

October 6, 2015
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, October 6, 2015 at 9:01 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Koinzan, Henery, and Schwager. Supervisor Bolling was absent. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' 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 Supervisors.

Reviewed Correspondence: Wind and Solar Annual Conference Flyer; State of Nebraska Funds increase from 80% to 90%; NIRMA Safety Shorts; TERC Notification Chris Van Egmond filed his protest with TERC; Antelope County Attorney letter regarding Road Boss Application and the need to go into Executive Session; LEPC Agenda for October 8, 2015 meeting was distributed; NMC Technologies Fluids Analysis Laboratory report; NDOR Past Due Inspection Reminder; NDOR Quarterly Bridge Inspection Reminder; BCBS Nebraska regarding Telehealth; Murphy Tractor Flyer; Murphy Tractor "The Dirt"; Letters from Beth Fiegenschuh and Doris Karloff running for NIRMA Board of Directors; PETRO Classroom – board no action; NDOR Sign Permit as talked about in August Meeting – this permit is for the Visit Neligh sign on the 14/20 Junction and its contract renewal – no action needed; BARCO Products Flyer; North Central District Health Department – Meeting Minutes from August; Email from Northeast RC & D to replace Sandy Patton was discussed. It was agreed supervisors would appoint Alexandra McClanahan-Shively.

Protex Central and Total Fire Protection was discussed. They are different entities, one test sprinklers and one test the fire alarm system. Protex Central contract needs to be authorized. Will add on for October 13, 2015 meeting.

Reviewed Receipts: Tradesman International \$14.83 copy of reports for Attorney's Office; Tri County Abstract \$500.00 Electronic Records Copy; Big Iron \$31666.50 selling of equipment; Lamar Companies \$425.00 – outdoor advertising; NE Association County Officials \$25.00 Refund from NE NACO meeting; Lisa Payne \$30.00 white shoe cabinet from Clerks Office; Madison County \$207.00 –Diversion Reimbursement;

Mailing Machine: Discussion held. County Clerk has been looking into all options and support if a machine is bought independent from the current Pitney Bowes Contract. Because the contract is not up, it was decided to leave as is and revisit in February 2016.

Exterminators: Discussion held on the need for an exterminator for the courthouse and Antelope County Correctional Facility. We received two (2) quotes after sending out seven letters requesting. The quote from O'Neill Pest Control for \$150.00 Courthouse Visit and \$85.00 for the Correctional Facility (Courthouse once or twice a year; and the Correctional Facility on a regular (monthly) basis. If the Courthouse gets an extensive job it would be \$300.00 (if they are spraying every room etc.) The quote from Kustom Pest Control was for \$42.00 a time Courthouse and \$35.00 a time to treat the correctional facility. Motion was made by Supervisor Koinzan, seconded by Supervisor Williby to hire O'Neill Pest Control to treat the Courthouse one (1) to two (2) times a year and the Law Correction Facility as deemed necessary by the Sheriff and Exterminator. Voting aye: Kerkman, Schindler, Williby, Henery, Koinzan, and Schwager. Nays none. Bolling absent. Motion carried.

Motion by Henery, seconded by Kerkman to accept the minutes of the September 1, 2015, September 8, 2015 and September 15, 2015 minutes as submitted except for the September 1st, 2015 minutes, as there was not a motion noted to authorize the clerk to advertise Bridge Projects (Oakdale and Clearwater). Discussion held. It was the intention of the Board to motion for the County Clerk to advertise for the bridge project. Discussion was had if they should make motion today, or what. County clerk is to check with County Attorney to see what action needs to take place. Voting aye: Henery, Williby, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Bolling absent. Motion passed. County Clerk checked with County Attorney, because it was the intention of the board, and everyone knew it was the intention, it should be noted it was an honest mistake. No further action at this point.

Treasurers Fund Balance Report was reviewed and put on file.

Treasurers Miscellaneous Fund was reviewed and put on file.

Sheriff's Commissary Account activity for August was reviewed and put on file.

Discussion held regarding Blue Cross and Blue Shield Dental coverage and resolution. In February, when the County joined Blue Cross and Blue Shield of Nebraska for their major medical coverage, it was decided not to change Dental carriers at that time, because some individual employees had started dental treatments and did not want to have the

treatment interrupted; but the County would be joining Blue Cross and Blue Shield Dental in January of 2016. Resolution was presented to the board as requested by NACO and Blue Cross and Blue Shield. No action taken. Moved item to October 13th, 2015 agenda.

Discussion on the cement in the Parking Lot of the Courthouse continued. Two (2) bids have been submitted. Don Zegers of Don Zegers Contracting submitted a bid of \$3792.00 and Robby Hoefler submitted a bid of \$3620.00. Because the bids were not clear if the same items were bid, it was decided to table the item until the 13th of October 2015 meeting, and have Supervisor Schindler check with both bidders as to exact work and timelines. He was to check also to see if both bids would be honored next spring, as if done this fall, salting for ice might be an issue. No action. Moved Item to October 13, 2015 agenda.

