

October 5, 2021
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, October 5th, 2021 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: Jacob, Krebs, Smith, Pedersen and Henery. 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. Agenda for said meeting was sent to all members of the County Board of Commissioners. Meeting was available by Zoom.

Pledge of Allegiance was recited.

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

Minutes of the September 7th, 2021 Board of Commissioner Meeting: Motion by Commissioner Smith, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

Minutes of the September 14th, 2021 Board of Commissioner Meeting: Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

Correspondence was reviewed: NDOR Local Project Monthly Status Update for Orchard NE and Tilden North; Antelope County Planning Commission meeting minutes from August 24th, 2021; Zuhlke Distress Warrant Letter from Treasurer; Retirement flyer for Deann Heaffner from Nebraska State Auditor Office; Jail Standards full compliance letter for Law Enforcement Facility; AFLAC representative change letter; NCDHD letter regarding Community Health Assessment follow-up meeting invites; Prochaska & Associates letter regarding their availability for future projects; COVID Guidelines from NCDHD; TERC Letter consolidating TERC protest for years 2020-2021;

Receipts: \$10,350.62 Transfer from Reappraisal to General; \$972.33 cost reimbursement fuel excise tax.

Quarterly Jail Inspection: Commissioners Jacob and Pedersen will inspect jail after meeting.

Antelope County 150th Anniversary: No further information.

COVID Leave: Discussion of previous COVID leave and action. During the declared pandemic all employees were paid for two (2) weeks if they were quarantined or diagnosed. Discussion today revealed it was recommended to pay all employees up to two (2) weeks of COVID leave. This is a single use benefit, no more than eight (8) days – road employees and 10 days for courthouse/sheriff dispatch employees – total 80 hours - once.

Zoning Administrator Report: Megan met with Commissioners today. She reported the NPZA meeting was very informative. She gathered a lot of information. **Zoning Permit Report was shared. Flood Plan Permit:**

- **Administrative Plat:** 2.298 Acre tract in the N½NE¼ 15-26-8. This was presented by Ryan and Jeanna Ahlers. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve administrative plat as it meets all guidelines. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.
- **Administrative Plat:** 1.723 Acre tract in NE¼NE¼ 14-23-7. This is a split from Selting to Kinney. There was a house on property, it has been removed. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve administrative plat as presented – meeting all guidelines. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.
- **Zoning Permit Report for September** was reviewed and put on file.
- **Public Hearing – Next Link:** 9:46 AM Commissioner Henery opened the public hearing for a tower to be placed on the Lorelee Mock & Derrick Dike property in 35-25-5. Next Link is proposing a 120-foot monopole highspeed internet tower. Nextlink is leasing the land. It is not in the airport hazard zone, it is zoned AGG – surrounded by ag uses and is not in flood plain site. The Planning Commission approved on September 14, 2021, and presented two conditions: The applicant shall comply with applicable regulations for signage; and: Upon completion of construction of a tower and prior to the commencement of use, an engineer’s certification that the tower is structurally sound and in conformance with all of the applicable regulatory standards shall be filed with the Zoning Administrator. Chairman asks for any comments and questions from the Commissioners. He then calls for any public comment in opposition. No comments made. Chairman calls for comment in support. Derrick Dike voiced his support of getting the high-speed internet to the rural community. Chairman calls for any neutral comments. No comment. No further discussion with Commissioners. Motion by Commissioner Smith to close public hearing, seconded by Commissioner Jacob. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried. No questions or comments. Motion by Commissioner Krebs, seconded by Commissioner Smith to approve permit and resolution as listed. Voting aye: Jacob, Smith, Krebs, and Henery. Nays none. Motion carried. Pedersen abstains.

ANTELOPE COUNTY
NEXT LINK – HIGH SPEED INTERNET TOWER
RESOLUTION #2021-10-0001

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of a hearing held on the 14th day of September, 2021, at the Antelope County Courthouse on the Conditional Use Permit application #CUP2104 from AMG Technology Investment Group dba NextLink for an internet telecommunications tower on a tract in part of the N ½ NE ¼ 35-256N-5W in Elm Township in Antelope County, Nebraska; and

WHEREAS, the public hearing has been held pursuant to said notice and all statements received at the hearing have been duly considered by the Planning Commission;

WHEREAS the Antelope County Planning Commission has reviewed the application and make recommendation to the Antelope County Board of Commissioners for approval;

AND WHEREAS the Antelope County Board of Commissioners has given public notice as required by the Nebraska State Statutes, of a hearing held on the 5th day of October, 2021, at the Antelope County Courthouse in Neligh, Nebraska;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS, THAT THE AMG Technology Investment Group dba NextLink CONDITIONAL USE PERMIT #CUP2104 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. The applicant shall comply with applicable regulations for signage.
2. Upon completion of construction of a tower and prior to the commencement of use, an engineer’s certification that the tower is structurally sound and in conformance with all of the applicable regulatory standards shall be filed with the Zoning Administrator.

Adopted this 5th day of October, 2021 at Neligh, Antelope County, Nebraska.

Commissioner: Krebs_____ Commissioner: ___Smith_____

Moved to adopt said Resolution _____ 2nd to the Motion to adopt said Resolution

Roll Call: ___5___ Yea ___-___ Nay ___-___ Abstain

Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF COMMISSIONERS
_____/s/ Charlie Henery _____ ____/s/ Eli Jacob _____
Charles Henery, Dist. #4, Chairman Eli Jacobs, Dist. #2
_____/s/ Dean Smith _____ ____/s/ Carolyn Pedersen _____
Dean Smith, Dist. #1 Carolyn Pederson, Dist. #5
_____/s/ Regina Krebs _____ Attest:
Regina Krebs, Dist. #3 ____/s/ Lisa Payne _____
Lisa Payne, Antelope County Clerk

Commissioner Smith initiated the **Discussion of Comprehensive Plan** regarding CRP Plan – WRP Ground and the devaluing land. This was discussed at a recent NACO meeting. Commissioner Pedersen stated she has spoken with Liz Doerr, who is working with Megan Wingate and they are starting the update the Comprehensive Plan.

Distress Warrant: Deb Branstiter, Antelope County Treasurer met with the Commissioners regarding a Distress Warrant for Lisa and Alden Zuhlke. The Zuhlke’s personal property has started the foreclosure procedures. This is outside of normal distress warrant time. State statute deems the acceleration of taxes in conjunction with the liquidation of their personal property. Mrs. Branstiter will proceed, no questions or comments.

10:00 AM– **529th Avenue 848th Road East ½ mile Sections 20/29(Mitchell-Martensen Road)** Brian McDonald requested the Mitchell open the discussion/meeting as they had initiated-requested it. Jason Doelee, and attorney representing the Mitchells opened the discussion. He stated he believes the most common way was to have neighbors agree. However, this is not the situation. The landowner has requested to work with the adjacent land owner, who utilizes this road to access his hay field. The Mitchells have been maintaining this road. They are hoping to settle this so everybody is happy and it benefits all involved. The Mitchell’s are also proposing to close the road and providing a different access, either to the north or south. 529th Avenue currently has a pivot on the right of way. Brian McDonald voiced the irrigation system cannot cross the road. Brian McDonald voiced the options as moving the road north or south, leaving the road where it is. If it is left where it is he recommended a right of way occupancy permit with a timeline on the pivot. If the road is moved, no construction would have to be brought to minimum standards. The road would not have to be improved at this point – as it has been this way. The irrigation system crossing the road has to stop immediately. Hazards within so many feet of the road need to be properly identified. It is the County responsibility to maintain the road. A county road should never be maintained by landowner. Discussion of communications and lack there of between the parties. Commissioner Smith requested from the adjacent landowner what if any is an acceptable option. Jeremy Martensen stated he did not know if either option would be affordable/doable for the County and the current landowner. All new roads would have to meet minimum standards. It is the County responsibility to maintain roads. All changes to roads will be to minimum standards. Motion by Commissioner Krebs, seconded by Commissioner Pedersen to direct the County Attorney to draft a Right of Way Occupancy Permit with a warning regarding water on the road. Voting aye: Jacob, Smith, Krebs, Pedersen, and Henery. Nays none. Motion carried. County will move forward with proper signage, and maintaining. It was requested of landowner not to water the road, or allow pivot to cross.

Road Superintendent Report:

- **Underground Permit:** tabled 9 underground permits until next week. 23-24-7 843rd Road & 521st/843rd, 842nd W 521st), 16-24-6 524th Road (S of 844th), 17-24-6 (844th Road)(844th east Hwy 14), 18-24-6 522nd Avenue 844th ease of HWY 14, 13-24-7 – 843rd (W of 522nd)/Black Hills Energy
- Tractor leases terminated, and were picked up by the leasing/rental company. Aaron will look at options.
- Access Permit revision amendment resolution on next agenda.
- Sick/Vacation and catastrophic leave on next agenda.

Brian McDonald met with the Commissioners in follow up of projects.

- Kokes is finished with the project on 524th Avenue – culvert install. Culvert upstream is undersized. It is not causing problems now, but it has buckled and may be an issue in the future. Brian will check if this project is on the one- and six-year plan. There is a backing up issue in the area. Aaron did not think this was pertinent as other bridges/culverts in the area. Brian would recommend two (2) 10-foot tubes. The landowner is not and should not be responsible to remove debris. The County is and will be responsible for debris removal.
- FHWA - Federal will be opening bids on the Madison County Line Bridge, and Orchard Bridge projects.
- Old Highway 14 – resolution and ordinances. How the County proceeds needs to meet with the City needs. Dakota County has a sign that says ‘No Truck Traffic.’ Discussion of same. Brian will check, in the meantime Aaron will check with NIRMA.

No other issues to discuss.

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

Meeting adjourned at 11:44 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne