

February 12th, 2019
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, February 12th, 2019 at 8:34 AM at the American Legion Post 172 Hall, 115 W. 3rd Street, Neligh, NE. Meeting venue was changed on Wednesday, February 6th, 2019, by Chairman Borer.

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. Venue change notices were posted around the courthouse, Neligh Post Office, Pinnacle Bank, Neligh, the Antelope County Website, and web pages for the newspapers.

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.

Chairman Borer opened the meeting at 8:34 AM. Responding to Roll Call: Commissioners Henery, Smith, Jacob, Bentley and Borer responding.

Open Meetings poster is posted in the front entrance of the Legion and on the south wall. Additional copies available in the County Clerk's Office. Chairman stated public comments and discussion of agenda items will be before the board takes up the agenda item. Upon the conclusion of public comments, the board will then take up the agenda item. No additional questions or comments will be taken from the audience, including elected officials, unless they are requested by the board.

Pledge of Allegiance was recited.

It was asked by Kelly Mueller, how/why there would be public comment before the item is actually discussed, if you don't know the jest of the agenda item. She was told to do her research before the meeting.

Ed Knott, with **Applied Connective Technologies** met with the Commissioners regarding the IT Contract, Secure Email, and Audio-Video for the Commissioners Meeting Room. The quote presented last week was for a 75-inch screen and a second smaller screen. The Commissioners requested the 75-inch screen was not necessary. Today's quote is for a single screen, and the supplies needed for same for the visual capabilities of the meeting room. Ed proposal today is for \$4,953.27 including the mounting capabilities. This includes audio information including an amplifier and two (2) microphones. Ed was asked to gather more information to utilize the current screen in the hallway of the Courthouse Annex.

Software Agreement: There is two (2) fire wall devices one at the courthouse and one at the sheriff's office. There is security services running on those devices that does a number for different things, content filter, anti-virus prevention/protection, advanced storing operation control, there are subscription based services included in this agreement. Subscription based include: Sonic Wall Cyber Security Services, Managed Firewall Services, Webroot Endpoint Protection, Ninja RMM Desktop (remote connections), Team Viewer Enterprises, Qualys Vulnerability Assessments. These things are in place so we can update the boards and become compliant with insurance requirements.

E-Mail: The exchange platform presented by Applied Technologies for email was discussed. Applied Technologies was willing to work with any system chosen by the Commissioners. The NACO platform does not synchronize as well as other platforms.

Mr. Knott said he would check into utilizing the TV at the courthouse for the Meeting Room and get back to the Commissioners.

Discussion on bidding the IT Services Contracts and software package. Because it is services, we can gather informal bids, whether by advertising or with a verbal request for a bid. The bid gathering needs to take place. If we are gathering information, we need to decide what we want and the duration of same (1 year/2 year). Discussion on the current contract with Applied Connective and how they will continue to service the current contract until things are worked out. Commissioner Henery asked if there was something that would automatically renew. Ed Knott agreed it was set to automatically renew. He had sent the contract in consideration of the new board. Motion by Commissioner Henery, seconded by Commissioner Jacob to continue contract for one (1) more year, since the contract is currently set up that way, and to send out bids for the end of the year. Voting aye: Henery, Smith, Jacob, Bentley, and Borer. Nays none. Motion carried.

Agenda: Commissioner Bentley asked to have "Consider Direction the County Attorney to draft a resolution allowing members of the Finance Committee to have access to financial institutions" tabled until next month.

Motion by Commissioner Smith, seconded by Commissioner Bentley to approve agenda as presented less the above. Voting aye: Smith, Henery, Jacob, Bentley, and Borer. Nays none. Motion carried.

Motion by Commissioner Bentley, seconded by Commissioner Henery to approve the Board of Commissioner minutes of the **January 8th, 2019 meeting**. Voting aye: Smith, Henery, Jacob, Bentley, and Borer. Nays none. Motion carried.

Minutes of the **February 5th, 2019 meeting** were presented. They were not delivered to commissioners beforehand. County clerk suggested reading the minutes out loud. The Commissioners did not want to read aloud. Motion by Commissioner Bentley, seconded by Commissioner Smith to table the minutes until the March 5th, 2019 meeting. Voting aye: Bentley, Smith, Henery, Jacob, and Borer. Nays none. Motion carried.

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

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

Treasurer's Semi-Annual Report was reviewed and put on file.

Correspondence was reviewed: Letter from Ed Knott regarding the IT Services throughout the area.; Antelope County Historical Society Newsletter; Letter from Zoning Administrator regarding WIOM and Ice Slingshot to Invenegy; NDOT Project regarding bridge by 851st Road; UNK letter regarding motorcycle safety class; Lewis and Clark Lake Watershed Project Kick-off Meeting; UBT January Bond Bank Statement; NE Nebraska District Meeting in Norfolk on March 15th, 2019; Current Expenditure Report for January; Pam Bourne letter regarding representation; Miscellaneous information regarding maintenance agreement with Pierce County regarding 531st Avenue; February 5th, 2019 Board of Commissioner Meeting Minutes; Decommissioning Plan as proposed for today; Miscellaneous agreements shared by Mr. Knott; Personnel Policy Handbook revision proposal.

Receipts: \$100.00 Pinnacle Bank – sign rental – General; \$95.00 refund of meeting expense - General.

Pledge Collateral: \$250,000.00 FDIC Insured; with an additional \$510,000.00 pledged. Total \$760,000.00)

Committee Reports: Finance Committee (by Commissioner Bentley) regarding the Bazile Aggregate claim that was held from the January meeting. Commissioner Bentley recommends the paying the bill. There are no scale tickets. Commissioner Henery and Road Superintendent both voiced this claim should have a weigh ticket. Road Superintendent Casey Dittrich again said without a weight ticket it should not be paid, because we have no way of verifying the product was delivered. Commissioner Bentley said it was sold by yard. This will be discussed during the bill paying.

Recycling: There is a statute from the early 2000 in which the county should help fund the recycling in the various areas. Commissioner Bentley reported Neligh has a full recycling program. However, he feels there is a lack a full program in the Village of Clearwater and the City of Elgin. Further discussion of recycling claims during bill paying. Lyle Juracek the rural community does continue to utilize the Neligh Recycling Center.

Board of Equalization: Motion by Commissioner Smith, seconded by Commissioner Bentley to meet as a **Board of Equalization**. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried. Met for approximately 2 minutes. Motion by Commissioner Henery, seconded by Commissioner Jacob to adjourn as Board of Equalization. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried.

Zoning Administrator Report: Liz Doerr, Zoning Administrator reported regarding ice sling and the WIOM follow-up of the February 5th, 2019 meeting. Following last weeks meeting Liz, Dean and Joe Abler met and drafted a letter to Invenergy (letter included in correspondence) with questions regarding same. The response date stated in the letter was February 26th, 2019 so there is time to review before the meeting on the 5th of March. Regarding sending pictures Liz reminded everyone to date, time, place etc so follow up can be completed.

9:31 AM - One and Six Public Hearing: Casey stated he received a letter last night. He read the letter from Brent Broberg.

To whom it may concern:

Hello, my name is Brent Broberg and I live 4.5 miles north of Tilden on the blacktop road with my wife and 3 daughters. Over the past eleven years since we have lived here, I have seen a sharp increase in traffic, specifically truck traffic on this road. Approximately 3 years ago the county resurfaced the road because of this increased traffic and it has been very nice. At the time they were resurfacing the road I expressed my concern about a stretch of the road approximately 2.5 miles north of Tilden on the west side. This particular stretch is very narrow, is in between two hills, and has an extremely sharp drop off that goes straight down for an estimate of 40-50 feet. I have visited with Mr. Dittrich and Mr. Smith about this and both of them have gratefully looked at this problem. My hope is that whoever is able, or responsible could put up a guard rail along this area.

I have spoken with several neighbors in the area, many who have children driving, or will have children driving and all have expressed the same concern. Because of the increased traffic, which may include trucks, tractors and sometimes combines along with icy or show packed roads I would humbly appreciate your consideration of my proposal. Like I told Mr. Dittrich and Mr. Smith, I would hate to find my wife or daughters at the bottom of this drop off someday. Thank you for your time.

Sincerely, /s/ Brent Broberg

Brian McDonald reported that this action needs to be warranted. He had not looked at the sight, but the road has to be cleared of obstacles – the steep drop-off could be considered an obstacle. It is permissible to have a steep slope. If there is a history here, or if we are upgrading the road we could fix the slope, or guard rail it – if it is warranted. As it stands now, we do not have to do anything.

There is approximately \$1.6 million dollars allocated form Highway Allocation – to continue to qualify for this a road program has to be in place. This program should list new construction (not maintenance), pull down road, pull down hills, put a new bridge in – these projects have to be listed on the One- and Six-Year Plan. Today is a good time to make sure the plan is workable and operable. Another part of qualifying is you have to have your bridges and culverts sized. During the early winter meetings, it is certified that all of the work done was completed to standards. There is also an accounting to make sure the money was spent appropriately. Again, this is a plan, so it can be amended and changed to fit the needs of the county. Any project done should be listed on the one and six plan, and can be added by resolution if needed. Casey Dittrich, Road Superintendent, and Brian McDonald went over the projects. They have dropped off some of the projects that are not workable in the foreseeable future. Casey wanted to see the projects listed as viable projects.

Brian McDonald opened up for public concerns.

Liz Doerr, Zoning Administrator, mentioned a proposed Subdivision Plan for Keith Dittrich, along 844th Road and 527th Avenue. Liz believes the road is possibly minimum maintenance. Brian stated ‘minimum maintenance’ is a classification, by state law. To be minimum maintenance road it has to be requested/approved by DOT. There are a lot of roads in Antelope County that are trail roads/local roads, not designated as ‘minimum maintenance.’ If it is a trail road now, to upgrade it you have to update it to standards. Emergency vehicles need to be able to access the area, tubes have to be sized. If projects are added, it is a board decision. The Subdivision is on 844th Road, they are proposing four (4) lots, four (4) miles west of Tilden and a quarter mile south on 28-acre scenic pasture area. There is a good road coming south a quarter mile. Going west there is probably 100 yards of developed road, and it needs to be developed a little further west along the north edge of the property for access. Mr. Dittrich will build the driveway access. Before moving forward, the property owner wants to make sure things are a go, and the road can be maintained. Casey Dittrich suggested if the subdivision goes through, we can develop the road as normal maintenance, and not adding it to the One and Six Plan. Antelope County has the tools and supplies there already. Casey has talked with Howards – the developer and they think they can work with it. Brian McDonald suggested you can maintain a 15-foot-wide trail. Lots will have access by a single access. The area has been surveyed by LaVern Schroeder. If the subdivision goes in the road will be built up and maintained.

Review of the One- and Six-Year Plan: (one Year) The first seven (7) are Invenergy Road Upgrades from the Upstream Project. These are all at least at an 80% complete, and will be completed before the end of the year. Numbers 8, 9, and 10 – are bridge projects, #8 & #9 have been applied through the state for the bridge matching; #10 will be removed – it has been uncrossable, there is no superstructure on it. (These will be funded with the Bridge Match Program 45/55 split – and have to be completed by the end of the year.) Mr. McDonald has the plans for the Tilden north project completed. The grading plans are done and the box culvert plans have been requested from the state. The DOT has taken on all of the counties and put the culvert plans together and design them. Last week, DOT said they will not have plans available before June – because of the South Lincoln Beltway- they will work on them if time allows. We will not let bids until the plans are in place. We need DOT’s permission to complete the bid process. Talk of completing this project this year – Brian and Casey agree the work can possibly be down up until November.

Project #1 Commissioner Bentley asked why we are building this road up as it is a cow trail. Invenergy built this road up, there was a delay because of some nature issues during initial construction times. It was built at completely Invenergy’s expense. This is not a cost to the county. It has to have a value to be listed on the One- and Six-Year Plan – to be approved by the state.

9:57 AM Motion by Commissioner Smith, seconded by Commissioner Bentley to close the public hearing. Voting aye: Smith, Henery, Jacob, Bentley and Borer. Nays none. Motion carried.

Motion by Commissioner Henery to approve resolution and authorize Chairman to sign said resolution, seconded by Commissioner Jacob. Voting aye: Henery, Bentley, Smith, Jacob and Borer. Nays none. Motion carried.

**ANTELOPE COUNTY
ONE- AND SIX-YEAR ROAD
RESOLUTION 2019-02-0001**

Be it resolved by the Board of Commissioners for Antelope County, Nebraska, that the One- and Six-Year Road Program as prepared by Brian McDonald of Norfolk, Nebraska, and attached hereto, be adopted.

ATTEST:

Lisa Payne /s/ County Clerk

Passed and approved this 12th day of February, 2019.

Motion by Commissioner Henery

Second by Commissioner Jacob

That the above Resolution be approved, the Chairman stated the motion and directed the Clerk to call the roll. Roll call resulted as follows:

Commissioners voting

Yea: Henery, Jacob, Bentley, Borer, Smith

Nay: None

The result of the vote being 5 Yays and 0 Nays. The Chairman declared the motion carried.

10:00 AM - Public Hearing for Road Closing ½ mile of 835th Road between Sections 29 and 32 in Logan Township (23-7):

Commissioner Borer opened the public Hearing for the Closing of a public road in Logan Township. Brian McDonald, Highway Superintendent did a study of the use of the road. Brian presented photos. The road is presently not assessible. The road in front of it has overgrowth. The road that goes north-south is cut well below that road. The road is not currently being used for vehicular traffic. According to the plat map of Logan Township, that is the only access to the NW¼ of Section 32 in the township. Brian discussed no opposition to closing the road as long as there is a dedicated easement to this land locked property (NW¼). The county cannot create a land locked property to close it. According to Mr. Robert Hoefler, there is an easement for access to that NW¼ and it is on file at the courthouse. Jordan Schindler – That quarter belongs to him and his brothers. He would hate to see it be closed and something happen in the future and they need to use it. He would like to see it stay open. (Steve Schindler – plat map owner - is Jordan's uncle.) He understands there is an easement. When asked why Mr. Hoefler wants to close the road?, to move the fence? Robert Hoefler: Right now the road is completely impassable. And there is a fence on the east side. And the road has not been used in 20-25 years. We want to move the road, to the center. And then put a fence all the way across it. The Hoeflers would like to level it, take the trees out, take the poison ivy out. Make it so they can maintain the fence. If the road is not closed then they want the east fence taken out, because you cannot fence a road like that. No more pasturing that road. Right now Schindlers are pasturing the road. So the will withstand the costs and move the fence to the center. They would maintain the easement across their property, if for some reason they cannot go across to it the way they are now. Right now, you cannot walk down that road and there is no way to access it. You have to have a ladder to get up to the road. Last summer they had a bull get out and it was impossible to access road. If the county does not close the road, they expect it to be made passible. Currently, they access it from a wind tower road. Nobody has been on the road in 20 years. Dale Schindler owns the property on the north side of this road. I rent the pasture to Jordan and his brothers. Right now they are accessing through his property. Dale would like to keep the stretch open. We can stagger the fence or whatever to keep it open. Knowing it is not passable, but the more they grade it the more it washes. It is pretty hilly. No other testimony.

10:08 AM Motion by Commissioner Henery, seconded by Commissioner Jacob to close public hearing. Voting aye: Bentley, Jacob, Smith, Henery, Borer. Nays none. Motion carried.

Brian McDonald suggest there are three (3) different actions. 1) Leave it as it is. Basically, it is an open right-of-way. As it is it is not accessible to traffic. So there is a little bit of a gray area. 2) Close it and maintain it as a right-of-way. Recommending three (3) black diamond with red marker signs denoting the end of the road. 3) To close it and deed it back to the adjacent property owners. They have an easement-they made their statement about that.

The easement to access the land locked property is on Rick Hoefler's property, and the easement is on record. If the road is closed and maintain the easement it is up to the Board of Commissioners at that time. You can allow the property owners to build a fence down the middle of the right of way – between the property lines. It would be up to the county if you wanted to upgrade the road and pay him for his fence or not because the county still owns the right of way. Brian McDonalds concern with the landlocked property. Casey Dittrich – land owners rights – he suggested the county maintains the right of way, and allow the Hoeflers to do what they need to do. If the Schindler's are not comfortable with the easement that has been granted – the Board should not put them in a position to have to wonder if that is going to work out. At some point the county may have to ask them to move the fence, and it would release the county from some liability of a through road. Brian McDonald suggested this would minimize the liability if it is signed correctly. Denote it for no traffic and put the diamond signs up. County will sign for \$50.00 and let neighbors be neighbors. If the county wanted to reopen the road, the fence would have to be moved. Any future actions would be a board decision at the time.

Motion by Commissioner Smith, seconded by Commissioner Bentley to 'close road to vehicle traffic with the County retaining right of way.' Voting aye: Smith, Bentley, Henery, Jacob and Borer. Nays none. Motion carried.

Brian McDonald discussed **current projects**: One and Six Plan. Two (2) Tilden Projects, and the closing of the other one. One project going with Marlin (Invenergy) on a culvert. Essentially, Casey runs the show and Brian goes where he wants him to go. There are two (2) **Core of Engineers** Permit report for each of them. Brian is requesting a motion for the Chairman to sign the permit application for each of them. Motion by Commissioner Smith, seconded by Commissioner Henery to allow Chairman to sign permit applications. Voting aye: Smith, Henery, Bentley, Jacob and Borer. Nays none. Motion carried. (Brian took permits and will send copies.)

Pierce County Line Road: Five (5) miles north of Tilden there is an intersection where the sight distance is compromised. There was an accident with a four (4) wheeler, at which time Casey was asked by area land owners to consider raising the intersection or lowering the hills. It was on the One and Six Plan. Casey stated Commissioner Smith asked about sharing the cost of maintaining/upgrading the road with Pierce County. Bridges on county lines are by statute shared 50/50. The Pierce County Road Map was shared. Pierce county maintains certain miles along the border. This was/is a long-standing agreement. Brian McDonald who works with Pierce County stated the pavement on the Pierce County line is divided by Antelope County taking the south 5 miles of Elm Township, the 3rd mile (one mile) north in Willow Township, the southern 3 miles in Crawford Township and the southern 3 miles in Bazile Township. Brian has not idea how this comes about, it has been a long-standing agreement. According to this agreement the intersection would be Antelope County responsibility.

Road Superintendent Report:

ERPPD: In follow-up of last week's discussion Casey Dittrich spoke with ERPPD regarding the Occupancy Permit. They were not happy with the decision to give them an occupancy permit. They did not want the responsibility of having to move the 3-phase line on the oil east of town – which we didn't want either. Brian McDonald does not believe the county can not grant easements on property we do not own. The ball is in ERPPD court. No further action.

NDOR: Discussion with Keven Domogalla from the Norfolk transportation office. The detour we discussed last week All of this will be taken care of by the state. However, the obligation from the county would be a detour of local traffic. Motion by Commissioner Smith, seconded by Commissioner Bentley to approve the request for NDOR to help with traffic flow for the Highway 275 Bridge Project west of Neligh. Voting aye: Smith, Bentley, Jacob, Henery and Borer. Nays none. Motion carried. Agreement and Resolution signed.

ADOPTING AND APPROVING THE EXECUTION
WITH THE DEPARTMENT OF TRANSPORTATION OF
THE STATE OF NEBRASKA

Antelope County

RESOLUTION NUMBER 19-02-00003

WHEREAS, the State of Nebraska Department of Transportation intends to construct a Federal Aid Bridge Replacement project on US 275, in rural Antelope County. The project is located at RP 35.96 approximately 4.68 miles east of the Clearwater corporate limits and

approximately 0.07 miles easterly of the intersection of County Road 851st Road and US – 275. The project is under the designation of NH-275-5 (145), Control No. 32213, also known as Clearwater East Bridge in rural Antelope County; and

WHEREAS, as part of the State’s project, that Sate will remove and replace the existing bridge on US-275 with a new concrete box culvert, currently planned to be a quadruple 10-ft x 5-ft. structure. This bridge is designated as State Structure S275 03596 (“Bridge”), and

WHEREAS, the Bridge will be removed and reconstructed under traffic on US-275 with alternating one-way traffic controlled by a temporary signal, and

WHEREAS, during the removal and reconstruction of the Bridge it will be necessary to temporarily close 851st Road and the intersection of US-275 to accommodate the temporary signal zone, and

WHEREAS, State has previously indicated through their public outreach program that a local detour will be used on designated county roads, and

WHEREAS, County has agreed to use this detour route, and

WHEREAS, County agrees to sign the temporary road closure for 851st Road and the designated detour.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Antelope County, as authorized by the Chairman of the Board of Antelope County,

The County shall enter into an Agency Agreement with the Nebraska Department of Transportation for Project No. NH-275-5 (145) for the purpose of highway improvements on Highway 275 with the corporate limits of Antelope County.

The Chairman of the Board of Commissioners is hereby authorized and directed to execute said agreement on behalf of the County of Antelope, and the County Clerk is authorized to attest said execution.

This resolution will be marked Exhibit “C” and a copy attached to each Original Agreement.

PASSED AND APPROVED this 12th day of February, 2019.

/s/ Thomas Borer
Thomas Borer, Chairman
Antelope County Board of Commissioners

ATTEST:

/s/ Lisa Payne
Lisa Payne, County Clerk

Motion by: Commissioner Smith, seconded by: Commissioner Bentley to approve resolution and agreement.
Voting aye: Jacob, Henery, Smith, Bentley and Borer. Nays: none. Abstain: none.

AGREEMENT

PROJECT NO. NH-275-5(145)
CONTROL NO. 32213
COUNTY OF ANTELOPE
STATE OF NEBRASKA, DEPARTMENT OF TRANSPORTATION
CLEARWATER EAST BRIDGE

THIS AGREEMENT is between the County of Antelope, Nebraska (“County”) and State of Nebraska, Department of Transportation (“State”), collectively referred to as the “Parties”.

WITNESSETH:

WHEREAS, The State intends to construct a Federal Aid bridge replacement project on US-275 in Antelope County. The project is located at RP 35.96, approximately 4.68 miles east of the Clearwater corporate limits and approximately 0.07 miles easterly of the intersection of County Road “851st Road” and US-275. The project is under the designation of NH-275-5 (145), Control No. 32213, known as “Clearwater East Bridge” in Antelope County, as shown on Exhibit “A”, attached; and

WHEREAS, as part of the State’s project, the State will remove and replace the existing bridge on US-275 with a new concrete box culvert, currently planned to be a quadruple 10-ft. x 5-ft. structure. This bridge is designated as State Structure S275 03596 (“Bridge”), and

WHEREAS, the Bridge will be removed and reconstructed under traffic on US-275 with alternating one-way traffic controlled by a temporary signal, and

WHEREAS, during the removal and reconstruction of the Bridge it will be necessary to temporarily close 851st Road at the intersection of US-275 to accommodate the temporary signal zone, and

WHEREAS, State has previously indicated through their public outreach program that a local detour will be used on designated county roads, as shown on Exhibit “B” attached, and

WHEREAS, County has agreed to use this detour route, and

WHEREAS, County agrees to sign the temporary road closure for 851st Road and the designated detour, and

WHEREAS, the County Board has authorized the Chairperson to sign this agreement; as evidenced by the resolution of the County Board, attached hereto as Exhibit “C”.

NOW THEREFORE, in consideration of these facts, the Parties agree as follows:
SECTION 1: The State intends to construct a Federal Aid bridge replacement project on US-275 in Antelope County. The project is located at RP 35.96, approximately 4.68 miles east of the Clearwater corporate limits and approximately 0.07 miles easterly of the intersection of County Road 851st Road and US-275. The project is under the designation of NH-275-5 (145), Control No. 32213, known as “Clearwater East Bridge” in Antelope County, as shown on Exhibit “A”, attached; and incorporated herein by this reference.
SECTION 2: State will design, let, and construct the improvement and shall make sole determination as to the scheduling of the construction for this project.
SECTION 3: State will determine the letting and shall be the sole signatory to the contract.
SECTION 4: State will remove and replace Structure S275 03596 (“Bridge”) on US Highway 275 with a new quadruple cell box culvert and also remove and replace adjoining pavement as necessary to accommodate the new structure as depicted on Exhibit “D”, attached and incorporated herein by this reference.
SECTION 5: The Bridge will be removed and reconstructed under traffic on US-275 with alternating one-way traffic controlled by a temporary signal.
SECTION 6: During the removal and reconstruction of the Bridge it will be necessary to temporarily close 851st Road at the intersection of US-275 to accommodate the temporary signal zone.
SECTION 7: County agrees to erect and maintain road closed signage and detour signing for the detour. The designated detour will follow County Roads 851st Road and 552nd Avenue as depicted on Exhibit “B”, attached and incorporated herein by this reference. All signing shall be in conformance to the Manual of Uniform Traffic Control Devices (MUTCD), current version.
SECTION 8: The improvements on Highway US-275, including the Bridge replacement and required paving work will be completed at no cost to the County except for County’s cost to sign the closure/detour of 851st Road.
SECTION 9: US Highway 275 through traffic will NOT be detoured on the route described in Section 7. The Parties agree that traffic detoured as described in this Agreement is considered local traffic and County will retain maintenance responsibility for the streets used for such purposes.

SECTION 10: State will notify County in writing at least 21 days prior to the need for the road closure to be in place. State will notify County promptly when the bridge work is completed and the County Road can be reopened to traffic.

SECTION 11: It is anticipated the work will be completed within one construction season. Closure time for the Bridge replacement work and county road is estimated to be three to four months (85 working days).

SECTION 12: All work will be performed within right of way owned by or to be acquired by State. County will retain all responsibilities assigned to County in Nebraska Statute as a part of its jurisdictional responsibility for county roads.

SECTION 13: County Board has authorized the Chairperson to sign this agreement as evidenced by the resolution of the County Board, attached as Exhibit “C” and incorporated herein by this reference.

SECTION 14: It is hereby agreed that plans and specifications for the above mentioned project will be on file in the office of the Department of Transportation, Lincoln, Nebraska.

SECTION 15: This Agreement, including all exhibits and documents incorporated or included herein, constitutes the entire agreement of the Parties. This Agreement supersedes all communications, representations, understandings, either oral or written hereto, leading up to this Agreement.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Parties hereby execute this Agreement pursuant to lawful authority as of the date signed by each party.

EXECUTED by the County this 12th day of February, 2019.

WITNESS: COUNTY OF ANTELOPE

Lisa Payne (seal)
County Clerk

Is Thomas Borer
Chairperson, County Board

EXECUTED by the State this ____ day of _____, 2019.

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION
Michael H. Owen, P.E.

Roadway Design Engineer

RECOMMENDED:
Kevin Domogalla, P.E.

District 3 Engineer

CLEARWATER EAST BRIDGE
275-5(145)
C.N. 32213 BOOK 6099
ANTELOPE COUNTY

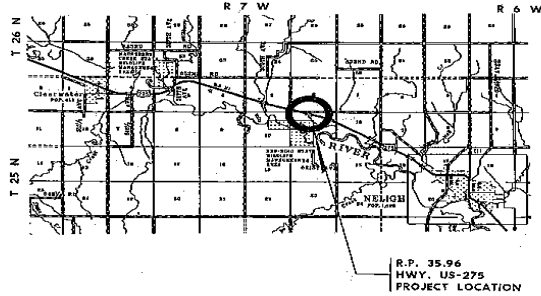


Exhibit "A"

CLEARWATER EAST BRIDGE
275-5(145)
C.N. 32213 BOOK 6099
ANTELOPE COUNTY

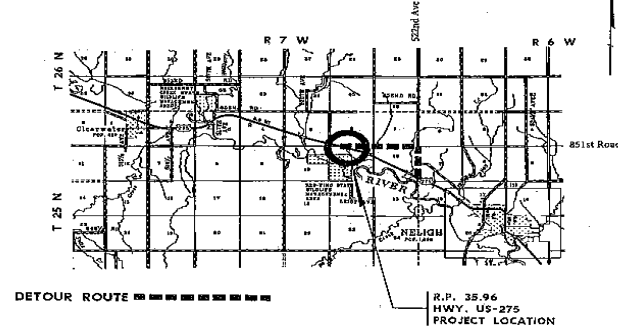


Exhibit "B"

Culverts, Gravel, Armor Coating and Asphalt Bidding:

During the spring of the year normally there is a bid letting for the above item. Motion by Commissioner Bentley, seconded by Commissioner Jacob to advertise for gravel, culverts, armor coating, and asphalt oil bids. Discussion of specification of loading by pit operator and contractor must supply proof of bonding and insurance to be included in advertising. Voting aye: Bentley, Jacob, Henery, Smith and Borer. Nay none. Motion carried.

NACO Benefits: Judd Allen and Dennis Maggert met with the Commissioners regarding NACO benefits and various services offered. Mr. Maggert discussed self-insurance costs.

Decommissioning: Nat Drucker, Invenergy, Thunderhead Representative met with the Commissioners regarding the Decommissioning Plan for the Thunderhead Project. The Decommissioning Plan presented today has a number of changes as requested by the board over the last month since it was presented last. Mr. Drucker presented some information regarding the State of Nebraska guidelines for decommissioning of the towers assuming the county does not have any regulations regarding decommissioning. The purpose is to provide money to remove the towers from the county at the end of their useful life. The changes included in the Decommissioning Plan is the security amount that was presented was 200% of the difference of the estimated cost of decommissioning, less salvage value (\$77561.00 per turbine). In addition, they added a Commercial Operations Date, so the county can put on the calendar seven years in the future the date this stuff is due. They will update the county every year upon the COD date should it change. It will always be updated. Another change is Invenergy will pay a surcharge to the County equal to 15% of the Decommissioning Security. The final change is the security shall be with a B+ or better A.M. Best rated insurance or surety company. Commissioner Smith stated there is an issue with Upstream in violation of the Winter Ice Operation Mode. There was nobody in attendance to address the issue. This issue extends to the Prairie Breeze Project. He recommends not approving anything if there is still issues with those projects. Mr. Drucker addressed the concern and acknowledged there is a 'notice of violation' from the county. Currently, Invenergy is working on a response to the notice. There will be representatives at the meeting in March to discuss the WIOM. He stated the Decommissioning Plan presented today is a different issue than the issues the notice or violation addresses. Commissioner Smith stated he wants a little incentive, and the Winter Ice Operation Mode is not a functioning item as to the setbacks we granted to Thunderhead. Then the county has a future potential liability situation with the setbacks on the towers in Thunderhead. He will not proceed until he knows the results of that. Commissioner Smith makes a motion to table this until we have satisfactory results from the Upstream Winter Ice Operations Mode. Charlie asks if he can make a comment. Commissioner Borer said Charlie seconded it because he made a comment before the motion was seconded. Charlie asked if the two (2) projects weren't separate projects and should be considered separately. Charlie stated let's do what is right for the county. County Attorney, Joe Abler stated that is correct but as Mr. Smith stated the two (2) projects have the same investor, Invenergy. Invenergy is now in violation of conditions of a prior CUP from the other projects, and Commissioner Smith has concerns with the previous setbacks and deicing issues. Commissioner Smith ask the County going forward to be aware of the ice slinging presented last week. Joe Abler stated he thinks the safety concerns can guide the future setbacks of the Thunderhead Project. Commissioner Smith indicated he wants to wait until the WIOM problem of Upstream has been addressed and/or fixed, and this would be an example of the incentive working. Commissioner Bentley asked Commissioner Smith if he would consider amending his motion to include verbiage to be tabled until the next meeting. Attorney Joe Abler suggested to vote on the motion that has been seconded before we make amendments to the motion. Voting aye: Smith and Henery. Nays: Bentley, Jacob and Borer. Motion did not pass. Commissioner Smith motions to table the Decommissioning for the Thunderhead Project until the first board meeting in March, if there are satisfactory results at that time from the Upstream Deicing. Motion is seconded by Mr. Bentley. Discussion of the motion and moving the decision to the second meeting in March. Commissioner Borer states the Board needs to amend the motion to change it to the second meeting in March. Voting aye: Henery, Smith, Jacob, Bentley and Borer. Nays none. Motion carried. Voting on the first motion where it was motioned to table those Decommissioning Plan. Voting aye: Bentley, Jacob, Henery, Smith and Borer. Nays none. Motion carried. Mr. Drucker thanks the commissioners for their time, and he looks forward to working with them in the future.

Sheriff Response to the Audit Report: Sheriff Robert Moore, Kathy Ollendick and Martin Klein addressed the various issues discovered during the audit report and other issues that have been brought to life since the first of the year. Mike Schmitt, Mayor, City of Elgin addressed the great person/employee Mr. Moore has always been. Marty Klein is an attorney hired to address the audit issues.

Mr. Klein introduced himself and said he wanted to help clear up the issues from the audit. He spoke highly of current county officials. He gave a short background about himself and the county. Marty has spoken with Emily Parker with the State Auditor Office was the auditor who worked on the Sheriff's Office audit. She stated she had never completed an audit that was perfect, and Antelope County is the same. She stated there was no criminal state or federal law violations that she seen.

- 1) Menards Receipt – and rebate. After multiple email, telephone calls and various correspondence by Mrs. Ollendick, the rebate in question was refunded recently, because at no time in the past had the receipt been submitted for rebate, and the company honored the request at this time. When the rebate was presented, Commissioner Borer asked to see the front of the rebate, it was addressed to Robert Moore. Sheriff Moore said they had been through a multitude of contacts made by phone and the internet to see where this receipt was in the process, and if it had ever been remitted. In the explanation of the issue at hand, Menards processed the rebate without an actual application made by the Antelope County Sheriff Office, and he assumes because he was the Sheriff, the rebate was issued in his name. There was no application actually made to Menards, or their rebate center for the rebate. It was honored on the honor system of Menards. This has been addressed and will be completed in the Sheriff's Office before the receipts are submitted for reimbursement.

- 2) Unexplained cash long \$4,048.00 and the second item dealt with civil process fees were not remitted to the County. The county sheriff deals with serving papers and the fees to do this should be paid up front. In the past they would serve papers, but they would not have the money in hand. To remedy that all cash will be on hand before papers are served. Even from Antelope County Offices i.e. County Attorney, County Court etc. It may happen, when the county attorney does not have a fund for filing fees to be paid with these papers. There are plenty of back fees from 2010 to 2014 that will have to be written off.
- 3) There was \$52.00 taken from the Sheriff's checking account that had not been remitted to the Treasurer's Office. In the future there will be a claim to reimburse the account so those fees can be remitted to the County Treasurer.
- 4) Fee collections were not remitted to the County in a timely manner. Various fees, like work release fees, are submitted at the end of the jail sentence, unless it is a long-term sentence. These fees will be collected more-timely so they can be submitted to the County Treasurer in a timely fashion. The work release, boarding, UA testing, town contracts when that money comes in it gets paid to the Treasurer as soon as Mrs. Ollendick is in the office.
- 5) \$2900.00 were not submitted to the county. These fees relate to work release, DARE donations and SS incentive. In the future, these fees will be turned over to the Treasurer's Office on an at least a monthly basis.
- 6) There was an issue of detailed inmate balances or documentation of cash-on-hand as of the 30 of June 2018. The audit was done in September of 2018 and Mrs. Ollendick gave account balances through the current date. Fixed going forward as there is a better understanding of the items needed for the audit
- 7) Bank account holding commissary funds was not properly reconciled each month, and that resulted in a negative balance and there was an \$8.00 overdraft fees for one month. Going forward, they are going to make sure the money is deposited before they remit the fees to the Treasurer.
- 8) Fees were not submitted to the County Clerk within 90 days. In the future they will be date stamping all invoices so they have a date for a time line. They will also be talking with vendors who have taken longer than 90 days to submit bills.
- 9) Petty cash was not reconciled to the proper authorized amount during the fiscal year and there was \$19.00 not properly claimed. This deals with postage. The receipt is then submitted to the petty cash which in turn are submitted by claim to reimburse petty cash funds.
- 10) Holiday Cards \$14.00. This was actually cards sent to various agencies the Sheriff's Office deals with. The is a viable claim. However, in the future, Sheriff Moore will not buy holiday cards with county funds.
- 11) Surprise inspection \$43.00 short. Currently, there is various petty cash accounts (office and prisoner) the prisoners cash account was in a safe and not opened that day. Any cash account under \$20.00 for an inmate leaving is paid out by cash. Over \$20.00 a check is written. In the future they will make sure this amount comes out of the inmate petty cash and make sure everybody knows there is a difference.

Mr. Klein also informed the board that the Sheriff's Office will be purchasing the NIBRES initial payment will be \$28,250.00 with an annual support fee of \$2,525.00. Data Solutions. FBI has requested access to all local government information. It is required to be with this type of program by the end of the 2019 year. There is a fine of \$100.00 a day until compliant.

Jail Standards: Chris Harrifeld met with the commissioners regarding various issues with jail standards. These standards are backed by State Statutes. To get to this place there has to have been an issue to warrant. Things such as medical issue, treatments and diagnosis are HIPPA protected, it does not matter if you are identifying the inmate or not. The diagnosis etc is protected information. Medical requests need to be addressed on a daily basis. Dietary restrictions and standards must be met. Annually, the menus served at the jail must be reviewed and approved by a dietician. There are certain fulfillments that need to be met. Cake is something that fulfills a dietary requirement, same with ice cream. Jail staff cooking your meals are an added benefit, because you do not have to pay kitchen staff. Commissary items – inmate welfare fund. This fund allows the sheriff office to pay for things in the jail without it coming out of his budget or making his budget larger, or taxing taxpayers. Commissary also helps with behavioral modification with inmates. To have access to the commissary the inmates have to be well disciplined to qualify for the benefit of commissary. It is a jail standard to provide recreation to the inmates. In the recreation area you have to equipment, ie. basketball hoop, medicine ball. Antelope County Law Enforcement is not a castle but it is a really good facility. The sheriff and his crew are doing an awesome deal. **He stated your jail is actually making money.** There are things you have to do to comply with jail standards. Funding for the commissary items usually comes from the inmate being checked in the money on them can go into their commissary account and family members can also leave money at the jail for the inmate to use on commissary items. The fund has to have an amount so expenditures can be paid out. The Commissary Fund is not tax dollars. The figure is an amount set by the sheriff and the clerk to offset the expenditures that are predicted to be needed for the given year.

Joe Smith, Madison County Attorney, spoke with the Commissioners regarding the Sheriff and his experience. The Madison County inmate meals cost approximately \$2.40/a day.

In comparison, Marty Klein reported that Antelope County is \$3.75/day; Holt County is at \$6.23/day; Knox County \$22.00 these are per day. Marty stated also that currently, the inmates are not being transported to see a medical clinic unless it is an emergency. Currently, the Clinicians are traveling to the jail and seeing inmates on site. There is some rudimentary medical equipment in the jail provided by Faith Regional. Antelope County inmate bills are paid by Antelope County. Inmates with charges from other counties medical bills are paid by the counties in which we are holding them for.

Marty discussed the cost of running the jail by staffing etc. The current charge for housing inmates is \$40.00 a day. There is approximately \$1,150.00 a day in wages whether the jail is full or if we are housing only Antelope County Inmates. This \$1,150.00 is based on three (3) staff members for 16 hours a day and two (2) staff members for eight (8) hours a day. This is only a rough general estimate of pay and benefits only. When asked by Commissioner Borer, Marty states he did not figure any of the utilities, interest on the bond, depreciation to get a cost estimate. Marty asks Mr. Harrifeld, if there is any jail in the state that makes money? Chris confirms there are but not for the better of the jail, it usually involves a lot of contracts. They are more dangerous facilities, the jails holding ICE inmates – it is a whole different class of inmates. The current charge of \$40.00 a day was discussed. The price was lowered from the initial charge to entice the surrounding counties to utilize. The staff at the jail has to be paid whether the jail is full, or if it is housing only Antelope County inmates. Marty thanked the Commissioners and requested if they had any more questions to talk with him or Sheriff Moore.

Road Boss Report: Oakdale Lots - Oakdale Village Meeting last night. There was a breakdown of communication and it was not properly advertised so they are starting that process now. They had no issues with the documents. They did approve a resolution yesterday. We are waiting for them to complete the process on their end. Joe Abler weighed in and agreed it was a breakdown of communications. They will act at next meeting.

Royal and Pierce Road: Casey was able to meet with Marlin Conry of Invenergy. There was some confusion on what the county feels they were owed in regards to asphalt breakup. Marlin reminded Casey the agreement was with Invenergy, and not the subcontractors. Casey made a statement and requested Marlin Conry verbally agree. Because the county is getting into the position where we need to start bidding work, and the county has a plan to piggy back off of this work to do additional work in the same area, and we need to have it bid the correct way. 'The County feels that Invenergy should be responsible for all patching, leveling course and two (2) inch overlay of NDOT-SPR hot mix asphalt on two and a half (2½) miles of 519th Avenue and 2,715 feet of 854th Road, as shown on exhibit A of the Road Use Agreement.' That is cut and dry. Fix the holes that are out there, run a leveling course over the top of it and on top of the leveling course there is a two (2) inch overlay. The leveling course, there is no estimate at this time because it is on an as needed basis, it is something we will have to go out and address. The plan is to level these roads and add 2 inches of asphalt. Some places may see three (3) to four (4) inches of asphalt when it is said and done. They will have to fix the holes from the crane crossing from last summer. Marlin Conry agreed

to the statement above, and acknowledged the damage and other conditions on the current stretches. It is probably in the range of \$800,000 to \$1,000,000.00 of Invenenergy's dime.

Payroll Claims: Claims were reviewed. Motion by Commissioner Bentley, seconded by Commissioner Smith to approve payroll claims as submitted. Voting aye: Bentley, Smith, Henery and Borer. Nays none. Jacob abstained. Motion carried.

Old Courthouse: Commissioner Borer was on the west side of the Courthouse. There is still a heating issue. Commissioner Borer reported there may be some foundation problems. Commissioner Henery asked about the cracking issue. He reported they cracking was from the rafters not being secured that problem was addressed. The heating issues in the HHS office. He stated he held a paper up to the window seal and the paper bent to an approximate 45 degrees. He wonders about replacing the windows. Commissioner Henery reminded the commissioners it is a historic building and the integrity needed to remain intact. There was talk of moving the HHS office temporarily, contacting a contractor, plastic on the windows etc. Lyle Juracek suggested we contact the Resource Center and work with the people who ran the revitalization program on the downtown Neligh buildings. It was turned over to the Building and Grounds Committee. Commissioner Henery suggested we call Ed Schindler and report the issues so he can be on the ground with the contractor.

Secure email addresses: Commissioner Bentley said he had contacted the Officials and all were in agreement the secure emails would be beneficial. Discussion on which domain to use. What the benefits and cons to each would be. Motion by Commission Smith, seconded by Commissioner Henery to agree to utilize Applied Connection. Voting aye: Bentley, Jacob, Smith, Henery and Borer. Nays none. Motion carried.

Trust Account for County Attorney for Paper Service: Paper service to be done by the Sheriff's Office. However, due to the timeliness of checks being written once a month papers cannot be served on a timely manner. To help alleviate this, County Attorney is asking for direction from the County Board. He could set up this trust account with the Board approval to issue checks through basically to help alleviate any claims that would be left hanging. He could write checks for this paper service out of this account and it would be a revolving account. Joe is to check with the State Auditor and get back to the board. This is an issue that the Sheriff and County Attorney were written up on the 2018 audit.

Generic Insurance Application: The application shared by Mr. Gray from Hammer Insurance during last weeks meeting was reviewed by County Attorney, Joe Abler. The statewide generic application, this application does detail employees, employees family members. Madison County considered doing the same thing. There is a disclaimer on the application. Madison County recommended to keep the files in a confidential file, that is not public records. When the employee completes this there is also a release allowing us to share this with specific carriers to give us bids. So he is suggesting we find our contacts to see who is going to be needing and using this information so the employees know who is going to be seeing this information. Joe is suggesting we make a list of the insurance carriers who we want to obtain quotes from. After the list is complete, we ask our employees to fill out the application at that time.

Ice Throwing: Commissioner Smith added this to the agenda to make sure it was addressed. He believes his issues were addressed during the Decommissioning discussion. Judy Wilcox discussed why ice breaking was an ongoing problem. The excuse they are using the ice braking system is not good enough. She said they need to be shut off, and that shouldn't be left to a procedure. There have been several times this winter when she has driven down the road with chunks of ice on the road and ice hanging on the blades. She stated 'you need to enforce what you got in place, instead of asking Invenenergy why their braking thing isn't working.' Terry Brookhouser "wondered how long this was going to let go. We have got to stop this before somebody gets hurt. Insurance is not the issue." Lyle Juracek spoke to the Commissioner regarding recent actions and the decisions that were made by other supervisors regarding wind farms. If a problem comes up the supervisors need to join forces. It cannot be two (2) being for and three (3) being against or whatever the vote is. Once it has been decided to do it - it is the responsibility of the supervisors to act as one. He commended Commissioner Smith for the ice chunks he brought in to show the public - it was eye opening. However, Lyle did not appreciate the way Commissioner Smith treated the Invenenergy employees during last week's meeting. Invenenergy is an Antelope County taxpayer, like everyone else in the county. The unprofessionalism has got to stop. He stated you are not micro-manages but elected officials. You need to be professionals - Lyle has heard rumors of Commissioners talking about County business in the bars. You guys are supposed to be joined - one. It looks like we have three (3) guys against two (2) - and whatever you can do to take the County down, you are trying to stir it up. You could have addressed it with a simple way of presenting the problem, instead of going at them like a panther - it is not professional. You are all above that. You need to look at the signals you are sending out there. Let's get joined and work as one, instead of seeing what you can stir up to cause problems. You are elected by the people, same as these elected officials. They should come to you if they have problems, you are not micromanagers. I am Bohemian enough to tell you, you guys are above that. Make it better. Don't follow the path to make it bad. He apologized if he offended anyone. You need to hear what the people outside are saying about you guys, Antelope County is a joke to anyone in the counties around here.

Commissioner Smith responded - we went through I don't know how many years of Zoning Board Meetings, Zoning Ordinance Rewrites attempting to come up with regulations, set back requirements and so on that is needed for the wind industry. The Willcox's only they can say how many times they have come to the Board of Supervisors, when it was the Supervisors, and then as Commissioners and complained about the ice throw and that it was a safety issue. It fell on deaf ears, if fell on deaf ears at the Zoning Board. When it was going through the Zoning, they had, I have it myself I got it right here in my packet if you want me to show it to you. We've got GE's recommendations on what a wind tower should be set back from a county road. It is approximately 835 feet. The ones in Upstream, the requirement was 205 feet and they are set at 209 feet, so they make the 205, you know they are complying. When you set through that over those years and no one listens to you, and it is not taken into consideration. Until finally you have the opportunity to show the ice, to engage the people... That on the Upstream Project. When we rewrote the Zoning Regulations, I don't know how this ice braking - and I want to make sure everybody understands braking means slowing down not the 'breaking' of breaking. That was brought up as to what was going to be an issue to allow the towers to be built closer to the road. Because, well they will slow down. They will shut down because of this. None of us know the mechanics of how they work, or anything. And I quite honestly, was not happy with the 1.1. It should have been more than that. It doesn't need to be the 830, I am not here saying that. It needs to be in between where we are at. But that wouldn't get anywhere. And it was brought to the Board, I mean I think the Zoning Committee kind of thought that they come up, well there is this way we can make them slow down, or ice braking, or they shut down once there is an icing situation. I set in all of those meetings. It was developed by them and none of those times through any of those hearings, when they asked the Invenenergy reps that was sitting in the audience, what do you think of this? Will this work? Or something like that, they would just kind of well yeah. They never once mentioned, that was news to me last week, that I found out here last week that well yeah we can put something on, We already got it on Prairie Breeze. That was never once, ever mentioned. That this ice braking procedure is already on Prairie Breeze. The Winter Ice Operation Mode (WIOM) the GE technical term. If that would have ever been brought to the attention of the Zoning Committee. I hope with everything that had always been said by the Wilcox's for one. Then they would have had the opportunity to say you know hey this thing doesn't really work. This winter ice operation mode doesn't work because Prairie Breeze has it on. So, you feel just a little bit mislead by the developers. I have a GE document, I will share it with you if you would like me to it is nothing secret, Liz has it. That explains how winter ice mode operation that GE puts out. The winter ice mode operation it spells out in it if you want. I don't really want to take time, I am taking more time than I want

to here. It says nothing that if this technology is installed on a wind turbine that you can lessen your safety restrictions. It spells out on how it will shut the tower down for the benefit of the tower itself so it don't damage itself. Winter ice operation mode is a safety future for the mechanics of the tower. So, Lyle, when I have the opportunity to address the officials that I believe misled the Zoning Board and the County Commissioners, or the County Commissioners that approved the conditional use, then I am going to take it." Commissioner Smith had this on the agenda so he could say what he said earlier. So, we could tie them together. If the winter ice mode deal solved, then why would we want any more towers built.

Liz Doerr commented. This is one of those difficult things when it comes to Zoning. Because typically Planning Commissions and Zoning Administrators deal with structures. They are stationary, they don't move. And this is one of those things, when you have a violation, you know it is not following the terms of the conditional use permit. Which maybe they did. I issued the permits because they showed they had the ice braking procedures in place. Even though I was not aware that it took that many miles per hour wind when I issued that whether that was going to be sufficient or not. In a violation, my job is to keep everybody in compliance with the regulations. So, if they are not shedding ice today then the violation is corrected. So, it is a difficult thing. So, when I have a violation like this, and I talked to Joe about this too. The best way to do it is to document with letters. And I get, I totally get that this takes a while to get through this process. So, some of the thing that we have asked, do you care if I read the questions that we are trying to get responses from? Do you want me to have that for the benefit of everybody here? There is not that many. (Borer agrees) These are the things that Dean, Joe and I met and sent.

1. Can we get the information and data or logs of Upstream Turbine 25, Turbine 28, Turbine 29, & Turbine 30 to show that WIOM was working on Jan. 13, 15, and 19, 2019.
2. Can the WIOM parameters be adjusted to shut down the turbines sooner?
3. Can the WIOM parameters be changed for the turbines that are less than 1.5 times the hub height + rotor diameter or must it apply for the whole project?
4. Is the WIOM designed only to protect the turbine from damage rather than address a mitigating measure for ice sling as suggested in the 10-6-17 letter from Jon Zalar or GE?
5. Do you propose any changes to the operating protocol of Upstream to further mitigate the ice sling of the turbines that are less than 1.5 times the hub height + rotor diameter? What is the plan to deal with ice sling mitigation for other projects such as Prairie Breeze or Thunderhead?

Those are the questions we proposed. But we had to give them some time as an entity to decide how they are going to deal with this, and get the information to us. When we have the meetings back to back like this, a lot of time that is just way to short of a time frame. We do this by letters. Yes, I know that takes longer but that way if we don't get satisfaction, and I can't get them to comply with this I have to turn it over to the County Attorney and he has to have facts. That is why I ask, we need dates, times, locations and everything. Otherwise what is the purpose of stirring the pot, if I don't have anything that I can use for a good decision. So that is where I am coming from with some of these comments. Commissioner Henery asked if Liz knows if WIOM was on the Prairie Breeze turbines initially or if it was added later. Liz stated she got a second complaint today regarding ice slinging in the Upstream project. Another letter will go out, and she will ask during the letter. Ron Wilkinson asked how many of the towers are a problem. Commissioner Smith stated he has counted probably 10 to 12, that he is aware of.

Commissioner Smith agreed he had listed the **Thunderhead CUP** on the agenda incase it did not get discussed during previous decommissioning and ice throwing discussion. He did not have much more to add.

Security entrances. This is a safety committee recommendation. The safety committee suggested adding entrances to the offices that are on single office floors like Clerk of the District Court, and Extension Office. Since the safety meeting, both of the mentioned offices have refused these measures at this time. Discussion of advancing the safety of the offices in the courthouse as a whole. Adding some glass for the Assessor, Treasurer, and Clerk. The Zoning Office is also located in a single manned office in the courthouse annex. Liz Doerr, who works in Knox County agreed we need to make better advancement in the security. It was mentioned the HHS office a new ceiling was bid, maybe if security was going to be added it could be done as a single project. The building and grounds committee will look into security advancement.

Liquor License: Notices regarding the liquor licenses for Mr. S's, Grove Lake Bait Shop, Summerland Golf Club and Plainview Country Club were published as required by State Statute. No written protest was received regarding the liquor licenses for the above-mentioned license holders. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the Liquor license for 2019. Voting aye: Bentley, Jacob, Henery, Smith, and Borer.

Sheriff Fees: The auditor requires all fees charged in the county to be approved by the Board of Commissioners. Currently, the fees in the Sheriff Office have not been approved by the Board. Sheriff Moore presented the following resolution for approval. Commissioner Bentley made a motion to approve the fees as listed on the resolution. Motion seconded by Commissioner Jacob. Voting aye: Bentley, Jacob, Smith, Henery and Borer. Nays none. Motion carried.

ANTELOPE COUNTY
RESOLUTION #2019-02-0001

WHEREAS, the Antelope County Sheriff's Office is directed by the Jail Standards and the Nebraska Sheriff's Association, on recommendations of the Auditor of the State of Nebraska to establish a fee schedule for each office in the Antelope County System
WHEREAS, the Antelope County Sheriff sells and collects moneys for the various permits, license, copies etc AND will collect a fee for Gun Permits as per State Statute 69-2404 and Title Inspections as per State Statute 60-158; and
WHEREAS, the Antelope County Sheriff needs to collect these fees to continue good will and maintain a solid fee schedule recording basis; and

WHEREAS, the Antelope County Sheriff has been made aware by the Nebraska State Auditor's Office that these fees should be established and maintained by a board resolution or policy;

BOARDING	\$40.00/DAY & \$65.00/DAY IF IN OBSERVATION CELL
WORK RELEASE	\$17.50/DAY
GUN PERMITS	\$5.00 STATE STATUTE 69-2404
TITLE INSPECTIONS	\$10.00 STATE STATUTE 60-158
FINGERPRINTS	\$15.00
IMPOUND FEES	\$2.00/DAY
REPORTS	\$5.00 EXTRA IF PICTURES INCLUDED
COPIES	\$0.15 BLACK/\$0.40 COLOR
CHEMICAL TEST	\$10.00
WARRANT FEE	\$2.00 STATE STATUTE 33-117
PAPER SERVICE FEES	\$18, \$9, \$6 FEES & RETURN, APPROPRIATE MILEAGE STATE STATUTE 33-117

WHEREAS, the duly elected Sheriff of Antelope County, Nebraska, has updated and amended the Fee Schedule for Antelope County Sheriff's Office; and

WHEREAS the Antelope County Sheriff makes recommendation to the Antelope County Board of Commissioners for approval of said Fee Schedule;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS, THAT THE FOLLOWING FEE SCHEDULE FOR ANTELOPE COUNTY SHERIFF OFFICE BE APPROVED AND ADOPTED:

Adopted this 12th day of February, 2019 at Neligh, Antelope County, Nebraska.

Commissioner: ___Bentley_____ Commissioner: ___Jacob_____

Moved to adopt said Resolution

2nd to the Motion to adopt said Resolution

Roll Call: _5_ Yea _0_ Nay

Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

___/s/ Tom Borer _____

Tom Borer, Dist. #5, Chairman

ATTEST:

___/s/ Lisa Payne _____

Lisa Payne, Antelope County Clerk

Stealth Broadband: Commissioner Borer stated that his office converted to Stealth Broadband a couple of years ago and things have worked well. He is wondering if the County could benefit by utilizing Stealth Broadband. All spoke in favor of looking for a more affordable option. The internet-based phone system would be included in this. Informal bids will be gathered.

Future Meeting Location: Discussion of meeting locations. It was agreed to move the meetings back to the meeting room in the Courthouse Annex. If in the future there is a larger crowd expected, we can move it. No action.

Pumping Station/Pipe Line Permit: Commissioner Smith asked about a permit for a pumping station last month. Our zoning regulations do not address anything to do with the pipeline. He is wondering if the setbacks and other regulations will be met. Liz responded Keith Marvin suggested to treat it like a normal permit for a structure and zoning regulations. The pipeline was not included in the zoning regulations, because the State and Federal regulations will be mandated and take precedence. They will have to have engineers' certificate to show they are in compliance. Liz believes this will be guided throughout the county. The permit they obtained last month is current for two (2) years. They will not need to obtain a conditional use permit. Liz has talked to the Stanton Counties Zoning Administrator and she stated she had very little issues and she voiced no concerns.

Executive Session: 2:27 PM Motion by Commissioner Borer to go into executive closed session to follow up with legal counsel on a matter of litigation on behalf of the county and to receive legal advice regarding personnel matter for the protection of public interest. Motion was seconded by Commissioner Smith. Voting aye: Borer, Smith, Bentley Jacob, and Henery. Nays none. Motion carried. 2:38 PM Motion by Commissioner Smith, seconded by Commissioner Bentley to go out of executive session. Voting aye: Henery, Smith, Bentley Jacob, and Borer. Nays none. Motion carried.

Motion by Commissioner Borer, seconded by Commissioner Bentley to **retain Woods and Aitken** for labor and employment issues. Voting aye: Borer, Smith, Bentley, Jacob and Henery. Nays none. Motion carried.

Vendor Claims: Discussion on the Bazile Aggregate claim. Motion by Commissioner Bentley, seconded by Commissioner Jacob to pay claims as submitted, except for Merit Mechanical Bill for \$4,767.00. Voting aye: Bentley Jacob, Henery, Smith, and Borer. Nays none. Motion carried.

Motion by Commissioner Jacob to pay the Merit Mechanical claim for \$4,767.00. No seconded. Commissioner Jacob rescinds motion.

Motion by Commissioner Henery, to hold Merit Mechanical Invoice in the amount of \$4,767.00 until the Board's first regular meeting in March, and contact Merit Mechanical requesting itemized invoice and supporting documentation itemizing the services and part provided under that invoice. Seconded by Commissioner Jacob. Voting aye: Henery, Jacob, Smith, Bentley, and Borer. Nays none. Motion carried.

We, the Committee on Claims, report that we have examined and approved for payment the following claims:

General Fund: Joseph Abler, 2019 Nebraska State Bar dues 98.00; Antelope County Court, county court costs 110.89; Antelope County District Court, district court costs 233.00; Antelope Co Sheriff, fees to serve subpoenas, reimbursement for checks 2913.87; Appera, micro-swipes, dust mops, textile maintenance, service charge 78.40; Applied Connective, exchange email services, Office 365 services, IT services, antivirus/spyware prevention, remote services, Dell computer/monitor, display mount, keyboard/mouse, patch cable, high speed cable, mileage, installation services, camera system, contract 6476.05; Black Hills Energy, heating fuel 1673.09; Bomgaars, bulk bolts, fasteners, wire connectors, electrical tape, masking tape, extension cord, wire clips, padlock, chain coils, drain opener, muck boots, threaded rod, float tank ball/rod, repair kit, flush lever, super glue, floodlight bulbs, hacksaw blade 287.06; Dean Brown, prior service 25.00; Carhart Lumber, fasteners 14.39; Carney Law, court appointed attorney fees, justice searches 6449.24; Casey's, fuel 994.82; Elgin City, monthly recycling fee 250.00; Neligh City, utilities 2815.65; Clearly Communication, telephone service 161.44; Creative Products, DARE essay winner medal 12.50; Cubby's, fuel 483.64; Das State, teletype, data processing 703.36; Doerr & Klein, court appointed attorney fees 3424.95; Dollar General, bleach, Lysol 182.95; Driver's License Guide, 2019 ID Checking Guides 29.95; Dusty's, fuel 134.00; Eakes Office, pens 1.00; Elgin Appliance, labor to replace washer door 70.00; Elgin Review, meeting proceedings, notice of public hearings, notice of meetings, help wanted ads, liquor license renewal, treasurers semi-annual report 336.82; Elite Office, monthly maintenance copier agreements, toner, ink 1518.09; Duane Esau, court costs 33.92; 1st Concord Benefits, insurance 142.19; Fitzgerald, Vetter & Temple, court appointed attorney fees 1133.60; Floor Maintenance, toilet paper, floor cleaner, processing fee 139.25; Frontier Communication, telephone service 2374.31; Great Plains, telephone service 825.15; Gordon Hagge, court fee 20.00; Darrell Hamilton, prior service 11.00; Hometown Station, fuel 38.00; Nadene Hughes, prior service 14.00; I.D. Checking Guide, 2019 ID Checking guides 29.95; Iowa Prison Industries, decals for new unit, freight 138.22; Jack's Uniforms & Equipment, deputy shirts, name plates, deputy uniforms, baton holder, chrome baton, belt keeper, cuff case, chevrons, safety vest, name tapes, shipping 2208.24; Jonny Dodge, reprogram PCM, inspect software, replace cluster, oil changes, 16 point inspection, replace brake pads, replace front wheel hub, reprogram ORC module, replace bulb, miscellaneous parts, labor 798.36; K & T Central Plains, snake main sewer at jail 260.00; Brent Kelly, court appointed attorney fees 1019.38; Lichtenberg Tire, tires, miscellaneous parts, labor 1053.72; Madison National Life, county matching 77.02; Becky McCracken, complete transcript 25.89; Microfilm Imaging, monthly scanning equipment rent 87.00; MIPS, data processing, jury pool listing, mailing labels, microfilming, 1099 forms 3009.98; National Sheriff's Association, NSA membership dues 60.00; Nebraska Department of Labor, elevator inspection 120.00; Nebraska Association of County Treasurers, 2019 NACT dues 50.00; NACO, annual conference registrations 280.00; Nebraska Association of County Clerks, 2019 membership dues 75.00; NE Dept Labor, unemployment 2985.25; NE Health & Human Services, financial responsibility 186.00; Neligh Auto, oil filter 77.62; Neligh News, yearly subscription 56.00; Norfolk Daily News, help wanted ads 285.56; O'Neill Pest Control, pest control 85.00; Office Depot, label cartridge, envelope w/ snap, expandable folder, leather bi-fold, dry erase board 131.45; One Office Solutions, monthly copier agreement, excess copy fee 175.41; Petty Cash (Attorney), subpoena fees, postage, witness lunches 454.54; Petty Cash (District Court), dry cleaning for judge's robes 14.80; Petty Cash (Sheriff), postage 9.95; Pinnacle Bank, Mr. Clean, Lysol, disinfectant wipes, form holders, annual business fee for ACH origination 482.19; Pitney Bowes, postal service 246.49; Pitzer Digital, help wanted ads, citation forms, yearly subscription, notice of public hearing, meeting proceedings, liquor license renewal, treasurers semi-annual report, notice of meetings, notice of special election 776.36; Precision Glass, replace glass table top, replace windshield 615.65; Protex Central, fire alarm inspection, battery 226.50; Janice Ridder, prior service 10.00; Royal One Stop, fuel 20.00; David Schmitt, install touch pad & deadbolt in evidence room, install deadbolt in 911 room, disarm key lock 590.16; Caroline Siems, prior service 25.00; Wex Bank, fuel 366.21; Thomson Reuters, Marshall & Swift tables annual update 1073.47; Uline Supply, labels, dry erase markers, shipping 120.34; UNL ITS Communication, telephone service 91.04; US Cellular, telephone service 363.25; Verizon Wireless, telephone service 82.13; Clearwater Village, monthly recycling fee 250.00; Bonita Welke, prior service 22.00; Willie's Service, oil change, diagnostics test 80.95.

Road & Bridge Fund: Atco International, release 126.25; B's Enterprises, grader blades, blade bolts, flanged nuts, snow plow shoes 2428.00; Bazile Aggregate, road gravel 478.50; Black Hills Energy, heating fuel 1108.27; Bomgaars, mechanics set, tool box, compass, pin punch, shop towels, halogen bulbs, de-icer, grease, tarp, dish soap, motor craft oil, toilet bowl cleaner, diesel conditioner, quick links, filters, screws, supplemental diesel fuel, wheel flap, pin, hitch pin, toilet paper, auger 983.72; Carquest, switch, battery cable, battery, oil filter, plug, stabilizer, lube, impact tool 715.66; Casey's, fuel 65.84; Certified Testing Services, geotechnical report 2424.00; Tilden City, garbage, sewer, water 69.05; Constellation Gas, heating fuel 1193.20; Cubby's, fuel 127.85; D & M Machinery, sea foam, brake fluid 25.08; Dusty's, fuel 45.50; Elgin City, trash 56.25; Elgin One Stop, fuel 190.69; Elkhorn Rural Public Power District, electricity 321.00; Farmer's Pride, heating fuel, equipment fuel 8848.16; Frontier Communication, telephone service 571.68; Graham Tire, tires, Nebraska tire fee 737.64; Great Plains Communications, telephone 264.80; Herley's Collision Repair, rock chip repair 50.00; Island Supply, oxygen/acetylene 896.61; JEO Consulting, engineering fees 9494.00; Jonny Dodge, hose assembly, DOT inspection, replace battery, oil change, replace A/C pressure switch, replace shock absorbers, tighten bolts, replace front fuel tank strap, replace leaking hose, miscellaneous

parts, labor 2130.97; Kayton International, bearing, disc, 941.50; Kimball-Midwest, hex nuts, torque CB, shipping 130.09; Knife River Midwest, cold mix asphalt 2132.20; Lichtenberg Tire, flat tire repair, miscellaneous shop supplies, tires, tire mount/dismount, valve stem, tire disposal fee, Nebraska tire fee, miscellaneous shop supplies 1614.70; Madison National Life, county matching 57.16; Matteo Sand, road gravel 1294.44; Mr. S's, fuel 381.28; N & B Gas Company, heating fuel 682.87; NACO, Cobra premium/administration fee 926.34; Nebraska Department of Motor Vehicles, driving record requests 81.00; Nebraska Public Power District, electricity 543.33; Neligh Auto, lamp, plug, wire, connector, air brake tubing, anti-seize, towels, drill bits, wrench, oil, battery 239.48; Netcom, radio repair 150.00; Newman Traffic Signs, posts, shipping 802.60; North Central Power, electricity 321.07; Northeast Nebraska Telephone Company, telephone service 108.21; Orchard Lumber, expanding foam, tape 15.97; Orval's Auto Service, brake rotor/caliper/pad, oil filter, oil, antifreeze, washer fluid, brake fluid, air filter indicator 625.80; Powerplan, repair air cleaner hose, mileage charge, repair air seat, shipping 2768.42; Professional Pavement Products, reflectometer 8958.00; Quick Serve, tire repair 47.95; Road Builders Machinery, repair air leak, reseal steering cylinder, repair blade slides, miscellaneous parts, mileage, labor 2657.75; Royal One Stop, fuel 37.00; Rutjens Construction, backhoe rental, labor 855.00; Ryan's Truck, ECM hookup fee 50.00; Sanne Service, repair exhaust system 3900.00; Wex Bank, fuel 236.74; Switzer Welding, ½ hour labor on snow plow, metal, shaft 135.00; Verizon Wireless, telephone service 123.40; Brunswick Village, water, sewer, trash 46.50; Clearwater Village, water, sewer, trash 131.00.

Visitors Promotional Fund: Neligh Chamber, promotional grant for Bike Ride across Nebraska 600.00.

Visitors Improvement Fund: New Moon Community Theater, improvement grant for restoration of historic theater 1500.00.

Reappraisal Fund: Elgin Review, annual subscription 35.00; SMPC It Solutions, cables, shipping 45.00.

Register of Deeds: MIPS, data processing, microfilming 7732.03.

Veterans Aid Fund: Antelope County VSO, veteran aid 523.48.

Law Enforcement Fund: Applied Connective Technologies, labor and materials to fix jail camera 976.47; Cash-Wa Distributing, turkey breast, juice, chicken breast patties, pork patties, seasoning salt, mayo, salad dressing, gelatin, yeast, sugar, pasta, portioner, chicken leg quarters, ham, cheese slices, broccoli, corn, burgers, beans, apples, peaches, pineapple, pears, applesauce, peanut butter, corn oil, gravy, can liners, cabbage slaw, tater tots, fries, crackers, dish detergent, ground beef, garlic salt, corn starch, baking powder/soda, catsup, gelatin, pudding, tissue 3967.65; Neligh City, utilities 3976.05; Culligan, water bottle refills, water cooler 77.00; Dean's Market, hamburger patties 299.00; Elkhorn River Farms, potatoes 200.00; Faith Regional Health, inmate doctor visits 1326.00; Faith Regional Physician, inmate doctor visits 405.00; Hiland Dairy, milk 638.91; Nancy Schramm, court reporting 16,089.54; Jonny Dodge, 2019 Dodge Durango 21,700.00; Midwest Services, inmate transport 222.00; Neligh Family Dentistry, inmate tooth extraction 419.00; Northeast Medical Imaging, inmate ultrasound 124.00; Pinnacle Bank, tactical boots, bulk cereal, cards 1365.71; Thriftway Market, heavy whipping cream, apple pies, pumpkin pies, brown sugar, yams, stuffing, turkey, cranberries, pepper, spices, marshmallow fluff, Gatorade, water bottles, bulk grocery items, flavored water, powdered sugar, mustard, batteries, Kool-Aid, eggs, Hamburger Helper, mac and cheese, Velveeta, margarine spread, cottage cheese, mozzarella cheese, garlic bread, lasagna noodles, caramel, pasta sauce, cake pan, eggs 1908.80; Wanek Pharmacy, inmate prescriptions 868.16.

Commissary Fund: Bob Barker, pillowcases, coconut oil, cough drops, antibiotic ointment, oral pain relief, stomach relief, sinus pain relief, bandages, alcohol pads, combs, fingernail clippers, emery boards, tampons 590.22; Cash-Wa Distributing, assorted candy 429.56; Charm-Tex, tumbler with lid, wave caps 198.15; Combined Public Communications, phone cards 1525.00; Keefe Supply Company, candy bars, cookies, potato chips, tortilla chips, sandwich crackers, snack mix, sunflower seeds, donuts 745.48; Kinley Miller, cookies 120.00; Pinnacle Bank, composition notebooks, contact solution, deodorant, tweezers, floss picks, lip ointment/balm, toothpaste, colored pencils, pregnancy test, Christmas tree, pizzas, breakfast sandwich, hair clippers, acetaminophen, melatonin, crackers, books, toaster pastries, granola bars, ibuprofen, envelopes, ear plugs, sandwich crackers, elastic hair ties, pencils, filler paper, shampoo/conditioner 925.59; Pitzer Digital, annual subscription 35.00.

General: Payroll, 90,236.09; AFLAC, insurance 1053.60; Ameritas, retirement 13,630.57; BC/BS, insurance 62,531.94; Buffalo Co Court, garnishment 268.26; Colonial Life, insurance 3.25; Garnishment, 1426.78; 1st Concord Benefits, insurance 804.16; Federal Withholding, 8832.04; Liberty National, insurance 39.17; State Tax, 3660.91; Madison National, insurance 114.55; NACO Vision, insurance 484.20; Social Security, 18,180.12; Washington National, insurance 886.28.

Road & Bridge: Payroll, 54,791.04; AFLAC, insurance 214.63; Ameritas, insurance 7760.60; BC/BS, insurance 27,671.88; Colonial Life, insurance 18.00; Garnishment, 386.29; Federal Withholding, 5118.78; 1st Concord Benefits, insurance 345.83; Liberty National, insurance 70.92; ST, 2047.70; Madison National, insurance 29.12; NACO Vision, insurance 163.88; Social Security, insurance 10,861.52; Washington National, insurance 302.80.

Allan Bentley
Tom Borer
Charlie Henery 2/12/2019

No other issues to discuss.

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

Meeting adjourned at 3:11 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, Tom Borer

Attest: _____
County Clerk, Lisa Payne