

Greeley County Commissioner Minutes

April 25, 2023

The Greeley County Board of Commissioners convened in an open and public session at 9:30 a.m. on the 25th day of April 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 were County Clerk Mindy Grossart, County Attorney Cindy Bassett, and Joe McNally, McNally Law Office. 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.

A motion was made by Leslie to waive the reading and approve the county board minutes from the April 11, 2023, meeting, seconded by Wadsworth. Roll Call Vote: All yes, motion carried.

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 FUND: Salaries, 28,576.43, EFTPS Matching SS, 2,186.09, Ameritas Life Ins. Corp, Matching County Retirement, 1,874.96, Blue Cross Blue Shield, 11,508.53, ROAD FUND: Salaries, 10,211.85, EFTPS Matching SS., 781.22, Ameritas Life Ins. Corp, Matching County Retirement, 689.29.

Margaret Valladao, Weed Superintendent presented Year End Weed Reports for the County Board to review. Three open files were closed, and 19 files remain open and need follow-up, office evaluation, county reports, and continuing education requirements were met. Leslie moved to approve Year End Weed Reports, second by Wadsworth. Roll Call Vote: All yes, motion carried. Margaret also requested approval to apply for grant opportunities for a side-by-side, trailer, sprayer, and spray. She is also applying for a grant to have aerial spraying on the Cedar River and the Loup River. Margaret explained if the grants are awarded to Greeley County, she will advertise in the legal newspaper for four weeks before any spraying is done. The Board also requested that she send letters to the landowners before any spraying is started. She agreed to advertise and send letters to the landowners but also advised if the landowner opts out of the grant opportunity, they are responsible for controlling the invasive species. Motion made by Leslie to allow the Weed Superintendent to apply for the side-by-side grant, sprayer, trailer, and spray, second by Wadsworth. Roll Call Vote: All yes, motion carried.

Heidi Borg, Agriculture Liaison with Congressman Adrian Smith's office met with the County Board to provide an update. She also hosted a mobile office in the Courthouse after she visited with the County Board. Heidi was available to meet with residents about federal issues, receive assistance from a federal agency, or discuss the services available through the Grand Island District Office.

Bryan Hill, Lake Mac Assessment presented a bid for a reappraisal of 1,808 parcels for Greeley County. He anticipates the cost would be \$229,239 or \$126.79 per parcel reviewed. The scope of service would include preliminary statistics, lot study, exterior inspection with new photos including vacant lots, verify measurement of all buildings, interior inspection if necessary, update costing to the latest available in the CAMA system, remove user defined codes and replace with Marshall & Swift codes, enter all data into the CAMA system, make sure all data is linked to sketches and site plan, build GIS map of neighborhoods, build depreciation tables according to your market, complete the cost approach to value, apply new values and verify new values in CAMA system, all values will be driven from appraisal model in the CAMA system, complete final statistics, a sales book and narrative report will be created for the office with all pertinent information from the reappraisal,

all pickup work will be done and growth figured for all parcels, he will attend CBOE protest hearings of residential properties up to three days each year, all of this process will comply with all Nebraska revised statutes and regulations set by Property Assessment Division. Gerri Behnk, Assessor stated Bryan has reviewed four townships in Greeley County and recommended having him complete the rest of the County for equalization across the County. She explained their office has learned a lot from Bryan and they have a good working relationship with Lake Mac Assessment. After discussion on bidding requirements, a motion was made by Leslie to table voting on the bid from Lake Mac Property Assessment until the next Board meeting, seconded by Wadsworth. Roll Call Vote: All yes, motion carried.

Leslie moved to enter the executive session at 10:12 a.m. to discuss possible litigation, second by Wadsworth. Roll Call Vote: All yes, motion carried. Wadsworth moved to exit the executive session at 10:56 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. Chairman Foltz, Vice Chairman Leslie, Commissioner Wadsworth, County Attorney Cindy Basset & Joe McNally, McNally Law Office, and Carol Trumler, Planning & Zoning Administrator were present for the executive session.

Eddie Bomar, Nebraska Machinery submitted a purchase order and sales agreement for a 2018 Caterpillar 938M Loader \$215,000 and a GA905 Wheel Loader Grapple Bucket \$11,352. Both items were bid under the Sourcewell contract #032119-CAT. Motion made by Leslie to approve the purchase of the 938M CAT Loader and Grapple Bucket, second by Foltz. Roll Call Vote: All yes, motion carried. The 938M CAT Loader will replace the 950B Loader at the Scotia Roads site.

Sheriff Paul Deaver met with the Board to provide some updates. Paul needs to replace two laptops and printers for the law enforcement vehicles. He explained the software is not compatible with the old equipment. The items will be added to the next board meeting. The Board expressed appreciation to the Sheriff for his assistance with signs and road issues.

Next, the Board discussed the Special Use Permit for Greeley Wind II, LLC (NextEra Energy Resources). Chairman Foltz stated we take our duties as Commissioners for this county very seriously. We work very hard to make the best decisions we possibly can and make diligent efforts to educate ourselves on all sides of an issue. We reach out to other counties to determine what their best practices are and to consult with others who can give us prudent advice. We are committed to listening to the concerns of any person who comes to us and have spent countless hours listening and answering questions from anyone who contacts us and will continue to do that. We hear and consider opponents and proponents of wind energy and represent each one of you. We are taking every step necessary to ensure this decision is properly made. He explained that the Commissioners are only one step in the process. We, under our statutory authority, instituted a Planning & Zoning Commission and appoint its members, in consultation with the Planning and Zoning Administrator. That Commission, in consultation with planning specialists, constructed the Planning and Zoning Regulations and Comprehensive Plan. Every meeting of the Planning and Zoning Commission is an open meeting, and legal notice is published for every meeting, just like our commissioners' meetings. Chairman Foltz mentioned there are other lawyers, planners, and consultants involved in the making of the Planning and Zoning Regulations, there is oversight at each and every step of every process. The Chairman noted within our 120-day timeframe for making our decision on this permit, we find that, within that timeframe, a preliminary action is in order. In dealing with this issue of whether to grant the Nextera permit, we believe it is in the best interests of all sides to return the Nextera application to the Greeley County Planning and Zoning Commission for further consideration. We direct the Commission to hold a public hearing on the Nextera permit within 30 days of today's date. In that public hearing, we want the Commission to address the following, including, but not limited to *Clarify the height of the proposed wind towers. Currently, there is a difference between the height of the wind towers as stated in NextEra's December 29, 2022, letter to the Commission Administrator, and the height currently proposed by Nextera. *The precise location (within an arcsecond (101.27 feet)) of each wind tower, and an explanation from Nextera as to why a deviation in the placement of a tower would be necessary. *An update and documentation of all necessary studies and their completion or expected completion, and of all necessary licenses and permits from all applicable regulatory or oversight agencies. This public hearing, as well as any

other public hearings, or meetings held by the Commission in reference to this Nextera permit, is to be audio recorded. In the event the Commission finds it necessary to table its recommendation, it may only table its recommendation for a 30-day period. This is in order to keep our commitment to the Commissioners reaching a decision on this permit within the previously stated 120-day or less timeframe. Commissioner Wadsworth moved to neither allow nor deny the Nextera permit and that this board sends the Nextera permit back to the Planning and Zoning Commission for action and recommendation from that Commissioner as detailed by Chairman Foltz, seconded by Leslie. Roll Call Vote: All yes, motion carried.

County Attorney Cindy Bassett presented a Resolution for the Board to review regarding an alternative energy moratorium. Chairman Foltz read aloud Resolution 2023-3, Be it resolved, by the Greeley County Board of Commissioners, that a one (1) year moratorium on accepting any alternative renewable energy resource development applications or permits, submitted after the signing of this Resolution, is hereby invoked, and approved. Be it further resolved that the Greeley County Board of Commissioners hereby directs Greeley County Planning & Zoning Commission to review its county zoning regulations, to conduct any hearings, if necessary, and to make specific recommendations for changes to the county zoning regulations dealing with alternative renewable energy resource development and that such recommendations shall be made within eight (8) months of the date of this resolution. Be it further resolved that this moratorium may, at the sole discretion of the Greeley County Board of Commissioners, be extended, if necessary, to allow the Planning and Zoning Commission to continue its work as necessary regarding the goals previously described. Be it further resolved, that the said one (1) year moratorium shall become effective as of the date of the approval of this Resolution. Bob Bernt requested to be recognized to discuss a point of order. Joe McNally, McNally Law Office stated it will be allowed during the public comment portion of the meeting. A motion was made by Wadsworth to approve Resolution 2023-3, seconded by Leslie. Roll Call Vote: All yes, motion carried.

Public Comment: Valerie Conger spoke and read aloud a couple of paragraphs from the book titled Paradise Destroyed by Gregg Huber, she also stated she would like to be on the Planning & Zoning Commission. Cilinda Meyer- Scheideler stated they were contacted fifteen years ago about signing with the wind farm and she explained it was not a decision taken lightly. Cilinda stated they went out and researched other wind farms and spoke with bankers, landowners, and residents before deciding. She asked the Board to approve the wind farm. Kristy Barnes stated over the fifteen years we have learned more negative about wind farms. She is concerned about the environment, wildlife, and bird migration. She commented that two wind turbines collapsed in Petersburg that were installed four years ago.

Motion by Leslie to adjourn at 11:24 a.m., second by Wadsworth. Roll Call Vote: All yes, motion carried.

Dated this 28th day of April 2023.

Jordan Foltz, Chairman

ATTEST:

Mindy A. Grossart
Greeley County Clerk