

August 14th, 2018
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, August 14th, 2018 at 9:00 AM in the County Commissioner's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Kerkman, with the following board members responding to roll call: Schindler, Jacob, Henery, Schwager, and Kerkman. Chairman Kerkman stated that the open meeting laws are posted on the east wall of the Commissioner's room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. Agenda for said meeting was sent to all members of the County Board of Commissioners.

Pledge of Allegiance was recited.

Brian Hoffman met with the commissioners regarding the first mile south of Brunswick.

Review of Claims. Motion by Commissioner Schwager, seconded by Commissioner Schindler to pay **vendor claims** as presented. Voting aye: Schindler Henery, Schwager, Jacob and Kerkman Nays none. Motion carried.

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

Antelope County Court, county court costs 253.00; Antelope Co District Court, district court costs 144.00; Antelope County Sheriff, mileage and service fee to serve subpoenas 89.30; Antelope Co Treasurer, inter fund transfer, reimbursement for claims paid twice 300,814.25; Antelope Memorial Hospital, specipans for UA tests 9.96; Appera, micro swipes, dust mops, textile maintenance, service charge 41.23; Applied Connective Technologies, email service, Office 365 service 85.50; Black Hills Energy, heating fuel 293.63; Bob Barker Co, tactical pants, boots 287.95; Bomgaars, spray paint, blade fuses, automotive wires, bulk bolts, bolts, drill bits, fasteners, dog food, clevis, extend life, oil, filter oil, tape measure, canning jar lids, training wire, wire picture, picture hanger, fasteners 184.09; Deborah Branstiter, parking garage, meals 38.37; Dean Brown, prior service 25.00; Carney Law, court appointed attorney fees, justice searches 3231.62; Carquest, toggle switch, wire, in-line fuse holder, terminal, electrical tape, butt connectors, speaker wire, flex tube 56.20; Casey's, fuel 1502.21; Elgin City, monthly recycling fees 250.00; Neligh City, electricity, water, garbage, monthly recycling fee 7608.12; Clearly Communication, telephone service 162.61; Clearwater Art Department, ribbons for fair 31.50; Clearwater Record, treasurer's semi-annual report, help wanted ads, notice of meetings, board of equalization, proceedings/bills, display advertising 378.80; Wichita Dist Clerk, copies 4.25; Cornhusker Hotel, hotel stay 166.00; Cornhusker State Industries, laundry detergent 132.00; Cubby's, fuel 1748.83; DAS State, teletype, data processing 703.36; Doerr & Klein, court appointed attorney fees 541.50; Dusty's fuel 84.20; Eakes Office, towels, disinfecting wipes, money receipt books, folders, Z-HL 5 pack, toner 520.24; Elgin Appliance, inner door bezel kit 119.45; Elgin One Stop, fuel 39.00; Elite Office Products, monthly maintenance copier agreements, paper, ink cartridges 1958.94; Farm & Home Publishers, wall maps of county 240.00; Fitzgerald, Vetter & Temple, court appointed attorney fees 278.01; Floor Maintenance, toilet paper, urinal screens 142.74; Frontier Communication, telephone service 2640.87; Great Plains Communication, telephone service 190.00; Tessa Hain, reimbursement for workshop supplies (dark walnut stain, red oak wood stain) 29.97; Hi-Way Mart, fuel 57.00; Howard County Sheriff, service and mileage fees to serve subpoenas 36.58; Nadene Hughes, prior service 14.00; Taylor Kester, meal reimbursement at training 49.08; Lancaster County Sheriff, fees and mileage to serve subpoenas 19.15; Lichtenberg Tire, four-wheel alignment, miscellaneous shop supplies 76.74; Madison County Treasurer, Antelope County share of district judges expense, District 7 Probation expense reimbursement 16,780.45; Leo Market, miscellaneous work on computer 63.00; Microfilm Imaging, monthly scanning wand equipment 87.00; MIPS, data processing 701.02; Morland, Easland, district court attorney fees 688.86; Nebraska County Attorneys Association, county dues, training seminar registration 757.00; NE Health & Human Services, financial responsibility for developmentally disabled (Norfolk Regional & Beatrice State Hospital) 180.00; Nebraska Public Health Environmental Lab, blood alcohol test 105.00; Neligh Auto, ATC fuse block, fuse holder, butt connector, ring terminal, fuse 35.45; Neligh News, board of equalization, proceedings/bills, help wanted ad, notice of meetings, notice of liquor license, Treasurer's semi-annual report, notary stamp for employee 357.80; Neligh Postmaster, annual box rent (Post Office Box 45) 144.00; Neligh-Oakdale Schools, ribbons for fair 84.20; Nielsen Insurance, notary bond renewal for employee 70.00; O'Neill Pest Control, pest control 85.00; Old Mill Sales & Repair, tow bill for recovered skid steer 342.88; One Office Solution, quarterly copier contract, excess copy fee 136.23; Orchard News, board of equalization, proceedings, notice of meetings, notice of liquor license, legal notice for valuation change 130.38; Orchard Public School, ribbons for fair 33.10; Orval's Auto, labor and parts for oil change 56.50; Donna Payne, prior service 25.00; Petty Cash-Clerk, reimbursement for two title registrations 32.00; Pierce County Sheriff, mileage and service fee to serve subpoenas 171.70; Pinnacle Bank, fuel 39.56; Pope John-Art Department, ribbons for fair 72.00; Quill Corporation, mesh desk organizer 11.98; Royal One Stop, fuel 54.00; Marlene Schindler, microwave 35.00; Caroline Siems, prior service 25.00; Wex Bank (Sinclair), fuel 778.72; Sirchie Fingerprint Lab, sterile swabs, swab boxes, sterile water 293.76; Stratton Delay Doeel, district court appointed attorney fees 339.40; Chuck Thiemann, mowing 90.00; Thomson Reuters, core support for treasurer, assessor assessment report 14,818.40; Thriftway Market, wax paper, baking soda, all-purpose flour, baking soda, brown sugar, salt/pepper, chocolate chips, milk chocolate 75.03; UNL IT's Communication, internet for iPad 91.04; US Cellular, telephone service 360.26; Verizon Wireless, telephone service 81.26; Clearwater Village, monthly recycling fee 250.00; Wayne County Treasurer, Antelope County share of District Judges expense 5279.98; Bonita Welke, prior service 22.00; Zee Medical, wipes, tape 21.00; Elgin Review, help wanted ad, liquor license renewal, proceedings, notice of meetings, board of equalization, semi-annual treasurers report 180.43.

Road & Bridge: B's Enterprises, culverts 2721.60; Bazile Aggregate, road gravel 10,816.25; Beaver Bearing, oil seal, bearing cups, bearing cones 132.64; Black Hills Energy, ut 82.04; Bomgaars, snap bolts, chain loop, hitch pin, bulk bolts, san angelo bar, fasteners, shop towels, catalyst, high mileage oil, filter oil, vehicle socket, oil, chain coil, drill bits, square wire, link lap bulk, spring water, dish soap, bathroom tissue, game camera, SD card, batteries, automotive battery, core exchange, gloves, chisel set, plug, hammer, elbow, pressure gauge, trailer hitch, antifreeze 726.89; Steven Bright, CDL reimbursement 57.50; Carhart Lumber, plywood 17.87; Carquest, diesel exhaust fluid, air filter, alternator, band clamp, elbow, muffler 359.30; Casey's, fuel 212.24; Tilden City, garbage, sewer, water 61.22; Constellations Gas, heating fuel 14.61; Brock Coover, fuel CDL learner's permit, CDL testing, CDL license fee 300.00; Cubby's, fuel 900.31; D & M Machinery, rags, seafoam, fluid, cleaner 34.30; Dean's Market, toilet paper 6.99; Elkhorn Rural Power District, electricity 518.00; Emme Sand, oversize rock, road gravel 20,816.46; Farmer's Pride, fuel 17,785.23; Frontier Communication, telephone service 368.08; Funk Construction, load millings, hoe/skid load machine hire, tree trimming 4120.00; Great Plains Communication, telephone service 264.77; Green Line Equip, grease, diesel exhaust fluid, fuel filters, tractor rental 2132.61; Hinrichsen Sand, bank run mix 1617.62; Hoffman Construction, clean out beaver dam, install culvert 610.00; Hometown Station, fuel 4378.90; Island Supply, oxygen/acetylene 184.14; Jebro, armor coating, asphaltic oil 137,545.54; JEO Consulting, general engineering fees 859.00; Jonny Dodge, check brake adjustment, check clutch adjustment, repair air leak under wheel, replace fuel filters, repair headlights 337.51; Kayton International, 2.5 GAL HYD, mirror 99.37; Lawson Products, air nipple, bolt loosener, cylinder, glass cleaner 111.11; Lichtenberg Tire, tire, tire disposal fee, miscellaneous shop supplies, HD tube, flat repair, miscellaneous shop supplies 125.86; Maddock Construction, bucket holder, Kennametal base, freight 4297.11; Matteo Sand, small rock, road gravel 1595.86; Mitteis Gravel, road gravel, mud rock, 47B, armor coat 7184.92; Mr. S's, fuel 982.55; NACO, Cobra premiums, Cobra administration fees 1852.68; Nebraska Harvester Systems, low profile bucket, bolt-on teeth 965.84; Nebraska Power District electricity 382.53; Neligh Auto, diesel exhaust fluid, valve, nipple, gauge, swivel, fitting, hose, connector, clamp 94.70; Netcom, radio equipment 1490.00; Newman Traffic Signs, flex post, posts, signs, sheeting, sign stand, vinyl, freight 3975.52; North Central Public Power District, electricity 152.45; Northeast Nebraska Telephone Co, telephone service 103.06; Pellatz Paint & Repair, oil change/service, oil, transmission filter kit, trans fluid, labor 567.69; Pollock Redi Mix, road gravel, oversize rock, sand fill 19,804.83; Powerplan, travel to and from jobsite, fix A/C, refrigerant, labor 490.05; RDO Truck Center, labor and parts to fix cooling system, oil change, inspect, air filter and perform inspection 2491.16; Rose Equipment, check unit operation, check emulsion tank, check boom, operation, fix rock gate, check A/C operation, repair aggregate hopper, perform and P.M. service, service bloomer, labor 4125.47; Royal One Stop, equipment fuel 379.10; Sapp Bros, fuel, glass cleaner 2347.08; (Wex Bank) Sinclair, fuel 270.46; Sioux City Tarp, mesh flip tarp, axle for front to back, bushing for flip tarp, shipping/handling 517.70; Verizon Wireless, telephone service 107.06; Brunswick Village, water, sewer, trash 93.00; Clearwater Village, water, sewer, trash 21.00; Road Builders Machinery, repair damage on couple and tilt cylinder, labor 70.00.

Visitors Fund: Neligh Mills Festival, promotional grant for community festival 300.00; Orchard Community Club, promotional grant for Orchard annual celebration 300.00.

Reappraisal Fund: Quill Corp, envelopes, file boxes, post cards, pencils 393.53.

Register of Deeds: MIPS, data processing 309.90.

Law Enforcement: Buffalo County Sheriff, boarding and medication for inmate 1185.59; Cash-Wa Dist, peanut butter, chicken leg quarters, pork loins, milk, cabbage slaw, cheese slices, ice cream cups, tater tots, salad dressing, pasta macaroni, potatoes baker, beef patties, biscuit dough, juice, yeast, sugar, ground beef, chicken patties, seasoning salt, spices, BBQ sauce, can liners, over ready fries, gravy, diced peaches, pear slices, mayo, gelatin, flour, dinex, spaghetti, mini corn dogs, chicken nuggets, turkey ends/pieces 3281.16; Dean's Market, ground beef 328.90; Faith Regional Services, inmate doctor visits 1002.00; Netcom, installation of new radio in unit 9261, work and repair of royal fire radio 934.00; Page My Cell, one year service 3000.00; Platte County Detention Center, boarding expense for inmate 1250.00; Thriftway Market, eggs, baking soda, vanilla extract, chocolate syrup, baking powder, baking cocoa, shake/bake, hamburger buns, milk, ice, coffee creamer, potatoes,

water, flour, butter spread, bulk grocery, mustard, BBQ sauce, roast beef, deli ham, smoked turkey, sausage, cheese slices 457.96; Wanek Pharmacy, inmate prescriptions 380.54.

Commissary Fund: Bob Barker Co, sanitary napkins, coloring books, soap box, cotton swabs 74.50; Cash-Wa Dist, ice cream, candy 486.10; Combined Public Communications, phone cards 875.00; Cornhusker State Industries, canteen cabinet 1113.00; Keefe Supply, chips, coffee, candy 200.64; Pinnacle Bank, feminine hygiene products, toaster pastries, popcorn, filler paper, face wash, soap, colored pencils, pencils, deodorant, toothpaste, donuts, mug refill, baked goods, coloring books, chewy granola bars, cheese crackers, salt/pepper, DVD's, body lotion 413.89; Thomson Reuters, law library books 193.00.

Building Fund: Flenniken Electric, labor for installing new LED exit lights, LED lights 124.42; K & T Central Plains, sump pump, adapter, PVC pipe, Sloan repair kit, labor 480.81; Kinnan Construction, narrow stile exit device, commercial key pad lock, hole fill, paint for ceiling tile, labor to install panic hardware and ceiling tiles, labor, to remove and install keypad lock 2644.21; Urbanec's Furniture, paint/labor to paint Assessor's office, carpet, carpet glue, carpet pad, paint/labor to paint Treasurer's office 3052.47; Western Roofing, labor/material to fix hole on low roof in corner 190.16.

General: Total Payroll: 97,397.31; AFLAC, insurance 1047.36; Ameritas, retirement 14,461.72; BS/BC, insurance 65,544.64; Colonial Life, insurance 58.25; Garnishment, 958.59; Federal Withholding, 9320.62; 1st Concord, insurance 1012.49; Liberty National, insurance 50.40; Madison National, insurance 77.27; State Tax, 3793.12; NACO Vision, insurance 466.05; Social Security, 19,338.88; Washington National, insurance 886.28.

Road & Bridge: Total Payroll: 55,778.28; AFLAC, insurance 214.63; Ameritas, retirement 7779.76; BC/BS, insurance 32,951.32; Colonial Life, insurance 18.00; Garnishment, 382.20; Federal Withholding, 4690.57; 1st Concord, insurance 345.83; Liberty National, insurance 70.92; Madison National, insurance 58.80; State Tax, 1933.47; NACO Vision, insurance 188.95; Social Security, 10,936.92; Washington National, insurance 240.20.

Ed Schindler /s/08-14-2018

Jerald Schwager/s/08-14-2018

Charles Henery /s/08-14-2018

Payroll: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve **payroll claims** except Eddie Shindler's commissioner and maintenance pay, and Marlene Schindler's pay claim, as presented. Voting aye: Schwager, Schindler and Kerkman. Nays none. Motion carried. Jacob and Henery abstained. Motion by Commissioner Henery, seconded by Commissioner Schwager to approve **payroll claims** for Eddie Shindler commissioner and maintenance pay, and Marlene Schindler pay claim, as presented. Voting aye: Henery, Schwager, Jacob and Kerkman. Nays none. Motion carried. Schindler abstained.

Correspondence was reviewed: Antelope Memorial Hospital Bond Refunding monthly statement; Fry Dairy LTD Concentrated Animal Feeding Operation Approval to Operate LWCF-Phase Ia letter from DEQ; Pipeline Emergency Safety Tactical Response on September 13, 2108 @ 5:30 PM; NACO fall workshop @ St. Benedict Retreat Center; Antelope County Jail Inspection compliance with Minimum Jail Standards met; Larry Dix, NACO Executive Director regarding Officer of NACO election; NMC parts credit break down.

Receipts: \$4,095.00 NMC Cat Refund.

Pledge Collateral review: \$250,000.00 FDIC insured and \$1,299,104.00 Pledged.

Liz Doerr, **Zoning Administrator** gave her regular meeting report. **Keystone XL Pipeline** reported they have a gentleman out on medical leave and his fill in has not been in contact with Antelope County Road Boss. They will table discussion until further notice. No action.

Road Boss Report:

Casey Dittrich requested clarification/specification on the various measurements and features regarding the current road access resolution. Items clarified include:

- **Road Access:** 26 feet right of way plus an apron width of 25 feet radius. Total 76 feet axis. Motion by Commissioner Henery, seconded by Commissioner Schwager to accept. Voting aye: Henery, Schwager, Jacob, Schindler and Kerkman. Nays none. Motion carried.
- **Distance from Intersection:** 100 feet from edge of right of way of intersecting road, 133 feet from center of intersection center. Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the distance from intersection. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.
- **Number of Accesses per mile:** the county will install one (1) access per half (½) mile (owner) at county expense. All other accesses (for same owner) will be at landowner/requestor expense. The county will pay and maintain one (1) 40-foot tube/culvert (if it takes that) anything greater than the 40 feet is at taxpayer/landowner expense. Site distance will need to be maintained on all accesses. Motion by Commissioner Schwager, seconded by Commissioner Henery to approve the access and placement. Voting aye: Schwager, Henery, Jacob, Schindler and Kerkman. Nays none. Motion carried.
- County will **maintain (establish and protect access) all residence access** (as per current practice). Motion by Commissioner Henery, seconded by Commissioner Schwager. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.
- Motion by Commissioner Schindler, seconded by Commissioner Schwager to **approve resolution with above access clarification**, with approval of county attorney. Voting aye: Schindler, Schwager, Jacob, Henery and Kerkman. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Henery, seconded by Commissioner Schwager to approve the application for permit submitted by Larry Funk to place a permanent Road access on 530th Avenue in the NW¼ Section 9-25-5 West of the 6th P.M., Antelope County, Nebraska. Larry Funk –tenant, and JDHI - owner. Access to a field. County Road Boss had no issues. Larry Funk will complete work. All work to be done according to County and State specs. Those voting aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried.
- **Access Permit:** Motion by Commissioner Schwager seconded by Commissioner Schindler to approve the application for permit submitted by Larry Funk to place a permanent Road access on 530th Avenue in the NE¼ Section 5-25-5 West of the 6th P.M., Antelope County, Nebraska. Larry Funk –tenant, and Pinnacle Bank/Osceola Co. - owner. Access to a field. County Road Boss had no issues. Larry Funk will complete work. All work to be done according to County and State specs. Those voting aye: Henery, Schindler, Jacob, Schwager and Kerkman. Nays none. Motion carried.
- **Access Permit:** Richard Uhrenholdt submitted an access permit for two (2) access on the same permit. At this time, he has paid for only one permit. Commissioners requested to table until the 2nd permit is paid for.
- ❖ **Oakdale City Lots/Blocks:** County Road Boss, Casey Dittrich met with the Oakdale Village Board regarding purchase of Parcel # 1376.00 Boyd's Addition Block 7 and Parcel # 1380.00 Boyd's Addition Block 10. As per motion made during the August 7th, 2018 board meeting, Casey proposed a lump sum of \$10,000.00 for both blocks. The Village Board seemed very receptive. Per the Village Board Attorney, it will take approximately 60 days to complete and compile appropriate paper work. The Village Attorney will contact the County Attorney to complete transactions. Casey asked about possibly having the county rent the property for \$1.00 in the meantime to continue to utilize the property immediately. Casey inspected the lots, he believes the 'tree block' could be beneficial and useful to the county.
- **\$200,000.00 Settlement of intersection work on 529th Avenue and 849th Road.** This intersection has been discussed and is/was included in the Road Use Agreement Update. Because Upstream utilized the road in its as in condition and the intersection did not need to be lowered as proposed. Further discussion on future maintenance of lowering the intersection, could be a headache with snow removal. Invenergy (Upstream) has proposed to give/donate \$200,000.00 to Antelope County Roads for use at Antelope County discretion. The \$200,000.00 is in exchange for Invenergy not doing the project. Proposed resolution was read. Motion by Commissioner Henery, seconded by Commissioner Schwager to accept proposed resolution regarding the acceptance of the

\$200,000.00 pending verification of the County Attorney. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

- ❖ **Road Use Agreement Amendment.** Marlin Conry brought a signed copy of the proposed RUA amendment. However, as discussed, the above intersection is included, and probably should be removed. It is located at the bottom of the first page and reads: '849th Rd. (500 feet west and 500 feet east of 529th Ave)'
Mr. Conry also discussed the \$2,500.00 fine initiated by Antelope County for Road Use Agreement violations. Currently, Invenergy has imposed 10 RUA violations. Invenergy had initiated this procedure to keep the contractors using the roads in the current road use agreement. The committee (Commissioners Henery and Kerkman, County Attorney Joe Abler and Road Boss Casey Dittrich) had discussed and agreed this was the correct action. Motion by Commissioner Henery, seconded by Commissioner Schwager to accept the Road Use Agreement Amendment with the 849th Rd. (500 feet west and 500 feet east of 529th Ave) crossed out. Voting aye: Henery, Schwager, Jacob, Schindler and Kerkman. Nays none. Motion carried.

Road Use Agreement:

**AMENDMENT TO ANTELOPE COUNTY ROADS USE
AGREEMENT UPSTREAM WIND ENERGY**

THE FOLLOWING IS AN AMENDMENT to the Antelope County Roads Use Agreement Upstream Wind Energy (the "Agreement"), and is hereby made and entered into as of this 14th day of August, 2018, between Antelope County, Nebraska (hereinafter referred to as the "County"), whose address is 501 Main Street, Neligh, Nebraska 68756, and Upstream Wind Energy, L.L.C., whose address is c/o Invenergy L.L.C., 1 S. Wacker Dr., Suite 1800, Chicago, IL 60606 (hereinafter referred to as "Developer").

WITNESSETH:

WHEREAS, the County and Developer have previously set forth their mutual promises and covenants in the Agreement, dated October 11, 2016, and previously updated or amended May 9, 2017. Both parties do hereby agree and consent that the following conditions should be made part of the Agreement and that this Amendment shall become part of the Agreement and its entirety consistent with paragraph twenty-six (26) of the Agreement;

WHEREAS, the County and Developer wish to set forth their current understanding and agreement as to the county roadway and highway use issues relating to the construction and operation of the Wind Farm Facility by the Developer in this Agreement.

NOW THEREFORE, in consideration of the mutual promises and covenants herein set forth, the parties, intending to be legally bound, agree as follows:

35. Developer and County agree the County roadways/highways utilized by the Developer during the construction of the Wind Farm Facility shall only be those as identified on the map attached as County Road Use Agreement Exhibit A (Upstream Wind Energy Project/Antelope County, Nebraska) with the noted addition of the following impacted roads, and pursuant to paragraph forty (40) of the Agreement:

856th Rd. (between 518th Ave. and 519th Ave.),

519th Ave. (between 856th Road proceeding approximately ½ mile south to join with 519th Ave. already in the Agreement),

519th Ave. (between 855th Rd. and 853rd Rd.),

522nd Ave. (approximately 2,000 feet north of 855th Rd. and 522nd Ave.),

527th Ave. (between Highway 275 and 850th Rd.),

528th Ave. (approximately 500 feet south of 855th Rd. and 528th Ave.),

~~**849th Rd.** (500 feet west and 500 feet east of 529th Ave.),~~

Old Highway 14. (1/4 mile south from intersection of Highway 14, known as 167 Spur)

36. Developer and County agree that in the event the Developer breaches this agreement by utilizing a road **not specifically listed or included** upon Exhibit A (Upstream Wind Energy Project/Antelope County, Nebraska) for purposes of the Work, utilizing any vehicle(s) or equipment(s) with a GVWR of 12,000 pounds or more, or any vehicle(s) with a combined 3 or more axles, the Developer will be assessed a penalty in the amount of \$2,500.00 for each occurrence.

37. Developer and County agree that in the event the Developer breaches this agreement by utilizing a road **not specifically listed or included** upon Exhibit A (Upstream Wind Energy Project/Antelope County, Nebraska) for purposes of the Work, utilizing any vehicle(s) or equipment(s) with a GVWR of 12,000 pounds or more, or any vehicle(s) with a combined 3 or more axles, and Damage to the road surface or any part of the county right of way occurs as a result, the Developer shall at its expense repair or restore, or cause to be repaired or restored, any damage(s) to roads caused by the use and breach, returning the roadway and any part of the county right of way to their original conditions as is reasonable. Developer and County acknowledge that roads subject to this provision are not subject to paragraph eight (8) of the Agreement, but the Developer will be liable for the repairs as is reasonable to insure safe travel by the general public. These repairs are to include damage specifically caused by construction activities associated with the Work whether such damage is caused by Developer, its successors or assigns and/or its employees, agents, contractors, subcontractors, material suppliers and/or their respective transport providers. "Damages" shall mean any degradation of the road(s) surface, subsurface, culverts, bridges, drainage tiles, drainage facilities and adjacent ditches. Any damage(s) caused to the extent that the County Road Superintendent review, services, and/or certifications are needed, Developer shall reimburse County for the reasonable costs of such County Road Superintendent review to the extent the County Road Superintendent's review is beyond normal review activities upon receipt of an itemized invoice, such invoice not to exceed \$5,000.00.

SIGNATURE(S) PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the day and year first written above.
Antelope County, Nebraska

By: LeRoy Kerkman
Chairman, Antelope County Board of Commissioners

ATTEST:

By: Lisa Payne
Antelope County Clerk

Upstream Wind Energy, L.L.C.

By: _____
Title: _____

Randall Pedersen, Antelope County Land Owner met with the Commissioners to discuss road maintenance and procedures. He was disappointed in actions taken by the road boss and the road department after a rain storm left four (4) inches of rain on July 18th, 2018. Mr. Pedersen lives along 520th Avenue between 864th and 865th Roads in northern Antelope County. He spoke for approximately 25 minutes and presented a list of concerns and ideas on 'how to run a successful business.' The meeting was attended by approximately 50 rural Antelope County residents. After Mr. Pedersen presented his concerns, Antelope County Road Boss, Casey Dittrich addressed Mr. Pedersen, the Commissioners, and the public. He shared some of the struggles, ideas and procedures currently in place with the Road Department. He explained and defended action taken by him in the maintenance of the county roads. The summer of 2018 was a bit different than most with the amount and timing of rains. Antelope County has been advertising for help most of the summer, and has little no response. Over the past two (2) years Casey has made great strides in personnel, accountability and projects. Personnel is slim compared to previous years, and there are various projects in place at this time: oil road repairs, maintaining, hole repairs, gravel, etc. Commissioner Charlie Henery spoke in favor of the various extra work Casey has completed in the last. There is a Plat Map designated priority level for snow removal.

Courthouse Security: In follow-up of last week meeting security discussion, Sheriff Moore had reached out to Ed Knott from Applied Connective Technologies regarding security camera placement throughout the courthouse. Sheriff Moore stated cameras were a big part of that discussion from the Commissioners. Shawn Kirby and Ed Knott, on short notice updated the proposal from 3 years ago (2015). Ed believes the bid is pretty close to the original bid. Currently, Applied Connectives works with Holt, Boone, Nance, Colfax Counties. It can be set up for sheriff dispatch to have access through their video surveillance. The current quote includes higher resolution cameras, more recording storage etc. There is a combination of indoor/outdoor cameras, there are 32 active camera views with 12 terabytes. (in comparison Holt County is about half full storing approximately 13 months' worth of activity. There are various settings that can be adjusted regarding service. This system would tack motion, and it would not be recording days of no action/activity. Indoor cameras will be a fixed lens – if they are intentionally hit, these are pretty stable. The outdoor cameras will have an approximate 110 degree down to 48 degree (varifocal lens) – they will be able to be adjusted. The four-sensor camera will be utilized on the parking lot. There is excellent detail. Outdoor cameras will be rated as such. All cameras inside and outside will be aesthetically pleasing. Pulling cables

throughout the building will be a three (3) to four (4) week process. Each camera will have its own cabling, with high resolution. The proposal is to have 24 cameras throughout the courthouse complex, the majority of the common areas should be under surveillance. The commissioner requested Ed and Shawn Kirby draw up a plan showing angles of camera shot/coverage. Sheriff Moore, asked the Commissioners to consider the remote access on the doors. In the future, the office doors will be locked for safety purposes. (This allows mouse clicking for unlocking doors during business hours, saving the employee for getting up and down to open office doors.) Ed confirmed the maintenance contract on this could be incorporated in to the IT contract, after it is upgraded. Follow-up will be next week.

Marlin Conry asked the board with the passing of the Amended Road Use Agreement does the **Notice of Violations** terminate. Discussion with the Zoning Administrator. Road Boss, Casey Dittrich voiced he saw no reason not to release. Further discussion, revealed no objections. Motion by Commissioner Henery, seconded by Commissioner Schwager to have Liz release Notice of Violations issued in June and July. Voting aye: Henery, Schwager, Schindler, Jacob and Kerkman. Nays none. Motion carried.

Road Boss Report: 851st Road and 513th Avenue – Commissioner Jacob wanted to discuss the future maintenance schedule of two (2) miles of 851st Road and 1 mile on 513th Avenue. He has been asked if the plan is to finish oiling the roads going west of clearwater (2) miles. The one (1) mile on 513th going up to Orchard. The 513 mile is not on the priority list now. If added it will be priority #15. **The Priority List** is as follows:

- #1. Copenhagen Road
- #2. East of Anhydrous Plant (east of Elgin)
- #3. 1.5 miles east of Million Dollar Corner
- #4. Clearwater Cemetery 2/10 of a mile
- #5. Two (2) miles of the Neligh-Pierce Road - ½ mile is Invenergy ½ mile we are hoping to piggy back off of that when they Hot Mix It.
- #6. ½ Mile on Royal Road (between Invenergy sections)
- #7. Clearwater to bridge SE of town ¾ mile stretch on 516th Avenue
- #8. Cemetery Road North of Neligh ½ mile (east side)
- #9 Clearwater (Hemenways to the 526th)
- #10. First Mile East of Elgin by substation
- #11. Brunswick Road 1st mile south of town
- #12. East Mile Oakdale Cut-across
- #13 South of Oakdale Cemetery to Tintern
- #14. 1 Mile on Grove Lake Road (Section 26 east – west road) Total of 14.2 Miles

So in short, the above agenda listed areas are not in the priority plan. This list is a work in action. Casey believes this is a manageable list.

The Possible back to Aggregate (Grind) List consists of:

- 2 miles of Brunswick Road
- 1 mile south of the Million Dollar Corner
- 1.5 mile going to the Million Dollar Corner by Shenshew
- Spieker Road (grinding now)
- 2 miles South of Elgin
- 1 West of Clearwater Cemetery
- And Elgin on the Zig Zag was just added (there are unsafe holes out there) Total is 7 miles before the Elgin ZigZag.

The grinder is kept busy, but there has been a number of issues, and we are averaging 30 hours a week. We are averaging a mile in 40 hours.

Zig Zag Road from Highway 275 to Highway 14 is all paved. There are two (2) half miles not in good repair.

There is an Asphalt list not discussed today.

Short discussion on Cold and Hot Mix Repairs. The Commissioners all agreed with Casey’s decision regarding the repairs planned. Brian McDonald has suggested the timeline is our hitch in getting hot mix contracts, it is not the condition of the road.

Copenhagen Road, East of Elgin, and Cemetery road – grinding- to keep it going. I the new plan.

One mile on the Orchard Road – drop off – should have something done. Possibly using a side dumper and spreading out the shoulders. This is not a deep roll-over type incident it is a tire off the road and no way to steer car back on.

Casey reported the vibrator packer is working great, and has been constantly on the go.

Budget items: current budge has 4-5 miles of cold mix and a \$1,000,000 hot mix budget item by squeezing the repair bill etc. He is preparing a single (District 8) budget. Things are shaping up well.

Antelope Country Club: The renewal notice for Antelope Country Club was published July 18th, 2018. No opposition was received by the County Clerk, and no opposition was in attendance today. Motion by Commissioner Henery, seconded by Commissioner Jacob to approve the Antelope Country Club Class C Liquor license. Voting aye: Henery, Jacob, Schindler, Schwager and Kerkman. Nays none. Motion carried.

Inventories: Official Inventories were presented. Due to time, no action taken today. Inventories will be on the agenda for August 21, 2018.

Township Claims: Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the township claims as presented. Total of \$12,467.53 to be paid as follows:

Emme Sand & Gravel	\$192.95	Logan Township	Hinrichsen Sand & Gravel	\$296.19	Frenchtown Township
	\$926.94	Lincoln Township			
	Total	\$1,119.89	Total	\$296.19	
Pollock Redi-Mix	\$1,302.49	Logan Township	Mitteis Gravel	\$346.56	Oakdale Township
	\$ 493.74	Oakdale Township		\$186.62	Royal Township
	\$ 931.08	Neligh Township		\$ 4,295.05	Sherman Township
	Total	\$2,727.31	Total	\$ 3,495.91	Verdigris Township
			Total	\$8,324.14	

Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried.

Motion by Commissioner Henery, seconded by Commissioner Schindler to approve the **Promotional Grant request of Neligh Mills Fall Festival (\$300.00)**. This request was approved by the Visitor Committee on August 8, 2018 prior to being presented to the Commissioners. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

12:15 PM Motion by Commissioner Schwager, seconded by Commissioner Henery to go into **executive session**. Voting aye: Schwager, Henery, Jacob, Schindler and Kerkman. Nays none. Motion carried. Met in executive session to discuss NIRMA safety reports on Antelope County Road Barns and NIRMA safety report on Antelope County Road Signs. In executive session till **1:00 PM**.

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

Meeting adjourned at 1:03 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
 Chairman of the Board, LeRoy Kerkman
 Attest: _____
 County Clerk, Lisa Payne