

December 11th, 2018
Antelope County Board of Commissioners
Neligh, Nebraska

The Antelope County Board of Commissioners convened in regular session on Tuesday, December 11th, 2018 at 8:34 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.

Payroll and Vendor Claims were reviewed.

9:14 AM Motion by Commissioner Schindler, seconded by Commissioner Henery to approve vendor claims as submitted. 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:

Coleen Heninger, election worker 209.25; Melvin Ahlers, prior service 24.00; Antelope County Court, county court costs 358.00; Antelope County District Court, district court costs 177.00; Appera, micro swipes, dust mops, textile maintenance, service charge 39.20; Applied Connective, installation of 26 camera surveillance system, 4GB memory for office computer 30,259.83; Gordon Baker, prior service 72.00; Kathleen Berg, election worker 144.88; Benita Beutler, election worker 139.50; Black Hills Energy, heating fuel 872.93; Norma Black, election worker 140.05; Bob Barker Co, hand cuffs, soft shell helmets 726.98; Bomgaars, tow style sweeper, corrosion inhibitor, forks, key blanks, mister, cut/crimp tool, connectors, terminals, plunger, muck tubs, refrigerant, oil, shop towels, nylon rope, oil filter, antifreeze, wheel cleaner, mouse traps, trash bags 660.87; Dean Brown, prior service 25.00; Carhart Lumber, key blanks 40.00; Gayle Carlson, election worker 202.65; Carney Law, court appointed attorney fees 3237.62; Ardith Carr, election worker, prior service 267.05; Casey's, fuel 691.74; Cash-Wa Dist, freezer bags 52.80; Neligh City, electricity, water, garbage, recycling 6657.31; Clearwater Record, notice of meetings, notice of public hearing, meeting proceedings/bills, 2018 audit report 122.80; Mildred Clemens, election worker 218.25; Rita Clifton, election worker 171.25; Council Holding Company of Elgin, KC Hall rental for election day 200.00; Cubby's, fuel 713.10; Das State, teletype, data processing 1023.68; Digital-Ally, chest camera, DVR w/ stand battery cover 390.00; Doerr & Klein, P.C., court appointed attorney fees 693.48; Douglas County Court, copies 2.00; Dugan Forms, tax statements 402.81; Judy Dyson, election worker 161.37; Eakes Office, disinfectant, ribbon, envelopes, sticky notes, correction ribbon 40.06; James Egley, attendance at mental health hearing 50.00; Election Systems & Software, printer ribbon, ballots 1592.25; Elgin Review, notice of public hearing, 2018 audit report, meeting proceedings, notice of meetings 54.11; Elite Office, monthly maintenance copier agreements, toner 336.61; Linda Evans, election worker 164.85; Susan Fields, election worker 185.70; Virginia Filsinger, election worker 150.40; Flenniken Electric, labor to fix outside plug, GFI, plug cover, connector, miscellaneous parts 129.09; Harlan Frazier, election worker 140.05; Frontier Communication, telephone service 2267.93; Darlene Good, election worker 142.77; Great Plains Communication, telephone service 460.19; Susan Green, election worker 165.73; Vicki Green, election worker 144.00; Diane Grosserode, election worker 151.63; Sharon Grubb, election worker 181.20; Shirley Gundenschwager, elections 164.50; Tessa Hain, achievement banquet supplies, hotel room for conference, conference fees 326.99; Darrell Hamilton, prior service 11.00. Carol Hanlin, election worker 209.25; Margaret Hensley, election worker 161.16; Jean Herley, election worker 177.93; Judy Hestekind, election worker 148.08; Hi-Way Mart, fuel 33.01; Max Hieter, prior service 36.00; Gay Hixson, election worker 135.55; Hometown Station, fuel 55.50; Nadene Hughes, prior service 14.00; Carolyn Johnson, election worker 135.00; Jeane Johnson, election worker 148.08; Patricia Kenaston, prior service 159.05; Barb Kiley, election worker 144.00; Karen Kinney, election worker 216.75; Lancaster County Sheriff, subpoena fees, mileage fees 36.58; Jolene Larson, election worker 76.50; Karen Leiding, election worker 171.25; Marjorie Lichty, election worker 140.05; Alice Lyons, election worker 141.14; Madison County District Court, 7th judicial district, filing and maintenance fee 50.00; Madison County Sheriff, mileage, return & service fees to service subpoena 27.78; Madison National Life, county matching 39.34; Darlene Mandl, election worker 155.85; Rose Martin, election worker 140.05; Elaine Meyers, election worker 161.16; Microfilm Imaging, monthly scanning equipment rent 87.00; Midwest Radar, radar calibration 280.00; Eleanor Rakow, election worker 155.85; MIPS, data processing 701.02; NACO, County Association Membership Dues 2264.40; NE Department Property Assessment, assessor examination fee 75.00; Nebraska Health & Human Services, mental health financial responsibility 186.00; Nebraska Sheriff's Association, 2019 NSA membership dues 120.00; Nebraska State Bar Association, 2019 dues 240.00; Nebraska Weed Control Association, 2019 dues 210.00; Neligh News, notice of meetings, meeting proceedings/bills, notice of public hearing, 2018 audit report 94.00; Nielsen Insurance, notary bond 70.00; North Central District Health Department, payment to Miles of Smiles dental program 1180.00; Lois North, election worker 218.61; Vicki Ofe, election worker 144.88; Office Depot, toner, desk tray 60.85; Valorie Olson, attendance at mental health hearing 50.00; Orchard News, yearly subscription 35.00; Orval's Auto, part and labor for oil change 89.50; Sheila Parks, election worker 322.30; Donna Payne, prior service 25.00; Joann Penne, election worker 148.15; Petty Cash (Co Dist Court), postage 100.00; Pinnacle Bank, soft scrub, cleaning eraser, broom w/dust pan, Rug Doctor, carpet cleaner, Mr. Clean, Lysol, Kleenex, disinfecting wipes, air freshener, toilet bowl cleaner, SOS pads 408.51; Pitney Bowes, postage 1131.90; Pitzer Digital, 2018 audit report, notice of meetings, public hearing, meeting proceedings 44.20; Donald Poulsen, prior service 72.00; Quill Corp, paper shredder, monitor wipes, sealer, rubber bands, fingertip moisturizer, highlighters, batteries, ruled pads 330.25; Ramada Inn, room charge 150.00; Chris Redding, election worker 135.00; Marilyn Reilly, election worker 135.00; Janice Ridder, prior service 40.00; Rubber Stamps, date stamper 52.69; Devon Schindler, custodial work 45.00; Marlene Schindler, election worker, blinds for treasurer's office 280.56; Rita Shabram, election worker 229.02; Vana Shenshaw, election worker 160.14; Caroline Siems, prior service, election worker 56.50; Simple Minds, Dell computer/monitor, HDMI cable 2436.48; Wex Bank (Sinclair), fuel 501.80; Melaine Smith, attendance at mental health hearing 50.00; Vida Sprout, election worker 161.16; State Auditor of Nebraska, 2017-2018 fiscal year audit 14,113.80; Caryl Ann Storm, election worker 140.59; Judy Stout, election worker 151.35; Ryan Stover, attendance at mental health hearing 75.00; Barbara Stuckwisch, election worker 155.85; Barbara Tichota, election worker 152.58; Tilden Citizen, early voting application, voter registration requirements, sample ballots 598.00; Jolene Timm, election worker 149.31; Donna Uhrenholdt, election worker 162.25; Uline Supply, blower fans 628.04; UNL Its Communication, internet for iPad 91.04; Us Cellular, telephone service 361.36; Patty Van Ert, election worker 140.05; Verizon Wireless, telephone service 82.11; Donald Weinman, election worker 140.05; Kathleen Weinrich, election worker 176.70; Bonita Welke, prior service 22.00; James Wilcox, prior service 72.00; David Willats, prior service 12.00; Willie's Service, labor and parts for oil change and brake repair 350.12; Gail Wortman, election worker 158.65; 319 Graphics & T'S, polos for jail workers 71.96; Dollar General, brown sugar, bleach 43.40; Antelope Co Treasurer, transfer to Road & Bridge 100.00.00.

Road & Bridge Fund: Atco International, 132.75; B's Enterprises, grader blades 2662.50; Bazile Aggregate, road gravel 2380.00; Black Hills Energy, heating fuel 416.27; Bomgaars, floor dry, tarp strap, sawzall blades, caulk, deicer, tow chain, nylon ties, clamp, bulk bolts, butane cylinder, automotive wire, torch kit, spout, core, replacement cutter, extension cords, diesel fuel supplement, fuel transfer hose, clevis, bolts, antifreeze, Windex, textured gloves, lighter, goggles, eyewear, marker, gloves, respirator, welding jacket, shop towel, mounting assemblies, emblems, bathroom tissue, dish soap, fasteners, duct tape, oil filter, electrical tape, antifreeze 968.57; Carquest of Neligh, shop towels, diesel additive, latitude, hydraulic hose, fitting, tow strap 598.11; Casey's, fuel 176.57; Tilden City, garbage, sewer, water 68.05; Cross Dillon Tire, tires 10500.00; Cubby's, fuel 274.91; Elkhorn Rural Public Power District, electricity 541.00; Emme Sand, rock, gravel 12,088.53; Farmer's Pride, fuel 16763.08; Frontier Communication, telephone service 383.09; Great Plains Communication, telephone service 264.82; Green Line Equipment, filter elements, nuts, screw caps, plug, filter kit, bulk hose, hose fitting, HY-Gard, diesel exhaust fluid, equipment rental, washer O-ring 2508.26; Heartland Hydraulics, wiper, U-seal, piston seal, O-ring, backup seal, labor 34.85; Hometown Station, fuel 890.57; Island Welding, oxygen, acetylene 184.14; Joel Sinclair, crushed concrete 1685.11; JEO Consulting, general engineering fees 12,117.00; Jonny Dodge, replace gear shift bracket, replace TIMP, replace fuel pump, labor 470.88; Kayton International, seal kit, Bobcat rentals 6570.85; Lawson Products, gloves 18.97; Lichtenberg Tire, service call, miscellaneous shop supplies, valve stem, O-ring, mount/dismount, tires, tire disposal fee, Nebraska tire fee, flat repair, plug patch, labor 2110.98; Madison National Life, county matching 21.70; Matteo Sand, crushed concrete, road gravel 6870.13; Mitteis Gravel, road gravel 7171.77; NACO, cobra premium, cobra administration fee 926.34; Nebraska Public Power District, electricity 224.19; Neligh Auto, towels, battery, diesel fuel additive, adapter, wrench, mud flap, misc. parts, clamp, coupler, floor dry, slip plate spray, oil stabilizer, power steering supplement, starter fluid, oil filter, glass cleaner 867.34; Netcom, radio repair 280.00; North Central Public Power District, electricity 221.24; Northeast Glass, tinted safety glass 170.00; Northeast Nebraska Telephone, telephone service 102.89; Orval's Auto, repair A/C 75.00; Pollock Redi Mix, mud rock 222.20; Powerplan, hoses, freight 239.42; Precision Repair, test voltage & alternator 30.00; Quality Iron, strips, angles, oxygen regulator 128.50; Quick Serve, fuel 312.91; Road Builders, equipment repair 13,914.28; Royal One Stop, fuel 432.15; Ryan's Truck, union, antifreeze 14.04; Sanne Service, labor to repair DPF system 120.00; Sapp Bros, fuel 2226.33; Monte Shabram, CDL reimbursement 57.50; T-J'S Corner, bug spray, easy out spray 23.58; Three & Co Baking, assorted rolls 20.00; Tinsley Grain, white rock, red rock 5801.10; Verizon, telephone service 108.18; Brunswick Village, water, sewer, trash 46.50; Clearwater Village, water, sewer, trash 66.50; Zee Medical, antiseptic spray, elastic strips, bandages, pain-aid, IBU tabs, antacids, hydrocortisone cream, clean/safe towels 123.55.

Register of Deeds Fund: MIPS, data processing 309.90.

Law Enforcement Fund: Boyd's Network, service to change service providers from Frontier to Great Plains 1227.84; Buffalo County Sheriff, inmate boarding & medications 1406.01; Bulletproof, active shooter response shield 2250.00; Cash-Wa Dist, seasoning salt, salt, flour, sugar, milk, food storage containers, toilet paper, cabbage slaw, biscuit dough, pork patties, chicken breast patties, garlic, chili powder, beans, peaches, pineapple, mandarin oranges, pear slices, applesauce, salad dressing, Mayo, BBQ Sauce, corn oil, gelatin, pudding, yeast, oatmeal, portion paper, chicken leg quarters, ground beef, pork loin, cheese slices, tater tots, broccoli, burger patties, turkey ends/pieces, juice 3689.01; Culligan of Norfolk, water cooler & refills 48.25; Danko Equipment, light bar for Durango 2545.00; Traci Kuhl, vending machine 400.00; Nebraska Bean, great northern beans, pinto beans 24.00; Neligh Flower Shop, memorial plaque 61.00; Pinnacle Bank, pizza 69.95; Dollar General, urinary tract relief, toothache relief, cough drops, cold/flu medicine, sinus relief 49.70.

Commissary Fund: Applied Connective Technologies, TV and sound bar for library, installation 3551.96; Bob Barker, under garments, sheets, ankle socks, antiperspirant, all-in-one wash, toothpaste, comb, razor, toothbrushes 1501.92; Cash-Wa, candy, ice cream, popcorn 1168.23; Combined Public Communications, phone cards 900.00; Keefe Supply, chips, candy 506.64; Pinnacle Bank, toaster pastries, popcorn, crackers, melatonin, shampoo/conditioner, envelopes, Carmex, soap, deodorant, bibles, readers, filler paper, composition books, coloring books, foil, activity books, body wash, toothbrushes, toothpaste, flossers, chicken tenders, potato wedges, pizza slice, books 717.32; Dollar General, coffee 36.00.

General Payroll: 91,381.54; AFLAC, insurance 1053.60; Ameritas, retirement 14,017.01; BC/BS, insurance 60,961.14; Garnishment, 1753.75; Colonial Life, insurance 58.25; Federal Withholding, 9249.35; 1st Concord Benefits, insurance 1062.49; Liberty National, insurance 39.17; Madison National Life, insurance 37.53; State Tax, 3769.42; NACO - VSP, insurance 456.39; Social Security, 18,527.66; Washington National, insurance 866.28.

Road & Bridge Payroll: 51,767.45; AFLAC, insurance 214.63; Ameritas, retirement 7375.43; BS/BS, insurance 31,390.94; Colonial Life, insurance 18.00; Garnishment, 364.23; Federal Withholding, 4592.35; 1st Concord Benefits, insurance 345.83; Liberty National, insurance 70.92; Madison National Life, insurance 35.95; State Tax, 1822.16; NACO VSP, insurance 188.95; Social Security, ex 10,207.92; Washington National, insurance 302.80.

Ed Schindler /s/12-11-2018
Jerald Schwager /s/12-11-2018
Charles Henery /s/ 12-11-2018

Motion by Commissioner Schwager, seconded by Commissioner Henery to pay payroll claims except Charlie Henery's Road and Bridge Payroll and Commissioner claims. Voting aye: Schwager, Henery and Kerkman. Nays none. Schindler and Jacob abstain. Motion carried.

Motion by Commissioner Schwager, seconded by Commissioner Schindler to pay payroll Charlie Henery Road and Bridge Payroll and Commissioner claims. Voting aye: Schwager, Schindler, Jacob and Kerkman. Nays none. Henery abstain. Motion carried.

Pledge Collateral was reviewed: \$1,275,725.00 Pledged Collateral plus \$250,000.00 FDIC insured. It was discussed to release \$750,000.00 approximately this afternoon as winter months are not as costly as the warmer months.

Correspondence was reviewed: NIRMA Safety Shorts; Union Bank and Trust Antelope Memorial Hospital Bond Refinancing Statement-November; Berggren Architects luncheon on Thursday, December 13th, 2018 NACO Conference; Retirement Appreciation Reception; Holiday Greetings Kinnan Construction;

Receipts: \$677.06 Northeast Nebraska Telephone Company – cost reimbursement

Clerk of the District Court November Fee Report was reviewed and put on file.

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

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

Certification of **County Highway Superintendent**. Motion by Commissioner Schindler, seconded by Commissioner Henery to appoint Brian McDonald, of JEO Consulting Group as the Highway Superintendent for 2019. The certifications for the current year (2018) will be completed, showing Mr. McDonald's appointment for the entire year. Voting aye: Schindler, Henery, Schwager, Jacob and Kerkman. Nays none. Motion carried.

2019 County Newspaper Appointment. Discussion of the four (4) county owned newspapers. Currently, the clerk is making a list of current charges to do a comparison. The Commissioners suggested to postpone the decision until the comparison spreadsheet is complete. No action. It will be on January 2, 2019 agenda.

Board of Equalization 9:34 AM Motion by Commissioner Henery, seconded by Commissioner Jacob to enter into Board of Equalization. Voting aye: Henery, Jacob, Schwager, Schindler and Kerkman. Nays none. Motion carried. Met for approximately four (4) minutes. Motion by Commissioner Schindler, seconded by Commissioner Henery to go out of Board of Equalization, and back to regular session. Voting aye: Schindler, Henery, Schwager, Jacob and Kerkman. Nays none. Motion carried.

Health and Human Services Ceiling is in disrepair with discoloration and deterioration. Eddie Schindler, maintenance asked the building committee to look at it last week. Discussion today was to proceed by getting bids for repairs. Eddie will call for bids.

'Old Tower' recent discussion with the City of Neligh (Dean Bly, City Superintendent and Dana Klabenes, City Clerk) regarding the 'old communication tower' showed that discussion before and during the construction of the 'new tower' over the previous year was to give the 'old tower' to the City of Neligh. The deconstruction of the tower was going to be costly, and the city has a use for the tower. City Attorney, Joe McNally prepared a Bill of Sale for the change of ownership on the tower. Motion by Henery, seconded by Commissioner Jacob to authorize the change of ownership to the City of Neligh and authorization for the Chairman to sign same Bill of Sale. Voting aye: Henery, Jacob, Schwager, Schindler and Kerkman. Nays none. Motion carried.

18-12-00007

BILL OF SALE

FOR AND IN CONSIDERATION of the sum of One-dollar and other good and valuable consideration, Antelope County, Nebraska, hereby sells, assigns and transfers absolutely to the City of Neligh, Nebraska, a Municipal Corporation, the following:

One communications tower, approximately 100 feet tall, and previously used by Antelope County as a radio communications tower and referred to as the "old tower", situated upon City of Neligh property adjacent to and Southwest of the City of Neligh municipal water tank and Southeast of the "new tower" erected by Antelope County as a replacement.

Dated this ____ day of December, 2018.

ANTELOPE COUNTY

_____/s/ LeRoy Kerkman _____

ATTEST: Chairman of the Board

_____/s/ Lisa Payne _____ seal

County Clerk

1 BILLSALE/ANT CNTY TOWER 12.18

Zoning Administration Report: Planning and Zoning Board and the Board of Adjustments both have three (3) terms that are expiring in December 2018 and up for renewal. Planning Commission Dave Miller, Kurt Rakow, Ron Thiele terms are up. All three (3) have agreed to serve another term. Motion by Commissioner Schindler, seconded by Commissioner Jacob to appoint Dave Miller, Kurt Rakow and Ron Thiele for another three (3) year term. Voting aye: Schindler, Jacob, Schwager, Henery and Kerkman. Nays none. Motion carried.

On the Board of Adjustments Duaine Brandt and Rick Penne (alternate) and Derek Zuhlke terms are up. Derek Zuhlke has agreed to serve another term, Duaine Brandt and Rick Penne both have stated they do not want to serve another term. LeRoy Kerkman and Neil Williby have both agreed to serve on the board. Neil said he would be happy with the alternate term. Board of Adjustments has to have five (5) members present at each 530Schwager to re-appoint Derek Zuhlke for a three (3) year term. Voting aye: Schwager, Henery, Schindler, Jacob and Kerkman. Nays none. Motion carried. Motion by Commissioner Schwager, seconded by Commissioner Schindler to approve the appointment of Neil Williby as alternate to the Board of Adjustments. Voting aye: Schwager, Schindler, Jacob, Henery and Kerkman. Nays none. Motion carried. Motion by Commissioner Henery, seconded by Commissioner Schwager to appoint LeRoy Kerkman to a three (3) year term to the Board of Adjustments. Voting aye: Henery, Schwager, Schindler, Jacob. Nays none. Kerkman abstained. Motion carried.

Subdivision Approval: Terry Frey presented an 8.08acre plot where there are buildings. The owner would like to separate the building site from the rest of the quarter. Driveway access is there. Brothers will work out easements. No issues. Liz voiced no opposition. Motion by Commissioner Henery seconded by Commissioner Jacob to accept the subdivision per plat. Voting aye: Henery, Jacob, Schwager, Schindler and Kerkman. Nays none. Motion carried.

Road Boss Report: Invenergy presented **28 underground permits** for approval. These bores have all been completed, however the paper work had not been filed. Marlin Conry, Invenergy Road Foreman spoke with Casey Dittrich regarding same, and wanted to get these permits on record to show completeness. Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the underground permits. The permits are to run electrical collection system for Upstream Wind Farm. 853rd Road between NE¼ 31-26-5 and E½SW¼ 30-26-5; 854th Road between NE¼S½ 24-26-6

and NW¼ 25-26-6; 528th Avenue, between NW¼ 30-26-5 and NE¼ 25-26-6; 528th Avenue between N½NW¼ 19-26-5 and NE¼S½ 24-26-6; 529th Avenue, between NW¼ 5-25-5 and NE¼ 6-25-5; 531st Avenue N½NE¼ 4-25-5 and W½ 3-25-5; 530th Avenue, between SE¼ 5-25-5 and S½NE¼ 4-25-5; 852nd Road, between W½ 3-25-5 and 34-26-5 (all); 529th Avenue, between N½ 8-25-5 and N½NE¼ 7-25-5; 531st Avenue between NW¼ 10-25-5 and NE¼ 9-25-5; 530th Avenue, between NW¼ 9-25-5 and N½ 8-25-5; 528th Avenue, between S½ 6-25-5 and SE¼ 1-25-6; 850th Road, between SW¼ 12-25-6 and W½ 13-25-6; 849th Road, between SE¼ 13-25-6 and NE¼ 24-25-6; 528th Avenue, between SW¼ 18-25-5 and SE¼ 13-25-6; 844th Road between SW¼ 18-25-5 and NW¼ 19-25-5; 529th Avenue, between SE¼ 18-25-5 and W½NW¼ 17-25-5; 528th Avenue, between NW¼ 6-25-5 and NE¼ 1-25-6; 530th Avenue, between SE¼ 17-25-5 and SW¼ 16-25-5; 527th Avenue, between W½ 1-25-6 and N½ 2-25-6; 526th Avenue, between N½ 2-25-6 and NE¼ 3-25-6; 519th Avenue, between NE¼ 28-26-7 and W½NW¼ 27-26-7; 855th Road, between SE¼NE½ 15-26-7 and E½NE¼ 22-26-7; 519th Avenue, between SE¼ 16-26-7 and SW¼NE¼ 15-26-7; 519th Avenue, between NW¼ 15-26-7 and S½NE¼ 16-26-7; 855th Road, between SE¼ 14-26-7 and NE¼ 23-26-7; and 853rd Road, between 27-26-6 (all) and NE¼ 34-26-7. All boring is to be/was done to county and state specs. Voting aye: Schwager, Jacob, Schindler, Henery and Kerkman. Nays none. Motion carried.

Road and Bridge Employee start of work week: During recent severe weather it was noted the Road and Bridge work week start on Monday poses a huge overtime threat if such severe weather falls on a weekend. Road Boss Dittrich asked about changing work week starting on Friday, so he can judge better, whether the employees will get there hours in, to help facilitate the use of compensatory time. Discussion was positive with the Board. Joe Ablor, County Attorney warned this may be a morale buster with current employees. Pam Bourne (NIRMA Employment Attorney) did not see a problem with this, short of the morale issue. Discussion of work change from the current Board and newly elected Board no opposition was noted. Motion by Commissioner Jacob, seconded by Commissioner Schindler to approve and sign resolution. Discussion of the Board members also being current Road and Bridge Employees. Commissioner Jacob, seconded by Commissioner Schindler to rescind motion. Motion by Commissioner Schindler, seconded by Commissioner Schwager to approve resolution and authorize Chairman to sign. Voting aye: Schindler, Schwager, and Kerkman. Nays none. Jacob and Henery abstain. Motion carried.

Work Week Beginning Times
Resolution # 2018-12-0008
Antelope County

WHEREAS, Antelope County Board of Commissioners is authorized, pursuant to Neb. Rev. Stat. 48-1228 through 48-1234, to perform all acts in relation to the concerns of the County necessary to exercise its corporate power, including the establishment of pay periods and calculation of payroll hours and overtime hours for all County employees.

WHEREAS, the current Antelope County Employee Handbook lists the work week as starting at 12:01 AM on Monday, and ending at 12:00 Midnight on Sunday for Road and Bridge Employees.

WHEREAS, the Antelope County Board of Commissioners has determined that it is in the best interest of Antelope County and the employees of Antelope County that the payroll week for all Antelope County Road and Bridge Employees begin Saturday at 12:01 AM for the purpose of computing work hours and overtime hours.

WHEREAS, it is the intention of the Antelope County Commissioners to establish work weeks for all employees; and in the best interest of the employees, the County and payroll practices to establish consistent work weeks. In order to establish a constant work week for all employees, it is the intention to remain a work week beginning at 12:01 AM on Monday and end at 12:00 Midnight on Sunday as current and consistent on all other Antelope County Employees; and establish the work week for Antelope County Road and Bridge Employees to change to 12:01 AM on Saturday, and end at 12:00 Midnight on Friday.

THEREFORE, THE ANTELOPE COUNTY BOARD OF COMMISSIONERS RESOLVES that the work week for all Antelope County employees be established as beginning on Monday at 12:01 AM and ending at 12:00 Midnight on Sunday, and to change the Antelope County Road and Bridge Employees work week to begin on Saturday at 12:01 AM and end at 12:00 Midnight on Friday.

This shall be effective the 1st day of January 2019.

DATED: This 11th day of December 2018.

_____/s/ LeRoy Kerkman _____

_____/s/ Lisa Payne _____

LeRoy Kerkman, Chairman of County Board

Lisa Payne, Antelope County Clerk

Motion by Commissioner _Schindler_, seconded by Commissioner _Schwager_, to approve.

Voting aye: Schindler, Schwager, Jacob, Henery and Kerkman__

Voting nay: ____00 _____

Abstaining: ____00 _____

Josh Framel met with the Commissioners and presented a **Thunderhead Road Use Agreement** to start conversation regarding same. This road use agreement was not shared with Antelope County until 4:30PM Monday night. Commissioners, Road Boss and County Attorney needs to have time to review. No action was taken today.

Thunderhead Decommissioning MOU: No action. Same as Road Use Agreement above.

Thunderhead Conditional Use Permit Resolution: A lengthy discussion regarding the conditions in the resolution which was added to #11 A as per the Thunderhead Conditional Use Permit after the Public Hearing. The verbiage as presented by County Attorney, Joe Ablor reads – A Roads Use Agreement and Decommissioning Plan shall be approved by the County Board. The Roads Use Agreement shall include the implementation of a special monetary assessment (i.e. \$2,500.00/per mile, per day) to be assessed by the County Board against the Applicant its assigns or heirs, and/or its agents or subcontractors to offset damages to the roads under the Roads Use Agreement as a result of the Applicants, its assigns or heirs, and/or its agents or subcontractors breach of any provision of the Roads Use Agreement. Road Boss, Casey Dittrich requested we make sure we are not putting the cart before the horse and when it comes down to the nuts and bolts, we can all be on the same page, and not limit Antelope County options for negotiations in the Road Use Agreement. He felt the current condition limits the possibility and options for Antelope County. Addressing the Road Use Agreement at this time, seems to be out of sequence. County Attorney, Joe Ablor reminded the Commissioners the resolution was basically passed and the intention was to include the ‘special assessment’ verbiage in the conditions. Leverage is in the negotiations, in the end the RUA, and the conditions of the resolutions all have to be met before any construction can begin. At this point, it is not an option to not approve the resolution included in last weeks motion. It was assured the verbiage in the condition is not a definite, but a starting point in Road Use Agreement negotiations. Motion by Commissioner Schwager, seconded by Commissioner Jacob to approve the Thunderhead Conditional Use Permit as presented last week with changes to the date of the hearing, changing date for two (2) years for completion, and adding the ‘special assessment’ verbiage above. Voting aye: Schwager, Jacob, Schindler, Henery. Nays none. Kerkman abstain. Motion carried.

ANTELOPE COUNTY COMMISSIONERS
Thunderhead Wind Energy Conditional Use Permit
RESOLUTION #2018-12-0009

WHEREAS, the duly appointed Planning Commission of Antelope County, Nebraska, has given public notice as required by the Nebraska State Statutes, of a hearing held on the 23rd day of October, 2018, at the Antelope County Courthouse on the Conditional Use Permit application #CUP1802 from Thunderhead Wind Energy LLC for up to 137 wind turbines and will total no more than 300 MW of capacity located in Stanton, Elgin, Ord, Clearwater, Lincoln, and Logan Townships in Antelope County, Nebraska; and

WHEREAS, the public hearing has been held pursuant to said notice and all statements received at the hearing have been duly considered by the Planning Commission;

WHEREAS the Antelope County Planning Commission has reviewed the application and make recommendation to the Antelope County Board of Commissioners for approval with conditions;

AND WHEREAS the Antelope County Board of Commissioners has given public notice as required by the Nebraska State Statutes, of a hearing held on the 4th day of December, 2018, at the Antelope County Courthouse in Neligh, Nebraska;

THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF COMMISSIONERS, THAT THE THUNDERHEAD WIND ENERGY LLC CONDITIONAL USE PERMIT #CUP1802 BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. This Conditional Use Permit shall run with the land. The ownership of the land and the identity of the developer and operator of the Use shall not affect the right to conduct the Use in accordance with this Conditional Use Permit. In the event the Project is constructed in phases, Thunderhead may submit notice to Antelope County detailing the project company which will own that phase and the size of each Project phase.
2. Except where necessary, equipment used for Project construction will be located outside of the County Road Right-of-Way so as not to present a public safety hazard. Where it is necessary for equipment to be located within the County Road Right-of-Way, it will only be for such minimal period of time as necessary, and the Project will remove such equipment and materials from the Road Right-of-Way as soon as work within the Road Right-of-Way is complete.
3. The Conditional Use Permit shall permit the Use on the parcels as identified on Exhibit B Participating Landowner List. Upon the filing of a memorandum with the Antelope County register of deeds documenting a lease on new land which is within the Project Area but not currently under

lease, the Conditional Use Permit shall be automatically amended to apply to such property and the updated Participating Landowners List shall be supplied to the Zoning Administrator.

4. Section 8.08.05 of the Antelope County Zoning Regulations as amended in March of 2018 shall constitute the setback requirements applicable to the Project. Any applicable property line setback does not apply when adjoining properties are within the Project Area and also under lease or other agreement with the subject landowner, including additional land recorded with the register of deeds added within the project area, as described in the proposed Condition #3.
5. Turbines shall not move more than 900 feet in any direction from the specific proposed location in Exhibit A and shall be sited on parcels identified in the Participating Landowner List (See Condition #3.) All County zoning setbacks and conditions of this permit will apply and must be met in order to place turbines on the Property. To the extent the Project needs to build any Tower/Wind Turbine as part of this Wind Energy Conversion System that is outside the 900 feet from any specific proposed Tower/Wind Turbine location set forth in Exhibit A, the Project will be required to seek separate authorization from the County in the form of a permit amendment for that Tower(s)/Wind Turbine(s), by following the notice requirements of Section 5.03-2 of the County's zoning regulations, as applicable.
6. All turbines will be installed with a Winter Ice Operation Mode (WIOM) control algorithm for the Turbine Control Software and will thusly meet the requirement for reduced setbacks in section 8.08.05.
7. All turbines shall adhere to the Special Safety and Design Standards in Section 8.08.06
8. To the extent any non-participating landowner within the Project Area intends to build a new dwelling unit within the 2400-foot setback or 3500-foot Clustered limitation required by Section 8.08.04 and 8.08.05 of the zoning regulations, the Project agrees not to object to the landowner obtaining a Zoning Permit from the County for said dwelling. To the extent that such dwelling unit is built within the setback, the Project will be deemed in compliance with the Commercial/Utility WECS regulations.
9. Thunderhead shall be allowed to cross or run parallel to any County Roads within the Project Area utilizing the Road Right-of-Way wherever necessary for the Project's ancillary facilities, including aerial construction or burial of components of the electrical collection and fiber-optic system (including overhang or line-sway of aerial lines located on adjacent private property), provided such crossing or use of Road Right-of-Way shall be in compliance with Antelope County's Criteria for Permit to Use Road Right-of-Way and appropriate County Permits are acquired.
10. Zoning Permits shall be issued for each individual turbine, approved in this Conditional Use Permit, on or before December 11th, 2020. It is further understood that each Zoning Permit shall expire two years from the date of issuance if said turbine is not constructed.
11. Prior to issuance of Zoning Permits for construction of turbines:
 - a. A Roads Use Agreement and Decommissioning Plan shall be approved by the County Board. The Roads Use Agreement shall include the implementation of a special monetary assessment (i.e. \$2,500.00/per mile, per day) to be assessed by the County Board against the Applicant its assigns or heirs, and/or its agents or subcontractors to offset damages to the roads under the Roads Use Agreement as a result of the Applicants, its assigns or heirs, and/or its agents or subcontractors breach of any provision of the Roads Use Agreement.
 - b. A final site plan will be required to be submitted to the Zoning Administrator in order to demonstrate compliance with the clustering requirement in Section 8.08.04 #5 of the Zoning Regulations and Condition #5.
 - c. The Planning Commission shall review the final site plan before zoning permits are issued. This review will not be done at a public hearing.
 - d. Any environmental permits required by law to be in place prior to commencement of construction shall be obtained, and copies will be provided to the Zoning Administrator.
 - e. Applicable Driveway Permits, shall be approved by the County Board.
 - f. Thunderhead shall provide exact final global positioning system locations to the Zoning Administrator and the County Assessor for each Tower/Turbine
 - g. A detailed site plan shall be submitted for individual towers and meteorological towers showing that said tower(s) complies with all applicable setbacks.
 - h. An acoustical analysis showing that the noise regulations can be met, notice to the National Telecommunication and Information Administration (NTIA), and FAA Determination of No Hazard shall be provided.
 - i. A \$500 fee for each individual turbine's Zoning Permit shall be paid.
12. Signs shall be posted at the Right-of-Way of each driveway for access to the towers giving the tower numbers, address, and Project name.
13. Within 24 months of completion of any phase of the Wind Energy Conversion System, the Project will be required to perform a sound analysis demonstrating the Project is following Section 8.08.06-13 of the County's zoning regulations.

Adopted this 11th day of December, 2018 at Neligh, Antelope County, Nebraska.

Commissioner: Schwager Commissioner: Jacob
Moved to adopt said Resolution 2nd to the Motion to adopt said Resolution
Roll Call: 4 Yea 0 Nay Kerkman (1) Abstain
Resolution adopted, signed and billed as adopted.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

<u> /s/ </u> Jerald Schwager _____ Jerald Schwager, Dist. #1, Chairman,	<u> /s/ </u> Eli Jacob _____ Eli Jacobs, Dist. #2
<u> /s/ </u> Edmund Schindler _____ Edmund Schindler, Dist. #3	<u> /s/ </u> Charlie Henery _____ Charles Henery, Dist. #4
<u> /s/ </u> LeRoy Kerkman _____ LeRoy Kerkman, Dist. #5, Chairman	ATTEST:
<u> /s/ </u> Lisa Payne _____ Lisa Payne, Antelope County Clerk	

11:01 Motion by Commissioner Henery, seconded by Commissioner Schindler to recess, for Employee Christmas Dinner in basement. Voting aye: Henery, Schindler, Schwager, Jacob and Kerkman. Nays none. Motion carried.

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

Meeting adjourned at 12:22 PM.

ANTELOPE COUNTY BOARD OF COMMISSIONERS

By: _____
Chairman of the Board, LeRoy Kerkman

Attest: _____
County Clerk, Lisa Payne