

November 5<sup>th</sup>, 2019  
Antelope County Board of Commissioners  
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session for discussion on Tuesday, November 5<sup>th</sup>, 2019 at 9:00 AM in the Commissioner Meeting Room, Antelope County Courthouse, Neligh, NE.

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

Vice-Chairman opened the meeting at 9:00 AM. Responding to Roll Call: Commissioners Henery, Jacob, Smith. Open Meetings poster is posted on the east wall of the Commissioner Meeting Room. Additional copies available in the County Clerk's Office.

Pledge of Allegiance was recited.

**Agenda:** Motion by Commissioner Henery seconded by Commissioner Jacob to approve agenda as submitted. Heavy haul permit at the bottom does not need action. Voting aye: Jacob, Henery, and Smith. Nays none. Motion carried.

**Minutes of the October 1<sup>st</sup>, 2019 Board of Commissioner Minutes:** Motion by Commissioner Jacob, seconded by Commissioner Henery to approve minutes as presented Voting aye: Jacob, and Henery. Nay Smith. Motion carried.

**Minutes of the October 8<sup>th</sup>, 2019 Board of Commissioner Minutes:** Motion by Commissioner Henery, seconded by Commissioner Jacob to approve minutes as presented Voting aye: Jacob, Henery, and Smith. Nays none. Motion carried.

**Minutes of the October 8<sup>th</sup>, 2019 Board of Equalization Minutes:** Motion by Commissioner Jacob, seconded by Commissioner Henery to approve minutes with the correction of the Orchard Fire District to 0.020000 not 0.200000. Voting aye: Jacob, Henery, Smith. Nays none. Motion carried.

**Correspondence:** NDOR Upcoming Bridge Inspection Reminder; Clerk of the District October Court Fee Report, Zoning Permit Report; Personal Property Distress Warrants were filed and a notification from the Treasurer was filed; Proposed Appreciation and Recognition Policy for Commissioner Review. JEO 2019 Asphalt Pavement Improvements documentation; Charlie stated Region 11 mini-grant request for equipment (fire and police) is due the first of December.

Clerk of the District Court October fee report was reviewed and put on file.

**Receipts:** \$500,000.00 transfer to R&B (from General); \$160,000.00 transfer to Disaster (from Inheritance); \$500.00 Lamar Company-sign rental; \$0.02 miscellaneous revenue pennies found on hallway floor.

#### **Road Superintendent Report:**

- **Access Permit:** Motion by Commissioner Henery, seconded by Commissioner Jacob to accept the access permit along 520<sup>th</sup> Avenue for access into a field. Permit was submitted by Frank Morrison. In the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 10, Township 27, Range 7 West of the 6<sup>th</sup> P.M. Aaron looked at – there are no issues. Voting aye: Jacob, Henery, and Smith. Nays none. Motion passed.
- **Access Permit:** Motion by Commissioner Jacob, seconded by Commissioner Henery to accept the access permit along 513<sup>th</sup> Avenue for access into a residence. Permit was submitted by Katie and David Borntrager. This is in the NE<sup>1</sup>/<sub>4</sub> of Section 33, Township 2, Range 8 West of the 6<sup>th</sup> P.M. Casey states it has been installed – no issues. Voting aye: Jacob, Henery, and Smith. Nays none. Motion passed.
- **50 Underground permits from Invenergy:** Motion by Commissioner Jacob, seconded by Commissioner Henery to approve the applications for 50 underground permits for 6” to 8” electric line under multiple road ways in the Thunderhead Construction area. Permits submitted by Invenergy. For the purpose of electrical connection between wind towers and project substation. Minimum depth is good as presented. Voting aye: Henery, Jacob, and Smith. Nays none. Motion carried. All work to be done according to County and State specs. 50 Underground Permits: 3-24-7, 5-24-7, 6-24-7, 7-24-7, 8-24-7, 9-24-7, 10-24-7, 15-24-7, 21-24-7, 22-24-7, 23-24-7, 29-25-7, 25-25-8, 30-25-7, 26-25-8, 32-25-8, 33-25-8, 34-25-8, 31-25-7, 35-25-8, 32-25-7, 36-25-8, 1-24-8, 2-24-8, 3-24-8, 4-24-8, 6-24-8, 5-24-8, 8-24-8, 9-24-8, 11-24-8, 12-24-8/Thunderhead
- **Access Permit:** TransCanada – Casey has not visualized, and requested to postpone for a week or more.
- **Underground permit:** Greg Mullins, drain tiles. This permit was submitted and a verbal agreement was given as all looked to be in order. When the Road Superintendent/Safety Officer inspected the site in the last couple of days, he noticed the whole project is in the County Right of way. The original permit was submitted an only covered a portion of the project. Casey requested a second permit to cover the project in a more complete detail. Long discussion regarding the legality of the current situation. The draining of the current project lies on another land owners parcel. The liability of the drainage and continuity of the way the project lies for future liability. The current work seems to have improved the section of road. But the future liability of this project is in question. County Attorney, Joe Abler will investigate and is requesting a week to look in to.
- **Underground permit:** Motion by Commissioner Jacob, seconded by Commissioner Henery to approve the application for placement of underground electric lines under 513<sup>th</sup> Avenue, Section 16 Township 24, Range 8 West, south of 844<sup>th</sup> Road West of the 6<sup>th</sup> P.M., Antelope County, Nebraska. This line will be as close to the fence line as possible. For the purpose of allowing cranes to cross over it during construction of the Thunderhead wind farm. This is along a gravel road. Elkhorn Rural Public Power District is contractor. Voting aye: Henery, Jacob, and Smith. Nays none. Motion carried. All work to be done according to County and State specs.
- **Access Permits:** Thunderhead has two (2) permits straight across from each other on a road that does not exist, however the right of way belongs to the County. Commissioner Smith suggest waiting until after the discussion of 846<sup>th</sup> and Highway 14 before we go further. This item was put on hold until Brian McDonald is here to discuss the intersection. After discussion, motion by Commissioner Jacob, seconded by Commissioner Henery to approve. Voting aye: Jacob, Henery and Smith. Nays none. Motion carried.

