent Report:**

- **Access Permit:** Dale Schindler presented an access permit for 836<sup>th</sup> Road in the SW¼, Section 22, Township 23, Range 7, West of the 6<sup>th</sup> P.M., Antelope County. Because this request for access is so close to the intersection, the Road Superintendent would like to check with the Highway Superintendent before action is taken. The Road Superintendent requests this permit to be held till next week. They will look at it today.
- **Underground Permit:** Dan Kerkman, from Kerkman Electric submitted a permit for an underground permit to provide electricity to a new grain bin. The plan is to go under 514<sup>th</sup> Avenue. This is in the SW¼ Section 11, Township 24, Range 8, West of the 6<sup>th</sup> PM, antelope County, Nebraska. Jesse McKillip is the owner. Leigh voiced no issues. Motion by Commissioner Williby, second by Commissioner Jacob to approve underground permit as per Road Superintendent recommendations. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Oversize Permits:** Southern Lifting and Hoisting LLC submitted an oversize permit to move a crane along 835<sup>th</sup> Road right onto 529<sup>th</sup> Avenue. Mr. Kluthe worked with the crane operator to facilitate a good, safe route. The move was completed. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve oversize permit on Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Underground Permits:** NNTC (Northeast Nebraska Telephone Company) submitted 66 permits for a project they did in the Clearwater area. These were originally submitted in the April time frame, however, were never acted on. NNTC completed the paperwork and confirmed with the current Road Superintendent the underground/crossing permits. Road Superintendent voices no issues. These permits are bores under 511, 512, 513, 516, 518, and 519 Ave. Also 856, 857, 859, 861, 862 Rd. And some drops from one side of road to other side. Motion by Commissioner Williby, seconded by Commissioner Dittrich to approve underground permits on Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Access Permit:** John Anderson requested an access to 514<sup>th</sup> Avenue for access to their grain bin site. Anderson's will install a culvert and driveway themselves. The Road Superintendent states visibility is good and has no issues. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve oversize permit on Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Access Permit:** Emmanuel Lambright requested an access to 514<sup>th</sup> Avenue for access to home site. In the SE¼ Section 27, Township 28, Range 8, West of the 6<sup>th</sup> PM, Antelope County. This is north of 865<sup>th</sup> Road. The road Superintendent states visibility is good and has no issues. Motion by Commissioner Jacob, seconded by Commissioner Dittrich to approve oversize permit on Road Superintendent recommendation. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.
- **Payloader Repairs:** The Elgin payloader is down and the estimate to repair is approximately \$14,000.00. Last year the County spent \$20,000.00 on repairs. Mr. Kluthe was looking for some direction. County did purchase this payloader new. Discussion. It is recommended to fix it.
- **Motor Grader Fixes:** Currently, three (3) graders are out of commission. Two (2) of the John Deere machines and a CAT machine. Overhauling these machines will be a \$140,000.00 to \$155,000.00. Commissioners discussed the overhaul bids. The recommendation today is to have Grubb look at these machines – and fix what is wrong, as washing equipment, paint etc. is not effective in a machine performance.
- **Armor Coating** 0.5 miles west of Brunswick. The Road Guy is working in Brunswick for the village, and the Road Superintendent wondered if the County would want to subcontract with them to armor coat that half mile for the County since they are in the area. The Commissioners recommended the County better plan on having Sta-Bilt complete that during their Armor Coating project this fall.

- **Road & Bridge Discussion:** Mr. Kluthe reported the Road & Bridge Crew will be finishing up the mile north of the Summerland School today. They are mixing the last strip south of Orchard tomorrow. 5 gallons short of 30,000 material was placed on the south mile. The road crew has the road widening equipment by Highway 275. They will mill four (4) foot and lay down five (5) on each side. The plan is to work between 8:00 AM and 2:00 PM, so not to interfere with school traffic. Mr. Kluthe is working with school administrators with times.
- **Striping of School Road** Mr. Kluthe inquired about striping the school road.

**Opioid Settlement: Kroger Pharmaceuticals:** Antelope County can participate in a class action settlement in the Opioid Crisis. County Attorney advised it is like prior settlements. Motion by Commissioner Williby, seconded by Commissioner Jacob to authorize Chairman to sign agreement and the clerk to process paperwork online as necessary. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**Allstate Benefits Proposal Karter Otte:** Mr. Otte visited with the Commissioners in July. Today an application is presented for participation. Discussion. Motion by Commissioner Williby, seconded by Commissioner Dittrich to approve and authorize Chairman to sign. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

**Ag Society:** In September 2023 the Commissioners agreed to allow the Ag Society the opportunity to have a levy and will allow the Chairman of the Board to sign paperwork. In the interim the amount of the loan has increased, and the bank is requesting updated numbers and to reflect Pinnacle Bank. The current amount is \$1,100,000.00. Motion by Commissioner Krebs, seconded by Commissioner Williby to approve resolution and authorize Board Chairman, Charlie Henery to sign paperwork. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.



**Delinquent Taxes:** by statute the Treasurer is to present a report to the Board of Commissioners regarding the uncollected prior taxes before the 1<sup>st</sup> of October. The report is presented today. There are four parcels that county tax sales were issued in March of 2022 and will expire in March 2025. The Treasurer requested a motion to direct the Antelope County Attorney to begin foreclosure proceedings on these tax sales at their expiration in March 2025. These are: Parcel #000123500 Barrington; Parcel #000124000 Bishop; Parcel #000124100 Christensen; Parcel #000863400 GE Renewable Energy. Motion by Commissioner Williby, seconded by Commissioner Dittrich to have the County Attorney proceed on foreclosure. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried. Discussion of GE Renewable Energy reflects a temporary building during construction of one of the Invenergy projects.

**Budget:** During the budget discussion on August 13<sup>th</sup>, 2024, meeting various office/department adjustments were discussed and requested by the Commissioners. Various other budget items were discussed. Since then, the Clerk worked the various departments and suggestions and has balanced the budget representing an approximate 0.03 cent drop in the levy and requesting an approximate \$200,000.00 less in tax asking. Discussion of budget system reports. The Commissioners discussed capital improvements, and budget numbers presented. At this point we do not have to attend the Joint Public Hearing (Pink Post Card). Discussion of the Commissioner’s regarding raises for non-elected officials’ offices. It has been the habit of the County to allow increases if they fit in with their budget. Prior to this practice (10 years ago) the Commissioners set wages in a public setting. Discussion. The Commissioners requested after the budget is approved a set that the clerk send a copy of the budgets approved and if raises are being discussed that those come before the Commissioners before they are applied or put into action. The budget as presented seems good. Budget Public Hearing needs to be set. Motion by Commissioner Williby, seconded by Commissioner Jacob to set public hearing for September 17<sup>th</sup> @ 8:00 AM. Voting aye: Williby, Krebs, Dittrich, Jacob, and Henery. Nays none. Motion carried.

The Joint Public Hearing is set for September 18<sup>th</sup>, 2024, at 6:00 PM, in the Antelope County Commissioner Meeting Room, Antelope County Courthouse Annex.

There being nothing more to discuss.

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

The meeting adjourned at 11:27 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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