

November 2<sup>nd</sup>, 2021  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday November 2<sup>nd</sup>, 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, 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, and Henery. Nays none. Motion carried.

**Minutes of the October 5<sup>th</sup>, 2021 Board of Commissioner Meeting:** Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve minutes as presented. Voting aye: Jacob, Smith, Pedersen and Henery. Krebs absent. Nays none. Motion carried.

**9:05 AM** Commissioner Krebs attends.

**Minutes of the October 12<sup>th</sup>, 2021 Board of Commissioner Meeting:** Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve minutes as presented. Voting aye: Jacob, Pedersen, Krebs, Smith and Henery. Nays none. Motion carried.

**Minutes of the October 12<sup>th</sup>, 2021 Board of Equalization 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.

**Minutes of the October 21<sup>st</sup>, 2021 Board of Commissioner Special Meeting:** Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve minutes as presented. Voting aye: Jacob, Krebs, Smith and Henery. Nays none. Motion carried. Commissioner Pedersen abstains.

**Correspondence was reviewed:** NDOR Local Project Monthly Status Update for Orchard NE and Tilden North; Redistricting proposal – Commissioner District; Catastrophic Leave Donation Information; Invenergy Bond Information; Personal Property Distress Warrant letter and information from Treasurer; NACO Board President candidate letters; Treasurer’s letter and information to begin foreclosures on parcels; District 7 Probation annual information; opioid litigation settlement letters and information from NACO; Zoning Monthly Report; Treasurer Pledge Collateral report; Nebraska Department of Environment and Energy letters regarding: Thiele Dairy Concentrated Animal Feeding Operation, Klabenes Land & Cattle, LLC Concentrated Animal Feeding Operation, Revoking of NPDES General & Construction and Operating Permit (John Moser Feedlot; Antelope County Audit Report for FY ending 06.30.2021.

**Receipts:** \$68,586.20 reimbursement for Sargent Irrigation - EWP.

**Petty Cash Checking Account for Law Enforcement.** Tabled until next week.

**LEOP update:** Bobbi Risor has met with the Board a number of times during 2021 regarding the updating of the LEOP, Local Emergency Operations Plan. This plan is a living plan, that is necessary to qualify for FEMA/NEMA benefits during an emergency or natural disaster. The complete plan was emailed to the Commissioners during October. Bobbi asked that the Commissioners approve the plan as presented. Motion by Commissioner Krebs, seconded by Commissioner Pedersen to approve the Local Emergency Plan update and authorize the Chairman to sign same. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.

ANTELOPE COUNTY  
RESOLUTION – 2021 UPDATE LEOP  
Local Emergency Operations Plan  
2020-11-00001

WHEREAS, the Board of Commissioners of Antelope County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Antelope County, Nebraska; and

WHEREAS, it has been determined that a Antelope County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Antelope County, the City of Neligh and other cities and villages in Antelope County; and

WHEREAS, the Board of Supervisors/Commissioners of Antelope County, deems it advisable and in the best interest of Antelope County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this 2021 Local Emergency Operations Plan supersedes all previous approved Antelope County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Antelope County, Nebraska, that the Antelope County Local Emergency Operations Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF November, 2021.

