

September 4, 2018  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 4<sup>th</sup>, 2018 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Kerkman, with the following board members responding to roll call: Schindler, Jacob, Henery, Schwager, and Kerkman. Chairman Kerkman stated that the open meeting laws are posted on the east wall of the Commissioner's room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four 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.

Pledge of Allegiance was recited.

**Correspondence was reviewed:** Northeast Nebraska RC&D Silver Anniversary Celebration on Sunday, October 7<sup>th</sup>, 2018; Upper Elkhorn Watershed Nebraska Department of Natural Resources Discovery Meeting Notice; Nebraska Pipeline Association meeting notice; Central Valley Ag correspondence regarding CVA Elgin location; NPERS seminar schedule; NTCC 61<sup>st</sup> Annual Meeting Notice; Schindler Elevator Notice regarding merger with Eletech Elevator Inc.; Nebraska Salt and Grain Company letter regarding pricing for 2018-2019 season; Keep Nebraska Beautiful organizational plan;

**Receipts:** \$352.00 from Antelope Country Club.

Ron Marshall, member of the **Northeast Nebraska RC&D** met with the Commissioners with a personal invitation to attend the Silver Anniversary Celebration on Sunday, October 7<sup>th</sup>, 2018, at Ponca State Park. RC & D is made up of six (6) area counties: Antelope, Knox, Cedar, Dixon, Pierce, Wayne.

**RBR:**

- The Invenergy Payment of \$200,000.00 Resolution was presented. During the August 21, 2018 meeting it was discussed some of the verbiage added by County Attorney, Joe Abler, may not be consistent with the intentions of the resolution. The current presentation of the resolution was reviewed and approved today by Antelope County Attorney. Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the resolution of the \$200,000.00 payment from Invenergy. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Resolution # 2018-09-0001

\$200,000.00 Payment for Changes on Intersection Plan

ANTELOPE COUNTY, NEBRASKA, BOARD OF COMMISSIONERS

WHEREAS, Antelope County, Nebraska ("the County") and Invenergy (d.b.a. Upstream Wind Energy) all agreed and entered into the terms and conditions of the "County Roads Agreement", dated and signed October 11, 2016, and as subsequently amended by the "First Amendment and Joinder Revision One (1) dated July 17, 2018" and further mutually adopted as the "Amendment to Antelope County Roads Use Agreement Upstream Wind Energy" ("The Agreement");

WHEREAS, this Board during its regular meetings in July and August 2018, heard discussions and requests regarding lowering of the intersection of 529th Avenue and 849th Road for use by Invenergy vehicles and equipment in the process of road maintenance and access to wind turbine construction in the Upstream Wind Farm area. This intersection was agreed to be added to the current road use agreement. After various activity and discussion, it was decided to utilize the intersection as is and no changes shall occur. Invenergy has agreed to certain road upgrades as called out in the Road Use Agreement and design drawings approved by the Antelope County Board. In light of recent discussions concerning snow drifts at the intersection of 849th Road and 529th Avenue and its associated burden on the county for snow removal, Invenergy thus proposes to forego any further upgrades to this intersection. The intersection will be left in the as-is condition, notwithstanding the need to complete finish work on ditch slopes, re-vegetation of disturbed areas around the intersection, and normal maintenance activities. In exchange for not completing the return of this intersection pursuant to the 'Agreement,' Invenergy will pay the County \$200,000.00, the amount budgeted for the completion of this intersection improvement.

Mr. Marlin Conry, Invenergy Road Forman, informed the Board that Invenergy was proposing the donation/payment of \$200,000.00 (Two-Hundred Thousand and 00/100s dollars) to Antelope County, Nebraska, for its designation.

WHEREAS, the Board discussed and determined that it would be beneficial to the County of Antelope, Nebraska, to accept the \$200,000.00 (Two-Hundred thousand and 00/100s dollars) and designate it for the County to use for completion of repairs to various roads in Antelope County, and to complete the repairs on its own or subcontracting the repairs pursuant to the Agreement.

THEREFORE, BE IT RESOLVED, by the Antelope County Board of Commissioners, that the County of Antelope, Nebraska, shall accept the donation/payment of \$200,000.00 (Two Hundred Thousand and 00/100s dollars) from Invenergy. Said funds shall be placed into a designated fund of the County of Antelope, Nebraska, for use by the County in completing repairs in fulfillment of the county's obligations to maintain and repair county roads throughout Antelope County.

NOW, THEREFORE BE IT FURTHER RESOLVED, Antelope County shall not release said specific intersection (529th Avenue and 849th Road under the current 'Road Use Agreement' until such funds are paid and distributed to Antelope County in full.

Adopted this 4th day of September, 2018 at Neligh, Antelope County, Nebraska.

Board of Commissioners of Antelope County

\_\_\_\_\_/s/ LeRoy Kerkman \_\_\_\_\_

\_\_\_\_\_/s/ LeRoy Kerkman, Chairman

Attest:

\_\_\_\_\_/s/ Lisa Payne \_\_\_\_\_

\_\_\_\_\_/s/ Lisa Payne, Antelope County Clerk

Commissioner \_\_\_\_\_, moved to adopt said resolution.

Commissioner \_\_\_\_\_, 2nd to the Motion to adopt said Resolution

Roll Call: \_\_\_\_ Yes \_\_\_\_ Nay

Resolution adopted, signed and billed as adopted.

- Casey asked the Commissioners regarding the **sale of unused equipment**. Currently, the old patching machine is not in use and Casey would like to see it sell yet this fall. The commissioners discussed selling the patching truck through Big Iron. There is a International semi-tractor in which the VIN # is not visible enough to sell on Big Iron. There is a pipe trailer in the Clearwater Barn. Two (2) or three (3) snow plows (wedges) currently in Antelope County ownership, which Casey reports there are not operators for. Further discussion agreed all were in favor of selling. It was discussed if these items could be sold on Antelope County Exchange (or the likes) through FaceBook. Motion by Commissioner Jacob, seconded by Commissioner Schindler to authorize the sale of the above listed items. Voting aye: Jacob, Schindler, Schwager, Henery and Kerkman. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Henery, seconded by Commissioner Schwager to approve the application for permit submitted by Two Rivers Irrigation to place a permanent electric line beneath 857<sup>th</sup> Road crossing in the NE<sup>1</sup>/<sub>4</sub> of Section 10, Township 26, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Freda Bennet Estate – owner; Shane Krebs – tenant. Electric line to be used to supply electricity for center pivot irrigation. All work to be done according to State and County specs. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.
- **Underground Permit:** Motion by Commissioner Henery, seconded by Commissioner Schwager to approve the application for permit submitted by Mid-States Data Transport to place a permanent phone line beneath 844<sup>th</sup> Road crossing in the NW<sup>1</sup>/<sub>4</sub> of Section 11, Township 24, Range 6 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Shall be 48" beneath road surface. Phone line to be used to carry data through fiber optic cable. All work to be done according to State and County specs. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

- **Underground Permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the application for permit submitted by Thiele Dairy (Tom Thiele) to place a permanent pipe beneath 857<sup>th</sup> Road crossing between the NE¼ and the NW¼ of Section 4, Township 25, Range 8 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Thiele Dairy – owner and tenant. Pipe to be used to run hose through to pump waste. Antelope County to install. Those voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.
- **Road Access:** Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the application for access along 851<sup>st</sup> Road in the SE¼ of Section 1, Township 25, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska submitted by Mark Jisa. L. Nadine Hughes – owner; Mark Jisa – tenant. All work to be done to county specs. Voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried.
- Discussion on Grinding of various roads in Antelope County. Currently, Antelope County Road Crew is grinding roads. After Casey's discussion on 858<sup>th</sup> Road, with a couple of land owners (Doug Hall and Bruce Forbes) and Jim Aschoff, from Aschoff Construction they reviewed the functionality of the current grinder. The grinder Antelope County currently is using is not keeping up with the condition of the roads, considering the various thickness, type and overall variances in the asphalt roads. Utilizing the current machine and procedures it is taken an enormous amount of time, and a nice chunk of budget. It was noted that the grinding could be done by contract and save the county the time, energy, county employee, and dollars. Mr. Aschoff, after reviewing the grinding procedures being utilized, suggested he could finish 858<sup>th</sup> Road in about 32 hours, the hourly cost would be \$650.00. Overall, considering total county layout, this is a great option, and will allow time for the county to engage in other projects, including utilizing the product ground from the roads. The cool weather will also be a factor in timeline. The product can either be utilized on the current road, or moved to planned areas by the county. More discussion about various roads, and actions. Motion by Commissioner Schwager, seconded by Commissioner Jacob to hire Aschoff to finish the grinding of the two (2) miles on 858<sup>th</sup> Road (per Antelope County Plan) and the millings will be laid back down on 858<sup>th</sup> Road. Voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried.

Melinda Graham met with the Commissioners regarding the procedures on **Homestead Exemption Application**. Melinda has received Homestead Exemption since 2009. She was denied this year for medical reasons. She does not believe the application process was/is consistent with previous years. She believes the proper papers reports should be presented for her in a timelier process. The commissioners and Assessor believe the correct procedures were followed, and the timeliness is the deciding factor. No further follow up or action.

**Applied Connective Technologies**, Sean Kirby met with the Commissioners in follow-up of the proposed camera placement in/around the courthouse complex. Following up recent conversations of placement and visibility for cameras. Mr. Kirby removed a couple of cameras in the initial bid and presented a bid today of \$30,592.25. This bid includes cameras, wiring labor and connection to the monitoring station at the Law Enforcement Center. Motion by Commissioner Schwager, seconded by Commissioner Jacob to accept the proposal as presented today. Voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried. It was also mentioned Applied Technologies was contacted to install video/audio communication system in the Commissioners Meeting Room.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. August Monthly permit report was reviewed.

Administrative Plat was presented for a 4.43 Acre irregular tract in the NW¼SW¼ of Section 12, Township 28, Range 6 West, of the 6<sup>th</sup> Principal Meridian, Antelope County, Nebraska, for Merle & Elizabeth Cheyney. Motion by Commissioner Henery, seconded by Commissioner Schindler to accept the Administrative Plat as presented. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried. No further report.

**Opioid Matters/Lawsuits:** Domina Law Group pc llo, wrote a letter to Joe Abler, Antelope County Attorney regarding Antelope County's participation in the class action law suit regarding the opioid matters nationwide. September 19, 2018 is the deadline for joining this suit. Discussion on the pros and cons of joining/not joining. Motion by Commissioner Jacob, seconded by Commissioner Schindler to join the lawsuit. If it costs nothing to join and we may have a financial gain we should be involved. Voting aye: Jacob and Schindler. Voting no: Henery, Schwager, and Kerkman. Motion did not pass.

Dean Bly, City of Neligh Superintendent met with the Commissioners regarding **glass recycling**. He has found an entity involved in the recycling of all sorts of glass. They are out of Kansas City. They take all bottles, any color, it does not have to be sorted. They will pick it up when we have 20 to 25 ton of glass. There will be no cost on our end. Dean plans on building a 30 x 24 feet bunker with six-inch cement sides. The cost of building the bunker is \$3,500.00 - \$4,000.00. Dean is requesting funds, he will apply for a grant to help with expenses, and wanted a commitment from the Commissioners to help (share) with expenses not covered by the grant. Glass will be taken by all communities at no charge. The commissioners voiced no opposition, and requested Dean keep them informed after the grant consideration.

**Judd Allen, represented NACO Benefits** met with the commissioners to touch base to see if there was any questions or discussion. Little discussion took place. Jon Cannon recently was appointed Deputy Executive Director of NACO. No further action.

Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the **Board of Equalization Minutes** for the August 7<sup>th</sup>, 2018 meeting as presented. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schindler, seconded by Commissioner Jacob to approve the minutes of the August 7<sup>th</sup>, 2018 **Board of Commissioners Meeting** as presented. Voting aye: Schindler, Jacob, Schwager, Henery and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schindler, seconded by Commissioner Jacob to approve the minutes of the August 14<sup>th</sup>, 2018 **Board of Commissioners Meeting** as presented. Voting aye: Schindler, Jacob, Schwager, Henery and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schindler, seconded by Commissioner Jacob to approve the minutes of the August 21<sup>st</sup>, 2018 **Board of Commissioners Meeting** as presented. Voting aye: Schindler, Jacob, Schwager, Henery and Kerkman. Nays none. Motion carried.

A quick discussion of the budget reviewed the public hearing scheduled for 9:45 AM. All is balanced and the publication went into the papers this week. No action.

#### **Road Boss Report:**

Mowing of Ditches/Tree in/over Roads/Water on Road

In recent weeks the County Clerk and Road Boss have both received complaints of non-mowed ditches. It is the county commissioner's responsibility to ensure the ditches get mowed, even to the point of hiring the mowing and assessing the cost to the land owner. Casey is looking for direction on all of these issues. He believes this could all be handled at this point by creating a policy to establish how this is/will be handled. If the county has to mow all of the ditches in Antelope County @ 5 miles an hour it would take one full-time employee 30 weeks to mow the first time.

There is a location north of Neligh, where there are multiple mature trees that were uprooted during the wind storm a couple of weeks ago. There is a deep ditch, the land owner is an absentee land owner. The tenant is working with the county; however, the land owner can only be reached by email. The land owner inherited the property from her grandparents. Water on the road is a misdemeanor; trees and mowing is not. It was agreed the county does not have the equipment and the man power to start mowing, and trimming trees. If the County starts it may become problematic and expected. Talk was to hire a service to do one or both (or maybe one to do each) and letting that entity complete and bill the landowner. Plan going forward: Name of Violator would go on the Commissioner Meeting Agenda. Casey is willing to do an annual quick review of problematic areas in the county (should be readably reportable by the patrol operators) and have them on the agenda for the first or second week in November. It would give them until the first meeting in December to get the offence corrected. If the offence is not corrected, then we could have a hearing to decide if we should hire someone to right the problem or not. The clerk was requested to talk with the Holt County Clerk to see if they are willing to share their policy and procedures.

Motion was made by Commissioner Jacob seconded by Commissioner Schindler to **adjourn**. Voting aye: Schindler, Jacob, Henery, Schwager, and Kerkman. Nays none. Motion passed.

Meeting adjourned at 11:16 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairman of the Board, LeRoy Kerkman

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