

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

The Antelope County Board of Commissioners convened in regular session on Tuesday, December 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.

Agenda: Motion by Commissioner Heithoff, 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 November 14th, 2023, Board of Commissioner Meeting were reviewed. Motion by Commissioner Heithoff, seconded by Commissioner Williby to approve the minutes as presented. Voting aye: Heithoff, Williby, Jacob and Henery. Krebs absent. Nays none. Motion carried.

Correspondence was reviewed: Keith Heithoff Resignation Letter effective February 14th, 2024; Bobbi Risor email regarding the LENRD Multi-jurisdictional Hazard Mitigation Plan; Regina Krebs 50th Birthday Card Shower; Aaron Boggs email regarding Turnkey Permits; Clerk's Pledge Collateral - \$4 million; Applied Connective Technologies email regarding their assistance with the Court Room IT; letter regarding Audit services – list of possible auditing firms; Woods & Aitken bill regarding Cultural Study; copy of Hazard Mitigation Plan Resolution; Certificate of Insurance Group Term Life Insurance; 2023 Audit Report.

Receipts: \$5,324. Dividend check from NIRMA to General.
\$3,184.79- Insurance Check – General.
\$1,548.80 – Matt Beckman check – Road and Bridge. Culvert, and culvert bands.

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

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

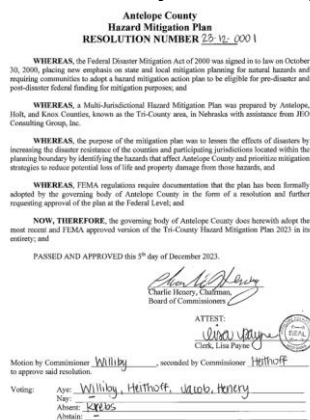
The **Treasurer's Sweep Account** report for November was reviewed and put on file.

The **Clerk of District Court Fee Report** for November was reviewed and put on file.

Zoning Permit Report for November was reviewed and put on file.

Auditor Selection: Due to recent correspondence with Nebraska State Auditor, **they are not able to complete Antelope County's 2024 County Audit and** are requesting Counties find other audit resources. Today, a list of auditors completing audits for Nebraska was presented. Discussion held. Motion by Commissioner Williby, seconded by Commissioner Heithoff to authorize clerk to advertise for Auditor for up to three (3) years and advertise at NACO site and to include the possibility to cover issues. Voting aye: Williby, Jacob, Heithoff and Henery. Nays none. Motion carried.

HMP Resolution: Antelope County has been working with JEO Consulting and Holt and Knox County's in updating the Hazard Mitigation Plan. The plan was completed earlier this fall and today a resolution is presented for adoption, as required by FEMA and other government regulations. The HMP was sent from Region 11, and was written during JEO's completion of the update, and reviewed by Antelope County Attorney, Joe Smith, today. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve resolution and authorize Chairman to sign. Voting aye: Heithoff, Jacob, Williby, and Henery. Nays none. Krebs absent. Motion carried.



9:13 AM Executive Session: Motion by Commissioner Heithoff, seconded by Commissioner Jacob to go into executive session regarding personnel issue. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed. Met for approximately 17 minutes in the County Clerk/Register of Deeds Vault. Attending executive session were Commissioners Williby, Jacob, Heithoff, and Henery, County Attorney, Joe Smith, County Clerk, Lisa Payne. 9:30 AM: Motion by Commissioner Williby, seconded by Commissioner Jacob to close executive session and go back to regular meeting. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.

- Chairman Henery stated no action was taken during Executive Session.

9:30 AM: Sheryl Baker requested Mr. Trent Loos to speak in **opposition of the CO2 pipeline.** Today she requested the possibility of three (3) others to speak. One-half hour was set aside for the discussion, and we requested they stick to the time allotted. Doyle Turner, from Moville Iowa opened the talk. Mr. Trent Loos spoke regarding opposition of the CO2 pipeline and uses of the CO2. Larry Sailor, from Creighton County, Iowa also spoke in opposition. No action was taken.

10:00 AM: Brian McDonald, Antelope County Highway Superintendent met with the Commissioners regarding **the study and plan of paving Summerland School intersection and Thiele Dairy intersection.** 514th Avenue & 851st Road and 513th Avenue & 857th Road. These are both heavy traffic areas. Mr. McDonalds proposal is presented at approximately \$185,000.00 an intersection. He presents today, to have the Board authorize the clerk advertise for bids for this project. Motion by Commissioner Williby, seconded by Commissioner Jacob to authorize clerk to advertise intersection paving projects and bids to be opened on January 2nd, 2024, at 9:30 AM. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.

