



Saline Planning and Zoning Minutes



SALINE COUNTY PLANNING AND ZONING MEETING

DECEMBER 20, 2022

The Saline County Planning and Zoning Board Meeting was called to order at 7:05 p.m. on December 20, 2022 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and is posted on the East wall of the Assembly Room in the Saline County Courthouse in Wilber, Nebraska. Zoning Administrator Lyle Weber read the roll call. Present were Gerald Brown, Ron Fink, John Barta, Jeff Koll, Wayne Havlat, Mark Due, and Mary Jo Weber. Absent: Keith Muller and Joel Weber. Also present were Zoning Administrator Lyle Weber and numerous members of the public.

Minutes of the October 18th, 2022 minutes were read with one correction being section 56 changed to 26. Minutes were moved for approval by Jeff Koll 2nd by Gerald Brown. Voting yes were Havlat, Brown, Fink, Due, MJ Weber, Barta, and Koll. Minutes approved and submitted for filing.

Galen Kuska asked the board to approve a minor sub-division of about 3 acres located at section 31-7-1. Mary Jo Weber asked about utilities and applicant stated they were working with Norris Public Power for utilities. Havlat made motion to approve with Fink 2nd. Voting yes; Havlat, Brown, Fink, Due, MJ Weber, Barta, and Koll. None apposed, motion passed

Dwayne Wolfe presented a minor sub-division application for about 6 acres of an existing acreage located at NW1/4 of 21-5-1, to be split off the farm ground so one parcel can be sold in the future. Due motioned to approve with Havlat 2nd. Voting yes: Havlat, Brown, Fink, Due, MJ Weber, Barta, and Koll. Motion approved.

Citizens Forum

Ron Dvorak questioned the sound the turbines actually made. Gary Veprovsky asked about the safety procedures around the turbines. Alan Brunkow stated he would like to see the onsite turbines and commercial turbines have the same sound limit. Chuck McKay would like regs on infra sound. Matt Jones stated their company is there to answer questions. Dave Levy property rights and consistent setbacks. Mitch Fritz stated he doesn't want turbines that are louder than existing ones.

NEW BUSINESS: Zoning Administrator Weber stated the Commissioners voted 3-1 to have the P&Z Board start the process of changing the sound limit on wind turbines from 40 dba to 50 dba. MJ Weber stated her concern regulating may lead to more than wind like other ag items. (equipment, bin fans and irrigation engines) Havlat asked if bigger turbines are much louder. Ron Fink made a motion to table the item with Due 2nd. Voting yes: Havlat, Brown, Fink, Due, MJ Weber, Barta, and Koll. Motion passed.

The board discussed solar regulations. Koll stated he would like to add wildlife impact to solar regs and asked the board to look into possible changes to the solar regulations.

No Commissioner's Report

Brown made a motion to adjourn with Due 2nd. All voted yes.

Meeting Adjourned 8:20p.m.



Saline Planning and Zoning Minutes



Lyle Weber Zoning Administrator

SALINE COUNTY PLANNING & ZONING MEETING
February 21, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 6:00 p.m. on February 21, 2023 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Joel Weber, Mary Jo Weber, John Barta, Jeff Koll, and Keith Muller. Absent were Mark Due, Ron Fink. Representation by commissioner Marvin Kohout, and numerous members of the community were present at this meeting.

Minutes of the January 17, 2023 meeting were read by Keith Muller. Minutes were moved for approval by MJ Weber, seconded by Joel Weber. Roll call vote in favor: Brown, Hermsmeier, Muller, MJ Weber, J Weber, Koll and Barta. Minutes approved and submitted to be filed as amended during the reading.

Citizens Forum Chairman Barta asked if anyone present wanted to speak at this time on any subject other than the item posted for the Public Hearing.

Gary Veprovsky approached the board with a concern from the last meeting about concern about farming near a turbine. He stated the policy from the P&Z handbook pertaining to health, safety of inhabitants of Saline County. He questioned Chairman Barta about his statement last month about the Chairmans ability to take an issue to Public Hearing on his own which he stated was correct. However, he asked "What was the reason to expedite?"

