

# Saline County Board Minutes



## SALINE COUNTY BOARD OF COMMISSIONERS

The regular meeting of the Saline County Board of Commissioners was called to order at 9:30 a.m. on Tuesday, October 1<sup>st</sup>, 2019 by Chairperson, Marvin A. Kohout. Present were Kohout, Janet J. Henning, Stephanie A. Krivohlavek, Phil Hardenburger, and Russ Karpisek, Commissioners, County Clerk Daryl Fikar and Administrative Assistant Tim McDermott. County Attorney Tad Eickman was present between court commitments.

Notice of said meeting was posted in the County Clerk's Office, on the Saline County Website, and published in all three county newspapers prior to the meeting, in compliance with State Statutes.

Let the record show that all proceedings are electronically recorded.

Kohout advised those present of the open meetings law posted at the back of the room.

Henning moved to approve the agenda with the addition of union contract discussion in closed session, seconded by Krivohlavek. Voting aye were Karpisek, Kohout, Krivohlavek, Hardenburger and Henning, nays none, motion carried.

Hardenburger moved to approve the minutes of the September 17<sup>th</sup>, 2019 regular meeting, seconded by Karpisek. Voting aye were Kohout, Krivohlavek, Hardenburger, Henning and Karpisek, nays none, motion carried.

Henning moved to approve the minutes of the September 24<sup>th</sup> special meeting, seconded by Krivohlavek. Voting aye were Henning, Karpisek, Kohout, Krivohlavek and Hardenburger, nays none, motion carried.

Under citizens' forum, Sandra Koll questioned the process for the final application approval for the EDF Milligan 1 LLC windfarm project. She questioned the absence of site maps, video simulations, the final decommissioning plan and environmental analysis. She distributed a list of concerns, indicating that the Commissioners would be negligent if they were not involved in the approval of the final application, the concrete plant, the roads agreement and the roads impact statement. Karpisek informed Koll that all of the documentation that was mentioned was included in a comprehensive plan that was submitted to the Board by EDF, but since it was not yet considered, it was not yet made public.

Next up was Jeff Koll, who mentioned that, at the September 24<sup>th</sup> special meeting, County Attorney Eickman was asked to "look into" some items.

Next up was Matt McClusky of EDF, who distributed a package of information concerning the impact of wind energy on property taxes in Saline County. He informed the Board that there are two categories of taxes that will benefit Saline County taxpayers: Name plate capacity tax for above ground improvements, which will generate approximately \$3,518 per megawatt, and real property tax from improvements, including foundation of the turbine, buildings and access roads, which will generate approximately \$1,800 per megawatt. Together, it is estimated that the project will generate \$1,590,000 annually in tax revenue. Of this, 61% would go to 5 school districts in the project area, 21% to Saline County, 6% to Southeast Community College and 11% to other taxing jurisdictions. EDF estimates that the taxes generated would allow Saline County taxpayers to pay 5% less in property taxes.

Speaking next was Doris Ourecky, who introduced herself as a long time member of WIFE (women involved in farm economics). She informed the Board that she has testified in Washington D.C. concerning the benefits of wind farms and believes that the benefits of having a wind farm in Saline County should not be ignored. She countered the recent letters to the editor that have been published as misinformation.

Next was Myron Hayek, who stated that Saline County has no coal, but it does have wind. He said that he would rather listen to the sound of a wind turbine than the whistles of coal trains as they pass through the county.

Chris Krivohlavek also believes that the recent letters to the editor in the local papers are untruths. He stated that, if people have questions regarding the windfarm, they should speak to any member of the Saline County Wind Association, as they have been involved with wind energy for a number of years, and are well informed. He stated that 4% of the money goes to landowners and believes that a few people should not be able to tell the rest of the citizens what they can or cannot do on their property.



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Darrel Hayek addressed the Board next, stating that not all of the rules are being followed, but he believes that they are there for a reason, and should be followed. He also mentioned that a conditional use permit has been lost.

Under correspondence, Fikar reported receiving three items, all from Five Rivers RC&D: their July 18<sup>th</sup> meeting minutes, their August 29<sup>th</sup> meeting minutes and their September 19<sup>th</sup> meeting agenda.

Under report of officials, Henning reported that she has a Region V meeting and a CASA meeting coming up, and attended a Public Health Solutions meeting.

Hardenburger reported attending a Saline County Ag. Society meeting, where they discussed changing their insurance coverage to Nebraska Intergovernmental Risk Management Association, the same insurance company that provides coverage to Saline County.

Kohout reported that he attended a Planning and Zoning meeting two weeks ago, he attended a Youth Diversion meeting, an Employee Wellness Committee meeting and reminded the Board of the NIRMA self-defense conference beginning on Thursday and, coming up, he will be attending the legislative conference.

Krivohlavek reminded the Board that County Government Day has been changed to October 9<sup>th</sup>, she informed the Board that she will miss the Board meeting on October 15<sup>th</sup> and that she has a Saline County Area Transit meeting on October 17<sup>th</sup>.

Karpisek reported attending a Southeast Nebraska Development District meeting in Lincoln last Thursday and an Employee Wellness Committee meeting yesterday.

McDermott reports that he continues his conversation with Unite Private Networks as a possible replacement to provide our phone and internet service, he is participating in the Professional Development Academy, he will be visiting with the Boards of Seward and Pawnee Counties as a representative of NIRMA. He had a CURB Coalition meeting on September 23<sup>rd</sup>, he attended an Employee Wellness Committee meeting yesterday, he will be participating in County Government Day on October 9<sup>th</sup> and reminds the Board of the flu shots to be given on October 15<sup>th</sup>.

At 10:09 a.m., Henning moved to open the Public Hearing to consider a conditional use permit for IEA Constructors to build a temporary concrete batch plant in the W1/2 of the NW1/4 of section 3-6-2 to support construction of the Milligan 1 windfarm. The motion was seconded by Krivohlavek. Voting aye were Henning, Hardenburger, Kohout, Krivohlavek and Karpisek, nays none, motion carried.

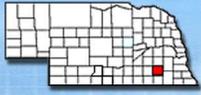
Planning and Zoning Administrator Lyle Weber explained that this issue had been heard by the Planning and Zoning Board and had passed by a vote of 8 yeas, 0 nays and 1 abstention.

Mark Donnarumma with IEA Constructors, the builder and operator of the plant, made a presentation to the Board, concerning the number of employees (15 – 20), the amount of cement that will be produced (1600 cubic yards per day), the hours of operation of the plant (7 a.m. to 7 p.m.). He also informed the Board that the plant will be operational for weeks at a time, and then be idle for weeks until work resumes. All aggregate will be purchased from local suppliers.

Karpisek questioned Donnarumma about their relationship with EDF, and whether there was an ownership interest. Donnarumma responded that IEA Constructors is a sub-contractor for EDF, but is not owned by them. Todd Eagleston with EDF informed the Board that Milligan 1 LLC is a subsidiary of EDF, and IEA is under contract with them.

Sandra Koll asked whether there is a different, updated map available, since that was one of the issues during the special meeting on September 24<sup>th</sup>. Krivohlavek said that there was a new map in the package that was supplied by EDF, but that had not yet been made publicly available. Koll then asked about the hours of the concrete plant, and whether they would ever operate outside of those hours. Donnarumma answered that there will be workers present prior to 7 a.m., but that no trucks would leave the yard before 7 a.m. Koll then asked whether “mineral processing” is similar enough to concrete production that it could be included in the conditional use permit, and whether the plant could be located in an agriculture zoned area, or whether it needed to be re-zoned to commercial.

Chris Krivohlavek spoke again, stating that, with a few exceptions, the landowners in the area are in favor of the project.



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Darrel Hayek asked whether damage to the roads will be repaired as an expense to EDF or to the County. Krivohlavek answered that road repair is included in the road haul agreement, which will be considered later in the meeting.

At 10:31 a.m., Hardenburger moved to close the public hearing, seconded by Henning. Voting aye were Krivohlavek, Karpisek, Henning, Hardenburger and Kohout, nays none, motion carried.

Krivohlavek moved to approve the conditional use permit for IEA Constructors to build a concrete batch plant, contingent on the passing of the road haul agreement. The motion was seconded by Hardenburger. The vote was taken by paper ballots. Voting aye were Krivohlavek, Hardenburger and Henning. Voting nay, Karpisek, abstaining, Kohout, motion carried.

At 10:32 a.m., Kohout announced the Board would take a short recess.

At 10:48 a.m., Kohout announced the Board would reconvene.

McDermott presented an agreement between Saline County and Anita Stougaard to implement the Saline County Juvenile Service Plan. McDermott noted that the agreement, except for the dates, is identical to the agreement that was approved last year. Henning moved to approve the agreement, seconded by Hardenburger. Voting aye were Hardenburger, Kohout, Krivohlavek, Karpisek and Henning, nays none, motion carried.

At 10:50 a.m., Maintenance Supervisor Dan Johnson presented information to the Board concerning the garage door project on the old jail building. He distributed a picture of the floor in the garage, showing a large void under the floor where the sand under the floor had settled or washed out over the years. He told of speaking to the representative of a company that could fill the void with a foam like material. The estimate for the portion of the floor that showed the void was \$3,500, and for the entire floor, \$5,000. The Board advised to get a formal quote and, if the amounts were consistent, to have the work done. Johnson also spoke of removing the old pedestal lights on the west side of the courthouse that haven't been used for years, of needing a new concrete pad where the dumpsters sit, a new dumpster pad for the Aging Services building, having a sidewalk poured north of the courthouse where people cut across the grass, what to do with the left over marble that is on the west side of the old jail building, and several ideas for the island in the parking lot north of the courthouse.

Highway Superintendent Bruce Filipi presented a request to occupy right-of-way from Windstream Nebraska LLC to build out fiber for a new fixed wireless tower site between Dorchester and County Road 1800. Henning moved to approve the request, seconded by Karpisek. Voting aye were Karpisek, Henning, Hardenburger, Kohout and Krivohlavek, nays none, motion carried.

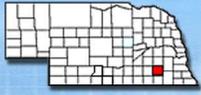
Filipi then presented a request to occupy right-of-way from Unite Private Networks to bury fiberoptic cable at the SE1/4 of section 14-8-1. Krivohlavek moved to approve the request, seconded by Henning. Voting aye were Kohout, Krivohlavek, Karpisek, Henning and Hardenburger, nays none, motion carried.

Filipi then presented a request to occupy right-of-way from Windstream Nebraska LLC to replace a buried drop to a customers' house at 1479 County Road C. Karpisek moved to approve the request, seconded by Hardenburger. Voting aye were Henning, Hardenburger, Kohout, Krivohlavek and Karpisek, nays none, motion carried.

Filipi then presented a request to occupy right of way from Windstream Nebraska LLC to replace a buried drop to a customers' house at 293 State Highway 80, boring under County Road C. Karpisek moved to approve the request, seconded by Henning. Voting aye were Krivohlavek, Karpisek, Henning, Hardenburger and Kohout, nays none, motion carried.

Filipi then presented the Transportation Impact Analysis for the EDF Milligan 1 Wind LLC wind project. The analysis includes an overview, an executive summary, a detail haul route, a road study, bridge inventory and culvert evaluation, along with bridge and culvert recommendations and an overall structures index. Krivohlavek moved to approve the analysis, seconded by Henning. Voting aye were Hardenburger, Krivohlavek and Henning. Voting nay, Karpisek, abstaining, Kohout, motion carried.

Filipi then presented a County Roads Agreement with Milligan 1 Wind LLC, which details the responsibilities of EDF Milligan 1 Wind LLC and Saline County for the county roads that will be used to build and maintain the Milligan 1 wind farm. Henning moved to approve the agreement, seconded by Krivohlavek. Prior to voting, Karpisek asked whether this would be the last step prior to final approval for the wind farm, and



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whether Planning and Zoning Administrator has the authority to give final approval. It was decided to wait for County Attorney Eickman to return to the meeting to give his opinion prior to voting.

Filipi announced to the Board that Saline County had received \$282,874.79 from NEMA and FEMA as aid to help pay for repairs due to damage from the 2015 flooding disaster.

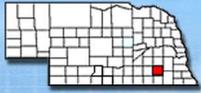
Henning moved to approve resolution #2019-082, transferring \$2,700.00 from the General Fund to the Aging Services Fund, to be reimbursed when funds are available. The motion was seconded by Krivohlavek. Voting aye were Hardenburger, Kohout, Krivohlavek, Karpisek and Henning, nays none, motion carried.

Hardenburger moved to approve resolution #2019-083, transferring \$250.00 from the General Fund to the Juvenile Services Aid Program Fund, to be reimbursed when funds are available. The motion was seconded by Karpisek. Voting aye were Karpisek, Henning, Hardenburger, Kohout and Krivohlavek, nays none, motion carried.

At 11:25 a.m., Henning moved to approve the claims as presented, seconded by Karpisek. Voting aye were Kohout, Krivohlavek, Karpisek, Henning and Hardenburger, nays none, motion carried.

## GENERAL FUND

General Payroll	Salaries	111,481.39
Anderson, Rebecca	Atty	540.00
Anytime Plmbg	Maint	760.04
Blue Valley Behav Hlth	Budget	8,000.00
Burda, Kohen	Mowing	1,800.00
Buzek, Lorene	Mowing	500.00
Buzek, Merle	Mowing	600.00
Capital City Transfer	Coroner	342.00
City of Wilber	Util	5,062.28
City of Wilber	Ambulance	1,800.00
Consolidated Mmgnt	Trng	41.48
Creative Instinct	P&P	103.00
Crete Med Ctr	Court Costs	1,697.00
Cummins Sales	Equip Rpr	644.29
Dollar General	Spls	17.95
Eakes	Off Spls	1,348.89
Election Systems	Ballots	258.07
Fairbury Glass	Veh Maint	45.00
Five Rivers	Budget	2,840.00
Friend Med Ctr	Med	465.00
General Fire	Equip Rpr	325.00
Girmus, Scott	Mowing	1,200.00
Greatamerica Fin	Off Equip	370.75
Gropp Law	Interpret Reimb	892.80
Gropp, Scott	Cntrct	7,000.00
Hall County Court	Court Costs	2.00
Holly's Home Imp	Bldg Rpr	1,200.00
Huber, Paul	Mowing	1,200.00
Jefferson County Em Mgmt	Salaries	3,700.00
Jindra Irrigation	Lawn Care	23.74
Kaliff, Marilyn	Mowing	600.00
Krull, Julie	Rent	892.50
Latimer Reporting	Hlth	160.16
Lytle, Anthony	Reimb	5.55
Madison County Court	Court Costs	2.00
Mulbery, Cody	Reimb	11.57



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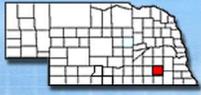
Murray, Joseph	Court Costs	550.00
NACO	Trng	50.00
NE Assn of County Assessors	Dues	50.00
NE Health & Human Svcs	Inst	93.00
NE Law Enforcement	Trng	90.00
NE Notary Assoc	Renewal	156.18
Physicians Lab	Autopsies	4,520.00
Regalia Mfg	Spls	106.90
Region V	Hlth	14,636.25
Rinder Printing	P&P	152.34
Sack	Equip	39.07
Safelight	Veh Rpr	955.94
Saline County Atty Petty Cash	Court Costs	7.22
Saline County Dist Court	Court Costs	141.00
Sapp Bros	Fuel	929.22
Sapp Bros	Fuel	1,920.70
Sec of State	Sub	20.00
Sendd	Dues	10,266.00
Soarin Group	Cntrct	749.50
Speece-Lewis	Engineers	863.34
State of Ne Dept Corrections	Cntrct	8,215.57
State of NE	Data Proc	147.60
Summit Food	Spls	8,299.59
Verizon	Phone	1,837.54
Visa	Fuel/Trng	77.44
Visa	Fuel	92.34
Walker Uniform	Spls	64.21
Witness Fees	Court Costs	31.60
Zito	Cable	195.85
41 Auto	Equip Rpr	69.88

## ROAD FUND

Road Payroll	Salaries	24,229.49
Ace Irrigation	Culverts	3,888.25
Beatrice Concrete	Gravel	38,202.70
Black Hills	Util	31.91
Crete Med Ctr	Drug Test	27.00
Crete Lbr	Spls	29.90
Eakes	Off Spls	12.99
Food Mesto	Spls	12.22
Fred's Auto	Equip Rpr	307.20
Johnson Sand	Gravel	10,923.17
Kerford Limestone	Gravel	5,319.30
Medical Ent	Drug Test	35.00
MHC Kenworth	Equip Rpr	139.55
RDO Truck	Equip Rpr	183.55
Rock On	Gravel	11,843.98
Roit Rpr	Equip Rpr	31.50
Surplus Ctr	Equip Rpr	344.60
Village of DeWitt	Util	59.94
Walker Uniform	Uniforms	49.33

## BAILIFF FUND

Bailiff Payroll	Salaries	1,143.80
Homolka, Kathy	Mil	220.40



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## VISITOR PROMOTION FUND

Mcintosh Ministries	Adv	200.00
Saline County Ag Soc	Adv	727.96

## VISITOR IMPROVEMENT FUND

Crete Heritage Soc	Archive Boxes	400.00
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## AGING SERVICES AID PROGRAM FUND

Aging Services Payroll	Salaries	2,800.92
Emal, Marcia	Prgm	122.50
Pribyl, Darlene	Prgm	117.50
Wilber Plmbg	Bldg Maint	87.05

## DRUG COURT FUND

Kalkwarf & Smith Law	Cntrct	1,100.00
Redwood Tox Lab	Testing	158.50

## JUVENILE DIVERSION FUND

Perez Mendez, Ana	Prgm	276.00
Stougard, Anita	Prgm	884.00

## COMMISSARY FUND

Eakes	Spls	206.42
Summit Food	Spls	3,671.01

## CRIME PREVENTION FUND

Visa	Spls	49.20
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## ALL FUNDS

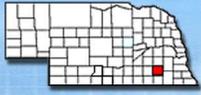
First State Bank	Fed Tax	15,426.67
NE Dept of Rev	State Tax	6,568.30
First State Bank	Soc Sec	29,009.98
BCBS	Ins	118,395.37
Ameritas Life	Retire	23,566.91
Delta	Dental Ins	2,215.72
VSP	Eye Ins	471.86
AFLAC	Ins	1,418.00
MassMutual	Def Comp	2,253.00
Colonial Supp Ins	Ins	272.30
Teamsters	Dues	287.50
Madison Nat'l Life	Life Ins	39.17
Madison Nat'l Life	Dis Ins	233.74
First Concord	Café	1,925.55
New York Life	Ins	118.90
NE Child Support	Garnish	197.08
NE Child Support	Garnish	188.77
Bryan LGH	Garnish	180.14

At 11:26 a.m., Kohout announced the Board would take a short recess.

At 11:28 a.m., Kohout announced the Board would reconvene.

With County Attorney Eickman returning to the meeting, it was asked whether it was his opinion that Planning and Zoning Administrator Lyle Weber has the authority to approve the final application for the Milligan 1 Wind LLC windfarm project. Eickman indicated that it was his opinion that Weber does have that authority. Karpisek then asked Weber if he could produce attachments 1 and 3 to the original conditional use permit, which Weber did produce.

With the motion made and seconded, a vote was taken for approval of the County Roads Agreement. Voting aye were Krivohlavek, Henning and Hardenburger. Voting no, Karpisek, abstaining, Kohout, motion carried.



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At 11:37 a.m., Henning moved to enter closed session, seconded by Krivohlavek. Voting aye were Henning, Hardenburger, Kohout, Krivohlavek and Karpisek, nays none, motion carried. Kohout announced that, during closed session, the Board would be discussing the union contract.

At 11:42 a.m., Henning moved to exit closed session, seconded by Hardenburger. Voting aye were Krivohlavek, Karpisek, Henning, Hardenburger and Kohout, nays none, motion carried. Kohout announced that, during closed session, the Board discussed the union contract and no action was taken.

There being no further business to come before the Board, the meeting was adjourned at 11:42 p.m. The next regular meeting will be on October 15<sup>th</sup>, 2019, at 9:30 a.m. in the Saline County Commissioners' Room, Court House, Wilber NE.

ATTEST:

Daryl Fikar, County Clerk

Janet J. Henning

Marvin A. Kohout, Chairperson

Stephanie Krivohlavek

Phil Hardenburger

Russ Karpisek, Vice-Chairperson

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I, Daryl Fikar, County Clerk in and for Saline County, do hereby certify that the minutes of the September 17<sup>th</sup>, 2019 meeting were presented and approved as presented.

Daryl Fikar, County Clerk

Janet J. Henning

Marvin A. Kohout, Chairperson

Stephanie Krivohlavek

Phil Hardenburger

Russ Karpisek, Vice-Chairperson