Antelope County Board of Commissioners,

ATTEST: Antelope County, Nebraska  
  
Charlie Henery, Chairperson

Antelope County Clerk  
  
Lisa Payne, Clerk



**Promotional Fund Grant: Novemberfest,** Neligh Chamber of Commerce requested funding for promotion of the Novemberfest. The fest will be held on November 6<sup>th</sup>, 2021 at the Antelope County Ag Building. This is a fund raiser for the Chamber of Commerce and is a beer and wine tasting. The Antelope County Visitors Committee recommended approval of \$350.00. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve payment to the Chamber of Commerce Novemberfest. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Promotional Fund Grant: Parade of Lights,** Neligh Chamber of Commerce requested funding for promotion of Neligh’s Parade of Lights. The parade will be held on November28<sup>th</sup>, 2021 on Main Street in Neligh. This is a community event to kick off the Christmas season in Neligh. The Antelope County Visitors Committee recommended approval of \$350.00. Motion by Commissioner Jacob, seconded by Commissioner Smith to approve payment to the Chamber of Commerce Parade of Lights. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Promotional Fund Grant: Rafts of Crafts, Neligh-Oakdale Teammates** requested funding for promotion of the 37<sup>th</sup> Annual Rafts of Crafts. The fair is on November 13<sup>th</sup>, 2021 at the Neligh-Oakdale Gym Building. This is a fund raiser for the Teammates and their sponsored programs. The Antelope County Visitors Committee recommended approval of \$200.00. Motion by Commissioner Pedersen,

seconded by Commissioner Jacob to approve payment to Neligh-Oakdale Teammates Rafts of Crafts. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Promotional Fund Grant: St. Boniface Church Annual Thanksgiving Bazaar,** St. Boniface Church requested funding for promotion of their annual Thanksgiving Bazaar. The bazaar will be held on November 25<sup>th</sup>, 2021 at St. Boniface Auditorium in Elgin. This is a fund raiser for the church and is a holiday gathering. The Antelope County Visitors Committee recommended approval of \$350.00. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve payment to St. Boniface Church. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Improvement Fund: Antelope County Youth Building Capital Campaign,** requested funding for building of Youth Enrichment Center to house rabbit & poultry during the fair. It will also provide space for 4-H Shooting sports year-round. The Antelope County Visitor Committee recommended \$1,750.00 approval on October 26<sup>th</sup>, 2021. Motion by Commissioner Pedersen seconded by Commissioner Jacob to approve funding for Antelope County Youth Enrichment Center for \$1,750.00. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Maximus Cost Allocation and Certification Statement:** Motion by Commissioner Pedersen, seconded by Commissioner Krebs authorizing Chairman to sign Certificate of Cost Allocation Plan received from MAXIMUS Consulting for reimbursement relating to space provided for the Nebraska Health & Human Services Systems office. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

**Road Study Authorization:** Land owner Carl Forsell circulated a petition to close a portion of 853<sup>rd</sup> Road between Sections 30 and 31 in Willow Township, (26-5). The mile south of Section 30 (being the same as the north of Section 31) between 528<sup>th</sup> Avenue and 529<sup>th</sup> Avenue is currently not used and is in fact impassible. Mr. Forsell circulated the petition and after verification is presented today with 13 valid voting signatures. Motion by Commissioner Pedersen, seconded by Commissioner Smith authorizing a road study be completed by Highway Superintendent. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Copy was presented to Brian McDonald. There is a personal heating fuel line along the west line of thei road.

**9:30 AM: Antelope County Weed Department:** Antelope County Weed Superintendent reported today regarding the department. Brian Cornett reports he believe things are going well. He reported he would like to have another sprayer – part-time. They did not get this filled this summer. Brian inquired whether the Road and Bridge would want to split a person, that could work spraying weeds during the summer and running like a salt truck for the Road Department during the winter – basically creating a full-time position. Brian and his sprayer will be attending Weed school this week for training and certification update. The Weed Board has an elected member that is ill and is not able to attend meetings at this time – which may become an issue in the future. The Commissioners request he meets with them every other month.

**Zoning Administrator Report:** presented Zoning Permit. She stated there is not much going on. She is working with Nebraska Environment and Energy regarding building sites in the Flood Plains. She is working with the state on the CAV (Community Assistant Visits) issues. She will be attending the Nebraska Wind and Solar Conference the first part of next week. She confirmed changing her hours to 8:00 AM – 3:30 PM – to facilitate her family transportation issues. No opposition was voiced.

**Veterans Service Officer Report:** Tom Nelson met with the Commissioners regarding office events. Antelope County lost 31 veterans last year, which is up from 20 the last year. There are approximately 454 representing approximately \$3,791,000.00 in compensation and pension. Mr. Nelson presented two (2) burial flags. 36 flag holders were placed. Tom served as a team member for CVS annual audit was completed in Central City. Tom maintains his portion of the website, and continues to promote the office through various community activities including gun shows, job fairs. State VFW will be here tomorrow to do a site inspection. 230 OV this year, most resulted in a claim. County Government Day was October 7<sup>th</sup> and it went well. He presents today with a concern of education recommendations regarding history and/or government. No payouts for Veterans Aid this year so far, last year it was a little over \$16,000.00.

**Maintenance and Grounds:** Eddie Schindler met with the Commissioners regarding monthly review. Bat mitigation went well, no bat activity. There are some tiles on the floor of the old courthouse hallway that are loose and/or breaking they have found the tiles and plans on replacing. The stair treads on the front entrance are wearing, Roy Urbanec from Urbanec Furniture will look into repairing/replacing treads. Clerk of the District Court – walls are still cracking. One mouse was caught in the basement, more traps are out. Sprinklers have been drained. Stump has not been moved. Eddie has talked to a couple of people who can work on this. Hopefully, early next spring we can get somebody here to remove stump. Ceiling in HHS was discussed – Eddie will talk to Mr. Kinnan when he is here for the windows.

**Advertise for Concrete Bids** – Copenhagen Road, between the bridges by Clearwater, repairs north of Ashfalls and the bridges by Orchard. Brian McDonald met with the Commissioners needing a motion to advertise for bids. Motion by Commissioner Smith, seconded by Commissioner Pedersen to authorize Clerk to advertise for pavement project bids. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Commissioner Smith stated Brunswick may want to utilize the pavement projects when they are in the area. Not as part of this project but as another project.

**Kokes application for payment,** Kokes Construction worked on Elgin Southeast Bridge (524<sup>th</sup> Avenue). Today presents a pay application for \$133,979.35. Motion by Commissioner Smith, seconded by Commissioner Pedersen to pay Kokes Construction per pay application. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.

Brian McDonald continues to work on and with County Attorney regarding the occupancy permit for the Martensen/Mitchell Road dispute. No action today.

**No through trucks signage:** Brian McDonald discussed today the various signage that is currently in place. Discussion of what is actually needed and wanted. Various wording was again discussed.

**524<sup>th</sup> Avenue:** Minimum Maintenance Classification has been established. The culvert will need to be signed.

**Catastrophic Leave Policy:** General discussion was more information would need to be gathered. No action today.

**10:44 AM: Executive Session:** Motion by Commissioner Smith, seconded by Commissioner Jacob to enter into Executive Session to discuss legal matters. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Met in executive session for approximately 35 minutes. Motion by Commissioner Smith, seconded by Commissioner Jacob to close executive session and resume

regular meeting. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried. Chairman Henery stated ‘no action was taken during executive session.’

**Road Superintendent Report:**

- **Access Permit:** Duane Kerkman permit for a field entrance access off of 838<sup>th</sup> Road in the NW¼ Section 17, Township 23, Range 6, west of the 6<sup>th</sup> P.M. Road Superintendent requires that access be directly west of phone box for existing driveway. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve access permit to 838<sup>th</sup> Road per Road Superintendent recommendations. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.
- **Access Permit:** Travis Wingate submitted a permit for field access off of 529<sup>th</sup> Road in the SE¼ of Section 7, Township 24, Range 5 west of the 6<sup>th</sup> P.M. Antelope County Nebraska. Road Superintendent requires landowner to stay 150 feet south of bridge and 110 feet north of Highway 275 right of way, 24” culvert work to be done by landowner. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve on Road Superintendents recommendation. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.
- **Access Permit:** Chad Shabram submitted a permit for residence/business entrance along airport road in the NW¼ of Section 32, Township 25, Range 6, West of the 6<sup>th</sup> P.M, Antelope County Nebraska. Road Superintendent recommends approval. Antelope County will assess for culvert need in the spring. Motion by Commissioner Smith, seconded by Commissioner Jacob to approve per Road Superintendent recommendation. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.
- **Underground Permit:** Charlie Meis, representing CMP Farms submitted an underground permit to place 2” conduit line under 521<sup>st</sup> Avenue for electrical line to pivot. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve under road permit per Road Superintendent recommendation. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.
- **Access Permit:** Dean Smith submitted an access permit to establish a field entrance along 523<sup>rd</sup> Avenue in the NW¼ Section 32, Township 28, Range 6, West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Road Superintendent voiced no objections Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve on Road Superintendent Recommendation. Voting aye: Jacob, Pedersen, Krebs and Henery. Nays none. Smith abstains. Motion carried.
- **Underground Permit:** Rebecca Williams, with Mid-State Consultants as an agent for Frontier Communications submitted an underground permit for providing cable and equipment to a new house, in the NE¼ Section 1, Township 24, Range 5, West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Road Superintendent requested to bore under road. Motion by Commissioner Jacob, seconded by Commissioner Krebs to approve on Road Superintendent recommendations. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion carried.
- **Underground Permit:** Gary Dinslage submitted a underground permit for a line to be placed in the SW¼ Section 1, Township 23, Range 7, West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. Gary will fix/replace an existing line. Road Superintendent expressed no issues. Motion by Commissioner Pedersen, seconded by Commissioner Jacob to approve as recommended by Road Superintendent. Voting aye: Jacob, Smith, Krebs, Pedersen and Henery. Nays none. Motion carried.
- **Oversize Loads:** True Steel Crane submitted oversize permits for moving cranes for fixing wind turbines. Road Superintendent has worked with the vendor to line up the current correct routes. Motion by Commissioner Jacob, seconded by Commissioner Pedersen to approve oversize permits as submitted on Road Superintendents recommendation. Voting aye: Jacob, Smith, Pedersen, Krebs and Henery. Nays none. Motion passed.
- **Dust Issues:** Road Superintendent again discussed the dust issues and asked what recommendations the Board had. Aaron suggested forming a small Committee of Board members who could met to discuss action on various roads and as issues arose. It is too late in the season to place sodium on the road ways. It will make roadways mucky and slick if it rains. Aaron has looked into soybean spray as shared in the article a couple of months ago. He will check further. No action taken.
- **Discussion of various projects:** Aaron inquired whether we wanted to gather a tree cutting crew to trim trees and right of ways during the slow winter months. What to do with the cut product and limbs. Discussion of School Ice Plan, and bus route plan. Winter Policy to be published/posted.

**11:58 AM Commissioner Krebs leaves.**

**Deb Branstiter, Antelope County Treasurer: met with the Commissioners regarding Distress Warrants and County Tax Sale.**

Today Deb presented with a list of 61 distress warrants totaling \$22,588.25 had been turned over to the Sheriff. She reported they have collected on 12 of them.

County Tax Sales: Deb presented a list of delinquent real estate taxes. There is one parcel’s County Tax Sale due to expire in March of 2022. This parcel owner is deceased. Deb asked for a motion to have County Attorney begin proceedings to foreclose so we are ready to continue in March. Motion by Commissioner Smith, seconded by Commissioner Pedersen to authorize County Attorney to begin foreclosure proceedings on County Tax Sale expiring on March 14, 2022. Deb stated they will start by sending a letter.

**Commissioner Redistricting:** UNO has submitted a proposed Commissioner Districts based on the 2020 census. The Commissioners questioned if we could see population broken down by areas, so they could compare densely populated verses less densely populated areas. They inquired about a county overlay of the populations. The Clerk will correspond with Josie at UNO and ask some questions.

No other issues to discuss.

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

Meeting adjourned at 12:14 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

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

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