Motion for Public Hearing There was a motion by J Weber, and second by MJ Weber to go into the Public Hearing. Discussion was initiated by Koll asking Lyle Weber if the meeting and petition were legally advertised as required. He further asked if the petitioner was present and ready to present the petition to the Planning & Zoning Board. He asked if there was a commissioner present that would present the petition. It was also stated, that the item for discussion in the Public Hearing was already on the Commissioners agenda for their next meeting. Stated that the Commissioners can vote next meeting if no action taken at this meeting. Statement that Page 7, Section 5, Subsection C, asks for petitioner to be present (or their representative). Assistant County Attorney, Jena C Mahin, distributed a copy of the Draft of Ordinance, dated February 21, 2023, to the P&Z members present at this time. Further discussion on the presence of a petitioner representing the ordinance change and to answer questions.

Chairman Barta asked the Asst. County Attn. again if no action by P&Z can County Commissioners rule on it next meeting? MJ Weber gave comment on her understanding of the rule.

Marvin Kohout, liaison to the Commisioners came forward to be the petitioner and read the Ordinance request.

Questions from the board: Brown asked who requested the change and why increase from 40? Did lobbyists approach the board as a whole or individually? It was stated that it was individual contacts, but didn't know who was all contacted.

Koll asked if any testing has been done on the decibel levels.

Lyle Weber stated that at the time of Milligan I being approved, there were no dba set by the board. He further stated that Milligan I had set a level on the contract between the owner and the company, but the board has no access to a copy of the contracts.

Hermesmeier asked again if any studies on dba at the wind turbines. Kohout answered that none have been done.

Barta stated that he knew of no one around the area that does that type of testing.

Koll asked if P&Z could ask for funding for testing?

The motion to go into Public Hearing was voted on at 6:46 p.m. with members present voting yes were MJ Weber, Muller, Hermesmeier, J Weber, Barta; in opposition were Koll and Brown. Motion carried 5-2.

Public Hearing Information

Gary Veprovsky, Dorchester about procedures in handbook.

Chairman Barta stated he had conversations with Kohout about the changes.

Lyle Weber read emails he received about the pending petition.

Russell Korinek – in opposition

Marjorie Andrews – in opposition

Terry Brandt – in opposition

Alan Brunkow – in opposition

Gerald Dvorak – in opposition

Jessica Formanek – in opposition

Neil Formanek – in opposition

Public Members presenting statements to the P&Z Board

Elizabeth Shotkoski Ferneding, R.E.H.S. , provided handout materials - opposed

Duane Thomas – in opposition

Melanie Kunc – in opposition

Kurt Oates – in opposition

Toni Snyder – in opposition

Matthew Jones – represent Steel Flats, Nexterra, in support

Alan Brunkow – in opposition

Lee Greenwald – Nexterra Energy, in support

Chuck McKay – in opposition

Doug Horak – in support

Gary Veprovsky – in opposition

Board voted to come out of Public Hearing at 8:22 p.m. Motion by J Weber, 2nd by Brown. Roll Call in favor MJ Weber, Brown, Barta, Koll, Hermsmeier, Muller, J Weber. Motion carried 7-0.

Agenda Item 1: Motion by Hermsmeier, 2nd by Koll: Table the proposed change to sound regulations until a sound study by an accredited firm on the Milligan I Wind Farm.

Roll Call vote in favor Muller, Brown, MJ Weber, Koll, Hermsmeier, J Weber, Barta. Motion approved 7-0.

Additional discussion were on possible changes to zoning regulations. Koll presented a copy of "Proposed changes to Saline County Regulations." Discussion on zoning regulations on wind turbines and solar energy.

Commissioners Report Marvin Kohout stated they are making decisions how to spend the ARPA funds dollars. They are updating several items in the county including 2 new air conditioners at the jail, replacing 30 AC units in the courthouse, purchased digital radios for the county fire, rescue and sheriff departments. Not yet completed as the infrastructure is being updated, but is closer to completion. New bridges in the county and remodeling of office space in the old jail are in the planning, with the addition of a bathroom on the main floor of the old jail.

Adjournment Motion made by J Weber, 2nd by Hermsmeier, to adjourn the meeting at 9:01 p.m. carried on a voice vote, with no opposition.

Respectfully Submitted,

Keith Muller, Secretary

SALINE COUNTY PLANNING & ZONING MEETING

April 18, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on April 18, 2023 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Joel Weber, Ron Fink, Mary Jo Weber, Johnny Barta, Jeff Koll and Keith Muller; Absent Mark Due. Representation by commissioners was Marvin Kohout, and several members of the community were present at this meeting.

Minutes of the February 21, 2023 meeting were moved for approval without reading by J Weber, seconded by Koll. Roll call vote in favor: MJ Weber, Koll, Brown, Hermsmeier, J Weber, Fink, Barta and Muller. Minutes approved and submitted to be filed.

Citizens Forum Chairman Barta asked if anyone present wanted to speak at this time on any subject.

Gary Veprovsky voiced apprehension over not reading minutes during the meeting, and listed his personal concern about the relationship between the P&Z and the Commissioners.

Matt Schwisow was concerned about the lack of communication around his property now that a cell tower was built near his new home.

Elizabeth Shotkoski Ferneding stated the public health concerns with wind turbines.

Chuck McKay shared screenshot of decibel readings near his home from the turbines and stated his concerns.

Others stated objection to wind turbines were: Katie Wissenberg, Brad Pomajzl, Vergene Kracke. Lyle Weber read an email from Russell Korinek that included a video of a wind turbine (the video was sent to members of the P&Z prior to the meeting).

Business for action

Agenda Item 1: Wind Turbine Study. Lyle Weber informed the members that the Commissioners denied the fund a study on a vote in opposition of 3-1-1.

The question by Koll was if Milligan I completed a pre-study, as no limits were set at the time in the regulations.

Chairman Barta stated an accurate reading requires measurements of time, climate, environment and location to properly test.

Additional discussion by members of the board.

Agenda Item 2: Discuss/approve/disapprove proposed zoning regulation changes.

There was discussion about the request by the commissioners to raise the dba to 50 from the current 40.

Motion by J Weber to raise the dba to 50. Motion died for lack of a second.

Additional discussion about requesting a study in next meetings agenda for Milligan I to supply an acoustical conditional study.

Agenda Item 3: Discuss/approve/disapprove adding “an acoustical study as part of a wind turbine conditional use permit application” to the zoning regulations.

It was reported that the commissioners requested, by a 4-0 vote, to add an accoustical study for a conditional use permit application, pre-construction.

It was suggested that similar to other counties, the wind companies should pay for these studies, with a follow up study within two years. Further discussion about this item but no action taken at this time.

Agenda Item 4: Discuss/approve/disapprove proposed zoning regulations changes that would require a public hearing.

Discussion on decommissioning costs. Was suggested that the costs should be paid by the company by placing monies into an escrow account. Specific points: 10% upfront dollars into escrow; additional 10% each succeeding year; revisit every five years and adjust for inflation; other adjustments as needed.

It was requested that Lyle have the County Attorney see if the regulations passed in Gage County could be utilized in the regulations in Saline County.

Further statements included that the escrow is attached to the permit. Upon transfer of ownership must show proof of financial stability. Additional concerns: setback distances; tower/turbine heights; shutting down turbines when there if activity around them for safety of the public.

Agenda Item 5: Discussion on Solar Regulations and was suggested to see that Gage County has implemented in relation to questions on glare, bushes, trees and vegetation plans.

Solar power is not Ag production so what permit is needed.

Gage County did different classes for sizes of wind farms.

Are there any current state regulations was asked.

Additional Discussion: Lyle was asked if any permit applications have been requested for future wind farms. It was stated that Milligan III permit if dead.

A question about whether the P&Z had to approve the cell tower concern from Open Meeting. It was approved through the regulations and not needed approval from board or commissioners.

Commissioners Report Marvin Kohout stated the state auditors got the bid to access the counties finances for the next 3 years and are currently asking a lot of questions from current and previous year.

Adjournment Motion made by J Weber, 2nd by Brown, to adjourn the meeting at 8:48 p.m. carried on a voice vote, with no opposition.

Respectfully Submitted,

Keith Muller, Secretary

SALINE COUNTY PLANNING & ZONING MEETING

May 16, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on May 16, 2023 by Vice-Chairman Jeff Koll. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Vice-Chair, Jeff Koll asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Mark Due, Mary Jo Weber, Jeff Koll and Keith Muller; Absent were John Barta, Ron Fink and Joel Weber. Representation by commissioners was Marvin Kohout, and several members of the community were present at this meeting.

Minutes of the February 21, 2023 meeting were moved for approval without reading, but with corrections by Due, seconded by Hermsmeier. Roll call vote in favor: Muller, Due, Hermsmeier, Brown, MJ Weber and Koll. Minutes approved as corrected and submitted to be filed.

Citizens Forum Vice-Chairman Koll asked if anyone present wanted to speak at this time on any subject.

No one present wished to speak.

Business for action

Agenda Item 1: Approve/Disapprove minor sub-division application 34-5-1 (Lintz)

Request made in presence by Allen and Tammy Lintz, to set aside approximately 5+ acres of corner pivot ground for the purpose of building a house. Will have new well, septic, power lines and is on a maintained road.

Motion by Due to approve, second by Hermsmeier. Voting Aye on roll call were MJ Weber, Hermsmeier, Brown, Due, Muller and Koll. Approved 6-0-3.

Agenda Item 2: Approve/Disapprove minor sub-division application 7-6-1 (Skrivanek)

Request made in presence by Allen and Beth Skrivaneck, to set aside approximately 3+ acres of ground for the purpose of selling off part of an estate. Has an existing yard, well, new septic, and has already been surveyed. Will require an easement between the parties as the property is on landlocked acres.

Motion by Due to approve, second by MJ Weber. Voting Aye on roll call were Brown, Muller, MJ Weber, Hermsmeier, Due and Koll. Approved 6-0-3.

Agenda Item 3: Discuss/approve/disapprove adding “an acoustical study as part of a wind turbine conditional use permit application” to the zoning regulations.

Lyle Weber stated that this would be included in the regulations about what windfarms are required to do/implement. Discussion on wording for a proposal. Would apply to commercial windfarms only.

Motion by MJ Weber to approve ‘a generated acoustical study proposed of turbine noise for proposed turbines at occupied dwellings within 2 miles of proposed turbine sites

showing compliance with existing regulations. Approved verbage was to take the motion to public hearing as proposed subject to County Attorney assessment through Lyle Weber.

Second by Hermsmeier. Voting Aye on roll call were Brown, Hermsmeier, Due, Muller, MJ Weber and Koll. Approved 6-0-3.

This motion and second were both rescinded later in the meeting and the previous agenda item becomes moot.

Agenda Item 4: Approve/disapprove going to public hearing on a moratorium of Conditional Use Permit applications for wind energy systems. Moved to end of Business for Action by Vice-Chair Koll.

Agenda Item 5: Discuss/approve/disapprove proposed zoning regulations changes to a public hearing.

Discussion on decommissioning costs. Was suggested that the costs should be paid by the company by placing monies into an escrow account. Specific points: 10% or other agreed percentages upfront dollars into escrow; at five years 10% of costs put into escrow each succeeding year through year 15; revisit every five years and adjust for inflation; other adjustments as needed.

Further statements included that the escrow is attached to the permit. Is the current decommissioning plan per tower or whole project? It was suggested to table the escrow discussion and bring back a proposal next meeting.

Additional items requested to be included were setbacks to go to 1 mile for noise.

A subcommittee was set up to write a proposal. Members are Dave Hermsmeier, Gerald Brown and Jeff Koll.

Agenda Item 6: Approve/Disapprove solar regulation changes to public hearing. Currently there are no solar farms in the county. Discussion was over what other counties have implemented. No action taken.

Agenda Item 4: Approve/disapprove going to public hearing on a moratorium of Conditional Use Permit applications for wind energy systems. Discussion on Moratorium for Conditional Use Permits. No action taken.

Commissioners Report Marvin Kohout stated the employee handbook for the county employees has been updated. They have had meetings and voted on changes to update the handbooks. Budget meetings will be after the commissioners receive a copy of what was spent last year.

Adjournment Motion made by Due, second by MJ Weber, to adjourn the meeting carried on a voice vote, with no opposition.

Respectfully Submitted,
Keith Muller, Secretary

SALINE COUNTY PLANNING & ZONING MEETING

June 21, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on June 21, 2023 by Chairman John Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Joel Weber, Ron Fink, Mary Jo Weber, John Barta, Jeff Koll and Keith Muller; Absent was Mark Due. Representation by commissioners was Phil Hardenburger, and several members of the community were present at this meeting.

Approval of the Agenda for this meeting was moved by J Weber and seconded by Brown. Voting in affirmative were Muller, Koll, MJ Weber, Hermsmeier, Brown, J Weber, Fink and Barta. Agenda approved 8-0.

Minutes of the May 16, 2023 meeting were moved for approval without reading by MJ Weber, seconded by Hermsmeier. Roll call vote in favor: Hermsmeier, Brown, J Weber, Fink, MJ Weber, Barta, Koll and Muller. Minutes approved and submitted to be filed.

Citizens Forum Chairman Barta asked if anyone present wanted to speak at this time on any subject.

Gary Veprovsky, Dorchester, came forward with a concern that the Saline County Board of Commissioners passed the 50 DBA limit in May, and he was informed by a third party that state statute requires that the passage is to be posted within 15 days as public notice. He did not believe it was posted within the 15 days.

Business for action

Agenda Item 1: Public Hearing on Federal Firearm License Application Conditional Use Permit.

Motion to go into Public Hearing on Federal Firearm License Application Conditional Use Permit by Koll, second by Hermsmeier. Roll call vote in favor: Hermsmeier, Brown, J Weber, Fink, MJ Weber, Muller, Koll and Barta. Motion approved 8-0.

Approve/Disapprove conditional use permit application for a Federal Firearms License by Jason Kotas) (9-6-2)

Request made in person by Jason Kotas. Requesting a CUP for the sale of firearms and ammunition from his residence. His residence is not close to other homes. Asked if a firing range was part of the request, he stated that would not currently be in the planning.

Lyle Weber stated he sent letters to adjoining property owners, and had received no comments as of this meeting.

He was asked if other items could be sold, and he replied that there are currently no plans for other items, but maybe in the future. When asked, he stated he doesn't plan to sell

silencers or build a separate building. Kotas stated he will put up cameras and do whatever else is requested by the ATF upon approval.

Items will be stored in safe and personal property kept separate from business inventory.

When public asked for comments about the FFL CUP application, no comments were brought forward.

Motion to come out of Public Hearing on Federal Firearm License Application Conditional Use Permit by MJ Weber, second by Fink. Roll call vote in favor: J Weber, Hermsmeier, Muller, Koll, Brown, Fink, MJ Weber and Barta. Approved 8-0.

Agenda Item 2: Approve/Disapprove conditional use permit application for a Federal Firearms License by Jason Kotas) (9-6-2)

Motion to approve the Federal Firearms License application Condition Use Permit by Koll, second by J Weber. Roll call vote in favor: Hermsmeier, Brown, J Weber, Fink, Muller, Koll, MJ Weber, Barta. Passed 8-0.

Agenda Item 3: Sub-Committee report on possible regulation changes.

The sub-committee report was given by Koll in which he highlighted points in the proposed changes by sub-committee members as listed in the handout supplied dated June 2023. Brown added additional information from what was gleaned from other counties regulations.

Discussion by members of the board.

What is definition of NRD or recreational area?

Concerns about proposed setback distances.

Waiver possibilities of non-participating for setback to neighbors.

Chairman Barta requested the board discuss the sub-committees wind tower recommendations. Discussion that the BofC had already passed 50 dba. Members sighted other counties at 40 dba, and even less at night, with allowance for storms. Discussion raised concern about health and wellness of non-participating concerned individuals.

Questions on decommission plans and repetitive terminology. It was stated that the state legislature had discussed decommission plans but currently nothing exists.

Barta asked about the 10-minute continuous study as to what is measured, the peak time and noise or the average? Concern also about cost by constituent's complaints.

Agenda Item 4: Discuss/approve/disapprove proposed zoning regulations changes to a public hearing.

Motion to move the sub-committee proposed regulations to a public hearing. Motion by Brown seconded by Koll.

Discussion about the definition of screenings for solar panels. Should there be a definitive statement in the proposed regulations compared to what is in current regulations. Barta commented on regulation changes and Koll stated the sub-committee had shared them with the county attorney and received no concerns.

Roll call vote in favor: Fink, Brown, Hermsmeier, MJ Weber, Koll and Muller. Opposed: J Weber and Barta.

Agenda Item 5: Approve/disapprove adding “an acoustical study as part of a wind turbine CUP application” to the zoning regulation for a public hearing.

It was noted this was not necessary as was included in the sub-committees proposed regulations going to public hearing.

Agenda Item 6: Discuss/approve recommending moratorium on wind conversion permits. Motion made by Brown, second by Koll to recommend a four-month moratorium on accepting any large-scale wind permits.

Discussion centered on length of moratorium and the purpose of the moratorium to get recommendations through public hearing and the BofC.

It was noted that the motion did not include the request to take it to a public hearing. The second and motion were both rescinded.

Brown made the motion to go to a Public Hearing to recommend a four-month moratorium on accepting any large-scale wind permits, seconded by Koll.

Roll call vote in favor: Hermsmeier, Brown, Muller and Koll. Opposed: J Weber, Fink, Barta and MJ Weber. Motion failed 4-4.

Commissioners Report Representing the commissioners was Phil Hardenburger, and he stated he had no report to submit.

Adjournment Motion made by Fink, second by J Weber, to adjourn the meeting at 8:25 p.m., carried on a voice vote, with no opposition.

Respectfully Submitted,
Keith Muller, Secretary

SALINE COUNTY PLANNING & ZONING MEETING

July 18, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 7:00 p.m. on July 18, 2023 by Chairman John Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Joel Weber, Ron Fink, Mark Due, Mary Jo Weber, John Barta, Jeff Koll and Keith Muller. Representation by commissioners were Marvin Kohout and Phil Hardenburger, and several members of the community were present at this meeting.

Approval of the Agenda for this meeting was moved by Due and seconded by MJ Weber. Voting in affirmative were J Weber, Hermsmeier, Muller, Due, Brown, Fink, Koll, MJ Weber and Barta. Agenda approved 9-0.

Statement by Chairman Barta that the public hearing on the proposed regulation changes by the sub-committee was not put on the agenda as it did not make the 10 day notification period due to the newspaper not getting it published.

Minutes of the June 21, 2023 meeting were moved for approval without reading with one correction (attorney instead of attorned, Agenda Item 4, third paragraph, last line) by MJ Weber, seconded by Fink. Roll call vote in favor: Muller, Hermsmeier, Brown, Koll, MJ Weber, Fink, J Weber, Barta and Due. Minutes approved and submitted to be filed.

Citizens Forum Chairman Barta asked if anyone present wanted to speak at this time on any subject.

Gary Veprovsky, Dorchester, came forward with a handout from Buffalo County, with the new setback requirements for windfarms within the county which were approved by their board of commissioners upon recommendation by the planning commission. He voiced concern about the paper not getting things published.

Elizabeth Shotkoski Ferneding, gave a handout, and spoke against the wind towers, does believe there should be cash escrow on future builds, has concern about public health issues on sound and the need to protect non-participants.

Don Ferneding, representing Homestead National Historical Park, would like language in the policy that protects the view from the National Park. Sited a study from HNHP that no more than 1/3 of a turbine blade should be visible when at its highest point.

Business for action

Agenda Item 1: Discuss/approve minor subdivision at E ¼ SE ¼ 7-6-1E (Skrivanek).

The request by applicant present is for subdivision of 6.381 acres approximately for a house. No current buildings or service is on the property. Motion by Due to approve, second by J Weber. Voting in favor were: MJ Weber, Brown, Fink, Koll, Muller, Hermsmeier, J Weber, Due and Barta. Approved 9-0.

Agenda Item 2: Public Hearing for Conditional Use Permit application for meteorological towers to be erected at SW ¼ 18-8-2E and/or at 17-7-2E by Trans Alta.

Koll requested to know who the parties are as land owners on the contract to verify the application request. Lyle Weber shared copies of the information. Discussion by members.

Motion to go into Public Hearing by MJ Weber, second by Due. Voting in favor were: Hermsmeier, Muller, Koll, J Weber, Fink, MJ Weber, Due and Barta. Voting opposed was: Brown. Carried 8-1.

Chairman Barta asked if anyone wished to speak to the CUP application.

Beth Boyce and James Warshawski, representing the meteorological towers for Trans Alta came forward to state their companies intents to put up two towers to record meteorological data. Towers will have an 8x8 base and the tower heights will vary, but will maintain a 1.1 setback as stated in policy. The towers are built to state standards of the NDOT and National Aeronautics statutes. The temporary towers will be used to collect data for one to two years, then removed completely. Generally constructed within a short time frame once construction begins. Discussion, questions and replies were exchanged with board and Trans Alta representatives.

Todd Fangmeier of Thayer County stated a similar application for Thayer County was tabled at the last meeting. Additional discussion.

Discussion about any open wind farm applications was answered by Lyle Weber as he stated that Milligan II, Milligan III and Cornhusker CUP applications are no longer active.

Daryl Hayek voiced concern about contacts with EDF and Trans Alta.

Gary Veprovsky voiced concern about meteorological towers shorted than most turbines in the county and how does that affect testing and data.

Additional discussion by board members included the height of the towers and a request by Koll to see the application that was on file with Lyle Weber.

Vote to Close the Public Hearing motion by J Weber, second by Hermsmeier. Voting in favor were: MJ Weber, Hermsmeier, Muller, Brown, J Weber, Koll, Barta, Fink and Due. Carried 9-0.

Agenda Item 3: Approve/Disapprove conditional use permit application for meteorological towers to be erected at SW ¼ 18-8-2E and/or at 17-7-2E by Trans Alta.

Discussion included: Barta stated he would like a time limit on the use of the met towers. Koll asked if any met towers still existing in the county. Setbacks and heights were discussed. Representatives stated that Trans Alta had purchased the Milligan III contracts. A question was raised is the met towers affect the taxes/valuation of the property at the site they are raised. Koll brought up that currently one company is in default of payment to the county.

Motion to approve the erection of the meteorological towers, to be taken down after two years following completion of their construction for data collection, by Fink, second by J Weber. Roll call vote in favor: Due, Fink, Hermsmeier, J Weber, Koll, MJ Weber, Muller and Barta. Voting in opposition: Brown. Carried 8-1.

Agenda Item 4: Discussion for possible regulation changes as recommended by the Sub-Committee.

This item did not make the paper for proper legal notification of 10 day. Discussion by members of the committee on this issue and other various topics. Lyle Weber stated all items for public hearing have been resubmitted to the papers for the next meeting, August 15.

Commissioners Report Representing the commissioners was Marvin Kohout, and he stated that budget requests are coming in and must be finalized for submission by 9/20/2023. Equalization monies.

Adjournment Motion made by Due, second by Brown, to adjourn the meeting at 8:21 p.m., carried on a voice vote, with no opposition.

Respectfully Submitted,
Keith Muller, Secretary