

## Greeley County Commissioner Minutes

March 15, 2023

The Greeley County Board of Commissioners convened in open and public session at 9:30 a.m. on the 15th day of March 2023 in the Assembly Room, Greeley County Courthouse. Notice of the meeting was given by publication in the Cedar Valley News.

Answering present at Roll Call were Jordan Foltz, Joe Leslie, and Dennis Wadsworth. Also present was County Clerk Mindy Grossart. Chairman Foltz noted that the open public meetings act information is posted as required by law and available for public distribution if requested. Everyone present joined in the Pledge of Allegiance.

The Board reviewed a request by County Attorney, Cindy Bassett for Joe McNally to assist for purposes of March 15, 2023, board meeting. Leslie moved to approve Joe McNally, Wheeler County Attorney for legal services, second by Wadsworth. Roll Call Vote: All yes, motion carried.

Motion was made by Leslie to waive the reading and approve the county board minutes from the February 21, 2023, meeting, second by Wadsworth. Roll Call Vote: All yes, motion carried.

Monthly reports were reviewed from the Clerk, Clerk of the District Court, Sheriff, and Treasurer. Motion made by Wadsworth, second by Leslie to approve the monthly reports. Roll Call Vote: All yes, motion carried.

The County Board reviewed an Administrative Subdivision for O'Connor Church of Visitation S-21 T-18 R-10 (4.738 acres) current & desired use of the property: Residential. After discussion, there were some concerns in regard to access and if there is a need for an easement, the matter was tabled during the February 21<sup>st</sup> County Board Meeting. The survey now includes an ingress egress easement on the existing gravel drive through Blocks 12 and 13 at the request of the landowner. Motion made by Wadsworth to approve the Administrative Subdivision O'Connor Church of Visitation Permit :2023-2 HR#25-86, second by Leslie. Roll Call Vote: All yes, motion carried.

Leslie moved to enter executive session at 9:48 a.m. for the purpose of discussing possible litigation, second by Wadsworth. Roll Call Vote: All yes, motion carried. Leslie moved to exit executive session at 10:20 a.m., second by Wadsworth. Roll Call Vote: All yes, motion carried. The County Board and Joe McNally were present for the executive session.

Sheriff Paul Deaver gave a brief update on the light bars for the law enforcement vehicles and advised the Board he is currently working on a policy and procedures manual and continuing to recover missing inventory.

Next, there was an informal question and answer period between the County Board of Commissioners and Next Era representatives, David Levy, Baird Holm Attorneys at Law along with Matthew Jones, Next Era Energy Resources. All three Board Members asked questions in regard to the insurance policies, Decommissioning Bond, Power Purchase Agreement, Road Use Agreement, required equipment, setbacks, tower/blade height, tower collapse, light flickering, shadow, noise, Greeley Wind II projected revenue, environmental studies, recycling, and EMT/Fire Department personnel training.

Matt stated they will try to select the best routes based on main roads in Greeley County. They will upgrade the roads to meet the required specifications and will return roads to County specs after the project has been built. Everything will be agreed upon in the County Road Use and Maintenance Agreement prior to the start of construction. Matt said they have recently had four projects in Nebraska, and they invest time and money into local communities, he referenced Steele Flats as one of the Nebraska projects. David explained the Power

Purchase Agreement has a general liability policy of a per occurrence limit of \$10,000,000 and Next Era Energy also has a property & casualty insurance policy on the equipment itself. David stated the Decommissioning Agreement is between the owner of the facility and the County, so it is not left to the landowner to decommission the project. Generally, during the tenth year of operation the owner posts a bond or a letter of credit with a third-party financial institution. David specified that State law also sets the bond to the tenth year of operation. He advised the Power Purchase Agreements are usually for 20 – 25 years. David clarified the landowner contracts have the setback of 1.5 times the height of the total system height which is more than Greeley County Planning & Zoning regulations require. He stated if the Board is concerned with the setbacks, it could be listed as a condition of the Special Use Permit.

County payroll and vendor claims were reviewed by the board. Motion made by Leslie to approve payroll and claims, second by Wadsworth. Roll Call Vote: All yes, motion carried. GENERAL: Appera janitor supply 93.12, Applied Connective Technologies equip. lease, IT supply 2,218.28, Cindy Bassett lodging, dues 1,131.12, Black Hills Energy heat service 1,012.60, Cardio Partners aed batteries 357.99, Central Community College heart saver crs 74., Central Ne Cremation & Mortuary Jan 2023 fee 75., Clearly internet/phone 803.65, Consolidated Management Company meals 43., Country Market janitor supply 50.44, Country Partners fuel sheriff 593.21, Dana F. Cole & Company audit year end June 2022 11,600., DAS State Acctg. – Central Finance data processing 85.84, Daniela Deaver law enforce. supp. 82.93, Paul Deaver postage reimb. supplies/office equip. 124.38, Eakes Office Solutions data processing, office supplies/equip. 1,489.47, Elite Court Reporting depositions 548., First Concord Benefits Group deductible buydown 5,286.24, Margaret Freeman prior service 13., Galls uniforms 241.99, Great Plains Communications phone/internet 250., Greeley County Attorney crt costs/lis pendens 30., Greeley County Clerk of District Court costs 152., Greeley County Court costs 98., Hampton lodging 230., Harouff Law crt. appt. attorney 100., Hill Bill’s Diesel, Ag & Auto car repair 11.79, Howard/Greeley RPPD light service 261.62, Iron Dr. Welding seat partition 875., K & S Welding and Repair vehicle repair 11.59, Martel Electronics office supply 129., Microfilm Imaging Systems rental fee 40., Mid-Nebraska Disposal garbage haul 698.10, MIPS data processing/training 2763.81, Charlotte Murphy prior service 21., NACEB dues 25., NACO registrations 200., Ne. Assoc of CO Clerks, ROD, Election Comm. Dues 50., NE Weed control Assoc. – Region 4 dues 30., Nebraska Health & Human Services Institution costs 84., Nebraska Sheriffs Association 175., Nebraska Supreme Court clerk Mags. salary 3845.62, Nebraska Weed Control Association dues 210., People’s Service oil change 118.87, Peterson Legal Services crt. appt. attorney 450., Phonograph – Herald print/publish 87.75, Pitzer Digital print/publish/subscription 646.12, Quality Sew & Vac janitor supply 84.99, Radio Time Billing advertising 396., Region 26 Council badges 4.50, Catherine Sweeney prior service 10., Trotters Whoa & Go II Scotia fuel sheriff 160.48, Carol Trumler lock/office supply/phone reimb. 65.20, University of Nebraska office equip. 475.43, US Cellular phone 214.92, Verizon Wireless phone 120.03, Village of Greeley water service 210.44, Vision Service Plan vision insurance 273.99, Janet Wood contract agreement 300., Greeley County Treasurer general to road 50,000. ROAD: AKRS Equipment Solutions parts, grease/oil 90.40, Appera uniforms/towels 335.38, B’s Enterprises grader blades 5440., Black Hills Energy heat fuel 1042.15, Bloom Repair parts/labor 265.06, Cintas miscellaneous 44.65, Corner Garage grease/oil 9028.12, Country Partners fuel, parts 14133.19, Grossarts shop supply 187.51, Hamilton phone/internet 93.31, Hill Bills Diesel, Ag & Auto parts, grease/oil, shop supp., sm. tools 308.22, Howard/Greeley RPPD light service 438.12, Iron Dr. Welding repair labor 3214.14, Island Supply Welding Company oxygen/Acetylene 17.92, Jeffres Sand & Gravel road gravel 26442.55, Joe Diessner Trucking hauling 8915., K & S Welding and Repair tire repair, parts labor 567.35, Loup Central Landfill Assoc. garbage disposal 81., Martin Marietta gravel/crushed concrete 711.74, Mid-Nebraska Disposal garbage disposal 42.70, Midland Telecom radio repair 58.80, Midwest Service & Sales culverts 11403.50, Miller Power Sports fuel 147.55, Molt

Mfg. labor, oxygen/acetylene, bolts/etc. 1090., Murphy Tractor & Equipment parts 3,466.52, Nebraska Machinery Company parts, labor, oil/etc., shop supply 5,196.10, Oak Creek Engineering contract services, mileage, engineering fees 13,297.51, Parts Bin Ord parts, shop supply grease/oil, shop tools, other equip. 1,228.98, Parts Bin St. Paul sm. tools 51.99, People's Service parts, tire repair, labor 1,706., Platinum Truck Service labor, parts 662.52, Platte Valley Communications radio repair 624.75, PPK Two Transportation hauling 4,072.05, Roaches Lumber & Redi-Mix bld. repair 2,888.16, Ruttman Repair labor, parts 3,482.31, Spalding Farm & Home shop supply 33.97, TooFast Supply shop tools 499.98, Trausch Dynamics parts 392.95, Trotter Fertilizer weed control 122.88, Trotters Truck Plaza tire repair, parts, labor 289.98, Trotters Whoa & Go II Scotia fuel 276.55, Village of Greeley water service 61.94, Village of Scotia water/sew/garbage 80.75, Village of Spalding light service 158.51, James Wilford storage fee 50. GENERAL FUND: Salaries, 30,264.77, EFTPS Matching SS, 2,315.23, Ameritas Life Ins. Corp, Matching County Retirement, 1,988.93, Blue Cross Blue Shield, 10,858.32, ROAD FUND: Salaries, 15,361.51, EFTPS Matching SS., 1,175.16, Ameritas Life Ins. Corp, Matching County Retirement, 1,036.91.

Mary McGuire, Greeley County Treasurer submitted a Pledged Collateral Report for review. Wadsworth moved to approve the report, second by Leslie. Roll Call Vote: All yes, motion carried.

Public Comment: John Spelic expressed concerns with the Greeley Wind II project, decommissioning issues, and road damage. He also felt the Planning & Zoning Regulations are outdated and setbacks are not adequate. Bob Bernt voiced his concerns in regard to the Greeley Wind II, Greeley County Planning & Zoning regulations, and endangered species near Scotia. He thanked the Greeley County Board for attending the town hall meetings. Kristy Barnes expressed concerns about wind turbines in Antelope County, Next Era Energy representatives and turbine vibrations. Don Dugan voiced concerns about Next Era Energy, Shareholders invested in Next ERA and variations on the Special Use Permit Application. Butch Hughes recommended taking a public vote. Denise Spelic stated she was born & raised on a farm in Spalding and recently moved back to the area to be close to family. She expressed concerns about the wind turbines and does not want them in Greeley County. Mike Wood stated there is a lot of support for this project. Doug McManus questioned who the contractors will be on the project and if inspections could be made at any time by the Planning & Zoning Board members. Stoney Clark recommended having a third party complete the studies rather than Olson. He stated the top three shareholders of Next Era are Vanguard, Blackrock, and State Street Corp. Stoney asked the County Board to reject the application. Ken Ryan said Black Rock, Vanguard and State Street Corp are the top three investors in Next Era. He stated those three companies are also investors in of Ag Co Corp, John Deere, Ford Motor Company, McDonalds, Master Card, and Case New Holland. Duane Dilsaver expressed his concerns about the company not being here in ten years and recommended the bond be purchased during the first year.

Motion made by Wadsworth to enter BOE at 11:53 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. Spalding Academy applied for an Exemption on a 1998 Chevy Suburban #1GNFK651309494, 2006 Dodge Caravan # 204GP44L76R822611, 2013 Chevy Express 3500 #1GAZGYFG201119215 and 2013 Chevy Express 3500 #1GAZ. Motion made by Leslie to approve the tax exemption for Spalding Academy, second by Wadsworth. Roll Call Vote: All yes, motion carried. Motion made by Leslie, second by Wadsworth to adjourn BOE at 11:55 a.m. Roll Call Vote: All yes, motion carried.

Motion by Wadsworth to adjourn at 11:56 a.m., second by Leslie. Roll Call Vote: All yes, motion carried.

Dated this 22nd day of March 2023.

Jordan Foltz, Chairman

ATTEST:

Mindy A. Grossart  
Greeley County Clerk