- **Heavy Haul Permits or Permit to Move Structure:** John Williams submitted a request to move a structure from Clearwater to Blaine Township a 40' x 75' structure. Klabenes moved this structure on October 24<sup>th</sup>, 2019 with no issues. Motion by Commissioner Jacob, seconded by Commissioner Henery. Voting aye: Jacob, Henery and Smith.

Commissioner Jacob asked about the Orchard Road and the school bus turnaround and what we can do about that road.

**Highway 14 and 846<sup>th</sup> Road:** the current traffic is 100-fold from normal road. This intersection is being utilized by the Thunderhead project for their laydown yard is west of there. The Meyers who own and live just north of the intersection is seriously bombarded by dust and constant traffic stirring this up. Invenergy has a private easement from the landowner south of the intersection. Invenergy has put millings on this shoe fly and it has helped with some of the dust. However, the dust is still overwhelming. Discussion is long and lengthy with Ben Turner, and David Owenby from Invenergy were in attendance. The chemical mixture used to help calm dust can and may be dangerous to livestock and vegetation in the area. The shoe-fly is a private easement, and at this time is not for public use. At this time the road is marked closed and there is no access for the public to utilize this road. Invenergy is saying the road could be used for public traffic, but they are trying to solve the dust coming off that road, thus the Road Closed posting. The landowner on the south can grant an easement to the County for public use. Brian McDonald mentioned the Road Use Agreement should encompass this road. The discussion today precluded the following actions: fixing action starts today, millings (at Invenergy expense) are put down on 846<sup>th</sup> Road for ¼ mile (1320 feet) past the green fence on Meyers property, the millings will be on top of Sinclair dirt, easement from Klein for all traffic, road will stay closed by Meyers with the use of the Klein shoe-fly.

Brian McDonald met with the Commissioners regarding **Thunderhead Road Improvements Sites 2 and 5.**

- Site 2 is on 511<sup>th</sup> Avenue and 844<sup>th</sup> Road (½ mile north and south).
- Site 5 is on 844<sup>th</sup> Road and 517<sup>th</sup> Avenue going ½ mile east.

Motion by Commissioner Jacob, seconded by Commissioner Henery to approve the site improvements. Voting aye Jacob, Henery and Smith. Nays none. Motion carried.

- **EWP projects:** Brian gave an update. He was hoping to have the draft report for discussion. He does not have Antelope County's yet. Basically, they are going to allow us to do maintenance. Clearwater South - they will allow us to put rock – a couple of feet to the west. Clearwater Elkhorn River Bridge, they will allow us to put rip-rap to allow silt in behind it. Every thing Brian has read has been good. They will start turning it over for construction.
- **Bridge Inspections:** are do starting next month. He will put on the agreement on the agenda for next week.

**Zoning Administrator Report:** Liz met with the Commissioners and presented an Administrative Plat for Andrew Bossard. This is a tract in the NE¼NW¼ 26-24-5 for approximately 6.45 Acres. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve Administrative Plat. Voting aye: Jacob, Henery, and Smith. Nays none. Motion passed.

Liz also discussed the permit report. She completed the Thunderhead project completed the permit inspections.

The address signs for Prairie Breeze III was discussed. Liz will follow-up to make sure the signs are placed.

**MAXIMUS Cost Allocation Plan:** This is a cost allocation plan worked up for

**Rehire Sheriff Moore:** Sheriff is wanting to rehire an employee who resigned earlier this year. The employee, Sara Parks, left on good standing and is able to be rehired. Motion by Commissioner Jacob, seconded by Commissioner Henery. Voting aye: Jacob, Henery, and Smith. Nays none. Motion passed.

**Appreciation/Recognition Policy:** The Clerk presented an unofficial resolution for an employee gathering appreciation in which the County could utilize employee appreciation with the employees. We would not request County Funds. Various promotional items received by the Official/Offices during the year are not usable by the offices, and we were hoping to utilize this method to 'award' these items to the employees. This is just the beginning stages and the Officials are asking the Commissioners to consider and research same. No action at this time – more research needed.

Deb Branstiter met with the Commissioners regarding the **Personal Property Distress Warrants** there are 43 distress warrants for a total of \$23,590.89, as of October 31, 2019. One has been paid.

**Jail Inspection** was completed in October by Commissioners Henery and Jacob as required by statute.

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

Meeting adjourned at 10:47 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Vice-Chairman of the Board, Dean Smith

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