9:31 AM. Public Hearing.

Opening of Public Hearing.

Supervisor Schwager opened the public hearing at 9:31 AM. He stated, open meeting law is posted and additional copies are available in the County Clerk's Office. Responding to roll call: Kerkman, Koinzan, Henery, Schindler, Williby, and Schwager. Bolling absent.

SUPERVISOR SCHWAGER: Give the reason for the meeting/public hearing,

CHAR CARPENTER: Notice of Public Hearing. Notice is hereby given that Antelope County Board of Supervisors will hold a public hearing on October 6th, 2015, beginning at 9:30 AM to review possible changes to Antelope County Wind Tower Regulations. An agenda, which is kept continuously current is available at the county clerk's office for public inspection. Proposed changes may be examined at the Office of the Antelope County Clerk or the Zoning Office during normal business hours at any time prior to the public hearing. All interested parties may offer oral comments at the public hearing and/or may file written comments with Antelope County Board of Supervisors provided such written comments are received by Supervisors prior to close of business on Friday, October 2nd, 2015. Written comments may be mailed to Antelope County Board of Supervisors, PO Box 26, 501 M Street, Room 8 (that is incorrect), Neligh, NE 68756.

JERRY SCHWAGER: asks is there anything else you want to add.

CHAR CARPENTER: Aug 24th Planning Commission held their public hearing Motion by Rakow was to leave set back at 1,000 feet from residence to a wind tower for a participating land owner, and to add a 2,000 feet setback from a residence to a wind tower for a non-participating, Motion was seconded by Klabenes and roll call vote was taken and it was approved by all board members in attendance. Actually, I take that back one member abstained and one member was gone.

JERRY SCHWAGER: asks for presentation from applicant.

CHAR CARPENTER: There is no application; it is an amendment to zoning regs.

JERRY SCHWAGER: asks for comments from board

CHARLIE HENERY: So the only thing we are dealing with is this set back

CHAR CARPENTER: Yes, just a recommendation to change / or add basically the 2,000 feet setback for a non-participating land owner – the 1,000 feet is already in place.

CHARLIE HENERY: That is all we are dealing with.

CHAR CARPENTER: Confirms Yes

LEROY KERKMAN: How did the Planning Commission come to this conclusion?

CHAR CARPENTER: We had a public hearing, took input from those in attendance, we have had enough issues and voices have come up with people who are having wind towers a little close to their residence and they feel that it is impacting their livelihood – living situations that 2,000 feet if you are not participating – say you do not want one – you don't want it 1,000 feet from your house - because it is too close – you want to keep it 2,000 feet away. That is kind of what the audience and the board felt was a better situation than the standard 1,000 feet

LEROY KERKMAN: That's what we set before.

CHAR CARPENTER: That is what they did for the last permit. They agreed to do that.

EDDIE SCHINDLER: That is measured from the residence.

CHAR CARPENTER: Yes, The residence from the closest point of the house from a non-participating Land Owner. Not from the corner of the property from – the actual house structure.

SPECTATOR: What happens if someone wants to build in the setback area?

CHAR CARPENTER: If you are a participating land owner and you want it 900 feet – that is your decision – you work it out with the company involved. If you're nonparticipating and you do not want it closer than 2,000 feet, then it is 2,000 feet

LEROY KERKMAN: Some may sign off

CHAR CARPENTER: confirms. Some may sign off. That is their decision

JERRY SCHWAGER: "anything else"

GREG KOINZAN: The person that abstained was involved with Wind Energy Project?

CHAR CARPENTER: "Correct, they have signed an agreement with the company, so

GREG KOINZAN: The person that was absent, was just absent

CHAR CARPENTER: They had been here and then left because they had also signed an easement and did not quite agree with what the county attorney had told us before that if you had signed an easement than you should not participate so.

GREG KOINZAN: The rest of the board voted unanimously

CHAR CARPENTER: Correct, I can read names if you like.

GREG KOINZAN: No. How many people are on the board?

CHAR CARPENTER: There are nine (9) I do not know...

GREG KOINZAN: 2 didn't vote – so seven (7) people voted unharmoniously?

CHAR CARPENTER: Yes, we had 7 vote in favor, I abstained and 1 was absent

GREG KOINZAN: OK

JERRY SCHWAGER: Anything else?

9:41 AM JERRY SCHWAGER: Open for public comments

JERRY SCHWAGER: Paper from RICK SCHUCHARDT/Jane Schuchardt. (At Right)

Do you have any comments you want to give us

RICK SCHUCHARDT: I have pulled together information and done more research on wind farms (Eddie asks if we are taping)

JERRY SCHWAGER: Schuchardt comes closer to front)

RICK SCHUCHARDT: At the zoning meeting in that discussion, I had presented using the property lines and going out 2,500 feet, so that's the recommendation I gave the Zoning Committee. They did not agree with that so I did some more work, and I went to Holt, and went to Wheeler counties, and saw what they were doing. So, I put together this little paper here what's in front of you – plus this document, if you look on page 25. There is some conclusions there that represents what I am putting forward to you now. Basically, if we move the way we are going right now, there is probably going to be more wind farms developing in Antelope Co. So, I think we need to take another look at how we quote "deal with participants and non-participants. In Holt County and Wheeler County they do not have that terminology. Everybody is the same OK In that regard they have also said everybody is a resident. You are a resident of Holt County. You are a resident of Wheeler County. They have Wheeler Co is moving to recommend to their Board – on Oct 28 a half (1/2) mile set back from every residence. Basically, I would like to take it from them and propose it to you guys to do the same thing. Do ½ mile (2,640 feet). And then, if there needs to be a waiver to get it back down to 1,000 feet, or whatever, the guys in that community want to do (their neighbors) they discuss it and they get the waiver to do that. You are actually getting that decision back down to the people in the wind farm area. What is right for them. So that is my take on what I have recommended to do is simplify this a little bit and make everybody on an equal basis. Get rid of the "non-participating and participating" Land Owners and do a greater setback. Which the research, points out that after about ½ mile the noise and flickers are reduced. Because, if I were you sitting on the Board and knowing there is more wind farms activity coming. I would want to do the right thing now, to eliminate more public discussion about this, down the road. And you would have a footing to say "We are doing this the same as Wheeler Co. We are doing this like same as Holt Co. And I have talked to the Zoning person in Holt Co. He says they are pretty happy with those setbacks; there is even fewer people out there. So part of and I have a copy of Article 5 of Holt County. It's pretty good; it's a pretty good deal. They list a lot of different things they even have flicker settings that they require. The Wind Tower farm people to do, it there is residences within a mile. Also, you could regulate the noise in some respect, at night and during the day. The wind farm can turn them up and turn them down. Especially, if you have residents that have 3 or 4 of towers around their home site. Why not make that a county thing so, if you expand the distance, do the waiver process. You mitigate that decision making to the lower lever. It would kind of take you guys out of the loop of those discussions about distance from the towers and all that. So anyhow that is my recommendations and a little bit of information. This is a pretty good document. It is one of the better ones I have found. I am not sure how you make your decisions, but I think this is a really important decision for you guys to make as you move forward.

JERRY SCHWAGER: Did you present this to the Zoning Board?

RICK SCHUCHARDT: I did not have that. Once I was there to oppose that. I did some more research and studies. Realizing that the recommendations from the Zoning Committee were only a piece of this. You guys make the final decision.

GREG KOINZAN: You made your recommendation to the Zoning Committee, just not this research. You did not have this available.

RICK SCHUCHARDT : I did

GREG KOINZAN: You gave them this letter?

RICK SCHUCHARDT: "No, I did not. What I recommended was 2,500 feet from property lines – so that is the difference.

GREG KOINZAN: But that isn't what Wheeler Co is going to adopt

RICK SCHUCHARDT: No, all I am hearing is residence. Where is it from a residence? OK, if its residences – lets go with residences. What are all the other counties doing and they are doing the ½ mile. It seems to be working for them, but from my perspective that we by distinguishing participants vs non-participating – there seems to be a lot of and there was a lady at the supervisors meeting that was a participant but she did not want to be within 1,000 feet of a tower. This is what we proposed – this takes care of that, because if you are a participant or non-participant you get 2,600 feet direct right to begin with. If you want to waiver it, then you can. So you go some participants that do not want to have a tower within 1000 feet of them – but it makes sense...

EDDIE SCHINDLER: It would be their decision only. They could decide if they want it placed. One person could decide.

CHAR CARPENTER: It would take it out of our hands

GREG KOINZAN: Right. I have a little insight; I would like to share with everyone. I am friends with Patrick Mahoney and Doug Allemang who are on the Zoning Board in Wheeler County. We call and talk about this all the time. Part of their criteria about like setbacks – and I continued – to start this out – I listen very carefully to the recommendations of the Zoning Board because that is their job to recommend. And that is something we need to weigh very heavily. They called me, and I think the Zoning Board in Wheeler County has set a real example of how to do this. Because they actually went to the sites and listened to them. They also – there is two (2) sides to every story- they also waived Personal Property Rights and Personal Freedom against welfare of other people. One of the largest reasons they set or are going to set the way they did is because of the size of the farm and / or ranch in Wheeler County is three (3) times bigger than it is in Antelope County. So in essence these people are affected. To compare they have a farther set back because they are not infringing on Personal Property Rights. They have fewer people. So they are able to have a larger set backing and they weigh that against it. You see when everyone says well this is what they did in Wheeler County, and this is what they did in Holt County, and this is what they did in Minnesota, they are not all the same. I am going to listen to what the Zoning Board did. I do not know if they did as good of a job as Wheeler County did, but that is their job to do. Wheeler and Holt County is both going to get one. Holt County, I think already has one. They have some Wind towers. Wheeler County is in process of getting one. There is going to be another Wind Farm on the Holt-Wheeler

County Line. That area there is very-very sparsely populated. Some of the issues I see every day here, that doesn't get brought to light in that there is a lot of people who want the revenue and want the wind tower on their farm – and maybe they are not quite so vocal as the people who don't, and as a livestock person in Antelope County I really like the ability to do what I want to do on my own farms. It is a privilege I have. It is a personal property right. That is my livelihood. That is the balance we have to weigh.

Schuchardt I agree

JERRY SCHWAGER: We have to move on

RICK SCHUCHARDT: Thank you for listening

JERRY SCHWAGER: Thank you very much

Christina Coulther Childers: I am CCC, going back to sparsely or densely populated - my concern still goes back to the welfare of the unborn children and the welfare of the children and the basis of the sound study and the flickering. I do have concerns even though it could be a monetary thing and the density populated. The health concerns and the overall health of your population should be considered as well.

EDDIE SCHINDLER: OK Thank you

CHAR CARPENTER: Thank you

JERRY SCHWAGER: Asks for people in favor to testify. Anyone in favor?

JAMES WILLIAMS (from Invenergy): Glad to be here today. There were 3 public hearings held by Planning & Zoning Commission. The discussion was in our view very positive - it went through not only regulations from Minnesota – and Wheeler County but also the Board really looked at Antelope County Zoning Regulations. After three (3) public hearing each taking multiple hours and spending time to talk about issues, take input from the public. This was the recommendation that came out of it. At Invenergy we support this recommendation. It is consistent – as someone mentioned – for the conditional use permit a condition put on a permit previously. It adds some additional distance to a non-participating property from a residence. We think that is good. We have worked with the community here in Antelope County, with the Prairie Breeze Project. We want to continue to develop Wind Farms in the county. We feel like this regulation allows us to do this. Thank you.

JERRY SCHWAGER: Thank you very much; anyone else in favor to testify.

KATHY SCHULTZ: I just have a couple of comments. I was to the last 3 zoning committee meetings. I thought there was excellent discussion given from for and against and the Zoning Committee had though decision to make. Well, in my contract I put a specification. I have a neighbor that is totally against wind towers. I put in my contract there would not be one across from his house. I do not want to upset my neighbor; I can work with my neighbors. Everybody need to look at it and do what is best for them and put it in their contract. That – I do not know what else you can do, you have – if you decide 2,000 feet and someone decides they want it closer they can put it in a contract or they can make or its everybody's individual rights.

JERRY SCHWAGER: Thank you very much

CHARLIE HENERY: Dealing with the Wind Tower People – Were they willing to do the contract with your recommendations? As you suggested?

KATHY SCHULTZ: Yes

CHARLIE HENERY: Very willing to work with you?

KATHY SCHULTZ: Yes, very willing

GREG KOINZAN: Anytime you have an easement that's Personal Property Right. Any owner (him or her) whatever he does on their property – they have to have first choice.

does on their property, They need to have precedents in my opinion.

KATHY SCHULTZ: I have to say the Wind power people have been easy to deal with. They have listened to what Fred & I have said and worked with us.

GREG KOINZAN: Thanks Kathy

JERRY SCHWAGER: Thank you – Anybody else in favor her to testify?

Shirley Clinton I am Shirley Clinton – I have been to the last 3 Zoning Meeting and I still stand – I think that we should push it back further that 1,000 feet. I suggested at the first meeting it should be ½ mile. I think this gentleman's suggestions here should be taken under good consideration by this board. After all that does give freedom to the individual involved and not involved. Thank you!

JERRY SCHWAGER: Thank you!

GARY BORER: The only point – I agree with RICK SCHUCHARDT – about the setbacks regardless, 1,000 feet, I see as a problem, for participating people. If you look at the Map – everybody is pretty much signed up out there. That pretty much gives them free rein to put it wherever they want, within 1,000 feet of anybody. And I think we should basically eliminate the participating – make it at least 2,000 feet – It should be more. But at least 2,000 feet. If they want to put it any closer- they need a waiver participating or non-participating. We had some problems in Phase II with guys that were promised wind towers and did not get them All they got is the noise from the neighbors wind towers. 1,500 feet from them. Like I said, I think we should have 2,500 feet – 2,600 feet setback. But the participating thing is the thing that scares people. Somebody has already signed up that doesn't have the provision in it to keep it away from somebody. And now we are going to have the same problem – This guy that says well I signed up and they told me I'd get one and now I am not getting one. Because we had that in Phase 2. So, that is my biggest thing. We need to look into that.

JERRY SCHWAGER: OK Thank you! Anybody oppose want to testify?

No Comments

JERRY SCHWAGER: asks for any neutral comments: Asks for comments/questions from Board

EDDIE SCHINDLER: Has this "stuff" that RICK SCHUCHARDT has been presented to Zoning

CHAR CARPENTER: No

JERRY SCHWAGER: No, it wasn't presented to Zoning

RICK SCHUCHARDT: No

JERRY SCHWAGER: Not at any of the meetings?

RICK SCHUCHARDT: No, I did some more work and research and dug into it for today's meeting

CHAR CARPENTER: You guys can send this back to Planning Commission and tell them to reconsider, look over again.

That...this is your prerogative. You guys have the final say with all of this.

(Indistinct.) What happens to all of this?

CHAR CARPENTER: We would have to do another public hearing

EDDIE SCHINDLER: Just one?

CHAR CARPENTER: At least one

GREG KOINZAN: Mrs. Olson, can I assume that you are here in support of Wind Towers

MRS. OLSON: Yes I am

GREG KOINZAN: I didn't want to single you out. You are our neighbor and wanted to know where you are

MRS. OLSON: I am for them

GREG KOINZAN: OK Thank you

EDDIE SCHINDLER: So, it would take one (1) public hearing.

CHAR CARPENTER: It might – It might take 2 depends on

LEROY KERKMAN: We base this all on noise. So somebody wants to put drying bins up across the road from somebody here now or in the future

GREG KOINZAN: Yes

CHAR CARPENTER: OK, that's been a topic of discussion, but we are an agricultural society in this county. All of our Regulations are passed on Agricultural. We are zoned Ag. There is an excepted purpose in the county. Wind towers are commercial use that's why they have to go thru Conditional Use Process. They can have separate standards put upon them So.....

LEROY KERKMAN: Unless a guy hires a lawyer. The guy doesn't want drying bins there. He hires a lawyer and ties it up long enough the guy will give up or something.

GREG KOINZAN: Or bawling calves or

LEROY KERKMAN: That is exactly right

CHAR CARPENTER: But that's excepted in the county because it is ag. We are zoned ag

LEROY KERKMAN: But an individual buys that land does that gives the next guy the right to say what doesn't belong on that land?

GREG KOINZAN: That's a good point

CHAR CARPENTER: OK

GREG KOINZAN: We have got guys that do organic farming, so somebody come in here and says those guys within ½ miles should be able to use chemicals or pesticides.

LEROY KERKMAN: Shouldn't he have the right too?

CHAR CARPENTER: Does the individual who live on the other side of the fence have the right to have an nice scenic view, without a wind tower?

GREG KOINZAN: If he wants a scenic view-in my opinion-he should buy his neighbors farm.

CHAR CARPENTER: You have got to look at both sides of the issue guys.

GREG KOINZAN: I do.

LEROY KERKMAN: How long is this going to stay in the local peoples' hands? Look at the livestock industry. It was years ago, but it isn't in the local people hands anymore. All it takes is a bill down in the legislature to take it out of local hands-and they'll make the decision. There is an issue over here by Humphrey, not very long ago where the public did not want Pillen to put up his hog confinement. The county board voted it down. Well, they sent it on to _____, where it met minimal requirements-and so it is going in. You are going to lose local control of this deal anyway.

CHAR CARPENTER: You can make things stricter, but you cannot make them any less restricted than what the state has mandated.

GREG KOINZAN: There is also precedence. I think all this stuff is... Look at the Weed District. There are laws that if you have leafy spurge, you are supposed to spray your leafy spurge so it does not spread to you neighbors. We have a heck of a time enforcing that law. Basically, what that gets down to is Personal Property rights. If a guy does not want to spray his spurge we have a heck of a time getting him to. The thing is that has already gone through legislature, like what LeRoy said earlier. IF this is a valid concern, about telling your neighbor about what he can and cannot do on his property. I think someone should take it up at the state level. Bur for now, the local level has made a unanimous decision as far as I can see. I think the board needs to follow their recommendation. Otherwise, why do we have a Zoning Board?

CHARLIE HENERY: What do counties do that do not have zoning?

LEROY KERKMAN: There are not very many.

NEIL WILLIBY: But the ones that don't?

LEROY KERKMAN: Than you just put whatever you want out there.

NEIL WILLIBY: Exactly.

LEROY KERKMAN: They build that confinement across the road if they want to.

EDDIE SCHINDLER: Bottom line though – Once it is determined what you can/cannot do, depends on if it is a health issue. If you get into health issues, that is a different ball game. That is what you have to be careful about. If you are doing something that will interfere with or affect the health of your neighbor.

CHAR CARPENTER: Zoning is Health, Safety, and Welfare.

EDDIE SCHINDLER: Yes, and that is what you have to look at. That is why I am wondering about safety.

GREG KOINZAN: And the recommendation of the Zoning Board is a unanimous recommendation is what is being proposed, here, is that correct?

CHAR CARPENTER: Based on the information we had at the time, yes.

LEROY KERKMAN: That made a lot of difference when you went 2000 feet, instead of 1000 feet, as far as the noise goes?

CHAR CARPENTER: I do not know, on that part.

LEROY KERKMAN: It boils down to the fact you either want it or you do not. That is the issue.

NEIL WILLIBY: If you are going to make that comment, the people who did not get them are not complaining.

LEROY KERKMAN: Yeah.

GREG KOINZAN: But, if someone...I think, we can talk about this all day. As far as Gary's point I understand what he is saying. But, I do not think it is County Governments job to make sure a county land owner is making a good deal for himself. As my father would say they are free, white, and twenty one. I do not think it is our role, to decide if they made a bad business decision, Gary. They made a bad business decision on their own.

GARY BORER: But, if they made it based on the fact they were told they would get one.

GREG KOINZAN: There is a legal term for that, yes. And there is a legal mechanism if they were misrepresented they can hire a lawyer-and they can.

GARY BORER: Hire a lawyer. Spend all that money to fight...that is the problem.

GREG KOINZAN: But, it is not the County Government job to ensure people make good business decisions.

GARY BORER: I would have liked to hire a lawyer too, but I could not afford it. Now, I have one 1500 feet from our home.

GREG KOINZAN: And that's...

JERRY SCHWAGER: It is kind of working. It is 1000 feet. So, if they sign a contract and if they want it further than that you will go along with that – say 1500 feet, James. (Inaudible) I am asking James.

JAMES WILLIAMS: Yeah, I think as Kathy said we will work with the landowner.

JERRY SCHWAGER: That is what I am saying, if she wants 1500 feet instead of 1000 feet you would sign a contract and honor the 1500 feet.

JAMES WILLIAMS: Yes, we will take it further with another example: If there is a location where the land owner wants to put a barn in the future we would be sure to leave that location without a tower. We do work with the land owner, and need to know from them – as to where they are comfortable placing them. However, we are working with hundreds of land owners in Antelope County and we try to make everybody happy.

JERRY SCHWAGER: So, what did you? If we want 2000 feet for the whole works. Would that work with you?

JAMES WILLIAMS: If you are comfortable with the recommendation of going 2000 feet from nonparticipating land owner. What we talked a lot about during the planning commission hearing, is the difference between 1000 feet setback and 2000 feet setback. That is not linear feet. When you have 1000 feet circle you start adding on to the end of that 1000 feet radius. Your area is growing significantly; by going to 2000 feet you are eliminating participating landowner having wind turbines on their property. So we do work with participating landowners on turbine wind sites. If it is 1499 feet, 1999 feet, or 999 feet we will work with them. We will work with all the other setbacks, which is road setbacks, pivot setbacks and staying out of pivot irrigation circles. We have a lot of different factors in deciding.

JERRY SCHWAGER: Do you have something else you want to add, Gary.

GARY BORER: No.

EDDIE SCHINDLER: I have a question for James. What is your opinion on daytime noise?

JAMES WILLIAMS: The County has a 50 decibel regulation in Antelope County and we have been able to work with that regulation. There is no difference between daytime and nighttime.

EDDIE SCHINDLER: This is no difference?

JAMES WILLIAMS: No.

EDDIE SCHINDLER: Is it possible to do that, regulate that? Would it create a problem?

JAMES WILLIAMS: Yes, it is possible. One decibel level is what we aim for. I would say that generally the comments that you are looking at now maybe were presented in this form, but I believe the discussion was very complicated over three (3) public hearings – 6 hours or more of discussion. You can always come up with a new scenario, sure. But, you know when you see a unanimous recommendation like that after that much time it shows that discussion was positive and folks were in agreement coming to that recommendation.

JERRY SCHWAGER: Just a minute. Gary go ahead.

GARY BORER: Just a question, I would like to ask. Has anybody ever measured the decibel level? Is that something we should do? We are saying 50. But I have never seen anybody measure it. I would like to have it measured in my yard someday. I am damn sure it is over 50.

JERRY SCHWAGER: Go ahead.

JAMES WILLIAMS: We have submitted with each project that we constructed a sound analysis performed by a third party – a third party sound engineer. It demonstrates that 50 decibel level is met. We go through the analysis and make sure they are being met – the decibel level.

SHIRLEY CLINTON: Am I correct, that the first project you had it 1000 feet from residences, but the second and third phases you moved it to 1500 feet from the residence.

CHAR CARPENTER: No

JAMES WILLIAMS: The regulations when we built the first project were 1000 feet from any residence. I cannot tell you off the top of my head if we were not at 1001 feet – we were a little bit further than that from residences. For the second project we added a condition of 2000 feet for non-participating land owners. It was still 1000 feet for participating land owners.

SHIRLEY CLINTON: It was my understanding and I was told by your people it was 1500 feet.

JAMES WILLIAMS: I would have to take a look at what the distances are.

SHIRLEY CLINTON: That the second project you elected to freely without county influence that it go to 1500 feet. That was because there was so much unhappiness with 1000 feet. Now, your people told me this. That it went to 1500 feet. And if so, why did you change it? Was it because there was so much unhappiness with 1000 feet?

JAMES WILLIAMS: I honestly do not have an answer for you. I am not sure what the distance ended up being between the first project and the second project. But, we did work within the public means, and I believe that the condition that

was added to Zoning Regulations was 2000 feet for non-participating land owners, and 1500 feet for participating and it could be less with waivers down to 1000 feet.

SHIRLEY CLINTON: Ok, because you said that at one of these meetings.

JAMES WILLIAMS: That was the condition. So we have waivers from landowners that we can be within 1500 feet this is why I do not have them.

JERRY SCHWAGER: That was condition only wasn't it?

JAMES WILLIAMS: That is correct.

CHAR CARPENTER: Condition only. It is not in the regulations that way.

JAMES WILLIAMS: That is correct. I think that discussion at the meeting as a landowner when you sign an agreement to work with Invenergy, or whatever wind company you decide anything you want to put specifically in your contract. 2000 feet non-participating landowners provide a protection there. While not encumbering too much on private land owners.

JERRY SCHWAGER: Ok. Thank you!

CHARLIE HENERY: So basically, what zoning is...Is good neighbors do not exist anymore, and seven of us county board members have to decide who is a good neighbor and who is a bad neighbor. Just my input.

CHAR CARPENTER: Can I respond to something James stated. The sound analysis only comes to us before the towers come to us. We have not done a sound analysis after the towers have been up at any bodies' house. So, I cannot state for sure that the 50 decibel is met.

GREG KOINZAN: Wouldn't that be an issue for the Zoning Board to take up Char?

CHAR CARPENTER: Do you have a machine that will measure and if we do not, where do I find one?

CHARLIE HENERY: And the day that you do it, how much other noise besides the wind tower is existing out there, in that specific area?

GREG KOINZAN: I am a big person about protocol. If there is a need for a decibel reader wouldn't it be something the Zoning board directs you to do, not the supervisors?

CHAR CARPENTER: I am not sure. I do not know how to answer that one.

JERRY SCHWAGER: You do not need to answer that question.

CHAR CARPENTER: I am responding back to you know the sound analysis comes back to us prior to the towers being put up. It is just an estimate of noise generated.

JAMES WILLIAMS: Sound Analysis comes prior to the towers being put up by a third party engineer. That is outfitted to do sound analysis.

CHAR CARPENTER: I understand that, James. I am just trying to answer if I am or a resident is surrounded or has three different towers around his property is it 50 decibels each tower or 50 decibels all together?

JAMES WILLIAMS: It needs to be fewer than 50 decibels at the residence. That is what the regulations read.

CHAR CARPENTER: OK. I understand. But is it per tower or a combination of the three.

(In audible dialogue.)

JERRY SCHWAGER: Ok. Let's move on. (to Char) You pretty much got your discussion? (she confirms). I am going to close public hearing. Time 10:15 AM. I will ask the board what they want to do?

NEIL WILLIBY: I make a motion to accept the recommendation of the Zoning Commission of 1000 feet participating and 2000 feet non-participating land owner.

CHARLIE HENERY: I second motion.

No discussion.

Voting Aye: Williby, Koinzan, Henery and Schwager. Voting no: Schindler. Bolling absent. Kerkman abstained.

Motion to adjourn was made by Schindler, seconded by Williby. Voting aye: Williby, Henery, Schindler, Koinzan, Kerkman and Schwager. Bolling absent.

Supervisor Schindler discussed with the Board regarding repair of this 6 wheel drive maintainer. This maintainer currently has 13,000 hours, and the mother board is out. He wanted to discuss with the board his options on fixing this machine. In August, the supervisors discussed with CAT about a "refurbishing" quote on this type of machine. Dave Prauener with CAT attended the meeting to help answer questions the board may have. The 'total' refurbish job, would go completely through the mechanics and engine components, replace hoses etc., power wash and paint the machine for a total of \$83,000.00 and would come with a 5 year/5,000 hour guarantee. To do a refurbish, a 2 year guarantee on mechanics, and no exterior cosmetic work would cost approximately \$53,000.00. To simply fix the 6 wheel drive maintainer to working condition would be approximately \$15,000.00 to \$18,000.00. Discussion with the supervisor continued. It was considered to refurbish the machine, but not with a power wash and paint job. It is up to Supervisor Schindler, as he needs to have an operable maintainer.

Local Public Agencies – Federal Funds Purchase Program was discussed with the board. The state of Nebraska will be issuing 90% if allocated funds, instead of the original 80% thought. Payout will go up to \$134,790.00 STP and \$91,004.00 Bridge funds. Discussion held. No action.

10:30 AM Grader Bids opened. Only bid submitted was from CAT. Eddie Bomar was in attendance. The bid was for \$288,350.00. All specs have been included with bid. Motion made by Supervisor Henery, seconded by Supervisor Williby to accept bid from CAT, paying half down and financing the remainder for three (3) year, (interest rate of 2.5%), signing of agreement and purchase order. There is an extended warranty on this machine. Delivery is approximately three (3) months out (January). Voting aye: Koinzan, Kerkman, Schindler, Williby, Henery and Schwager. Nays none. Bolling absent. Motion carried. Eddie Bomar printed paper work. Brought purchase agreement back and Board Chairman, Jerald Schwager signed agreement. Financing for the three (3) years will be at 2.25%. There is no penalty for paying machine off early.

Dave Prauener, CAT, Nebraska Machinery Representative met with the board again about repairing the maintainer in District 5. To fix the maintainer would be cheaper than purchasing a new one. It was reiterated the importance of having maintainers that will run and do the job they are, and were bought to do. It was in mutual agreement the Machine (Maintainer) needs repaired.

Letter from Berggren Architects was reviewed, no action.

Bill Clark, Karr Tuck-pointing discussed with the board regarding tuck-pointing and general care of the Old Courthouse Building. Karr Tuck-pointing has submitted an estimate to the County of approximately \$ 16,176.00. Mr. Clark went through some of the highlights of the project and what would be entailed in tuck-pointing the whole building. There would be a 2 year guarantee on their work. He completed the discussion, with the proposal in hand and would leave it up to the "Board" to decide to proceed or not. He stated the proposal would be honored for one (1) year.

Extension Office resolution for the creation of a Full-time Clerical person and to change current position to a 4-H Educator position was presented. Reviewed and put on file.

Road Boss applications. We currently have four (4) applicants. Discussion held. It was decided to interview all four (4) candidates on November 3, 2015. Allowing approximately 15-30 minutes for each interview. Discussion on how interviews should be conducted. County Attorney, Joe Abler will be contacted this week to address the Supervisors on proper procedure on the interview process.

Clearwater Sheriff Contract was reviewed. Currently, the County is contracted with the Village of Clearwater to supply law enforcement to the village. Motion was made by Henery, seconded by Kerkman to accept and sign contract as written. Voting aye Koinzan, Kerkman, Henery, Williby, Schindler and Schwager. Nays none. Bolling absent. Motion carried.

Discussion held on Old Jail and Old Jail Site, and Old Museum and Old Museum Site. Currently, the County does not have any use for the space, and it seems to be a liability for the County. Discussion on the best way to transfer the property and buildings. Auction was a favorite view of the supervisors. It was requested the County Clerk contact Taylor Realty, Larry Barte, and Carole Crabtree, and ask if they would be interested in auctioning the property and what the county outlay would be, and how much "commission" each party would want.

Armor Coating Equipment. Currently it is the 6th of October, and Antelope County has not started any Armor Coating. The bids this year specified Armor Coating would be completed by October 1, 2015. Supervisor Schwager that the Armor Coating may start this afternoon. Supervisor Henery wanted to express his interest in possibly have the County purchase our own equipment, in order to avoid these delays in the future. Discussion held. I was decided this would be a discussion for a "winter" meeting when the items would not be so heavy. No action at this time.

Prairie Breeze Plan Approval: Supervisor Schwager reported he had worked with Prairie Breeze, and had spoken with Antelope County Highway Superintendent, Brian McDonald regarding this Plan Approval. Motion was made by Williby, seconded by Henery to accept the plan Approval as per Brian McDonald recommendation. Voting aye: Williby, Henery, Koinzan, Kerman, Schindler, and Schwager. Nays none. Bolling absent. Motion carried.

Motion was made by Williby, seconded by Henery to adjourn. Voting aye: Voting Kerkman, Schindler, Henery, Williby, Brandt and Schwager. Bolling absent. Nays none. Motion passed.

Meeting adjourned at 12:05 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne