

Greeley County Board Minutes



Greeley County Commissioner Minutes

The Greeley County Board of Commissioners convened in open and public session at 9:30 a.m. on the 29th day of March, 2022 in the Boardroom, Greeley County Courthouse. Notice of the meeting was given by publication in the Greeley Citizen.

Answering present at Roll Call were Jordan Foltz, Michael Goldfish and Joe Leslie. Also present was County Attorney Cindy Bassett and County Clerk Mindy Grossart. Chairman Foltz stated a current copy of the Open Meetings Act is posted on the east wall of the Assembly Room and copies were available for the public if requested. Everyone present joined in the Pledge of Allegiance.

Motion was made by Goldfish to waive the reading and approve the county board minutes from the March 8, 2022 meeting, second by Leslie. Roll Call Vote: All yes, motion carried.

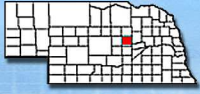
Lance Harter, Highway Superintendent presented an agreement with NDOT for the County Bridge Match Program. The Nebraska Department of Transportation County Bridge Match Program (CBMP) provides funding to counties for the innovative replacement and repair of Structurally Deficient (SD) bridges. Lance informed the Board Greeley County was selected for bridges 905P cost estimate \$70,000, estimated CBMP Funding \$32,285 and 4810P cost estimate \$425,000, estimated CBMP Funding \$167,715. Motion made by Goldfish to approve the agreement with NDOT, second by Leslie. Roll Call Vote: All yes, motion carried. The Board thanked Lance for the work he has done with the application process for the CBMP.

Leslie moved to open a public hearing at 9:37 a.m., second by Goldfish. Roll Call Vote: All yes, motion carried. The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions regarding the approval or denial of vacating a portion of county road located and legally described as 803rd Road, from Brayton Road to 501st Avenue, partially located between Sections 4/9 T-17 R-10. Chairman Foltz read the road study report prepared by Lance Harter, Highway Superintendent. Lance recommended to vacate the .75-mile-long portion of road and relinquish the right-of-way back to the adjacent landowners. John Mark Simcox, Millie Simcox and Steve Petersen testified in favor of vacating a portion of the road. There was no testimony in opposition. Motion made by Goldfish, second by Leslie to close the public hearing at 9:45 a.m. Roll Call Vote: All yes, motion carried. Motion made by Goldfish to approve Resolution 2022-3 vacating a portion of Brayton Road and the public right-of-way shall revert back to the adjacent landowners, one half to each such landowners, second by Leslie. Roll Call Vote: All yes, motion carried.

Brian Wood applied for a permit to cross under county roadway with electricity for irrigation. He plans to cross in the NW ¼ of S-4 T-19 R-12. Foltz moved to approve the permit to cross under county roadway, second by Leslie. Roll Call Vote: All yes, motion carried.

County payroll and vendor claims were reviewed by the board. Motion made by Goldfish to approve payroll and claims, second by Leslie. Roll Call Vote: All yes, motion carried. GENERAL: Greeley County Treasurer, transfer, 20,000.00. GENERAL FUND: Salaries, 32,315.31, EFTPS Matching SS, 2,472.15, Ameritas Life Ins. Corp, Matching County Retirement, 2,152.99, Blue Cross Blue Shield, 18,716.12, ROAD FUND: Salaries, 17,397.04, EFTPS Matching SS., 1,330.87, Ameritas Life Ins. Corp, Matching County Retirement, 1,174.32.

Chairman Foltz stated the public hearing set at 9:45 a.m. to consider an application to amend the zoning ordinance submitted by Wlaschin Cattle, LLC to allow waivers for Confined Animal Feeding Operations will



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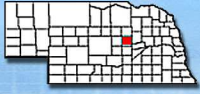


not be heard due to the Planning and Zoning Board tabled the application. The Planning & Zoning Committee voted on March 28, 2022 with a 4-3 vote to table impact easement discussion.

Motion made by Leslie, second by Goldfish to open a public hearing at 9:50 a.m. The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions regarding the approval or denial of a Special Use Permit submitted by Wlaschin Cattle, LLC. Testimony in favor of the SUP was given by Steve Mossman, Attorney for Wlaschin Cattle, LLC and Travis Casperson with Settje Agri-Services and Engineering. Steve Mossman provided a timeline of events since they received a letter from Franz Trumler, Planning and Zoning Administrator. Franz requested an application for a Special User Permit, \$200 fee, \$100 fine and to provide a list of landowners within a mile of the feeding operation. Steve explained they have complied with all the requests made in the October 15, 2021 letter. Travis Casperson provided information in regards to the construction that was completed at the Wlaschin Cattle, LLC feedlot. He explained they created 2 Holding Ponds, 4 Debris Basins, 4 Diversion Ditches and 1 Lift Station. Travis thought there may have been some confusion on the pens that were used for backgrounding, he clarified that they have not expanded any of the pens and they have the same head count. There was no testimony in opposition to the Special Use Permit.

Ken Ryan, Planning & Zoning Commission Chairman read through the conditions that were approved by the P&Z Com on March 28th. 1. Be compatible with and similar to the use permitted in the district, and 2. Not be a matter which should require re-zoning of the property, and 3. Not be detrimental to adjacent property, and 4. Not tend to depreciate the value of the surrounding structures or property, and 5. Be compatible with the stated intended use of the district, and 6. Not change the character of the district, and 7. Be in accordance with the Comprehensive Plan. 8. Can be reviewed and placed under reconsideration by the Planning Commission. 9. A Management Plan for the facility, acceptable to the Nebraska Department of Environmental Quality (DEQ) and the Greeley County Board. 10. Impact Easements filed with the register of Deeds. Goldfish questioned why the last item is listed since Greeley County does not have impact easements. Ken stated the two neighbors within the odor footprint previously signed off on the impact easements to be filed with the Register of Deeds. Goldfish also noted he was against waivers. Steve explained that he prepared the Finding of Facts and they were reviewed by the County Attorney and the Planning & Zoning Commission. Cindy stated the Planning & Zoning Commission ordinarily prepares them but due to time constraints Mr. Mossman prepared the Finding of Facts. Steve clarified that he drafts the FOF and then forwards them to the County Attorney for review or modification. Chairman Foltz stated he thinks everyone has worked really hard to find neutral ground on this matter. He read a statement prepared by County Attorney Cindy Bassett on behalf of the County Board. 'This permit is accepted as a single event, and is not to be construed as a template for future SUP applications where an impact easement is necessary. The Board of Commissioners strongly recommend that the Planning Commission settle on the issue of impact easement language in its regulations. Because the issue has not been resolved for approximately 5 months, despite repeated meetings and votes on the issue, the Board urges the Commission to make a recommendation on impact easements and present it to the Board within 45 days. The Board of Commissioners will not accept any SUPs done in the same manner and suggest a 60-day moratorium. Upon receipt of the recommendation of the Commission on impact easements, the Board will make its own decision on the issue as soon as practicable. The Commission will keep the Board apprised of any progress that will cause this process to go beyond 45 days.'

Ken Ryan, Chairman of the Planning & Zoning Commission said they have sent some language to Hanna Keelan Associates to review and they hope to have Tim Keelan come up and present information on impact easements to the P&Z Commission. Ken said they are for livestock in Greeley County but they also have to be very careful with the regulations. Dennis Wadsworth, Planning & Zoning member was also present and expressed the importance of hearing different options available from Hanna Keelan. Leslie moved to approve



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the Special Use Permit for Wlaschin Cattle, LLC to expand their feedlot from 1,000 to 2,500 with attached conditions exhibit A & B, second by Goldfish. Roll Call Vote: All yes, motion carried.

Franz Trumler, Planning & Zoning Administrator presented a letter of resignation. County Attorney Cindy Bassett called for an executive session for the purpose of discussing personnel. Leslie moved to enter executive session at 10:32 a.m., second by Goldfish. Roll Call Vote: All yes, motion carried. Motion made by Goldfish to return to regular session at 11:12 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. Franz requested to with withdraw his resignation.

Motion made by Goldfish to enter into Board of Equalization at 11:15 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. The Board reviewed tax list correction #1258 on property id 010000081-P \$464.16 and #1259 on property 010000080-PP \$111.60. Motion made by Leslie to approve the tax corrections 1258 & 1259 due to a machinery auction on March 23, 2022, second by Goldfish. Roll Call Vote: All yes, motion carried. Motion made by Leslie, second by Goldfish to set BOE Protest Hearing dates for July 12, 14 and 19, 2022 at 10:00 a.m. Roll Call Vote: All yes, motion carried. Goldfish moved to adjourn as Board of Equalization at 11:20 a.m., second by Leslie. Roll Call Vote: All yes, motion carried.

Colleen Hansen spoke during public comment time.

Motion by Goldfish to adjourn at 11:25 a.m., second by Leslie. Roll Call Vote: All yes, motion carried.

Dated this 4th day of April, 2022.

Jordan Foltz, Chairman

ATTEST:

Mindy A. Grossart
Greeley County Clerk