

April 5, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, March 8, 2016 at 9:00 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Koinzan, Henery, Bolling, Williby and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

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

2 Warrants signed for Payroll.

County Clerk discussed with the supervisors regarding gravel bids. Bazile Aggregate had submitted a gravel bid, however, it was not marked and was missed during opening. Emme Gravel, O'Neill, Nebraska had submitted an open dated bid last year, and thought it would carry through this year. During the Bid Process, all gravel bids were accepted. It was agreed these should be included as accepted.

At 9:04 AM, Supervisor Kerkman makes a motion to go into Executive Session. Motion is seconded by Supervisor Henery. Room is cleared and a sweep of the room is completed. Executive Session begins at 9:06 AM. Executive Session ends at 9:23 AM, back to regular meeting.

Discussion of Lazy Horseshoe Ranch invoice. County Attorney advised the board regarding the invoice submitted by Lazy Horseshoe Ranch, as no service was actually performed or contracted. As such no payment should be authorized. Motion was made by Supervisor Koinzan to deny Lazy Horseshoe Ranch Invoice for \$53,176.89 as not a valid invoice because no service was performed or contracted. Motion was seconded by Supervisor Henery. Voting aye: Koinzan, Henery, Williby, Kerkman, Bolling, Schindler, and Henery. Nays none. Motion carried.

Invenergy and Antelope County have been in negotiations about 839th Road and 527th Avenue and maintenance issue. Invenergy has agreed to reimburse the county for maintenance of these roads in Antelope County because both were well traveled by Invenergy in their construction endeavors. An estimate of repairing 839th Road was in the range of \$291,000.00. Invenergy proposed a donation of \$300,000.00 and Antelope County assuming repairs and maintenance of the roads. Antelope County Attorney, Joe Abler, research and proposed a resolution for the donation and assumption of roads. Motion was made by Supervisor Bolling, seconded by Supervisor Koinzan to accept the resolution as written and prepared by Mr. Abler, with no changes. Voting aye: Bolling, Koinzan, Williby, Kerkman, Henery, Schindler and Schwager. Nays none. Motion carried.

RESOLUTION NO. 2016-_____

ANTELOPE COUNTY, NEBRASKA, BOARD OF SUPERVISORS

WHEREAS, Antelope County, Nebraska ("the County") and Invenergy (d.b.a. Prairie Breeze Wind Energy II, L.L.C. ("PB II") and Prairie Breeze Wind Energy III, L.L.C. ("PB III")) all agreed and entered into the terms and conditions of the "County Roads Agreement", dated and signed February 10, 2015, and as subsequently amended by the "First Amendment and Joinder" and "Second Amendment to County Roads Agreement", and further mutually adopted as the "Amended County Roads Agreement" ("The Agreement");

WHEREAS, this Board during its regular meetings in December, 2015 and January 5, 2016 meeting, heard discussions and proposals regarding road maintenance upon 527th Ave. and 839th Road in Antelope County, Nebraska pursuant to the Agreement (as amended) with Invenergy. The Board was advised by Mr. Conry of Invenergy, that both roads were well used by Invenergy equipment in connection with the Prairie Breeze projects and admitted that both were in need of repair pursuant to the Agreement. Mr. Conry also presented an estimate in the amount of \$291,745.00 (Two-Hundred, Ninety-One Thousand, Seven-Hundred, Forty-Five and 00/100s dollars) for the repairs to the roads which was prepared by Constructors Inc., of Lincoln, Nebraska. The Board was further advised by Antelope County Highway Superintendent, Brian McDonald, that his prepared estimate was near the \$200,000.00 (Two-Hundred Thousand and 00/100s dollars) range for making needed repairs to 527th Ave. and 839th Rd. Mr. Conry informed the Board that Invenergy was proposing the donation/payment of \$300,000.00 (Three-Hundred Thousand and 00/100s dollars) to Antelope County, Nebraska, for its designation and use to make repairs to 527th Ave. and 839th Rd. on its own or by contract with third parties, rather than Invenergy.

WHEREAS, the Board discussed and determined that it would be beneficial to the County of Antelope, Nebraska, to accept the \$300,000.00 (Three-Hundred thousand and 00/100s dollars) and place it into a designated fund for the County to use for the completion of the needed repairs to 527th Ave. and 839th Rd., and to complete the repairs on its own rather than Invenergy subcontracting the repairs pursuant to the Agreement.

NOW THEREFORE BE IT RESOLVED, by the Antelope County Board of Supervisors, that the County of Antelope, Nebraska, shall accept the donation/payment of \$300,000.00 (Three-Hundred Thousand and 00/100s dollars) from Invenergy and said funds shall be placed into a designated fund of the County of Antelope, Nebraska, for use by the County in completing repairs 527th Ave. and 839th Rd. (as designated in the Agreement) in fulfillment of obligations by Invenergy to make such repairs to 527th Ave. and 839th Rd. pursuant to the Agreement it previously entered into with the County of Antelope, Nebraska, for repair of any and all damages to roads in connection with the Prairie Breeze projects.

Adopted this ____ day of April, _____ at Neligh, Antelope County, Nebraska.

Board of Supervisors of Antelope County
/s/ Jerald Schwager, Chairman

Attest:

/s/ Lisa Payne, Antelope County Clerk

Supervisor _____, moved to adopt said resolution.

Supervisor _____, 2nd to the Motion to adopt said Resolution

Roll Call: _____ Yes _____ Nay

Resolution adopted, signed and billed as adopted.

Discussion was held on invoice from A-1 Janitorial Supply. Antelope County currently is in possession of an invoice for \$404.44 regarding a shipment via United Parcel Service for drain cleaner. The drain cleaner was not ordered by Mr. Schindler, and is not a product Mr. Schindler can or will use at the county. The county was invoiced in February, and paid the bill of \$99.90. Mr. Schindler, and Mrs. Schindler, janitors stated product was shipped without authorization. They had not ordered it. After a call to A-1 Janitorial they stated we could not return the product as it was a chemical. Motion was made by Supervisor Bolling, and seconded by Supervisor Schindler not to pay claim, and have County Clerk contact A-1 Janitorial, and try to resolve situation. We will try and return product as refused, not ordered through United Parcel Service. If not satisfactory settled, county attorney will write a letter. Clerk, Lisa Payne will contact the company again and if not favorable, County Attorney, Joe Abler will write a letter.

Motion by Williby, seconded by Henery to approve the application for permit submitted by John J Meuret to place a permanent electric line beneath 527th Avenue crossing at the NW1/4 of Section 24, Township 27 North, Range 6 West of the 6th P.M., Antelope County, Nebraska, John J Meuret

Trust, owner. Boyd's Electric to do the work. Electric line to be used to run irrigation pump; all work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

9:34 AM Motion was made by Supervisor Schindler, seconded by Supervisor Kerkman to convene as a Board of Equalization. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

9:40 AM Motion was made by Supervisor Henery, seconded by Supervisor Schindler to go out of Board of Equalization. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Motion by Schindler, seconded by Bolling to approve the application for permit submitted by NNTC Northeast Nebraska Telephone Company to place a permanent phone line beneath 516th Avenue crossing at the NW1/4 of Section 19, Township 26 North, Range 7 West of the 6th P.M., Antelope County, Nebraska, TELCO, owner. NNTC to do the work. Phone line will be used to get telephone and internet service to Steve Thiele's new home. All work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Motion by Schindler, seconded by Williby to approve the application for permit submitted by Bob Hofer to place a permanent electric line beneath 834th Road crossing at the NW1/4 of Section 32, Township 23 North, Range 6 West of the 6th P.M., Antelope County, Nebraska. Bob Hofer, owner. Electric line to be used to run irrigation pump; all work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Motion by Williby, seconded by Henery to approve the application for permit submitted by O'Neill Electric, O'Neill, Nebraska to place a permanent electric line beneath 868th Road crossing at the NW1/4 of Section 15, Township 28 North, Range 6 West of the 6th P.M., Antelope County, Nebraska. Kirk Brozek, owner. O'Neill Electric to do the work. Electric line will be used to run irrigation motor and pivot. All work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Motion by Williby, seconded by Henery to approve the application for permit submitted by O'Neill Electric, O'Neill, Nebraska to place a permanent electric line beneath 870th Road crossing at the NE1/4 of Section 4, Township 28 North, Range 6 West of the 6th P.M., Antelope County, Nebraska. Reg Green, owner. O'Neill Electric to do the work. Electric line will be used to run irrigation motor and pivot. All work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Motion by Williby, seconded by Henery to approve the application for permit submitted by O'Neill Electric, O'Neill, Nebraska to place a permanent electric line beneath 870th Road crossing at the NW1/4 of Section 3, Township 28 North, Range 6 West of the 6th P.M., Antelope County, Nebraska. Robert Green, owner. O'Neill Electric to do the work. Electric line will be used to run irrigation motor and pivot. All work to be done according to county and state specs. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Discussion held on Bauer Underground and running a fiber optic cable from Neligh to Tilden. Road Boss, Casey Dittrich was briefed on the line and route. Application is on file and will be presented at April 12, 2016 meeting. No action.

Tall Grass submitted a request for a pipeline lowering project. Robin Carlsen, Agent on behalf of Tall Grass has been in contact with Supervisor Schwager and Road Boss, Casey Dittrich regarding burying the line currently in place. Time and erosion has worked the current pipeline to within inches of the surface and they want to prevent any unnecessary revealing of the pipeline. Currently, they are working in around SE¹/₄ 8-24-6 on approximately 1000 feet of pipe. Motion was made by Henery, seconded by Bolling to approve application as submitted. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Highway Superintendent, Brian McDonald met with the board regarding various issues. Thiessen Construction has started on the Thiele Bridge project south of Clearwater. They are planning on completing this project in the next 30 days. Brian also discussed bridges in the Invenergy construction site. There are three (3) bridges that were/are well used by Invenergy during the construction and all of them sustained severe damage. The piling is bad on all three bridges. His preliminary recommendation is to repair 1st bridge, and complete 2nd bridge and to culvert the 3rd bridge structure. He has been working with Casey Dittrich in plan of action on these structures. Needs area and more discussion.

Highway Superintendent should be appointed every year. Because it was missed during the January appointment meeting it was scheduled for today. Motion was made by Supervisor Henery, seconded by Supervisor Bolling to appoint Brian McDonald Antelope County Highway Superintendent for fiscal year 2016.

Mr. McDonald also discussed the request by Ryan Furstenu for a guard rail on 849th Road, west of the road closed (525th Avenue) a couple of years ago. After looking at it he does not feel it warrants a guard rail. However, he thought maybe a shoulder and berm would be in order. He was going to take another look after today's meeting. He would be in contact with Mr. Dittrich. Mr. McDonald did suggest to cut off the steel post sticking up out there. Mr. Dittrich acknowledged this would be corrected.

Gary Borer was on the agenda for some general comments. He did not attend today's meeting.

Rick Schindler, representing Antelope County Airport met with the Supervisors regarding LB140. LB140 is zoning regulations regarding airports and airport approaches. He is requesting the Supervisors to adopt LB140, as the current Upstream Project has potential to interfere with the current approaches. LB140 is an addendum to Zoning Regulations. If LB140 is not adopted the Airport could lose the approaches. The 64 towers in the current Upstream project would have limits placed on them defined in this legislative bill. Liz Doerr, Interim Zoning administrator stated there are currently eight (8) towers in approach zone and LB140 designates a 10 mile approach zone. Antelope County has a 3 mile approach and the addition of LB140 would enforce the 10 mile approach. The 64 towers in the approach involved in the project is not enough to stop progress of the Upstream Project. Motion was made by Supervisor Koinzan, seconded by Supervisor Bolling to direct the Zoning to review LB140 and to make recommendation, and possible adopt into zoning regulations. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

Interim Zoning Administrator, Liz Doerr, gave Zoning update: Shared a report of all permits filed this year. She reports things are going well. She has gone over the Invenergy Permit for Upstream very carefully. She is working with the Invenergy personnel to get a few things generated, and complete to ensure a complete and comprehensive application. They have been pretty responsive. She is still in the process of learning the filing system and forms utilized by the former Zoning Administrator. Overall she has a positive feeling of the general office. The permit report will be presented monthly to the Board. She presented a Subdivision Approval for passing. Steve Thiele is building a house and dividing a small parcel of land from his parents parcel. The title clerk is requesting the Subdivision Approval from the county board. Motion was made by Bolling, seconded

by Schindler to approve the proposed Subdivision Approval for a 5.25 Acre tract in NW¼SW¼ 19-26-7. Those voting aye: Williby, Henery, Bolling, Schindler, Kerkman, Koinzan, and Schwager. Nays none. Motion carried.

SUBDIVISION APPROVAL

The survey of 5.25 acres in the NW¼ of the SW¼ of Section 19, Township 26N, Range 7 West in Antelope County was approved by The county Board on April 5, 2016. Said survey is recorded in Book 16 of Survey, Page 206, on March 22, 2016.

/s/ Jerald Schwager, Board Chairman /s/ Liz Doerr, Zoning Administrator /s/ Lisa Payne, County Clerk

Liz Doerr, asked if they county Board would like to continue approving this type of instrument. It was referred to Mr. Keith Marvin to include in the Zoning Regulations.

10:43 AM Interviewed Kim Hansen for Antelope County Zoning Administrator.

10:50 AM Interviewed Liz Doerr for Antelope County Zoning Administrator.

A third applicant was not able to interview today, the supervisor agreed to give Kasey Shenshew another opportunity to interview next week. Call will be placed to Kasey for opportunity.

11:00 AM Mr. Dean Smith addressed the board regarding the Zoning Administration position. He reiterated the seriousness of all of the issues at hand and was cautioning the board to make an informed and guided decision on the position. In light of everything in the press and beyond he was impressed while attending the Zoning Meeting on March 29th and the diligence that was shown to the item it hand - a hog confinement with a local owner. He was to reiterate the diligence it should and will take to approve an out of state non-agricultural entity to get an approval in Antelope County. He spoke of the "future" projects, beyond ones in application today.

Antelope County Clerk, Lisa Payne addressed the Supervisors before they approve minutes as on the agenda. She had received a request from John Majewski regarding the inclusion of Prairie Breeze III in minutes of March 1, 2016. Mr. Majewski stated Prairie Breeze III was not even operational at the time the complaints discussion during the March 1, 2016 meeting. The supervisors discussed the approval of the minutes. No other discrepancies had been noted. Motion was made by Williby, seconded by Henery to approve February 2, 2016; February 9, 2016; and February 16, 2016 minutes as presented. Voting aye: Williby, Henery, Bolling, Koinzan, Kerkman, Schindler and Schwager. Nays none. Motion carried. Motion was made by Henery, seconded by Williby to accept the March 1st, 2016 minutes with the removal of Prairie Breeze III mentioned in the discussion of complaints against the wind turbines. Voting aye: Williby, Henery, Bolling, Koinzan, Kerkman, Schindler and Schwager. Nays none. Motion carried. Motion by Henery, seconded by Williby to approve March 8, 2016 and February 16, 2016 Board of Equalization Minutes as presented. Voting aye: Williby, Henery, Bolling, Koinzan, Kerkman, Schindler and Schwager. Nays none. Motion carried.

11:15 AM Casey Dittrich, Road Boss gave report:

Budget totals were discussed: 4th Quarter: 1-79%; 2-63%; 3-74%; 4-59%; 5-82%; 6-76% 7-86%; 8-69%; Road & Bridge TOTAL – 71% \$1,185,467 of \$4,117,883 remaining.

Asphalt road repair map was presented. Casey outlined areas with a huge need of repair and asked for direction from supervisors:

Materials cost: 3" overlay - \$47k; 4" overlay - \$63k; Recommended priority of oil road repairs – 7 miles ok'd; core sample of existing asphalt if recycling is an option; Sample of sand to be mixed with gravel in windrow for mix ratio; Sample of mixed windrow before oil added; Priority and scheduling of armor coat roads.

Township accounts: Current unpaid invoices total \$59,863.01 – meet w/ Abler. Ask about CD's and current balance of all 24 townships combined is \$250k.

Invenenergy road repair plan: Covered Grant & Burnett, 9 large concerns – culverts, cut shoulder, crown, etc.; Installing new cross-road culverts; If we repair crown on roads, can/will we bill them? Yes - \$60-100/hour; planned sign off procedure – all roads or as repaired? As repaired; condition of primitive/minimum maintenance roads.

Bridges damaged by crane on 835 Road & 523 Avenue: Damage done to 3 bridges on March 16 by NCSG crane hauled by 13 flatbed trailers; both roads closed on March 17. Met with Martin Inglehart VP – full responsibility; inspected by McDonald on March 18, requested engineering study for 2 bridges; installed temporary culvert on March 22; bill for temporary culvert install + materials: \$8042; waiting on results of engineering study to determine type of structure.

4/10 work week – have staff meeting Wednesday April 4 @ 8:00am: we need 50 hour work weeks when the weather cooperates; minimize OT unless it's actually required; OT spreadsheet – 267 hours = \$6500 and comp time options; better planning and execution and less set-up, tear down, and/or clean up time.

JD Tractor leases: rate increase from \$17/hour to \$25/hour and lowered minimum hours to 150 so contract amount is still \$3750/unit.

Rental rates for equipment: Excavator: Funk - \$180/hour; Klabenes - \$150-200 ; Rutjens - \$150/hour or \$110/hour um; Paver: NMC - \$??; Roller: NMC - \$750/day or \$95/hr ; Rutjens - \$75/hour or \$35-40/hour um.

Employee Welder wage to be set at \$35/hour, maintain record on file. Any structural repair must be signed off on by inspector. Certification available through NECC and other independent teachers. Comp time: If welding is done on OT, wages will be paid at 1.5x welder rate.

Fuel usage spreadsheet for each barn.

Underground permit for Bauer: 1.25" conduit. 42-48" deep, bore all intersections/culverts.

Part time hire – Joe Cornett – at large to replace Andrew Nelson.

Discussion of 4 – 10 hour days continued. Mr. Dittrich is trying to capitalize on the good weather times. He would like to see the employees working 50 hour weeks when the weather is favorable and to avoid the budget busting overtime, employees would be earning comp time for hours over 40 in any given week. The discretion of changing employee work times would be at the Road Boss's hands and could change at any time. Typically, the 10 hour days would be April through October. Any hours logged over 40 would be tracked by our time and attendance and would be logged to the Road Boss, he will ensure, no individual is abusing the policy, and is using comp time in a favorable and complimentary manner. Motion was made by Supervisor Schindler, seconded by Supervisor Williby to move the employees to a 4-10hour work week. The 5th, 6th, and 7th day would be at Road Boss discretion. Hours worked after 40 would be comp time hours. Voting aye: Schindler, Williby, Henery, Kerkman, Koinzan, and Schwager. Nays: Bolling. Motion passed. Supervisor Kerkman makes a motion to have the 10 hour days start and end at Road Boss' discretion, is for Road and Bridge Employees only and comp time to accrue at 1½ hours per hour. An employee reporting to regular shift before being called would be paid for one (1) hour. Motion is seconded by Schindler. Voting aye: Kerkman, Schindler, Williby, Koinzan, Bolling, Henery and Schwager. Nays none. Motion carried.

National Insurance Services requested a change in their date for coverage beginning. They currently have two dates in which employees are enrolled, and this become difficult for the payroll staff. With the changes all employees would become effective the first of the month following date of hire. Motion was made by Henery, seconded by Williby. Voting aye: Kerkman, Schindler, Williby, Koinzan, Bolling, Henery and Schwager. Nays none. Motion carried.

During last month meeting we passed the agreement to continue with Mid-America as our deductible buy-down carrier. These papers were presented for signature. Chairman Schwager signed papers. Motion was made by Henery, seconded by Williby. Voting aye: Kerkman, Schindler, Williby, Koinzan, Bolling, Henery and Schwager. Nays none. Motion carried.

Correspondence was reviewed: 2015 Northeast Community College 2015 Graduate Employment Report; Thank You-Colonial Life; TERC letter regarding Mr. Van Egmond for June 16, 2013; Public Hearing Proposed Zoning City of Neligh; November, December, January, February Commissary Account Reports; NIRMA Safety Shorts; NDOR Past Due Bridge Inspections, NDOR Quarterly Bridge Inspections; FAA Aeronautical Study regarding wind turbines; Elkhorn Valley LEPC Agenda for April 7, 2016; NE Economic Development District Membership Dues increase; Reviewed all of the propaganda regarding natural gas selection; CATERPILLAR letter regarding lease purchase; Delinquent Reals Estate Property letter unsold for want of bidders at the last public tax sale held March 7, 2016.

Receipts reviewed: \$60.00 planks from Bridges- James Schiltmeyer and James Zwingman; \$225,298.97 Road and Bridge Buyback Program; \$376.50 Alter Metal Recycling-sale of scrape iron.

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

Treasurer February Miscellaneous Fee Report was reviewed and put on file.

Treasurer February Fund Balance Report was reviewed and put on file.

Depository approval was on the agenda. County Treasurer was checking to make sure all the depositories were approved by the board. In February 2016 the Board of Supervisors approved depositories throughout Antelope County. Deb Branstiter, County Treasurer confirmed that was exactly what she was looking for.

County Treasurer, Deb Branstiter presented Brunswick State Bank Bonds. These are new bonds. Motion by Supervisor Williby, seconded by Supervisor Bolling to approve the bond approval. Voting aye: Kerkman, Schindler, Williby, Koinzan, Bolling, Henery and Schwager. Nays none. Motion carried.

Catastrophic Inmate Medial Insurance Renewal Exposure Questionnaire. This is the preliminary questionnaire. It was completed by Sheriff Moore. No changes in coverage. No questions or concerns were voiced. Sheriff Moore to sign.

Jail Inspection was not conducted. Will move to April 12, 2016 agenda.

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

Meeting adjourned at 12:54 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne