

June 7, 2016  
Antelope County Board  
Neligh, Nebraska

The Antelope County Board of Supervisors convened in regular session on Tuesday, June 7, 2016 at 9:07 AM in the Basement Meeting Room of the Courthouse Annex, Neligh, Nebraska. Because of the crowd that had gathered in the Supervisor's Meeting Room, it was moved to the basement. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Koinzan, Henery, Williby, Bolling 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.

Upstream Conditional Use Permit meeting of Supervisors.

JERRY SCHWAGER: Open Meeting @ 9:07 AM. We are here today in follow up of the public hearing held on May 24<sup>th</sup>, 2016 regarding the Upstream Wind Energy. States the Open Meetings rules are posted on the wall behind us. Roll call Koinzan, Kerkman, Henery, Bolling, Williby, Schindler, and Schwager. Meeting is held in follow up of Public Hearing held on Tuesday, May 24<sup>th</sup>, 2016. So the Board can have discussion or any questions, Go ahead. CHARLIE HENERY: "The question I got, Liz is, 'Are all the easements in place?'" LIZ DOERR: "To my knowledge, yes. I did not personally go through each and every one because I know that Char had. And so, when Emily gave me, there was some towards the end. I double checked those were the ones that she was looking for. So as far as I know, they are." MERLIN BOLLING: "Are they at; is this just with you, or are they in the courthouse too, as far as documented at the clerk's office." LIZ DOERR: "I am not sure if they all have been recorded yet. Have they now (at Emily) (EMILY KOBYLARCZYK confirms "yes"). The day she brought them in they weren't. But that has been a month or so." MERLIN BOLLING: "Say, what is that?" LIZ DOERR: "That was maybe a month ago. And so I didn't know if they had been in the meantime. But-" MERLIN BOLLING: "Are they? Ahhh." LIZ DOERR: "But they should still be valid, whether they are recorded or not. But they need to be recorded." NEIL WILLIBY: "There is an issue of a set point of 900 foot leeway. But you guys have narrowed that down to 600 feet, as far as where the sight is supposed to be. Is that correct?" LIZ DOERR: "That's what-" KEITH MARVIN: "That is what the Planning Commission recommended as far as their recommendations." NEIL WILLIBY: "Ok, it is 600 feet." JERRY SCHWAGER: "That is beyond the 2000-1500feet setback?" NEIL WILLIBY: "No, This is at the point of location is going to be at." LIZ DOERR: "At..." KEITH MARVIN: "What the condition states is that they would have to maintain that 2000 foot separation at all times. But they still have 600 foot of latitude from the location that is shown on the plat. In order to located the proper soils and proper location with regards to where everything will work." LIZ DOERR: "So they will still have to meet the setbacks?" (2:04) KEITH MARVIN: "No matter what." JERRY SCHWAGER: "They still have to 2000-1500 feet setbacks all locations?" KEITH MARVIN: "Yes." JERRY SCHWAGER: "That is what I thought." NEIL WILLIBY: "What about this, I think this bond; 15 years as far as the bond? Don't you think that should be in place a little earlier? Like day one?" LIZ DOERR: "I do not know if that necessarily has to be decided today. But certainly, before I issue any building permits for the towers." GREG KOINZAN: "I would recommend that, first, if this passes, second, that we do the decommissioning bond and road agreement at the same time." NEIL WILLIBY: "All tied together?" GREG KOINZAN: "All tied together. Because one affects the other. And we don't know?" CHARLIE HENERY: "Why do we have to do the bond? Can't we do what we talked about?" GREG KOINZAN: "The line of credit?" CHARLIE HENERY: "Yeah, line of credit?" GREG KOINZAN: "Yeah we could do that too." (3:00) CHARLIE HENERY: "Do that immediately; and then the bond hit 15 years." GREG KOINZAN: "That Keith?" KEITH MARVIN: "Yeah. I mean you have got the latitude to set it up however you want to do it." GREG KOINZAN: "I mean but to me it is important that something is in place. Before construction. If construction begins, that something is in place. Whether it is a bond or line of credit. Also, I think that would be involved with the road agreement. It would be easier to take that up." JERRY SCHWAGER: "They both should be done together." GREG KOINZAN: "That is how I feel." MERLIN BOLLING: "That is the way..." GREG KOINZAN: "And I thought before construction starts it needs to be done." MERLIN BOLLING: "That is the way Zoning got it in their regs." GREG KOINZAN: "That is the way I understand it, is that correct Liz? (Liz confirms)" MERLIN BOLLING: "Getting back to that documentation. I had somebody tell me there was two (2) towers in there that aren't filed at the clerk's office. It's on 19. (4:00) LIZ DOERR: "You mean just the easement, or..." MERLIN BOLLING: "Yeah, well I don't know about the easement. But they have no record of them in the clerk's office." LISA PAYNE (County Clerk): "Greg came this morning and he had a couple of actual locations of proposed wind towers, and they do not have a easement on file at this point." GREG KOINZAN: "If..." LISA PAYNE (County Clerk): "If I am looking at the right one." GREG KOINZAN: "the other thing that I think Merlin is, one of Liz's conditions that she recommended to the board that I strongly agree with is that a building permit before construction is started, is obtained. That way..." MERLIN BOLLING: "You can do each one of them..." GREG KOINZAN: "Individually. So if there is a problem. Just like these two (2) towers. It clearly appears on the map that they have shown- and I haven't cross checked the map. But it does appear that where these two (2) towers are proposed that there is not an easement filed on this land."

That's a problem. But a building permit solves all of these problems. Because Liz is going to go out and look at each tower. Check whether there is an easement. Make sure they are within all the "halo", the electrical lines. Same with any other building permit. And I think that's something that will alleviate a lot of problems." JERRY SCHWAGER: "Does the Planning Commission have that in there? In their thing to make we have a building permit for each tower before we start building?" LIZ DOERR: "That was in my recommendations." JERRY SCHWAGER: "Additional new stuff. (LIZ DOERR: That was in my report-) Does everyone have a copy?" GREG KOINZAN: "Lisa, do you have a list of the additional conditions? Or do you have one from the other day?" LISA PAYNE (County Clerk): "I can go up and get them?" JERRY SCHWAGER: "Would you do that, because we?" GREG KOINZAN: "I think that is what to do here." JERRY SCHWAGER: "If that is in there they will be built after permit." LIZ DOERR: "Yes, because I will." (6:00) KELLY MUELLER: Also, they will be easier to assess with building permits." GREG KOINZAN: Absolutely. Thanks for... Kelly brought it to my attention, that it is easier for her to assess the taxes with a building permit. So... We all know it will make her job easier. It will make everyone- breathe easier. She knows where they are at, what they cost." KELLY MUELLER: "And I need one for each tower, not all of them on one permit- (GREG KOINZAN: "Right.") I need one for every tower, an approximate start date- they have to fill out everything on the paper, not just- you know pick and choose. JERRY SCHWAGER: "Every tower got to show it." GREG KOINZAN: "No, I think it alleviates a lot of problems... it is a win-win for everyone involved. And I also, part of the conditions on the list, is that I feel for these building permits we need to have a fee. And I, there has been several numbers put out there and I would like the board to talk about that. (7:00) But, if the project passes, it will take time for Liz to inspect these properties to make sure everything is in compliance, number one, and number two for the road agreement the county has gone to additional cost to think Brian McDonald to enter into this road agreement and exit out of the road agreement. This would help to alleviate some of the financial pressure that is due county. It is important that we do have Brian do the road agreement, and it is additional cost to the county." JERRY SCHWAGER: "While you are on that subject, what would you recommend there Greg?" GREG KOINZAN: "I would like to see \$500 per tower. I know that when I met with Invenergy that other day, they suggested \$350 but I'm completely flexible and I would like to hear what the rest of the board thinks. MERLIN BOLLING: "Well is that just going to apply to just the wind turbines, or is that for any building permit?" GREG KOINZAN: "That is a good question Merlin. (8:00) Because I do not think we should signal out one individual. But also, this is the largest construction project Antelope County has ever seen. So maybe there needs to be special- when you build a hog barn or feed lot, or dairy barn, you probably do not need to enter into a road agreement. So, I think it is a little different in that respect." MERLIN BOLLING: "Oh, you might have to." GREG KOINZAN: "At some point, yes. So, I don't know. I am all ears- other board members, or Keith has any..." KEITH MARVIN: "From my experience, it is not unusual for larger projects like this to have a larger fee attached to them, say compared to a residence out in the county to do a permit like that. But also you are looking at picking some of that up when you are talking per tower. Versus you are talking \$500 per structure. You've got a house that is a \$500 charge on top of everything. I have seen it done both ways. It is not unusual to have for a bigger project, like this. Because, like you said the road agreement is one thing that needs to be taken care of as well as some other things that need to be dealt with during the term of the project that you are going to concern costs on." LIZ DOERR: "Well Greg, one of the other things I had suggested in there as a condition is that they have to get these underground road crossings. And I think there is a normal fee on that. So are you talking that would be over and above this other one, or what are you..." Koinzan: "Yes. I would love- the way I would suggest it, is that every time when they cross the road they pay the \$25, (should be \$20) just like everything else. When they get the actual building permit, so we assess a fee. The suggested \$350.00, I suggested \$500.00. (10:00) I do not want to prevent anyone from doing business in Antelope County. Whether you are building a house or anything. But also, this is a large amount of money. They are appending a large amount of money, so maybe the fee could be raised, Merlin to answer your question. I do not know." MERLIN BOLLING: "I didn't know if you could signal them out, and make them pay more." CHARLIE HENERY: "Well it would be different on Ag structure. A grain bin or something like that an Ag structure." (indistinct noise and chatter 11 seconds.) GREG KOINZAN: "Casey, I, and Brian McDonald spent eight hours last week driving the roads. There is additional time." Casey Dittrich: "I can tell you, I have over 80 hours- (in district) working on road agreement. (11:00) MERLIN BOLLING: "Now, if they do get this building permit, and there is something wrong, do they have to come in and have another hearing and stuff to reply?" LIZ DOERR: "Before they build." MERLIN BOLLING: "If there is something wrong?" LIZ DOERR: "If... Yeah... Say if they make an application and it doesn't meet everything that is approved. I can deny it, or she would have to come in and amend it. But if they have to move it more than 600 feet- or whatever number ends up being. Then yes, they have to come in before the board again." JERRY SCHWAGER: "If they move it the 600 feet?" LIZ DOERR: "Or, more than that. But, no matter what, in the end, I will not issue that unless they meet all the setbacks. (12:00) I will just go through the checklist of conditions and if it is done this, and this, and this, then I will consider it. But all of those conditions are things I will look at." GREG KOINZAN: "The other question I have Keith is... there has been a lot of talk about the airport authority and the eight (8) towers that are not going to be built because they are in the lane of traffic. Those eight (8). My question for you- I do not want any surprises- (KEITH MARVIN: "Ok") and those eight (8) towers. There is tens of thousands of acres signed up in easements in Antelope County. If they move those towers, they will have to come in front of the board to have a public hearing- so the people are close to those towers- know where they build those eight (8) towers. So they aren't just going... 13:00 I think what happened with Ann Simmons is that when it stated and I think- I do not know this- but I believe with Ann, when it was proposed in Prairie Breeze I- there was only going to be one or two south of her, and then things changed, and then she has a line of four (4) or five (5) of them immediately south of their house. And I do not think that that is right. And I think by making them come back and apply will help prevent that from happening." KEITH MARVIN: "This permit, and the way this board and planning commission are taking action on it is completely different,

than what Prairie Breeze was. There was a lot of open endedness on that permit. We have shut down a lot of that, other than the 600 foot variations.” GREG KOINZAN: “Ok so they will have to... so like those eight (8) towers they will have to come in front of them.” KEITH MARVIN: “If they choose to use those eight (8) somewhere else. Ok. (14:00) Keep in mind your application is for 168 turbines- or potentially 160 or 350 megawatts. (GREG KOINZAN: “Ok”) So, the way I understand their application is- if they hit that 350 megawatts they may not build all of the tower; depending on what they do. CHARLIE HENERY: “They might just eliminate those eight (8).” GREG KOINZAN: “Right. And I don’t feel it is the roll of the county government to tell these people how many towers, or what they build. But, I would like to know if it is at a different location- and let everyone else know that too. So there is time to respond.” JERRY SCHWAGER: “Well, if they are going to move them they are going to have to come back to the board. Tell us exactly where they are going to move them to and where at.” GREG KOINZAN: “What about the time frame condition, Liz?” LIZ DOERR: “Ok, after I did my report I had some people with questions, comments. (15:00) And in there, it said something about phases, that if they wanted to they could do them in phases. So I had proposed another condition that says “any WECS/turbine approved in this project not constructed and receiving a certificate of Zoning compliance on or before June, 7<sup>th</sup> 2019” That’s three years- that allows them time to do their background work, and two (2) years construction time. So anything that isn’t done by that time shall be reviewed by the County Board prior to receiving a zoning/building permit, and beginning construction. So, for instance if they did 50 or however many it would be if it was past the date, it comes back here for further review. -So we know what’s going on- if any new issues come up then we are aware of them. (GREG KOINZAN: “Ok.”) That is just my proposal. (16:00) (16:07) GREG KOINZAN: “And what about the- I have had these signs. Towers in Prairie Breeze projects do not have what about having a warning sign with emergency contacts.” LIZ DOERR: “Yeah, there’s signs I think that are required to be right on the towers. But, when we did the ones in Knox County, our emergency manager requested this same condition. That we have signs out by the roads; naming what tower numbers are down that road and emergency information. It is not 9-1-1; it’s Invenergy. And, so that way, say if someone breaks a leg or whatever and they are getting an ambulance out there. They can save- sometimes it is just seconds- but it can save valuable time.” JERRY SCHWAGER: “Isn’t that in their conditions, it has to have a sign and stuff.” (17:00) LIZ DOERR: “That is one thing I have added, and they have agreed to that.” JERRY SCHWAGER: “Anything else? Any other questions?” KEITH MARVIN: “There are three (3) of us. Liz, Joe, and I have done, based upon some stuff that has come up after the hearing. We did a little research and it was brought up about the manufactures’ recommended setback from the road and stuff. Your current one, is 1.1x the rotor diameter. Based upon their proposal- their application. They would be sitting back about 420 feet from the road right of way. This is for ice throw. Ok. So, as the blades ice up, and they may or- if it melts it tends to throw it off. GE actually recommends 1.5x the total height. (18:00) If you looked at that versus what I calculated out- that would move that setback to roughly 680 feet from the road right of way. The other thing that it would do potentially is also create that as far as any property lines. You have got 2000 feet from any nonparticipating structure already. So, I guess one of the things I recommend, or ask you guys to consider would be that we need to probably protect the public right of way at minimum from ice throw. And push that setback from 420 feet to 600 feet. That is a difference of 260 feet versus what they have. Now, in some situations that may create problems with pivot corners.” (19:00) CHARLIE HENERY: “The max you could do there is 500 foot.” KEITH MARVIN: “It depends on how big of a pivot it is. You know.” GREG KOINZAN: “Or how big your corner is Keith.” KEITH MARVIN: “I mean if you got a pivot that is on a full quarter, you could go about 540 feet, if I did the math right. If you got a full section one, you can go almost 1100 feet. That pivot corner becomes that big.” MERLIN BOLLING: “That kind of eliminates their 600 foot movability in there though doesn’t it?” KEITH MARVIN: “Well, that would also give them the ability, I mean; they have to meet that as a setback. And then they still would have some ability to move. They can’t setback into the right of way, regardless. JERRY SCHWAGER: “Are you talking about from the property?” KEITH MARVIN: “Road right of way.” JERRY SCHWAGER: “Road right of way, not property line.” KEITH MARVIN: “Now the other thing you could do to mitigate some of this is to require shut down during freezing conditions. (GREG KOINZAN: “Yeah”) (20:00) CHARLIE HENERY: “Freezing conditions aren’t going to happen all that often.” JUDY WILCOX: “Could you have Invenergy, clarify what their current setbacks is from the road. You are quoting the...” KEITH MARVIN: “I am going by what the regulation is required; what the requirement is 1.1x the rotor diameter, and what their applicants is which is...” JUDY WILCOX: “It’s the blade right now.” CORY FURSTENAU: “It’s the blade; x the blade. Read the regulations!” JUDY WILCOX: “It’s the blade in the current applications. I asked Emily to say this instead of me.” EMILY KOBYLARCZYK: “It is times the blade.” KEITH MARVIN: “Yes. Not the rotor. But, well the rotor I call it the rotor diameter. Which is the whole rotor.” EMILY KOBYLARCZYK: “No it’s just the blade length.” CORY FURSTENAU: “187 feet x 1.1.” JUDY WILCOX: “We are talking 200; not 400.” KEITH MARVIN: “Of a rotor blade, not the diameter?” (EMILY KOBYLARCZYK: “Right.”) KEITH MARVIN: “Ok, so yeah it would increase it even greater. (JUDY WILCOX: “Thank you.”) GREG KOINZAN: “Also, I think there has been a very valid point brought up here that icing only happens certain times a year. (21:00) I mean you can probably get it down to a number of days. It maybe would be easier to have Invenergy regulate their machines.” CHARLIE HENERY: “They can’t run those, they can’t run them with ice on them. They’ll shock apart, correct? So they are going to shut them down. I mean if we require them to shut em down, they are going to shut them down anyway. Whether we require them to or not, because they are going to fall apart if they get icy.” GREG KOINZAN: “And there is other...” CHARLIE HENERY: “And that’s going to happen three days a year.” GREG KOINZAN: “Right, and there is other things in Antelope County that ice come off of too that are dangerous. Trucks. Semis. Power lines. Cottonwood trees. (CHARLIE HENERY: “That’s right.”) My other question here is, Liz or Keith, and this was also brought up at the zoning meeting. These underground feeder lines that go from the tower, that would be part of building permit? That we know where those lines are and where they are going?” (22:00) LIZ DOERR: “Normally, no. Because normally those are above ground structures. But we could maybe require

something. Although it could be required as part of the site plan. (GREG KOINZAN: "Ah ha.") But not separate, building permits." GREG KOINZAN: "Right! Right, that's what I just wanted to clarify so someone is not putting a line across someone's land that doesn't want it and number one and number two is that we know where they are at for/in case someone wants to build a- if someone does build a house." KEITH MARVIN: "By law, they are going to have to let someone know because of one call. (GREG KOINZAN: "Ok.") Yeah, because they don't want somebody building and tearing through their wires." GREG KOINZAN: "Right, I mean I understand that too. But it is a concern." LIZ DOERR: "Because they'll do surveys?" JERRY SCHWAGER: "They'll survey. You will survey it, won't you?" EMILY KOBYLARCZYK: "What we will do is with the building permit you will receive a site plan that has all of the facilities on it. And there is a condition that clocks within 60 days after it is built we have to provide an after built survey. And with those collection lines, just because a few questions have been raised about it. They are buried beneath a safety like- a red safety tape on the top of them. So in addition to submitting them to like diggers hotline, there is the safety tape there, as well as multiple places it is submitted too, to make sure folks know where they are, diggers hotline knows where they are, the county knows where they are. And there is a built survey." JERRY SCHWAGER: "They are at least four (4) foot in the ground, right?" EMILY KOBYLARCZYK: "Correct!" CHARLIE HENERY: "Then you most likely have them marked at every fence line with a riser pipe." JERRY SCHWAGER: "They almost have to." CHARLIE HENERY: "There are a lot of lines out there that we don't know where they are at." JERRY SCHWAGER: "You are right there." CHARLIE HENERY: "I mean we have no idea where they're at." (24:00) KEITH MARVIN: And I guess the only other thing I have really as far as conditions is uh, I think Liz and I have talked about this. That is once they get an exact location; provide is a shadow flicker study as to industry any impacts that may be on residences in the area. If there are impacts, what kind of mitigation do they propose in order to minimize any impact of the residence?" JERRY SCHWAGER: "Can you turn the turbines? Can you turn them if there is a flicker?" KEITH MARVIN: "No, what they would typically have to do is basically turn that turbine off during that period of time." CHARLIE HENERY: "Once again, that occurs only certain times of the year. When the sun is in a certain position." NEIL WILLIBY: "During certain times of the day. Marvin: "And chase..." (25:00) KEITH MARVIN: "And I mean we know enough about sun rotation, and change of angle that they can model that." CHARLIE HENERY: "Right. And automatically shut them down. (To Emily) Is that some technology that you have?" KEITH MARVIN: "That is a possibility. And you could require that, yes. I mean it may be a matter of four (4) or (5) minutes depending on how intense it is. It could be 15, 20, 30 minutes. (CHARLIE HENERY: "Right.") While the sun moves out of position." CHARLIE HENERY: "So you are saying that this would happen during this study that they would figure out which residents were going to be affected by this and what time of day." KEITH MARVIN: "And it also depends probably on what direction the turbine is." JERRY SCHWAGER: "That. That Charlie that would change every day, with the sunshine on it. Sunshine can change every day. But certain times of day." CHARLIE HENERY: "Well that's what I am saying is you know maybe in the winter time it is worse in a residence than in the summer- because the sun is over here compared to over here." (26:00) KEITH MARVIN: "Shadows are longer." MERLIN BOLLING: "2000 foot setback. Where is that measured from on the tower?" KEITH MARVIN: "The way you've got it. It is from the base of the structure to the residence." MERLIN BOLLING: "Is that is what is in our zoning laws? (KEITH MARVIN: "Yes") GREG KOINZAN: "And is that the industry norm? CHARLIE HENERY: "Of where it is measured from?" KEITH MARVIN: "Typically, yes. I have been doing a lot of research the last couple weeks. That's what I've been seeing a lot of." EDDIE SCHINDLER: "At the last hearing, it was brought up about this child with special needs. Has anybody addressed that, or contacted, or tried to work with those people?" GREG KOINZAN: "Eddie, this is what I did. Kelly and I looked it up. John Frey's house the closest tower is on Roger Kees. (27:00) Where the proposed site is 3,067 feet. In accordance to Kelly GIS technology. The next closest tower is on Randy Frey- John's Son- and that would be 6000 feet away. So there is one that is 3000 foot- 3060 feet and the 6000 number I could be off a few feet because I failed to write it down. Once Kelly was drawing the line then she said it is 6000 feet. I should have wrote it down, I didn't write it down. But it is obviously a long ways away. (EDDIE SCHINDLER: "Well yeah, it's...") Where it is, is it over the hill? I believe it would be outside from their house. It is on the Taake ground that Randy bought from them. So it would be out of sight from John's house I believe. (28:00) I went and looked- and the proposed site is 3067 feet away on Kee's land." EDDIE SCHINDLER: "Yeah. Yeah that could be a problem. (indistinct chatter) Yeah it's over a half mile. My next questions is... have we done anything about clustering around a nonparticipating farm house? When they get more than one (1) tower within that setback distance." KEITH MARVIN: "Right now, we have, you have nothing in place to prevent that from happening. (EDDIE SCHINDLER: "Yeah.") Joe and I talked about this and him and I are in agreement that the current rules need to apply as much as possible. We have got some latitude with regards to the setback based upon what we found with GE and that. (29:00) But for the most part, I will let him speak to it as well. The rules are what they are right now to some degree- for the most part. Not unless we change them at some point, then the next- we could change them- and the next one would be." LIZ DOERR: "Next project." EDDIE SCHINDLER: "Next project, yeah. How about the 2000 foot setback? Is that set in stone or can we..." KEITH MARVIN: "On this one? (EDDIE SCHINDLER: "Yeah.") Yeah, I think it would probably play in right here." EDDIE SCHINDLER: "We cannot change that mandate?" KEITH MARVIN: "I wouldn't. Like I said Joe and I talked and if you look at one argument to change the rules midway versus not changing the rules, I am more comfortable being able to argue on behalf of the county we played with existing rules." JERRY SCHWAGER: "Joe, you got anything to say on that clustering?" JOE ABLER: "No, Keith spoke." Indistinct conversation 40 seconds. CHARLIE HENERY: "And we moved the setback 500 foot from the previous project. It was 1500 and we moved it to 2000." LIZ DOERR: "I believe so." KEITH MARVIN: "Actually, your old one was 1000." JERRY SCHWAGER: "It was 1000, and then we moved it another 500 feet." GREG KOINZAN: "And then another 500 feet." JERRY SCHWAGER: "Yeah, and then another 500 to 2000." (31:00) GREG KOINZAN: "But like the old project the Wilcox's were nonparticipating- sorry to signal you

guys out. But you were nonparticipating so it was 2000 from their house. They feel they are clustered. And it is 2000 foot from their house. But now everyone is whether you are participating- the way I understand it- is 2000 foot.” EDDIE SCHINDLER: “No, 1500 for participants.” (DAVE WILCOX: “1500.”) GREG KOINZAN: “So it’s still 1500, so it is the same as when Wilcox’s were put there.” LIZ DOERR: “Nonparticipants- 2000 feet.” DAVE WILCOX: “So you just want to have more Simmons’ and Wilcox’s.” GREG KOINZAN: “Well to some degree. I think the deal with Ann Simmons we talked about Dave. I mean they can’t put additional towers without coming back to the board, than what is proposed. I believe that’s what happened at Ann Simmons’. I believe that when it started there was going to be x number of towers, and then as the project went they added more to it. (32:00) And they can’t do that- if this is adopted without coming back. The way I understand it. Is that correct?” LIZ DOERR: “Yeah, anything additional, or any movement of more than 600 feet- will come back.” GREG KOINZAN: “That is another way of dealing with a cluster. I mean...” LIZ DOERR: “Cause then you can look at site specific.” GREG KOINZAN: “Right, I mean it gives people time. That is why the maps have been at the public hearing. To say this is where I live this is where they want to go. Please stand up and say- and people have.” JUDY WILCOX: “Because they are clustered on some.” GREG KOINZAN: “Yes, and also \_\_\_\_\_ yes.” (33:00) DAVE WILCOX: “So you want to hear more from people like us in this new project. You think its bad what you have had, wait until you get into this new project. You will have way more people. There is more people up here north of Neligh than there was south of Tilden.” JUDY WILCOX: “And they are clustered around a lot of people.” DAVE WILCOX: “Get ready for...” JERRY SCHWAGER: “We cannot have any comments from the public. This is the County Board. You got anything else. You got any other questions, Merlin? Got anymore? Anyone?” EDDIE SCHINDLER: “With this decommissioning, we are guaranteed then that they are?...” CHARLIE HENERY: “We haven’t set anything yet.” NEIL WILLIBY: “That will be set in the road agreement.” JERRY SCHWAGER: “That will be worked with the road agreement.” EDDIE SCHINDLER: “If they file bankruptcy something won’t nullify this or?” LIZ DOERR: “No, it...” EDDIE SCHINDLER: “Is there going to be money there?” LIZ DOERR: “Yeah, even if somebody else buys out the project this should apply to them. I do not know that we need any special language to that effect.” EDDIE SCHINDLER: “But what amount?” JERRY SCHWAGER: “You won’t need no special language.” JOE ABLER: “There is language in the road agreement. (34:00) As I recall the last couple road agreements basically that transfers...” EDDIE SCHINDLER: “What amount are we talking?” JERRY SCHWAGER: “I read one of the old ones last night, there is in there about the liability.” EDDIE SCHINDLER: “What amount are we talking on this? We haven’t set a...” GREG KOINZAN: “What was proposed is that if this passes that when we enter, before construction starts. If this passes, before construction starts we enter into a road agreement and do the decommissioning bond at that time.” EDDIE SCHINDLER: “How lot? I mean...” GREG KOINZAN: “Whatever.” CHARLIE HENERY: “That is set at that time, not now.” GREG KOINZAN: “At that time, not now. So we will set the decommissioning bond and the road agreement cause it is going to be a big deal. Because it is a lot more towers, a lot more miles of road. And that way when you know that, that is how you set the value of the bond. But, I would agree with you that before anything happens it’s in place.” (EDDIE SCHINDLER: “Yeah!) JERRY SCHWAGER: “Well they won’t be able to do construction until bond is in place.” (35:00) GREG KOINZAN: “Right. Right. (LIZ DOERR: “Yeah!) But what, Jerry could we a... I think we have talked about most of the concerns I had on these additional conditions. Are we going to vote on them individually and then vote on the whole thing? Or what, did you have in mind here? So we know what, if we are going to but conditions on top of this.” JERRY SCHWAGER: “Well if you are going to put conditions on them, you are going to have to let Liz know what condition you are going to put on it... and I or whoever.” LIZ DOERR: “Actually, it will be Lisa, she’ll type it up.” JERRY SCHWAGER: “Lisa. You are going to have to let her know so she can type it up.” LIZ DOERR: “We have a draft.” GREG KOINZAN: “I think Liz has a draft, don’t you?” LIZ DOERR: “We have a draft. But we can make changes to it.” JERRY SCHWAGER: “You have a draft?” LISA PAYNE (County Clerk): “I did hand out all of the supervisors this piece of paper. These are the conditions (JERRY SCHWAGER: Yeah, we got that.) and some additional ones. I thought we could go through them, as they are on the draft of the resolution right now.” JERRY SCHWAGER: “Do you want to read through them?” LIZ DOERR: “Do you want me to read them?” GREG KOINZAN: “One at a time.” (36:00) JERRY SCHWAGER: Yeah let’s just go through one at a time so everybody kind of hears what we got here.” LIZ DOERR: “And they start out, these are the ones (KEITH MARVIN: “Is that was you drew up, Liz?”) They start here; these are the ones from the planning commission. JERRY SCHWAGER: “Greg, if you got some different ones down there?” GREG KOINZAN: “No I think mine are all here.” JERRY SCHWAGER: “Ok, but if you got a different one there mark it off and let us know at the end which ones you got different. Anybody else on the board, if you got something different.” GREG KOINZAN: “But I would like to go through these...” JERRY SCHWAGER: “Yeah and we are going to go through these one at a time.” GREG KOINZAN: “And then, either tie em.” JERRY SCHWAGER: “Because the people want to know what we got.” GREG KOINZAN: “Right, and then have a vote on these and then have a final vote. However you want to do it.” JERRY SCHWAGER: “I think we just go through em and make the whole final vote.” CHARLIE HENERY: “We can make the final approval with these conditions on it.” GREG KOINZAN: “Right, that is exactly right.” JERRY SCHWAGER: “If anybody makes a motion you can make a motion that these conditions be on it. We don’t need two votes. I mean I don’t need two of them.” (36:51) LIZ DOERR: Number One- . Prior to erection of any individual tower/wind turbine, Upstream shall provide the Antelope County Zoning Administrator (the “Zoning Administrator) a Determination of No Hazard issued by the Federal Aviation Administration (FAA) for each individual Tower/Wind Turbine at its final turbine location. In addition, the Project will work with the County, including through its planning consultant Marvin Consultants, and the Nebraska Department of Aeronautics to ensure the Project complies with any standard or requirements for height structures as they may apply to any Project Tower/Wind Turbines proposed to be located within the flight instrument approach zone and the 3 mile turning zone, as contemplated by Section 3-301(5) (a) (i) of the Nebraska Airport Zoning Act. To the extent any of Tower/Wind Turbines

does not comply with requirements set for the by the FAA or the Nebraska Airport Zoning Act, such Tower/Wind Turbine will not be constructed and will not be considered part of this proposed Wind Energy Conversion System.” (38:00)

CHARLIE HENERY: “There is more to that. Oh no, no, no. Sorry.” GREG KOINZAN: “Does anyone have any problems with that then?” (38:22) JERRY SCHWAGER: “Number 2.” LIZ DOERR: “Prior to commencement of construction of any individual Tower/Wind Turbine, Upstream shall provide exact final global positioning system locations to the Zoning Administrator, the Antelope County Planning Commission and the County Assessor per the Assessor's requirements for each Tower/Turbine.” (38:47) JERRY SCHWAGER: “Number three.” LIZ DOERR: “Upstream 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 dated May 11, 1998. 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 the work within the Road Right-of -Way is complete.” (39:55) JERRY SCHWAGER: “Number four.” LIZ DOERR: “This Conditional Use Permit applies only to the 168 Towers/Wind Turbines and other associated facilities which make up this Wind Energy Conversion System (including any Transmission Lines), at the specific locations for the proposed Tower/Wind Turbines in Exhibit C of this Application. Each Tower/Wind Turbine will be allowed to be located within 600 feet in any direction from the specific proposed location in Exhibit C to accommodate for physical surface and subsurface site conditions, landowner concerns, etc. after demonstrating that it will meet the appropriate setbacks. To the extent the Project needs to build any Tower/Wind Turbine as part of this Wind Energy Conversion System that is outside the 600 feet from any specific proposed Tower/Wind Turbine location set forth in Exhibit C, 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 Article 10 of the County's zoning regulations, as applicable. ... etc (I had added this after... setbacks... (Just to clarify that they'll still have to meet the setbacks...)) (41:25) LIZ DOERR: “Within 60 calendar days of completing construction of any phase of the Wind Energy Conversion System, the Project will provide the Zoning Administrator a final Project site layout, which will demonstrate that each Tower/Wind Turbine is located within 600 feet of the specific location for that Tower/Wind Turbine as set forth in Exhibit C. All turbines directed to be lit according to FAA rules and regulations and shall be indicated on the site layout.” (41:54) GREG KOINZAN: “Liz is that before construction? Or after? Or after construction they have to say that. I don't understand that?” JERRY SCHWAGER: “Within 60 calendar days of completing construction.” LIZ DOERR: “Completing construction of any phase. So maybe it is something that we need sooner, or on a different time frame.” GREG KOINZAN: “Well a building permit would do that too, is that right?” JERRY SCHWAGER: “If they get their building permit that should show a layout where they are going to put them right?” (42:24) KEITH MARVIN: “Essentially, what this does is creates a set of builds, as to where they actually build them, and which towers are going to be lit. FAA (GREG KOINZAN: “Ok.”) dictates as to which ones are lit and which ones are not.” GREG KOINZAN: “Ok, that is what this pertains to?” KEITH MARVIN: “Yes.” (42:54) LIZ DOERR: “Number six. Within 24 months of completion of any initial phase of the Wind Energy Conversion System, the Project will be required to perform a noise analysis demonstrating the Project is in compliance with Section 1504.06 (11) of the County's zoning regulations.” GREG KOINZAN: “That is the wind study?” JERRY SCHWAGER/CHARLIE HENERY: “Noise study.” LIZ DOERR: “And that comes after completion.” (43:23) LIZ DOERR: “Ok number seven. The applicant shall acquire environmental permits prior to construction. Copies of said environmental permits shall be given to the Zoning Administrator pre-construction.” NEIL WILLIBY: “That would be before the construction right?” (43:45) LIZ DOERR: “Yeah! Pre-construction. Number eight. . It is specifically contemplated that the 168 Towers/Wind Turbines or 350 MW of generation and associated facilities which make up this Wind Energy Conversion System may be constructed and placed in service in phases, to accommodate necessary Project financing, obtaining any required power purchase agreements, and other business reasons. Consistent with Condition 4 above, however, to the extent Applicant (or any other party) wishes to construct Towers/Wind Turbines other than those proposed in this Application, even if such other Towers/ Wind turbines are combined with one or more of the Tower/Wind Turbines proposed in this Application, a new Conditional Use Permit will be required for the additional Towers/Wind Turbines (and associated facilities) beyond the approved 168 Towers/Wind Turbines or amended turbine per condition 4 above.” (44:50) JERRY SCHWAGER: “Any questions so far? Any questions so far?” LIZ DOERR: “Jerry-“ MERLIN BOLLING: “On them 168 turbines, if you take some of them out for the airport?” JERRY SCHWAGER: “You take eight (8) out.” MERLIN BOLLING: “Where are the other sites coming from? You are down to 160.” JERRY SCHWAGER: “Yeah.” HENERY/DOERR/MARVIN: “Or 350 megawatts.” LIZ DOERR: “So, depending on which tower model they are able to purchase they generate different amounts of megawatts. So, they might need that many.” MERLIN BOLLING: “Ok.” (45:25) JERRY SCHWAGER: “They just need 168 on this permit.” GREG KOINZAN: “They are not going to build anything without having an additional public hearing.” LIZ DOERR: “But, if they move them, yeah they still have to come back.” GREG KOINZAN: “They have to come back. So... They have to come back, and everyone have a public hearing and people can speak.” JERRY SCHWAGER: “And tell us where they are going to put them.” (45:42) KELLY MUELLER: “On number three (3) did you say prior- like with the longitude and latitude- is that prior to construction or after construction?” (Everybody is looking.) LIZ DOERR: “That's the roads.” KELLY MUELLER: “Maybe it was number two (2).” JERRY SCHWAGER: “Prior to the commencement of construction of any individual tower/wind turbine. Upstream shall provide exact final global positioning. Prior to.”

KELLY MUELLER: “Because, I... as long as it is beforehand so you can check and make sure they didn’t move it more than to 600 feet.” LIZ DOERR: “Yes, that is a good point.” JERRY SCHWAGER: “They’ll check it prior to.” GREG KOINZAN: “That would be part of the building permit also.” (46:29) JERRY SCHWAGER: “Ok, number nine.” LIZ DOERR: “. To the extent any non-participating landowner within the Project Area intends to build a new dwelling unit (ie residence) within the 2000 foot reciprocal setback required by Section 1504.04 of the zoning regulations, the Project agrees not to object to the landowner obtaining from the County the required waiver of such setback. To the extent that such dwelling unit is built within the reciprocal setback, the Project will be deemed in compliance with the Commercial/Utility WECS regulations.” JERRY SCHWAGER: “Number ten.” LIZ DOERR: “Ok and this is one that was added.” GREG KOINZAN: “Keith, on number nine. (KEITH MARVIN: “Ok.”) They only thing they couldn’t build, the way I understand it, is maybe a grain leg that maybe would be too tall. Is that correct?” LIZ DOERR: “Instead of dwelling do we need to substitute structure?” (47:30) GREG KOINZAN: “I mean you can build a house, shop, grain bin. But-“ JERRY SCHWAGER: “Well they can build a grain leg, as long as it is a certain height.” KEITH MARVIN: “Yep.” JERRY SCHWAGER: “Correct. They talked about that before.” GREG KOINZAN: “Ok. So it is any construction?” (SCHWAGER/MARVIN: “Yeah.”) GREG KOINZAN: “I mean it is any... You can build whatever you want on your own land, without asking permission from Invenergy.” KEITH MARVIN: “The only time we have talked about grain legs is grain legs are going to be subject to the airport regulations. In their approaches. GREG KOINZAN: “Ok. Ok. All right now. Thank you.” JERRY SCHWAGER: “But they can build whatever they want to- regarding this here?” (48:10) KEITH MARVIN: “Right.” LIZ DOERR: “Ok, this number ten is the one that Upstream had proposed as an additional condition. Upstream Energy will maintain property damage and liability insurance for any damages to persons or property that may result from Upstream’s ownership and/or operations of its proposed Wind Energy Conversion System.” JERRY SCHWAGER: “Does that meet what you had for questions, Greg?” GREG KOINZAN: “Yeah? That means they have basic liability insurance to me.” JERRY SCHWAGER: “Yea!” (48:45) LIZ DOERR: Ok, then the rest of these are some of the conditions that I have proposed to be added. Towers #63, 64, 65 in 28-26N-6W, 66 in 33-26N-6W, 67 in 21-26N-6W, 68 and 69 in 27-26N-6W, and 77 in 23-26N-6W in the 10 mile airport approach zone shall not be constructed. Applicant may move the location of the towers outside of the airport approach zone only if the Project seeks 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 Article 10 of the County’s zoning regulations, as applicable... So if they want to build any of those, it is more than likely going to be more than 600 feet. So they will need to amend it.” (50:00) LIZ DOERR: Number twelve. And I have proposed a free zoning permit, just because I wasn’t there when you guys were talking about the fee schedule. And zoning permits were not done on the last one. A \$500.00 zoning permit shall be issued prior to construction of individual towers and meteorological towers showing that said tower(s) complies with all applicable setbacks, an acoustical analysis showing that the noise regulations can be met, and FAA approval.” (50:43) CHARLIE HENERY: “I think we should do the \$500.00 fee on that.” KEITH MARVIN: “I think well I was going to say. I was thinking about this earlier, I would get away from the terminology of building permit, and use the zoning permit concept here. Because building permit implies something different, where a zoning permit doesn’t have the same implications. (51:06) GREG KOINZAN: So you would insert, Charlie’s recommendations would be, sorry Charlie a \$500.00 zoning permit, instead of building.” LIZ DOERR: “Yea, don’t call it a building permit. Because building permit is for building codes. And Zoning is (51:22). Even though in our minds we all think of it as building permits.” GREG KOINZAN: “Ok, is there? Well?” LIZ DOERR: “Because you don’t have code enforcement here.” (51:33) CHARLIE HENERY: “Number 12 should read: A \$500.00 zoning permit shall be used prior to construction...: GREG KOINZAN: “That is fine with me. Is there? Do you guys have any other?” (51:50) EDDIE SCHINDLER: “I guess, I don’t. If we can justify it, I guess that’s.” JERRY SCHWAGER: “Ok with you? – Go ahead then.” (52:00) LIZ DOERR: ‘Number thirteen. . . Underground Road Permits, a Roads Agreement, and Decommissioning Plan shall be approved by the County Board before zoning permits will be issued for construction. Number fourteen. Signs shall be posted at the Right-of-Ways giving the tower numbers, address, and Owner’s name. Number fifteen. . . All towers shall adhere to the Special Safety and Design Standards in Section 1504-06... We’ve got some numbers mixed up in there. Because 15 is in with 14. That’s just numbering. (16) The feeder lines for Towers 71, 77, 87, 90, 127, 133, 154, 157, 160, 165, and 169 shall be supplied before a Zoning permit is issued... And I don’t know that we need to change that any if some of the other feeder lines are changed. But it will be part of the building permit.” JERRY SCHWAGER: “It will be part of the building permit.” HENERY/WILLIBY/ KOINZAN/ABLER: “Zoning Permit.” KEITH MARVIN: “They learn fast.” JERRY SCHWAGER: “I got it down right now. Zoning Permit.” LIZ DOERR: “(17) The height of the meteorological tower(s) shall be supplied and evidence that setbacks can be met... And this is for the permanent ones.” LISA PAYNE (County Clerk): “One metrological towers, don’t they do a separate zoning permit and all of it?” LIZ DOERR: “Yes, they will need a separate zoning permit. So I guess I don’t know if the \$500.00 is just for the towers? Or we have it in there for there for the meteor towers.” KEITH MARVIN: “It says meteorological towers.” JERRY SCHWAGER: “You got in in there. I thought I read it.” LIZ DOERR: “Yep. We got it. (18) Cemeteries shall be shown on the Parcel Summary map showing that setbacks can be met... Any WECS-” GREG KOINZAN: “Hold on Liz. That means that the same setbacks apply to a cemetery as it does a residence. (LIZ DOERR: “No.”) JERRY SCHWAGER: “That will be different. I read that someplace.” LIZ DOERR: “I think that was in the... here. Other structures and cemeteries not on the applicant site is 1.1 x the height. I wasn’t finding it. Maybe it is there, but I wasn’t finding it, and so I just wanted to make sure that it does meet that. (55:00) (19) Any WECS/turbine, approved in this project, not constructed and receiving a Certificate of Zoning Compliance on or before June 7<sup>th</sup>, 2019 shall be reviewed by the County Board prior to receiving a Zoning (Building) permit and beginning construction.” JERRY SCHWAGER: “Any questions?” KEITH MARVIN: “Jerry, and I guess I would based on the conversation, then I would add is one additional one that said they shall increase the setbacks along

the public right of ways, and property lines to meet the GE manufactured setbacks of 1.5 x the total height. And if the tower cannot meet the separation. They need to identify it, and bring it in and show they will mitigate that issue by shut down.” (56:10) MIKE DEGAN, INVENERGY ATTORNEY: “Jerry request to address the board on this issue. Just for clarification purposes- because this was not an issue we were allowed to address.” Mummies: “No.” (56:22) JERRY SCHWAGER: “If I let him address it, then everybody else would want to say stuff. So I ain’t, no. Any other questions, or problems with the issues.” (56:47) GREG KOINZAN: “So Keith, basically what I understand, your recommendation is, that they either have to be one and half times the blade height. So we would move the towers back, unless Invenergy comes in and says we are going to shut them down because of weather conditions. (Marvin: “Ahhh”) They could still build them there but they cannot run them when it’s icy.” KEITH MARVIN: “Ideally, they will at least be that far away from the right of way. The public right of way. Ahh.” (57:19) CHARLIE HENERY: “I still got a question on this residence circle. We are requiring more than 500 foot. Then they are not going to be able to put them anywhere.” KEITH MARVIN: “Well, my question, my comments was, if they cannot meet that separation distance, then they need to identify those at the time of permit. And then they will mitigate that be shutting them down.” GREG KOINZAN: “They will shut em down on days when it is icy.” CHARLIE HENERY: “ They say this one does not meet the 1.5 we shut this number down at this time.” (57:59) GREG KOINZAN: “We (Invenergy) agree to shut it down. Who would monitor this?” KEITH MARVIN: “What would happen, is basically you would have a complaint, and then if there is an incident, then you would have a bigger problem. That is where their liability would kick in because they weren’t meeting their permit. And technically, you could...” LIZ DOERR: “There liability.” KOINZAN/SCHWAGER/HENERY: Their liability.” KEITH MARVIN: “Yea. If you want to know the honest to goodness truth. If they fail to meet the conditions of the permit, you could put them on notice- or revoke their permit. That is a lot of money to revoke.- Provided you give them due process.” (58:36) GREG KOINZAN: “Yea. If they are out of compliance. They either fix their problem. Or we stop them.” CHARLIE HENERY: “So they are going to make darn sure on an icy day they shut them down.” GREG KOINZAN: “But they are still going to be allowed to put them in.” KEITH MARVIN: “The ideal situation is...” (59:00) CHARLIE HENERY: “So basically, what you are saying if they don’t do the 1.5. They come in and say we are only 499 foot from the edge of the road.” KEITH MARVIN: “I guess what I am saying is the prove that they can’t meet the 1.5.” GREG KOINZAN: “In order for them to operate them they are going to have to say...” KEITH MARVIN: “They will shut em down.” JERRY SCHWAGER: “That wouldn’t be that often- with and ice and stuff.” KEITH MARVIN: “Some years, maybe more, some years may be less.” (59:37) JERRY SCHWAGER: “Anything else?” EDDIE SCHINDLER: “Just to clarify. It is my understanding then that as far as the setback and clustering on this project, it is pretty much set.” KEITH MARVIN: “Yes.” LIZ DOERR: “I think so.” KEITH MARVIN: “As we go through the whole zoning code update- and we look at, and revisit this it may be something we will be able to look at.” EDDIE SCHINDLER: “Down the road. Which I would very much want to.” JERRY SCHWAGER: “Anything? You guys got anything?” GREG KOINZAN: “We need to determine whether we want to put that on.” CHARLIE HENERY: “I think we should.” EDDIE SCHINDLER: “What’s that?” CHARLIE HENERY: “The 1.5 setback.” LIZ DOERR: “This last one.” EDDIE SCHINDLER: “Oh yeah, I would do it.” JERRY SCHWAGER: “Is there a problem no to do it?” (1:00:24) GREG KOINZAN: “No, no, no. It appears to me it increases their liability, and reduces the counties. It is similar to the letter of liability that we talked earlier about. This is why they have to be in control of icing, and if they are not then they have to fix it. They have already admitted that icing is their liability; we have the letter there from the first time. I think this puts more owners on them. I think is the correct term.” JERRY SCHWAGER: “But it’s not going to happen all the time. It may not happen in a year. One out of two years.” (1:01:00) MERLIN BOLLING: “We have had complaints.” GREG KOINZAN: “Right. And we have talked about this icing issue quite a little bit. And this just helps the counties liability I believe. Is that right Keith?” KEITH MARVIN: “Uh huh.” GREG KOINZAN: “And puts more of the liability on the winds people, is that correct? I mean for a layman, us simple folks.” KEITH MARVIN: “Yea. As a good friend of mine says, ‘Any fool and a filing fee can take you to court.’ so.” GREG KOINZAN: “Yea!” KEITH MARVIN: “Doesn’t mean he won’t.” GREG KOINZAN: “I am in agreement with putting that on.” (1:01:38) EDDIE SCHINDLER: “My question is for Liz. Have you had any concerns about clustering? Has anybody brought this up to you?” LIZ DOERR: “On this project?” EDDIE SCHINDLER: “On this project, yea.” LIZ DOERR: “Well Char had some notes about it but you know I wasn’t at the planning commission meeting so I really don’t know for sure what all.” EDDIE SCHINDLER: “Has individuals come in and talked to you at all? Or concerns.” (1:02:00) LIZ DOERR: Not so much on very specific ones.” GREG KOINZAN: “Eddie, Rachel Frey has contacted me. I think its real technical, I am not sure, but I think they live in- Terry’s here- but they live in Elm Township. She was concerned- Roger Kees was going to put four (4) of them- multiple distances from their house. The way I understand it is to the east and north. I went and looked at the property. Kelly and I also researched the distance the four (4) towers from their house. They range from 2000 and some feet, 2500 feet, 17 feet. 2000 foot and the farthest one is 3068 feet.” EDDIE SCHINDLER: “And he is a non-participant.” GREG KOINZAN: “Terry is a non-participant- Is that correct Terry? - (TERRY: “Yep.”) Do I have all the information correct Terry? (TERRY: “Yea pretty close.”) I do not want to speak for you- but feel free to correct me. I know that we are not supposed to talk. But we are all going to live here a long time. And that’s all. I do not know if it is my job- but I went and looked where they are. I talked to Rachael on the phone. Liz has told me the term “cluster” is not even in our zoning regulations.” LIZ DOERR: “Not that I am aware of...” JERRY SCHWAGER: “I’ve never read it in there.” GREG KOINZAN: “That’s what I know about the situation. That’s what I did. That’s what I know.” JERRY SCHWAGER: “Ok lets go on. Any other questions?” EDDIE SCHINDLER: “That’s the only problem I have really is these towers. So many towers being around.” KEITH MARVIN: “Speak up Ed.” EDDIE SCHINDLER: “I just have a problem with so many towers being around a house- a non-participant house like that. If they were maybe 3000-3500.” (1:04:06) GREG KOINZAN: “When you say cluster. I mean you would think they were all around one’s home. In this instance they are all



in one direction away from one home. So I don't, when you start talking about that- it is really hard to define it. And people use that word- and when it is not defined- it becomes very complicated." (1:04:32) JERRY SCHWAGER: "Anything else? Any other questions? Keith? Well, if you guys are all satisfied with what you got, I will ask for a motion from the board." (1:05:05) MERLIN BOLLING: "I will make a motion that we approve it with all of the conditions." CHARLIE HENERY: "I will second that." LIZ DOERR: "Including the last one?" JERRY SCHWAGER: "Including the last one but on?" CHARLIE HENERY: "With every condition we talked about plus the last one of 1.5." GREG KOINZAN: "And the \$500.00 fee." CHARLIE HENERY: "Right." JERRY SCHWAGER: "Merlin made a motion, Charlie you seconded it. (Both confirm) Any discussion on motion?" EDDIE SCHINDLER: "If it didn't pass could we go back and set different setbacks and stuff like that, or are we..." KEITH MARVIN: "If you turn this down it goes back to square one." EDDIE SCHINDLER: "Square one, then we could rescind our own setbacks, or not? (1:06:00) KEITH MARVIN: "Well, I mean if we, will be looking at everything. In the long run..." JERRY SCHWAGER: "It will be a start over again." KEITH MARVIN: "It will be a start over, if they choose to go forward again." (1:06:20) JERRY SCHWAGER: Do you have the findings, Lisa?" (Findings turned over to Jerry) (1:06:40) JERRY SCHWAGER: "The application for conditional use filed by: Invenenergy Wind Development, LLC for their Upstream Wind Energy LLC Project for up to 168 towers/wind turbines or up to 350 MW of total capacity in Blaine, Custer, Neligh, Elm and Willow Townships. FINDINGS: \_YES\_ 1. That the Zoning district in which the proposed use is to be located is Zoned AG-G (General Agricultural District). \_YES\_ 2. That the proposed use that is the subject of this application is not a permitted use in such zoning district. \_YES\_ 3. That the applicant has filed an application for conditional use. \_YES\_ 4. That said application has been reviewed by the Antelope County Planning Commission. \_YES\_ 5. That the Antelope County Planning Commission has held a public hearing as required by the Zoning Regulations. \_YES\_ 6. That the Antelope County Planning Commission has recommended that the conditional use permit be granted. (If applicable-subject to certain conditions set forth in the recommendation). \_YES\_ 7. That on May 24, 2016, a public hearing was held before this Board, The Antelope County Board of Supervisors. \_YES\_ 8. That Notice of hearing was published at least 10 (ten) days prior to the hearing, said date of publication being May 11, 2016. Said publication was in the Elgin Review, Neligh News & Leader, Orchard News and the Clearwater Record. \_YES\_ 9. That the exhibits and comments introduced at the Planning Commission public hearing(s) are hereby incorporated in to this record. That opportunity for additional evidence, comments and arguments was made. \_YES\_ 10. That the proposed use is a conditional use, reasonably compatible with surrounding land uses with regards to traffic generation, noise, odors, dust, vibrations, and potential air, soil or water pollution or explosion or other hazards. \_YES\_ 11. That this Board has considered the property, size and location of the requested improvement, the use of the improvement, location of access to public roadways, adequate access to water and sewage supply, parking considerations, nearby residences and other non-agricultural uses within one (1) mile of the property in question, water surface drainage and any issues regarding wetlands, as required by Zoning Regulation section 1002. \_YES\_ 12. That said conditional use permit is compatible with the Antelope County Comprehensive Plan." (1:08:44) JERRY SCHWAGER: "I will take roll call. SCHINDLER: No. BOLLING: Yes. WILLIBY: Yes. HENERY: Yes. KERKMAN: Abstained. KOINZAN: Yes. And I will vote yes." (1:09:00) I will close this portion- and go back to main agenda. ALL Supervisors: Yays. JERRY SCHWAGER: It is 10:17 AM, and we will reconvene upstairs in the meeting room.

Reconvened as Board of Supervisors at 10:28 AM in the Supervisors Meeting Room, Antelope County Courthouse Annex. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Kerkman, Schindler, Koinzan, Henery, Williby, Bolling 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.

The following librarians met with the county board to present their yearly report and made a request for funding for 2016/2017. Orchard Public Library – Linda Risinger, Elgin Public Library-Joyce Sullivan, Neligh Public Library – Jennifer Norton, Tilden Public Library – Cindy Lee Simeon and Clearwater Public Library-Merilee Thornberry and Brunswick Public Library-Kate Ostenrude. There was no report from the Oakdale Library, as they are currently looking for a librarian. Motion was made by Williby, seconded by Henery to approve funding as 2015-2016 year. (Orchard -\$2715.63; Oakdale \$2715.63; Elgin - \$2853.12; Neligh - \$3294.00; Brunswick - \$2550.00; Clearwater - \$ 2462.50; Tilden - \$2716.50). Those voting aye: Bolling, Koinzan, Kerkman, Williby, Schindler, Henery and Schwager. Nays none. Motion carried.

Joe Abler, Antelope County Attorney met with the Supervisors regarding legal issues in the county. The high profile legal case of Liermann, had his defense attorney withdraw from his case. Attorney Stratton has taken on the case and has agreed to pick up where Mr. Temple left. Mr. Temple submitted a bill for over \$43,000.00. Mr. Abler filed an objection with the Judge. Hopefully, the judge will review and reduce the claim. He will set the amount due if he does not agree with the \$43,000.00.

Dave Totten, a recently retired Road and Bridge Employee, has submitted a claim for 10/12s of a years accrued vacation. His claim totaling \$2697.05 was for 16.70 days. Dave has worked for the county for 19 years and was at the 20 days earned vacation a year. His claim divided the total number of days times

83% because he felt he worked 83% of the year. Antelope County has a longtime practice of making vacation not accrued and available for use until after the employee's anniversary date. Mr. Totten's anniversary date is July 1, 1997. After discussion and the review of long term employees, Dave's job performance and Antelope County's vacation policy, a motion was made by Supervisor Kerkman, seconded by Supervisor Schindler to deny Mr. Totten's claim, and to review the vacation accrued policy for future resignations and claims. Voting aye: Kerkman, Schindler, Williby, Henery, Bolling, and Schwager. Koinzan abstained. Nays none. Motion passed.

Livestock Friendly County status was discussed we had received an email from the Department of Agriculture regarding a presentation for the Livestock Friendly Designation. The fair board has been contacted and wanted a week to gather more information. Issue tabled until June 14, 2016 meeting.

Liz Doerr, Antelope County Zoning Administrator, gave her meeting report. She has no pending conditional use permits. Brian Hoffman has a project which would be considered a major modification for DEQ standards. He has a permit from the county for the expansion he is planning. His facility is rated for his expansion. Liz stated they have a request from Mark Hunzeker for a change to the wind tower regulations. There is a planning/zoning meeting scheduled for June 21, 2016. Liz also expressed an interest in the Livestock Friendly designation and mentioned she had some contacts in Lincoln.

Liz discussed various fees from the Planning/Zoning Office. She has fees for inspections, permits and filings. A resolution was discussed in establishing various fees. Ms. Doerr agreed most fees as set are in good standing. She thought maybe the Flood Plain Permit fee could be increased. After discussions, Supervisor Kerkman, made a motion to up the Flood Plain Permit to \$100.00 from the current \$25.00 fee; to set the private recommendation to Zoning Map or Regulation change at \$200.00 and to accept the zoning fees as previous. Motion was seconded by Supervisor Williby. Voting aye: Kerkman, Williby, Bolling, Henery, Schindler, and Schwager. Nays: Koinzan. Motion passed.

ANTELOPE COUNTY  
RESOLUTION NO. 2016-06-0004  
PLANNING & ZONING FEES

*WHEREAS, the Antelope County Planning and Zoning Administrator and Office collects fees for the purpose of conducting business, in order to promoting health, safety, morals, or the general welfare of the County of Antelope and, WHEREAS, the Antelope County Planning Commission has been made aware by the Nebraska's State Auditor's Office that these fees should be established and maintained by a board resolution or policy;*

*WHEREAS, the Antelope County Zoning Administrator and Planning Commission is in the process of updating the Planning and Zoning Regulations, and in accordance, need to have the fees set by board resolution.*

*WHEREAS, the Antelope County Zoning Administrator, has been and will continue to collect fees for various permits, requests and filings. To continue good will and maintain a solid fee schedule recording basis the following fees will be set as per usual and customary actions:*

Zoning & Ag Use Permit	\$ 25.00
Class I	\$ 25.00
Class II	\$ 35.00
Class III	\$ 55.00
Class IV	\$ 75.00
Class V (intensive feeding use only)	\$100.00
Commercial Use	\$100.00
Variance	\$200.00
RCI District	\$ 50.00
Flood Plain Permit	\$100.00
Private Recommendation to Zoning Map or Regulation change	\$200.00

*Any permit applied for after the fact (ie: after the building is built or after pumping effluent thru pivot is subject to 10x the original permit fee.*

*THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF SUPERVISORS that the Antelope County Zoning Administrator shall establish a fee schedule as above. The Zoning Administrator by and through the Antelope County Zoning Office shall collect the fees as deemed necessary.*

*Dated this 7th day of June 2016.*

\_\_\_\_\_/s/ Lisa Payne\_\_\_\_\_

Attest: Antelope County Clerk

Motion by: \_\_\_ Kerkman \_\_\_\_\_

Seconded by: \_\_ Williby \_\_\_\_\_

Voting aye: \_Kerkman, Williby, Schindler, Henery, Bolling, Schwager\_\_\_\_\_

Voting nay: \_\_ Koinzan \_\_\_\_\_

Motion passed \_\_ Yes \_\_\_\_\_

\_\_\_\_\_/s/ Jerald Schwager\_\_\_\_\_

Jerald Schwager, Chairman of County Board

Motion was made by Henery, seconded by Williby to approve the May 3, 2016 and May 9, 2016 board minutes. Those voting aye: Bolling, Kerkman, Schindler, Koinzan Williby, Henery and Schwager. Nays none. Motion carried.

Motion was made by Schindler, seconded by Bolling to approve the May 3, 2016 Board of Equalization minutes. Those voting aye: Bolling, Kerkman, Schindler, Koinzan Williby, Henery and Schwager. Nays none. Motion carried.

Discussion held regarding clerks fees, and the need to set the fees by resolution. This agenda item has been discussed in the past. Motion was made by Supervisor Henery, seconded by Supervisor Williby to approve clerk fees and approve resolution. Voting aye: Henery, Williby, Bolling, Koinzan, Kerkman, Schindler, and Schwager. Nays none. Motion carried.

*ANTELOPE COUNTY  
RESOLUTION NO. 2016-06-0005*

*WHEREAS, the Antelope County Clerk sells and collects moneys for the plat books; AND will collect a fee for advertising Liquor License Hearing as per State Statute 53-132(4)b and,*

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

*WHEREAS, the Antelope County Clerk needs to collect these fees to continue good will and maintain a solid fee schedule recording basis;*

*THEREFORE, BE IT RESOLVED BY THE ANTELOPE COUNTY BOARD OF SUPERVISORS that the Antelope County Clerk shall establish a fee to continue the sale of plat maps in Antelope County. Fee for Plat Books will continue to be \$15.00. Fees for publication of Liquor License Renewal will be set at \$52.00. Collection of scanned records fees for the scanned CD provided by MIPS to be set at \$500.00. The clerk by and through the Antelope County Clerk's Office shall collect the fees as deemed necessary.*

*Dated this 7th day of June 2016. \_\_\_/s/ Lisa Payne \_\_\_\_\_*

*\_\_\_/s/ Jerald Schwager*

*Attest: Antelope County Clerk*

*Jerald Schwager,*

*Chairman of County Board*

*Motion by: \_Henery \_\_\_\_\_*

*Seconded by: \_Williby \_\_\_\_\_*

*Voting aye: Henery, Williby, Koinzan, Kerkman, Schindler, Bolling, Schwager*

*Voting nay: \_ None \_\_\_\_\_*

*Motion passed \_\_\_ Yes \_\_\_\_.*

11:26 AM Brian McDonald, highway superintendent met with the board regarding various road projects. He would like to add two (2) projects to the One and Six (6) Projects list. #1) there is one and a quarter mile of grading 390 is the addition. Re-grading and graveling of road on 526<sup>th</sup> Avenue – north of 854<sup>th</sup> Road. (2 miles east of Neligh-Pierce Road back north – past Kenny Reinke's.) #2) Site 3 that was damaged during the crane incident. We will call that Project 390.00 the one to the west and north of Dave Beckman's. Motion was made by Williby, seconded by Supervisor Kerkman to adopt the resolution to add projects to one and six. Voting aye: Schindler, Williby, Henery, Bolling, Koinzan, Kerkman, and Schwager. Nays none. Motion carried.

*RESOLUTION  
2016-06-0006*

*ANTELOPE COUNTY, NEBRASKA*

*WHEREAS, it is in the public interest to replace the non-bridge size structure with a corrugated metal culvert pipes. Said bridge is located between Sections 19 and 20, Township 23 North, Range 6 West of the 6th P.M., Antelope County, Nebraska.*

*NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Antelope County, Nebraska, that said bridge be replaced with corrugated metal culvert pipes.*

*BE IT FURTHER RESOLVED, That the projects be added to the current One Year Road Program of said County to be known as Project No. C-2(391), Elgin Southeast Site 3.*

*Adopted this 7th day of June, 2016, at Neligh, Nebraska.*

*ATTEST:*

*BOARD OF COUNTY SUPERVISORS  
OF ANTELOPE COUNTY, NEBRASKA*

*\_\_\_/s/ Lisa Payne \_\_\_\_\_*

*\_\_\_Jerald Schwager \_\_\_\_\_*

*Lisa Payne, Clerk*

*Jerry Schwager, Chairman*

*Supervisor \_\_\_ Williby \_\_\_\_\_*

*Moved the adoption of said Resolution: Roll Call: \_\_\_7\_ Yea \_\_\_0\_ Nay  
Resolution adopted, signed, and billed as adopted.*

Brian also discussed the need to approve advertising for Site One and Site Two, the east and west bridges in front of Beckman's place. Probably twin 9 x 6 box culverts, they are about identical. Total costs of \$120,000.00. Site one is a repair for approximately \$23,000.00. Site 2 was a total loss, so it is going to be \$60,000.00 plus. Site 3 repair of that is \$46,000.00. You can look at site 1 and 3 repair covering site one with a full box culvert, or you can put tubes as well. The land owners around there are opposed to tubes. The bids are set up to bid both projects. Site one could be

awarded with that. Options after the bid numbers might be in order. The insurance company has not made a payout recommendation is at this time. Brian suggests asking for: one box culvert, estimate for repair (\$65,000.00), engineer fees, etc, and the cost of temporary culverts. Box culvert would be in order if that is what the land owner wants, because of the water flow in the area. Box culverts are easier to clean out, and debris does not readjust them as easy. Box culvert could be cheaper if the county is doing the work. Supervisor Koinzan moved to authorize the clerk to advertise for bids C-2344. Motion is seconded by Kerkman. No questions. Voting aye: Schindler, Williby, Henery, Bolling, Koinzan, Kerkman and Schwager. Nays none. Motion based.

*RESOLUTION  
2016-06-0007*

*ANTELOPE COUNTY, NEBRASKA*

*WHEREAS, it is in the public interest to re-grade and gravel 526<sup>th</sup> Ave starting at its intersection with 854<sup>th</sup> Road and extending North 1.3 miles. The road is located between sections 14/15 and 22/23, Township 26 North, and Range 6 West of the 6<sup>th</sup> Principal Meridian, Antelope County Nebraska*

*NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Antelope County, Nebraska, that said road be re-graded and graveled.*

*BE IT FURTHER RESOLVED, That the project be added to the current One Year Road Program of said County to be known as Project No. C-2(390), 526<sup>th</sup> Road Improvements.*

*Adopted this 7th day of June, 2016, at Neligh, Nebraska.*

*ATTEST: BOARD OF COUNTY SUPERVISORS OF ANTELOPE COUNTY, NEBRASKA*

*\_\_\_/s/ Lisa Payne \_\_\_\_\_*

*Lisa Payne, Clerk*

*Supervisor: \_\_\_ Koinzan \_\_\_\_\_*

*\_\_\_/s/ Jerry Schwager \_\_\_\_\_*

*Jerry Schwager, Chairman*

*Moved the adoption of said Resolution: Roll Call: \_7\_ Yea      \_0\_ Nay  
Resolution adopted, signed, and billed as adopted.*

Brian McDonald also discussed projects and updates on different projects. Tilden west by Jerry Hales/Harold Ritter To fix, it drops down to a hole, site visibility is an issue, a five (5) foot grade raise, 70 foot bridge or a triple 16 x 16 box culvert. Estimate at \$500,000.00. \$45,000.00 rough estimate on dirt work for culverts. Look to complete this in October of next year. Let that bid this fall for next year's construction? Bridge plans \$5,000.00-\$6,000.00. If they come in 20% high, then we may talk about not accepting bids. Brunswick northeast. Brian Freys. Brian also stated the main purpose of the road agreement was to maintain the roads during the project and to return/release them in as good as or better than when the agreement started. He feels the majority of the Invenergy roads are that way and voiced no objection to releasing roads that way.

11:43 AM to 11:45 AM, Chairman Schwager stepped out and Vice Chairman Williby chaired meeting. No action.

Supervisor Kerkman discussed with the board regarding the amount of paved roads in the county. Currently, the upkeep on the hard surface roads is an expense not needed if the county would turn more of these roads into gravel. To continue to maintain the amount of hard surface roads is not feasible verses the use and necessity to keep them hard surfaced.

12:08 PM Went into Board of Equalization. 12:12 PM Out of Board of Equalization.

Road Boss Report:

Semi-Tractor Bids: The following semi-tractor bids were opened at 12:13 PM. Tinsley Grain, Neligh, Nebraska 2007 Freightliner Columbia , 707,000 miles,\$44,750.00; Nebraska Truck Center, Inc., Grand Island, Nebraska 2007 Freightliner CL 120 Columbia Day Cab 415,000 miles \$36,500.00; , Nebraska Truck Center, Inc., Grand Island, Nebraska 2007 Freightliner CL 120 Columbia Day Cab 498,000 miles \$34,000.00; and RDO Truck Centers, Norfolk, Nebraska sent five (5) semi-tractor bids - 2011 Mack CU613 with 134,132 miles at \$62,000.00; 2012 Mack CXU613 with 435,646 miles at \$54,000.00; 2012 MACK CXU613 with 435,956 miles at \$54,000.00; 2012 MACK CXU613 with 435,646 miles at \$54,000.00; and 2013 Mack GU713 with 35,932 miles at \$125,000.00. Discussion continued of the bids and the wants/need of the county. It appears the current bids did not meet the current specs the county was looking for. Road Boss, Casey Dittrich was asked to explore other avenues, and or options. Again, the possibility of an auction bid was discussed. At this time, search will continue for a more county friendly option. No motion was made at this time.

Motion was made by Supervisor Kerkman, seconded by Supervisor Henery to approve claim for trailer from ITM in the amount of \$49,895.98. Voting aye: Kerkman, Henery, Koinzan, Bolling, Williby, Schindler and Schwager. Nays none. Motion carried. Discussion as to when and how to get trailer, Casey Dittrich thought he would wait for a slower day and take a couple of the employees with him. He also suggested maybe visiting some semi-tractor dealers during the trip to pick up the trailer. All appeared to be in agreement.

Casey discussed the 2016-2017 budget and road district map. Because Antelope County will be going from seven (7) supervisors to five (5) commissioners in January of 2017, changes may have to be made before budgeting is complete, so

all are on the same page. The decisions have to be made to go either with seven or five district budgets. Because the fiscal year starts July 1, 2016 these answers have to be educated and a good faith effort has to be made to establish good will and maintain a healthy and sustainable budget. The supervisors are asked to give both items some serious thought.

12:56 PM Supervisor Williby left meeting for appointment.

Casey discussed the Customer Service Agreement with CAT regarding the grader purchased in January. This agreement is quoted at \$5933.00 and is a 3 year maintenance agreement, and it keeps the warranty active. The dollar figure without the agreement seems to be costly to the county and if some maintenance is missed may void any other warranties. Motion was made by Supervisor Henery, seconded by Supervisor Schindler to accept the Customer Support Agreement. Voting aye: Henery, Schindler, Koinzan, Kerkman, Bolling and Schwager. Williby absent. Nays none. Motion carried.

Discussion held on oil road repairs. Currently, Antelope County would like to see 13 miles overlaid yet this summer. Casey is reporting a great number more that could also benefit from overlay. Again, he is asking the Supervisors to give him a priority overlay list. No action.

Correspondence was reviewed: NIRMA Safety Shorts; 2016 Annual NACO Conference will be held in Kearney, December 14, 15 and 16<sup>th</sup>, 2016; Emergency Management Performance Grant; Radio License Information Sheet; Madison County Attorney regarding Juvenile Diversion Inventory; Jonny Dodge letter of thank you for pickup purchase; NDOR Past Due Bridge Inspections; TERC Findings and Orders stating Antelope County 2016 values satisfy the requirements of the State of Nebraska; NIRMA 2016-17 Billing Statement; Retirement Audit Report from NPERs and County Clerk response; Northeast Nebraska Area Agency on Aging 2017 Fiscal Year Matching Funds.

Demerath Farms, Inc., Animal Feeding Operation; NIRMA letters (x2) regarding deductible for Alberta Willers & Jenny Martinez; Kathy Sauser letter regarding wind towers-individual letter went to Supervisors; Treasurer Public Tax Sale – Parcels Sold List

Receipts reviewed include: \$40.00 Bridge Planks-David Beckman; \$189.00 paid from County Court should have been District Court; Journal Entry \$750,000.00 to Road & Bridge 0300 from General 0100; Journal Entry \$8162.75 transferred from 0100 General to Law Enforcement Center.

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

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

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

Sheriff's May Fee Report was reviewed and put on file.

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

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

Veteran's Service Officer requested the re-appointment of Vince Sauser to a five (5) year term with the Veterans Service Committee. Motion was made by Supervisor Kerkman, seconded by Supervisor Henery to appoint Vince Sauser for a five (5) year Veterans Service Committee. Voting aye: Kerkman, Henery, Bolling, Koinzan, Schindler and Schwager. Nays none. Williby absent. Motion passed.

NIRMA deductible and billing was discussed. No changes at this time. Claim for 2016 premium will be submitted for next week.

Clerk of the District Court held a Grand Jury investigation. Because the identity of the jurors, the witness etc is all silent, a claim is submitted for a total amount and the individual checks are issued through the Clerk of District Courts Office. Motion by Schindler, seconded by Koinzan to approve claim for \$

Catastrophic Inmate Medical Insurance claim was reviewed, because it is late, they are demanding payment. Motion was made by Supervisor Kerkman, seconded by Supervisor Schindler to pay claim to Hunt Insurance for the Catastrophic Inmate Medical Insurance premium for the 2016-2017 fiscal year. Voting aye: Kerkman, Schindler, Henery, Bolling, Koinzan and Schwager. Williby absent. Nays none. Motion carried.

VSP is a vision plan Antelope County had contracted through Ameritas. At this time NACO has signed an agreement to participate with this program through NACO. The premiums through NACO would be at a slight cost saving to the employee. There is no cost to the county for participation. The contract is also up for renewal, and we can choose to participate either way. Motion was made by Supervisor Henery, seconded by Supervisor Kerkman to join with NACO to

provide this benefit to employees. Voting aye: Kerkman, Schindler, Henery, Bolling, Koinzan and Schwager. Williby absent. Nays none. Motion carried.

Mid-American Benefits currently administers Antelope County’s health reimbursement, the \$750.00 deductible buy down. Renewal date is July 1, and they are requesting the renewal contract be signed if Antelope County would like to continue. Motion by Supervisor Kerkman, seconded by Supervisor Henery to accept and sign the 2016-2017 renewal agreement. Voting aye: Kerkman, Schindler, Henery, Bolling, Koinzan and Schwager. Williby absent. Nays none. Motion carried.

Discussion held on WI-Fi access in the courthouse complex. During the April 12<sup>th</sup> 2016 meeting it was discussed to have the clerk authorize install Wi-Fi for the entire courthouse complex. At the time we had discussed between \$500.00 and \$1500.00. When the bid from Boyd’s Network Solution was returned the estimation was over \$3,300.00. Bill Rahder said he believed the estimate to be high, but was not sure what he would encounter, and did not want to bid it short. Because of the vast difference in price it was presented to the Supervisors. It was also stated Mr. Rahder had submitted this with the assumption, things would not be as difficult as submitted. After discussion, it was decided to call and ask if he would lower the bid to \$1500.00, and to report next meeting.

During the April 5, 2016 meeting resolution #2016-04-0001 was passed basically stating Invenergy would be donating/giving the county \$300,000.00 in lieu of maintaining a sparsely used road. The county could use the \$300,000.00 to fix adjoining roads in the vicinity of 839<sup>th</sup> Road and 527<sup>th</sup> Avenue. Invenergy to present any discussion or disagreements later requested the county update the resolution to include 527.5<sup>th</sup> Avenue. Resolution was presented with same verbiage, adding 527.5 Avenue. Motion was made by Supervisor Henery, seconded by Supervisor Schindler to accept and adopted amended resolution. Voting aye: Henery, Schindler, Kerkman, Koinzan, Bolling and Schwager. Nays none. Williby absent.

*Resolution # 2016-06-0003*

*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 527<sup>th</sup> Avenue, 527.5<sup>th</sup> Avenue and 839<sup>th</sup> 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 Avenue, 527.5th Avenue and 839<sup>th</sup> Road. 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 Avenue, 527.5th Avenue and 839<sup>th</sup> Road 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 Avenue, 527.5th Avenue and 839<sup>th</sup> Road, 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 Avenue, 527.5th Avenue and 839<sup>th</sup> Road (as designated in the Agreement) in fulfillment of obligations by Invenergy to make such repairs to 527th Avenue, 527.5th Avenue and 839<sup>th</sup> Road 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 7th day of June 2016 at Neligh, Antelope County, Nebraska.*

*Board of Supervisors of Antelope County  
\_\_\_/s/ Jerald Schwager*

*Jerald Schwager, Chairman*

*Attest:  
\_\_\_/s/ Lisa Payne \_\_\_\_\_  
Lisa Payne, Antelope County Clerk*

*Supervisor \_Henery \_\_, moved to adopt said resolution.  
Supervisor \_Schindler \_\_, 2<sup>nd</sup> to the Motion to adopt said Resolution  
Roll Call: \_6\_\_ Yes; \_\_\_0\_\_ Nay; Williby Absent  
Resolution adopted, signed and billed as adopted.*

Because recently policies have changed in various issues regarding employee practices and hours, a resolution was written and presented for documentation and clarification purposes. The resolution having establishing the wearing of safety vests, road and bridge employees work schedules, comp time, and vacation leave policy clarification explained the formal introduction to the policy changes, and included a compensatory time agreement as set forth by NIRMA. Antelope County Clerk presented the resolution with a letter from the supervisors requesting a signature from employees stating they were aware of the policies recently enacted by the Supervisors. Resolution letter and comp time agreement was read out loud. No Discussion. Item was tabled until June 14<sup>th</sup>, 2016 meeting.

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

Meeting adjourned at 1:58 PM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

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

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