

March 1, 2016  
Antelope County Board of Supervisors  
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, March 1, 2016 at 9:04 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, Williby, Henery, and Schwager. Bolling was absent due to medical reasons. 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.  
Neligh, Nebraska

Meeting opened with a telephone conversation with Road Boss, Casey Dittrich. Due to personal reasons he was unable to attend today's meeting. Casey reports on his visits to inspect the trailer bids. Roadmaster bid of \$48,100.00 was very impressive. He has spoken to current owners of trailers from the manufacturer and all seems to be very positive. The other trailer seemed to lack the strength and features of the Roadmaster trailer. Casey reported Ray Schlecht, Roy Rodgers, and he had all visited the trailers and all seemed most impressed with Roadmaster. He would like to move forward with signing a contract as it would be three (3) to six (6) weeks out.

Casey has been in contact with some of the outfits that are submitting bids for next week's bid opening. All seems to be good that way.

Casey is trying to highlight a map of the roads in need of armor coating, in order to present a list of most in need of attention.

Casey reported he had seen the \$2814.80, Nationwide Insurance settlement check regarding the road grader on February 12, 2016 incident.

He has also been in contact with NIRMA regarding regulations on sign posting during small road construction projects. He is trying to evaluate, what the insurance company recommends so as to keep all parties safe. He has looked into temporary road closed signs, thinking each piece of equipment would need to signs. He will wait until hearing from NIRMA and report back to supervisors at that time.

Casey reported he would be attending Highway Superintendent training on Wednesday, Thursday, and Friday this week, and will be back for the weekend.

Casey reported on the interviews scheduled for this morning. He has spoken with both applicants and was most impressed with Mr. Henn.

With the supervisors not having any questions, Mr. Dittrich concluded his report.

Tessa Hain, Antelope County Extension Office, reported on some recent happenings in their office. Libby (Elizabeth) Slack recently terminated her employment association with Antelope County. She felt homesick for her family and home in Wisconsin and moved back. Her position is a University of Nebraska position, and they would be recruiting and filling the spot again. They will look for food and nutrition study again. She also reported on June 30, 2016 Rod Wilke's position funding will be running out, and he will be leaving his Antelope County position at that time. All of the supervisors expressed their appreciation in Rod's confidence and expertise in all of his endeavors.

Discussion on trailer bids and recommendation made by Casey Dittrich. Supervisor Koinzan made a motion to purchase trailer from Charles Blass Welding and for Chairman Schwager to sign purchase agreement. Motion was seconded by Supervisor Williby. Voting aye: Koinzan, Williby, Henery, Schindler, Kerkman, and Schwager. Nays none. Bolling absent. Motion carried.

Mr. Duayne Muhle, from Frontier Communications met with the supervisors regarding Antelope County Courthouse phone system. The system is obsolete and if it goes down, it is pretty close to unfixable. Because the manufacturer is no longer making and supporting the system it is likely if something happens to the phone system, we would probably be without for up to three (3) weeks. The manufacturer discontinued making the system the county is currently using. He would estimates a new phone system for the county would run in the \$20,000.00 range, depending on the number of handsets required. Supervisors discussed. He left a brochure of products/services they offered. No action taken.

Correspondence was reviewed. Elkhorn Rural Public Power District letter regarding electrical improvement in the Elgin area; Great Plains communications regarding new phone books and opportunities; Nebraska Department of Resources Floodplain Management Grant 2016; Nebraska 811 Diggers Hotline Information Class flyer; State of Nebraska Board of Engineers and Architects regarding Vodicka and Standard Bridge Company, LLC; NDOR Past Due Bridge Inspections; NE District Meeting-March 18, 2016-Lifelong Learning Center-Norfolk; NIRMA Board of Directors 2015 Annual Report; Nebraska Association of Emergency Management Awards Nomination; Lucy Ferguson letter regarding selling of the Orchard News to Pitzer Digital; Ameritas Letter regarding overpayment of Dental Premium; Permit to move structure from WardCraft Homes was discussed – Permit to be shared with Casey Dittrich and Eli Jacob. Farmers Pride fuel Contract was discussed – they are requiring a down payment which the County cannot due – clerk is to check.

Receipts reviewed: \$2814.80 insurance settlement form Nationwide, on accident involving road grader on February 12, 2016; \$2,194.57 City of Elgin Election Costs; \$2446.61 City of Neligh Election Costs; \$11,000.00 Refund Check from Nebraska Machinery Company.

Supervisor Koinzan wanted to discuss the telephone system replacement. He expressed he could almost see a racket taking place. He relayed he had been through similar situations in other locations, and more often it was all for not. Discussion continued. It was discussed that Mr. Bill Rahder had discussed a new phone system with all the capabilities during discussions of the new jail phone system, and internet capabilities last summer. Supervisors agreed it would need to be looked into before any decisions to proceed would take shape.

9:35 AM Interview with Brian Evans. 9:45 AM Interview with Tom Henn.

Supervisor Koinzan discussed with the board regarding the inheritance tax fund. Currently, the fund has a balance of approximately 2.3 million dollars. He believes keeping this money and not putting it to good use was a true disservice to the tax payers of Antelope County. They pay their taxes and it is up to the supervisors to spend that money wisely, and to keep up the roads in Antelope County. He suggested using approximately half of that money to improve some roads and use it to upgrade some equipment. The plan would be to leave approximately \$1,000,000.00 in the fund for the "contingency" plan. There are many asphalt roads in terrible repair we could use this money to improve some of the roads. There could be a list compiled with the supervisors and road boss, and list things in a priority order. General discussion was this would be a great plan. Supervisors brain storm and report next week.

Jan Jorgensen and Maria McClanahan-Shively from RC & D met with the supervisors regarding the RC&D Annual Report. They reported they had assisted in helping to safely dispose of 2.6 tons of household hazardous waste, close to 8.8 tons of obsolete electronics, educated 235 people on environmental issues and provided Grant writing training and assisted in 169 people to access food. RC & D is funded by Environmental Trust Fund, and donors and committed volunteers. They support various projects throughout northeast Nebraska. They shared the Northeast Nebraska RC & D Annual Report. They thanked the county board for their support the past year and asked for their continued support. The RC&D Sponsor dues for 2016 are \$1500.00. Need to replace 2 members.

Sheriff Moore met with the supervisors regarding the use of a Dog Run at the Sheriff Office/Jail. He states recently, they had the need to house two dogs while they were involved in litigation. The dogs had to be housed to see if any complications aroused. Because Antelope County did not have the means to house/border them they were taken to Puppy Love in Norfolk, at a cost of approximately \$900.00. He discussed possibly installing possibly 4 runs at the Jail facility. He would house animals that are unclaimed, post them on Facebook until they are claimed. If unclaimed he would have to put the animals down

humanly. The animals would be cared for by inmates/jail personnel. No opposition was voiced, and Sheriff Moore was asked to gather information for the project and to report to the supervisors at that time.

Dean Smith expressed some concerns with the current Zoning recommendation set forth in the Conditional Use Permit approved by the Planning Commission for review by the County Supervisors regarding Invenergy's Upstream Project. He presented information in support of issues possibly not addressed in the issuing the permit. He is requesting the supervisors take time and really think this through as the project is super-sized and after it is under construction it is too late to scale down. Dean presented a map of Preliminary layout of proposed towers. At this time there are at least two (2) towers on land whose owners have not signed leases. Dean presented a report from Marvin Planning Consultants regarding the CUP presented by Invenergy. He

11:00 AM Supervisor Henery left meeting.

Judy Wilcox, requested of the supervisors regarding Icing conditions. She is requesting to have a motion to make it mandatory for the wind turbines to be shut off during condition of ice buildup. She would like to see a motion made to the above request. Discussion ensued. This item was discussed in the last board meeting, at which time it was expressed the hazard on county roads belongs to "the owner." Meaning Invenergy assumes all liability on incidence occurring due to ice being propelled from the turbines. Highway Superintendent, County Attorney, and Mitch (Invenergy) all agreed in the February 16<sup>th</sup>, 2016 meeting that the liability would land with the "owner." County Attorney, advised the supervisors to watch placing new conditions on the project. It cannot be amended at this point, if it was not in the zoning regulations when the Conditional Use Permit was issued it is not recommended to put a condition on the project. However, it is possible to request the Planning/Zoning Committee to reevaluate the Zoning Regulations to make them more favorable and in tune to today's needs. Judy and Dave Wilcox wants something in writing to move forward. Supervisor Koinzan made a motion to "Ask Invenergy/Prairie Breeze to produce a statement to the Board of Supervisors of Antelope County assuming liability to the icing issue of said wind turbines. Motion was seconded by Supervisor Williby seconded motion. Voting aye: Kerkman, Koinzan, Williby, and Schwager. Nay Schindler. Absent Bolling and Henery. Motion passed.

Invenergy Noise Study – Char Carpenter has reached out to numerous Noise Analysis research firms, and received five (5) responses. These reports ranged from \$12,000.00 to \$18,200.00. She had also been emailing John Majewski with Invenergy regarding noise study. Invenergy indicated they had contacted Hankerd Environmental to complete the study and analysis. It would be available for a peer review study when they were completed. Because Hankerd is the company Invenergy used to complete their pre-construction analysis, Char suggested to let Invenergy complete study, and afterwards hire the Peer Review Analysis and to hold the Upstream conditional use permit until all of that is complete and meeting Zoning standards. Discussion continued. It was the general consensus the board did not think the Upstream project needs to be put on hold because the Prairie Breeze I and II has a noise complaint. However, nobody is in favor of introducing more problems into the county. During the February 16<sup>th</sup>, 2016 meeting it was requested of Char to meet with Invenergy and the two (2) written complaint owners to come to an agreement/understanding to insure all complaints are addressed in a fair and positive standard. When questioned about this meeting Char expressed she had met with the individuals involved, however, she was called away to meet with the County Attorney. Supervisor Koinzan questioned the reasons of not meeting with the complaint owners. He asked whose job it was to make this right, and meet the needs. Discussion went back and forth, at which time Char slammed her information folder in front of Supervisor Koinzan and told him it was now his job, because she quit, and walked out of the meeting. Discussion continued on the Noise Analysis request. Invenergy has talked with the Wilcoxs' and Gary Borer, and they are in agreement with the sound study. Invenergy, at this time has requested Hankerd Environmental to complete study. They received a couple of more complaints, and have included one of those in their sound study. The study supplies are being ordered and will probably be placed in approximately 2 weeks to begin the study. The complaints are typically within a three (3) mile diameter of each other. After completion of this study, Antelope County will decide on a company to complete the Peer Review analysis. It was again discussed the Conditional Use Permit for Upstream is not attached to this noise issue in the Prairie Breeze I and II project. No further action.

Discussion on hiring of the individuals interviewed today. Supervisor Koinzan made a motion to have the Road Boss hire Tom Henn, providing he meets all pre-employment needs. Motion is seconded by Supervisor Kerkman. Voting aye: Koinzan, Kerkman, Williby, Schindler, and Schwager. Nays none. Motion carried.

Clerk, Lisa Payne gave the supervisors an update of the First Concord Benefits Group buy-back program as discussed and approved in the February 16, 2016 meeting. She understood from our previous Agent that the county would not have any support to continue the Mid-American Benefits. As it turns out after a call to correct the irregularity, both plans are actually NACO sponsored plans, and she is trying to gather information to compare apples to apples. On the surface it appears First Concord Benefits Group is cheaper. However, she wants to actually compare what each entity offers for all benefits. She will follow-up next week.

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

Meeting adjourned at 11:53 AM

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of the Board, Jerald Schwager

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