

September 5th, 2023
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, September 5th, 2023, at 9:00 AM in the County Commissioner's Meeting Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Henery with the following board members responding to roll call: Heithoff, Williby, Jacob, and Henery. Krebs absent. Chairman Henery stated 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.

Moment for Commissioner Krebs, who is still in the hospital with complications.

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

Minutes of the August 8th, 2023 Board of Commissioners Meeting: Motion by Commissioner Heithoff seconded by Commissioner Jacob to approve minutes as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

Minutes of the August 8th, 2023 Board of Equalization Meeting: Motion by Commissioner Heithoff seconded by Commissioner Williby to approve minutes as submitted. Voting aye: Heithoff, Williby, and Henery. Nays none. Jacob abstains. Krebs absent. Motion carried.

Minutes of the August 29th, 2023 Board of Commissioners Meeting: Motion by Commissioner Heithoff seconded by Commissioner Jacob to approve minutes as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

Correspondence was reviewed: Annual Certification Form- Street and Bridge Buyback; public hearing form for budget; pledge collateral for Imprest Account; Modern Livestock Facility Tours – Pierce County; Road Builders – payload estimation for purchase; expense report for 2023 budget. NNTC notice of 66th Annual Meeting; NetCom will be liquidating as of 12.01.2023; Clerk's Pledge Collateral.

The Treasurer's Fund Balance Report for August was reviewed and put on file.

The Treasurer's Miscellaneous Revenue Report for August was reviewed and put on file.

Fee resolutions (2) from the Sheriff's office were tabled today. No action.

Annual Certification Form: Annual participation in the buyback program requires filing of the Annual Certification with Nebraska Department of Roads. The program has been instrumental in achieving various road and bridge projects in recent years. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve form as completed and authorize Chairman to sign same. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

Annual Certification Form
Antelope County, hereinafter "Local Public Agency" or "LPA"
Period of Time Covered by Certification
July 1, 2022 to June 30, 2023

This certification is given by LPA pursuant to the requirement of the second paragraph of Neb. Rev. Stat. §39-1307 (as this section was amended by Section 1 of LB98, 2011 Legislative Session), as required by Section 5 of the Federal Aid Transportation Fund Purchase-Sale Agreement (the Agreement) between the State of Nebraska, Department of Roads (State) and LPA.

LPA has received cash payment funds from the State according to the terms of the Agreement. LPA agreed in Section 5 of the Agreement to restrict LPA's use of the cash payment funds to certain specified uses. (See the language of Section 5 set out below). Section 6 of the Agreement requires LPA to make this certification annually. Further, the financial information on this form must also be reported in your annual reports to the Board of Public Roads Classifications and Standards.

The undersigned hereby certifies that he or she:

- (1) Has been properly authorized by LPA's governing body to make this certification on behalf of the LPA.
- (2) Has sufficient information to accurately, fully and fairly make this certification.
- (3) Is familiar with the terms of the Agreement between the LPA and the State, including particularly, the limitations on LPA's use of the cash payment funds set out in Section 5 of the Agreement.
- (4) Is familiar with LPA's accounting systems and bank and investment accounts and knows (a) where the cash payment funds have been deposited or invested and (b) how the cash payment funds have been managed and accounted for within LPA's financial records.
- (5) Is familiar with the details of all projects or activities of LPA for which funds in the cash payment account have been used by LPA.
- (6) Believes, that to the best of his or her knowledge and belief, (1) LPA's use of the cash payment funds fully and fairly complies with the requirements of Section 5 of the Agreement, and (2) LPA has segregated the cash payment it received from the State and has separately accounted for any STP and HBP portions of the cash payment within its accounting system.