Mr. McDonald stated there are approximately 57 bridge inspections due. They will be completing those in December and January.

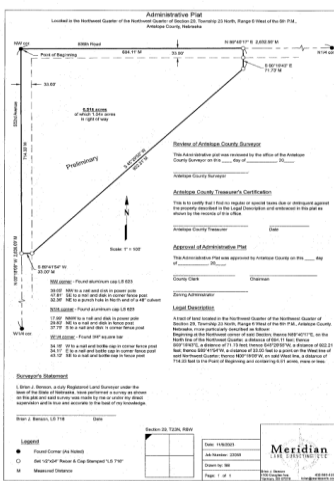
Promotional Grants:

- **NovemberFest - Neligh Chamber:** Sara Borer, with Neligh-Novemberfest submitted a promotional grant request for their Annual NovemberFest held on November 4, 2023. This is an annual fundraiser with beer and wine tasting. Motion by Commissioner Jacob, seconded by Commissioner Heithoff to approve \$350.00 Promotional Fund request from Neligh Chamber of Commerce. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.
- **St. Boniface Thanksgiving Bazaar - Elgin:** Michelle Reicks, with St. Boniface Thanksgiving Bazaar Committee submitted a promotional grant request for their Annual Bazaar held on November 23, 2023. This is an annual fundraiser with Thanksgiving meal sales. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve \$203.50 Promotional Fund request from St. Boniface Thanksgiving Bazaar Committee. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.
- **Orchard Powerlifting Event:** Jeff Shabram, with Orchard Powerlifting submitted a promotional grant request for their Annual Powerlifting Meet to be held April 5th & 6th, 2024. This is an annual fundraiser with approximately 150 powerlifters. It is a National AAU Meet. Motion by Commissioner Heithoff, seconded by Commissioner Williby to approve \$350.00 Promotional Fund request from Orchard Powerlifting Club. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.
- **Orchard Historical Society,** Bev Krutz with Orchard Historical Society submitted a promotional grant request for their Annual Thanksgiving Meal held November 19th, 2023. This is an annual event. Motion by Commissioner Heithoff seconded by Commissioner Williby to approve \$262.07 Promotional Fund request from Orchard Historical Society. Voting aye: Jacob, Heithoff, Williby and Henery. Nays none. Krebs absent. Motion passed.

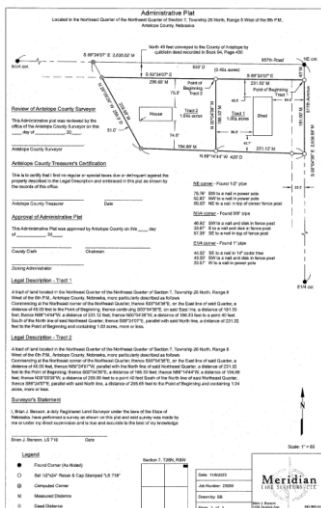
Zoning Administrator Report:

*Ms. Wingate presented two (2) administrative plats.

- **Fangman:** Proposed 6.51+/- Acres in NW¼ Section 29, Township 23, Range 6, West of the 6th P.M. Bill Fangman proposes to split 6.51 +/- Acres from parent parcel of 156.83 Acres. Mr. Fangman’s son Andrew is planning on building a house on this split. Access was granted in November. Motion by Commissioner Heithoff, seconded by Commissioner Jacob to approve plat and authorize Chairman to sign. Voting aye: Heithoff, Williby, Jacob and Henery. Nays none. Motion carried.



- **Brodersen:** Proposed 2.78Acre tract in NE¼NE¼NE¼ Section 7, Township 26, Range 8, West of the 6th P.M. Brian Brodersen proposed two (2) splits. 1.04+/- Acres and 1.00+/- Acre. There is a 40 feet wide strip between this property and the road that is owned by the County. Discussion of the purpose of the 40-foot tract. The Clerk and Assessor will check on the ownership. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve plat and authorize Chairman to sign. Voting aye: Heithoff, Williby, Jacob and Henery. Nays none. Motion carried.



- **Monthly Permit Report** was reviewed and put on file.

Road Superintendent Report:

- **Underground Permit - Turnkey:** Mr. Boggs reports he had given a verbal permission for these two (2) underground permits. Turnkey indicated they would be boring in the fiber. However, the fiber was trenched across the road surface. This is not a good time for trenching roads, as the weather can get to cold and there is not enough time for settling. Additionally, the contractor was not Bauer Underground as the permit indicated, and the fiber was trenched along the side of the road – which is not acceptable as it makes the maintaining and snow removal of the road a hazard. Turnkey has responded with a temporary fix by providing a packer to help the road survive the winter and all its hazards. Next spring they will in turn – bore under the road as was the recommendation from the beginning. Discussion of action today. Motion by Commissioner Heithoff, seconded by Commissioner Williby to deny both of the permits today. In the spring Turnkey is expected to reapply for permits (and pay for same). Voting aye: Williby, Heithoff, Jacob and Henery. Nays none. Krebs absent. Motion carried.
- **Oversize Permits:** Permit CL0056 Bach Farms Custom LLC to Tower 31; Highway 14, 853rd Road east to Tower 318. Mr. Boggs expressed no problems, and the mobilization has been completed. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve permit with no restrictions. Voting aye: Williby, Jacob, Heithoff and Henery. Nays none. Krebs absent. Motion passed.
- **Access Permit:** David Buller submitted a permit to place an access along 851st Road. This access is in the SW corner of SW¼ of Section 1, Township 25, Range 7, West of the 6th P.M., Antelope County, Nebraska. Mr. Buller plans to build a house on the acreage (16.67 Acres). Mr. Boggs reports no issues. The line of site is good, access for new home. Motion by Commissioner Williby, seconded by Commissioner Heithoff to approve access permit. Voting aye: Williby, Jacob, Heithoff and Henery. Nays none. Krebs absent. Motion carried.
- **Underground Permits for Two Rivers Irrigation:** Mr. Boggs reviewed three (3) underground permits submitted by Two Rivers to place underground lines to change wells. All permits are for irrigation electric well:
 - 852nd Road in the NE¼, Section 4, Township 25, Range 7, Gary Siems is owner. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve permit. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.

- 519th Avenue in the NW¼, Section 34, Township 26, Range 7, Gary Siems is owner. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve permit. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.
- 841st Road in the NW¼, Section 33, Township 24, Range 7, Charlie Mies is owner. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve permit. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.
- **Access Permit:** Matthew D. Beckman submitted a permit to place an access along 836th Road. This access is in the NW corner of SW¼ of Section 22, Township 23, Range 6, West of the 6th P.M. Mr. Boggs reports no issues. The line of site is good. Motion by Commissioner Jacob, seconded by Commissioner Williby to approve access permit. Voting aye: Williby, Jacob, Heithoff and Henery. Nays none. Motion carried.
- **Oversize Permits:** CL0057. The permit is for Bach Farms Custom LLC. They plan on going from Tower 318 to Tower 303. Mr. Boggs states the move has taken place and no issues were noted. Motion by Commissioner Williby, seconded by Commissioner Jacob to approve permit. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.
- **Access Permit:** in late 2021 Cole Norris presented a request for an administrative plat to split an acreage from his grandfather's parcel in Section 35, Township 27, Range 5. At that time, Mr. Norris had talked to Mr. Boggs regarding access, and was given verbal permission however was supposed to complete an access permit. Mr. Norris was in a hurry because of the limited time express to get the access and house moved and placed. The permit was not submitted by the owner, and the County did work with Cole Norris, and had supplied a culvert. Recently, Mr. Cole Norris has divided the culvert into two culverts and has made a circular drive-in front of his home. While doing this has built a retaining wall and spires. The spires are not legal in the current situation, as they do not forgive for accidents. A long discussion was held. Motion by Commissioner Heithoff, seconded by Commissioner Williby to pay for the culvert, and the labor to install it, and for two (2) access permits. Mr. Norris did not pay for the initial culvert – as per a normal County transaction. Discussion continues regarding how and what to proceed with. Commissioner Heithoff moved to amend his motion to: Mr. Norris shall remove spires, acquire two (2) access permits (@ \$75.00 apiece) to be approved by the Commissioners, and work with Antelope County Road department on correcting the situation. Commissioner Williby agrees with amendment and seconds the motion. Voting aye: Jacob, Williby, Heithoff and Henery. Nays none. Krebs absent. Motion carried.
- **Moving of Sign:** Commissioner Jacob asked about moving a sign 2 miles north of Orchard Cemetery. Double arrow sign, that currently is in the 'middle' of the driveway for this Amish homestead. Discussion continued. Discussion determined the Road and Bridge will work with adding a dirt area to widen the access and leaving the sign in the correct current place. Mr. Boggs will work to establish this.
- **Light of Tower** – issue on the light on the tower – there is a work order to fix it. In addition, we will be installing new antennas on the water tower at Royal. Platte Valley Communications will be doing this work.
- **No other report.**

No other issues to discuss.

11:11 AM break to enjoy the Holiday potluck with the Courthouse employees.

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

The meeting adjourned at 11:43 AM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson of the Board, Charlie Henery

Attest: _____
County Clerk, Lisa Payne