

November 6th, 2018
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, November 6th, 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.

Regina Krebs and Mike Sanne with the Clearwater School Board met with the Commissioners regarding the condition of roads in and around the wind tower construction site. They expressed concerns of safety of the bus routes. The roads discussed are currently under the RUA with the wind towers. With the constant wet weather, the roads are almost impassable. In appreciation of the Invenegy Roads and the county roads they want to facilitate a working coordination of the bus routes and traveling public. The school board as a whole wants to communicate with all parties involved to ensure safe travel on the roads, especially for the students, much less the traveling public. Road Boss Casey Dittrich reported that within the last week he had closed five (5) miles of Invenegy Roads, and yesterday had to close 8.5 miles of roads in the Road Use Agreement. All of these roads need gravel for traction. He believes the whole fault is the lack of gravel. At this point some of these roads will have long term damage if they are not graveled. These roads for the past four and a half (4½) months have been overused and under cared for. Marlin Conry, Invenegy Road Foreman, reported they are having a hard time getting gravel. Invenegy has ordered 150 loads of gravel, to date they only received 30 loads. (During Road Boss Report) Casey Dittrich has been in contact with a couple of gravel supplies in the area and they are ready to roll. He will talk to Marlin to get this going, since the bill is being paid by Invenegy. The roads will not be able to be released from the RUA unless this issue is addressed and corrected. Casey and Marlin will coordinate the gravel and maintenance. Clearwater School wants to see cooperation from all parties maintaining rural roads in the county. The Commissioners agreed that communication is paramount on this situation.

Correspondence was reviewed: Certificate of Liability Insurance; District Court of Seventh Judicial District Letter regarding Personal Property & Value; TERC letter regarding Chris Van Egmond appeal for 2018; Public Hearing Notice of the Hearing for Thunderhead; NIRMA Check copy paid to Road Builders \$4,948.04 (Miller Accident); Olsson & Associate name change notification to Olsson; Federal Aviation Administration determination available online; I ♥ Nebraska Agriculture postcards; NE Nebraska RC&D Annual Meeting notice; NDOR Past Due Bridge Inspection Reminder; Letter from KirkhamMichael regarding future fracture critical bridge inspections; Eleanor Brady Estate letter; Winchester Fire Insurance Company – Upstream Bond; Minutes of the Planning Commission Meeting 3-13-18 for review; 2018 Audit Review was presented.

Receipts: \$13,127.18 – Refund of Previous Years Expenses; \$310,000.00 Transfer from General to Road & Bridge; \$75.00 Road and Bridge Blades; \$50.00 Road and Bridge Planks; \$352.00 Liquor License Fees.

Treasurer's October Fund Balance Report was reviewed and put on file.

Treasurer's October Miscellaneous Fee Report was reviewed and put on file.

Sheriff's October Fee Report was reviewed and put on file.

October Zoning Permit Report was reviewed and put on file.

Whitney Abbot of North Central District Health Department met with the Commissioners regarding **Alcohol and Tobacco Compliance Report**. They test the various retail outlets in the county for compliance. During the last 12 months there were no deficiencies within the county. She gave kudos to the county. She explained they are funded by grant funding through the state government, they work with the State Patrol. She reiterated she is available to train new server training. No action.

Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the **minutes of the Board of Commissioners Meeting** for October 2nd, 2018 and October 9th, 2018. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the **minute of the Board of Equalization Meeting** for October 9th, 2018, Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Neligh Ball Board requested \$1500.00 to improve fencing in and around the Neligh Ball Parks. The request was approved by and recommended for approval by **Improvement/Promotional Board**. Motion by Commissioner Schindler seconded by Commissioner Jacob to approve the grant as approved by the Promotional Committee. Voting aye: Jacob, Henery, Schwager, Schindler and Kerkman. Nays none. Motion carried.

Neligh-Oakdale Teammates Mentoring Program requested \$300.00 from the **Improvement/Promotional Committee** to advertise the 34th Annual Craft Show. Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve grant as approved by the Improvement/Promotional Committee. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

Deb Branstiter, Antelope County Treasurer met with the Commissioners regarding **overpayment of Tentative Inheritance Tax**. Citizens pay this inheritance tax in advance so they do not have to pay penalties. Then it is settled/ordered by the court, and the amount is determined. Motion by Commissioner Henery, seconded by Commissioner Schwager to approve refund of Arland Warneke Estate according to court order from Madison County Court. Refund of \$1,036.21 to Joyce Warneke, Jeffrey L. Stoehr, 1190 Omaha Tower, 2120 S 72nd Street, Omaha, NE 68124. Voting Aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried.

Deb Branstiter, Antelope County Treasurer met with the Commissioners regarding **overpayment of Tentative Inheritance Tax**. Citizens pay this inheritance tax in advance so they do not have to pay penalties. Then it is settled/ordered by the court, and the amount is determined. Motion by Commissioner Henery, seconded by Commissioner Schwager to approve refund of Steven Kraft Estate according to

court order from Antelope County Court. Refund of \$129.18 to Cindy Kraft, 1215 W 9th Street, Neligh NE 68756. Voting Aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried.

In the future Deb Branstiter, Antelope County Treasurer will set up a temporary inheritance tax fund. When court determines the amounts, she will transfer the necessary funds to the Inheritance Fund and refund the balance to the tax payer. Discussion, no opposition noted.

Distress Warrants: Deb Branstiter, Antelope County Treasurer presented a list of delinquent Personal Property Distress Warrants. Recently, these were issued and turned over to the Antelope County Sheriff. There are 28 distress warrants totaling \$14,964.47 as of October 29, 2018. No action.

NACO Officer: Annually during the NACO Convention votes are cast to elect for the secretary-treasurer position on the NACO Board of Directors. They ask at this time, before the meeting begins for nominations of who can cast a ballot for the county. Discussion of members attending NACO convention. Motion by Commissioner Schwager, seconded by Commissioner Schindler to appoint Board Chairman Kerkman and Commissioner Jacob as alternate. They are the only board members attending. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. Liz reported on the public hearing held on Tuesday, October 23, 2018 regarding ThunderHead Wind Energy Project. The Commissioners will have a public hearing on Tuesday, November 13th, 2018 at 10:00 AM. The resolution was presented as a preliminary resolution for the commissioners to review. Thunderhead CUP application binders were given to the Commissioners. There are some proposed homes to be constructed, Invenergy will have to consider these structures, and move any turbines to be in compliance. **Zoning Permit report** for October was presented, reviewed and put on file.

Planning Commission Minutes from March 13, 2018 were reviewed and put on file.

Liz has started a preapplication for a 4-part subdivision in rural Burnett Township. That will be forthcoming.

FEMA's Community Assistance Visit was on October 24th, 2018. There were some deficiencies, and Liz will be working on updating and getting these records current.

About half of the **Upstream Turbines** have been inspected. They all look pretty good. They did not have the signs out yet. Liz will continue working on them.

Road Boss Report:

Casey reported he talked to Emme and

Access Permit: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the application for access permit submitted by Kasey & Manette Richardson to place a permanent access to 531st Avenue in the NE¹/₄SE¹/₄ of Section 4 Township 23, Range 6 West of the 6th P.M., Antelope County, Nebraska. Contingent on Casey Dittrich site plan and recommendations. Kasey and Manette Richardson – owner, access to be used for driveway, all work to be done according to State and County specs. Voting aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried.

County Bridge Match Program: This program is open again. Antelope County was approved last year for bridges. Casey has discussed with Brian McDonald – who is skeptical about trying, Casey believes it is worth attempting. The Commissioners agreed if you don't try, you will never be chosen. He will bring a list to discuss next week.

Various wet areas on Antelope County Rural Roads discussed.

Orchard Trailer while spreading gravel the clam opened going over RR tracks. The clam is bent pretty good. The trailer is not in good shape. All agreed it is not work fixing, and may be better of scrapping. Antelope County is using a used belly-dump truck from Klabenes (testing it out). There is nothing being negotiated, as it is not the right time to be buying trailers. Next spring, we will look into purchasing a replacement.

Hours: Casey believes he would like to remain on 4-day weeks. We would have to adjust some hours if a storm is predicted. Casey will have to monitor. It is believed the road employees will remain on the same schedule, not some on 4-day weeks, and others on 5-day weeks. Casey was authorized to look into hiring another person.

10:24 AM Met in Executive Session regarding possible litigation. Motion by Commissioner Henery, seconded by Commissioner Schwager to go into executive session. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried. Met for approximately 21 minutes. Motion by Commissioner Schwager, seconded by Commissioner Henery to go out of executive session. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried.

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

Meeting adjourned at 10:47 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, LeRoy Kerkman

Attest: _____
County Clerk, Lisa Payne