September 5th, 2023 _____
Date: _____
Signature: _____
Printed Name: _____
Title: _____
Chairman, Board of Commissioners

Fund Type	FY-2022 Carryover (Total amount reported last certification period as appropriate)	FY-2023 Allotment	Total Available Allotment (sum of FY-2022 carryover and FY-2023 allotment)	Allocation Expended (7/1/22 and 6/30/2023)	Remaining Allocation
34750 Highway Street Buyback Program (STP)	\$0	\$190,439.44	\$190,439.44	\$190,439.44	\$0.00
34760 Highway Bridge Buyback Program (HBP)	\$0	\$232,331.19	\$232,331.19	\$232,331.19	\$0.00

Project Location and Description
(Please provide details for each project location and description with STP funds)

Location	Project Description/Work Completed
Antelope/Howe County Line	Bridge Replaced
Brennack Road	Reconstructed Road
7167 Avenue	Reconstructed from 100' bridge north of Cheyenne

**If additional space is needed, please feel free to attach additional pages.

Setting One – and Six - Public Hearing Date: Motion by Commissioner Williby, seconded by Commissioner Jacob to set public hearing date for Antelope County on October 3rd, 2023, at 9:30 AM. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

ANTELOPE COUNTY, NEBRASKA
Resolution Setting Public Hearing for
One and Six Year Road Program
RESOLUTION # 2023-09-0002

WHEREAS, the Antelope County Board of Commissioners, in order to receive State and Federal Funds for Road Maintenance must hold a public hearing to discuss the various Road and Bridge Projects with the public;

WHEREAS, Brian McDonald, Highway Superintendent has requested a hearing date be set for October;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Antelope County, Nebraska that a public hearing date be set for 9:30 AM, on the 3rd day of October 2023 to discuss and consider various Road Projects throughout Antelope County. The County Clerk is hereby directed to advertise and post notifications of such public hearing.

Adopted this 5th day of September 2023 at Neligh, Nebraska.

BOARD OF COUNTY COMMISSIONERS
OF ANTELOPE COUNTY, NEBRASKA

Charlie Henery, Chairman

Commissioner Williby moved to adopt said resolution, seconded by Commissioner Jacob.

Roll Call: 4 Yea 0 Nay 1 Absent

Resolution adopted, signed and billed as adopted.

ATTEST:

/s/ Lisa Payne

Lisa Payne, Clerk

Antelope Country Club Liquor License: Advertisement was placed as required. No written or verbal correspondence has been received by the Clerk. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve and accept the liquor license renewal for Antelope Country Club for the 2023-2024 year. Voting aye: Williby, Heithoff, Jacob, and Henery. Nays none. Motion carried.

Budget Discussion. The Commissioners discussed the budget and proposed levy increase. The current budget is set to increase the levy by approximately 1.5 cents. The Commissioners agreed to continue with the budget as presented. The budget was cut last week. We will proceed with the budget hearing next week. The Pink Post Card meeting was discussed. Antelope County will participate. The Commissioners were invited to attend.

Weed Superintendent Report: Bryan Cornett met with the Commissioners. Fall inspections are starting. Letters are going out. Leafy spurge and thistles are the main concern. He discussed various meetings and current protocols. He also discussed the museum grounds. He works with the Nebraska Environmental Trust – however they have relinquished some of the support for weed control. Nebraska Department of Agriculture has sponsored spraying of yellow flag iris and blue strife at approximately \$4,500.00. The museum grounds were discussed. The Commissioners agreed with Weed Superintendent to let the grounds go for now, and maybe add some grass seed in the spring. No action today.

Zoning Administrator Report: No report today. Ms. Wingate was out of town.

Road Superintendent Report:

- **Access Permit:** Josh Schindler submitted a permit to place an access along 513th Avenue. This access is in the NE corner of NE¼ of Section 28, Township 24, Range 8, West of the 6th P.M. Mr. Schindler is establishing access to grain bins. Mr. Boggs reports no issues. The line of site is good. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve access permit. Voting aye: Heithoff, Williby, Jacob and Henery. Nays none. Krebs absent. Motion carried.
- **Oversized Permit:** Permit submitted by Jeff Holt from Wilkerson Crane Rental to mobilize a crane to Wind Turbine Tower utilizing 835th Road to 532nd Avenue, to 837th Road, to Highway 45. Mr. Boggs voiced no opposition. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve Oversized Permit as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.
- **Oversized Permit:** Four (4) Permits were submitted by Barnhart Crane and Rigging to mobilize crane to Wind Turbine Towers:
 - **Route:** 1) 853rd Road to 528th Avenue, to 852nd Road, to 530th Avenue. Liebherr 1722; Lind-Belt 1447; Peterbilt 3475; International 3386; Mr. Boggs voiced no opposition. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve Oversized Permit as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.
- **Access Permit** – Boardman was tabled.
- **Underground Permit:** City of Neligh submitted a underground permit application for the project of including businesses along the highway on their water and electrical grids. The project is a wide scope in nature and however, will be limited with County property. Mr. Boggs stated he will work with the City and expects no issues. A single \$20.00 application is sufficient. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve underground permit as submitted. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.
- No other issues to report.

Annual Certification Form-Federal-Aid Transportation Fund Purchase-Sale Agreement: The State of Nebraska will supply the post, reflective tape and sign on all stop signs in the County. The County is responsible for getting the signs erected. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve agreement and authorize Chairman to sign same. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

RESOLUTION
SIGNING OF THE PROJECT PROGRAM AGREEMENT

Antelope County
Resolution No. 2023-01-0001

Whereas: Antelope County is proposing a transportation project for which it would like to obtain Federal funds; and
Whereas: Antelope County understands that it must strictly follow all Federal, State, and local laws, rules, regulations, policies, and guidelines applicable to the funding of the Federal-aid project; and
Whereas: Antelope County and Nebraska Department of Transportation (NDOT) wish to enter into a new Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project;
Be It Resolved: by the Board of Commissioners of Antelope County that:
The Chair of the Antelope County Board of Commissioners is hereby authorized to sign the attached Project Program Agreement between Antelope County and NDOT.
Antelope County is committed to providing local funds for the project as required by the Project Program Agreement.

NDOT Project Number: HSIP-STWD(203)
NDOT Control Number: 01083
NDOT Project Name: Statewide Stop Sign Program

Adopted this 5th day of September, 2023 at Neligh, Nebraska.
(Month) (Year)

The Board of Commissioners of Antelope County

Board/Council Member: Heithoff
Moved the adoption of said resolution
Member: Williby Seconded the Motion
Roll Call: 4 Yes 0 No 1 Abstained 1 Absent
Resolution adopted, signed and billed as adopted

Attest:
Signature County Clerk

Payloader - Quote - ? purchase: Antelope County has leased a payloader from Road Builders since April. Road Builders presents a Sourcewell bid for a 2023 Komatsu payloader with a purchase price of \$182,176.51. This price is supposed to reflect a \$10,000.00 trade in and some rent to own payments – made during the leasing period. Loren Smydra the representative from Road Builders was present. After much discussion Mr. Smydra revealed there is a \$9,747.02 late interest due. Mr. Smydra stated there is no budging-wiggle room on the price. The Commissioners agreed it would not be a good fit for the County as this time. The repair on the currently owned payloader is complete. No further action today.

Executive Session: 10:24 AM Motion by Commissioner Heither, seconded by Commissioner Williby to go into executive session for personnel and time sensitive matter. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion passed.

Meeting in executive session were: Heithoff, Williby, Jacob, and Henery. **10:38 AM** Aaron Boggs attends meeting. **10:51 AM** Aaron Boggs out of meeting, Leigh Kluthe met with Commissioners; **11:03 AM** Leigh Kluthe out; **11:05 AM** Aaron Boggs in; **11:15 AM** motion by Commissioner Heithoff, seconded by Commissioner Jacob to go out of executive session. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion passed. Chairman Henery stated no action was taken.

Discussion of upcoming meetings and training NE District and NACO-December.

Discussion of budget and increases. A report with adjoining county levies list was presented.

The clerk confirmed she did **not** have lease payment invoices in April or May.

No other issues to discuss.

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

The meeting adjourned at 11:23 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne