

SALINE COUNTY PLANNING & ZONING MEETING  
February 21, 2023

The Saline County Planning & Zoning Board Meeting was called to order at 6:00 p.m. on February 21, 2023 by Chairman Johnny Barta. He stated that the Open Meeting Act applied to this meeting and the Act is posted on the East wall of the Assembly Room of the Saline County Courthouse in Wilber, Nebraska. Chairman Barta asked Lyle Weber, Planning & Zoning Administrator to call the roll: Present were Dave Hermsmeier, Gerald Brown, Joel Weber, Mary Jo Weber, John Barta, Jeff Koll, and Keith Muller. Absent were Mark Due, Ron Fink. Representation by commissioner Marvin Kohout, and numerous members of the community were present at this meeting.

**Minutes** of the January 17, 2023 meeting were read by Keith Muller. Minutes were moved for approval by MJ Weber, seconded by Joel Weber. Roll call vote in favor: Brown, Hermsmeier, Muller, MJ Weber, J Weber, Koll and Barta. Minutes approved and submitted to be filed as amended during the reading.

**Citizens Forum** Chairman Barta asked if anyone present wanted to speak at this time on any subject other than the item posted for the Public Hearing.

Gary Veprovsky approached the board with a concern from the last meeting about concern about farming near a turbine. He stated the policy from the P&Z handbook pertaining to health, safety of inhabitants of Saline County. He questioned Chairman Barta about his statement last month about the Chairmans ability to take an issue to Public Hearing on his own which he stated was correct. However, he asked "What was the reason to expedite?"

**Motion for Public Hearing** There was a motion by J Weber, and second by MJ Weber to go into the Public Hearing. Discussion was initiated by Koll asking Lyle Weber if the meeting and petition were legally advertised as required. He further asked if the petitioner was present and ready to present the petition to the Planning & Zoning Board. He asked if there was a commissioner present that would present the petition. It was also stated, that the item for discussion in the Public Hearing was already on the Commissioners agenda for their next meeting. Stated that the Commissioners can vote next meeting if no action taken at this meeting. Statement that Page 7, Section 5, Subsection C, asks for petitioner to be present (or their representative). Assistant County Attorney, Jena C Mahin, distributed a copy of the Draft of Ordinance, dated February 21, 2023, to the P&Z members present at this time. Further discussion on the presence of a petitioner representing the ordinance change and to answer questions.

Chairman Barta asked the Asst. County Attn. again if no action by P&Z can County Commissioners rule on it next meeting? MJ Weber gave comment on her understanding of the rule.

Marvin Kohout, liaison to the Commisioners came forward to be the petitioner and read the Ordinance request.

Questions from the board: Brown asked who requested the change and why increase from 40? Did lobbyists approach the board as a whole or individually? It was stated that it was individual contacts, but didn't know who was all contacted.

Koll asked if any testing has been done on the decibel levels.

Lyle Weber stated that at the time of Milligan I being approved, there were no dba set by the board. He further stated that Milligan I had set a level on the contract between the owner and the company, but the board has no access to a copy of the contracts.

Hermsmeier asked again if any studies on dba at the wind turbines. Kohout answered that none have been done.

Barta stated that he knew of no one around the area that does that type of testing.

Koll asked if P&Z could ask for funding for testing?

The motion to go into Public Hearing was voted on at 6:46 p.m. with members present voting yes were MJ Weber, Muller, Hermsmeier, J Weber, Barta; in opposition were Koll and Brown. Motion carried 5-2.

#### Public Hearing Information

Gary Veprovsky, Dorchester about procedures in handbook.

Chairman Barta stated he had conversations with Kohout about the changes.

Lyle Weber read emails he received about the pending petition.

Russell Korinek – in opposition

Marjorie Andrews – in opposition

Terry Brandt – in opposition

Alan Brunkow – in opposition

Gerald Dvorak – in opposition

Jessica Formanek – in opposition

Neil Formanek – in opposition

#### Public Members presenting statements to the P&Z Board

Elizabeth Shotkoski Ferneding, R.E.H.S. , provided handout materials - opposed

Duane Thomas – in opposition

Melanie Kunc – in opposition

Kurt Oates – in opposition

Toni Snyder – in opposition

Matthew Jones – represent Steel Flats, Nexterra, in support

Alan Brunkow – in opposition

Lee Greenwald – Nexterra Energy, in support

Chuck McKay – in opposition

Doug Horak – in support

Gary Veprovsky – in opposition

Board voted to come out of Public Hearing at 8:22 p.m. Motion by J Weber, 2<sup>nd</sup> by Brown. Roll Call in favor MJ Weber, Brown, Barta, Koll, Hermsmeier, Muller, J Weber. Motion carried 7-0.

**Agenda Item 1:** Motion by Hermsmeier, 2<sup>nd</sup> by Koll: Table the proposed change to sound regulations until a sound study by an accredited firm on the Milligan I Wind Farm.

Roll Call vote in favor Muller, Brown, MJ Weber, Koll, Hermsmeier, J Weber, Barta. Motion approved 7-0.

Additional discussion were on possible changes to zoning regulations. Koll presented a copy of "Proposed changes to Saline County Regulations." Discussion on zoning regulations on wind turbines and solar energy.

**Commissioners Report** Marvin Kohout stated they are making decisions how to spend the ARPA funds dollars. They are updating several items in the county including 2 new air conditioners at the jail, replacing 30 AC units in the courthouse, purchased digital radios for the county fire, rescue and sheriff departments. Not yet completed as the infrastructure is being updated, but is closer to completion. New bridges in the county and remodeling of office space in the old jail are in the planning, with the addition of a bathroom on the main floor of the old jail.

Adjournment Motion made by J Weber, 2<sup>nd</sup> by Hermsmeier, to adjourn the meeting at 9:01 p.m. carried on a voice vote, with no opposition.

Respectfully Submitted,

Keith Muller, Secretary