



Merrick County Board Minutes



November 23, 2020

The Merrick County Board of Supervisors met Monday, November 23, 2020 a.m. in the Supervisors Room, County Courthouse, Central City, NE, with Kucera, Yrkoski, Dexter, Kreachbaum, Weller, Placke and Wiegert present. County Attorney Homolka was also present.

Notice of the meeting was given thereof by publications in the Republican Nonpareil and The Palmer Journal and the Merrick County Website. Proof of publication is filed in the Clerk's Office. Copies of the agenda were mailed to each Supervisor and kept current and available to the public at the County Clerk's Office.

Chairman Wiegert declared the meeting was preceded by publicized notice and having acknowledged and identified the location of the posting of the current copy of the Open Meetings Act, called the meeting to order and in open session at 9:05 a.m.

Moved Kreachbaum, second Kucera to convene as Board of Supervisors at 9:05 a.m. Roll Call: All Ayes

Agenda: Moved Dexter, second Weller to approve the agenda as presented. Roll Call: All Ayes.

Minutes: Moved Dexter, second Yrkoski to approve the minutes of the November 10, 2020 as published. Roll Call: All Ayes.

Meeting reports: Yrkoski had a Central Nebraska Action Partners teleconference meeting. The meetings will be teleconferenced for the next three months. Kreachbaum attended the Mid Plains Behavioral meeting on November 18, 2020 and the union meeting on November 19, 2020 was canceled. Kucera had a Mid Nebraska Individual Services teleconference meeting on November 18, 2020. The Extension Board meeting was cancelled.

Planning & Zoning: The Planning & Zoning Administrator will be out due to illness for a while and the Board feels there is a need to hire a temporary person to fill in. Chairman Wiegert had contacted Sherry Klinginsmith, the Howard County Planning and Zoning Administrator and she said she would be willing to fill the position with the approval of her County Board. County Attorney Homolka had contacted Pam Bourne with Woods and Aikens and Bourne said the County did not need to advertise this position because it is an emergency and is temporary. Moved Kucera, second Kreachbaum to hire at will for the temporary position of Planning and Zoning Administrator, Sherry Klinginsmith at the hourly rate of \$18.04 for 20 hours a week. Roll Call: All Ayes.

Public Hearing: Moved Kucera, second Yrkoski to open the public hearing to consider proposed amendment changes to Commercial/Utility Grade Wind Energy System Regulations, 2016. Roll Call: All Ayes. Jess Brandes said Pat Robinson, David Miller, and himself made up a subcommittee to research and retrieve data on wind energy. All three are members of the Planning & Zoning Board. They research in different counties and states. Brandes said they had a public hearing and no attended the hearing that was for the commercial/utility grade wind energy but there were people who attended that were against it. The Planning Commission Board is proposing a 2 mile setback from property lines of a non-participating land owner. They did look at 3 to 5 mile setbacks, but litigation was a concern because you cannot tell a landowner what they can or cannot do with their land. When the towers break down they are not recyclable, so they go to landfills. Brandes said they did not have any regulations on decommission before but do now in the amended regulations. They outline the responsibility of the company putting the towers up. They will still need a conditional use permit. Douglas P. Nelson, from Wayne, NE said Wayne County is not zoned. Mr. Nelson was not in favor of the wind turbines and said that once the lease is signed the companies will do whatever they want. Mr. Douglas Hall from Neligh, Nebraska in Antelope County said Antelope County was to have the biggest cluster of wind turbines. Mr. Hall was not in favor of the turbines and also repeated the companies will do what they want. A lot of people just think about the money and nothing else. Dan Schmid from Dewitte, Nebraska in Butler County, said Butler County is not zoned either. Schmid said the townships adopted safety regulations within their townships. Mr. Schmid said he was part of Nebraska Coalition for Renewable Energy. Mr. Schmid also said that the companies will do whatever they want when they get their leases sign. Suzanne Faeh from Central City said that she wanted to thank the subcommittee for all their work on this issue and that everyone that spoke at the Planning and Zoning hearing were in support of the amendments. The maximum high of the turbines in the regulations is 450 feet. Moved Kucera, second Placke to close the public hearing at 11:46 a.m. Roll Call: All Ayes. Moved Kucera, second Weller to approve and have the Chairman sign RESOLUTION 2020-45 whereas,



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the Merrick County Board of Supervisors desires to adopt the recommendation of the Merrick County Planning Commission to approve the request to amend the Merrick County Zoning Resolution to revise Regulation Section 8.08 regarding Commercial/Utility Grade Wind Energy Systems and the corresponding land use categories matrix at Section 4.07 for Commercial/Utility Grade Wind Energy Systems for the following finding of facts: 1. The existing uses of land will be allowed in the Merrick County Zoning Regulations if the amendment changes are made, as evidenced by maps of setbacks and comprehensive plan AG1 in section 8.08.02. They do not totally exclude this land use. 2. The amendment changes will allow an appropriate use of land, as evidenced by map set-backs and regulations. 3. The suitability of the property in the area will not be affected by the amendment changes, as evidenced by the suitability of the property in the maps, setbacks, and regulations. 4. The effect of the amendment changes on the use of land and administration of zoning in the County will be appropriate, as evidenced by map, setbacks, and regulations. 5. The accessibility of the property to County services; streets and roads, sewage and water facilities and refuse disposal services will be maintained if the amendment changes are made, as evidenced by section 8.08.06 number 20 county roads and 21 drainage systems. 6. The amendment changes will not be detrimental to, or endanger, public health, safety, comfort, or general welfare of the community, as evidenced by proper setbacks, public comment regarding concerns for noise, wildlife, livestock, agriculture practices, decreased land values, financial risk regarding decommissioning. 7. The amendment changes will not impede the normal and orderly development of the surrounding property for uses permitted in the District, as evidenced by setbacks and regulations 18 through 21. 8. The amendment changes will not include noise, which is objectionable due to volume, frequency, or beat, unless muffled or otherwise controlled according to the Merrick County Comprehensive Plan, as evidenced by sound pressure modules and analysis in section 8.08.06 section 18 noise requirement. 9. The amendment changes will not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road or highway according to the Merrick County Comprehensive Plan, as evidenced by shadow flicker analysis, consent documents from nonparticipating landowners, setback regulation in 8.08.06 #10 color and finish of blades and #11 lighting. Roll Call: All Ayes. RESOLUTION 2020-45 is on file in the County Clerk's Office for public viewing.

Placke absent at 12:06 p.m.

Dispatching interlocal: Moved Kucera, second Yrkoski to table until next meeting so they can have representation from the Sheriff's Office to guide the Board. Roll Call: All Ayes.

November 2020 payroll: The November 2020 payroll was presented for approval: General: Gross: \$156,921.94 Net: \$109,620.15 Roads: Gross: \$52,391.91 Net: \$37,352.25 Juvenile Diversion: Gross: \$6,179.03 Net: \$3,925.53. Moved Kreachbaum, second Dexter to approve the November 2020 payroll as presented. Roll Call: All Ayes.

Adjourn: Moved Kreachbaum, second Kucera to adjourn at 12:22 p.m. Roll Call: All Ayes.

/s/Roger Wiegert, Chairman

/s/Marcia Wichmann, County Clerk