

Sioux County Board of Commissioners

Harrison, Nebraska

May 1, 2024

The Sioux County Board of Commissioners met at the Sioux County Courthouse meeting room May 1, 2024 at 9:00 a.m. with the following present: Commissioners J.W. Geiser, Hal Downer and Josh Skavdahl. Also present was County Clerk Michelle Zimmerman. The pledge of allegiance was recited. JW Giser opened the meeting in prayer. Reference was made to the Open Meeting Laws posted in the meeting room. Motion made by Downer, seconded by Geiser to approve the minutes of the April 1, 2024 meeting. On roll call vote Geiser, yes; Downer, yes; Skavdahl, yes. Motion carried. Motion made by Geiser, seconded by Downer to approve the agenda. On roll call vote, Geiser, yes; Downer, yes; Skavdahl, yes. Motion carried. The board met with elected and appointed officials.

The Board approved the following claims: GENERAL FUND: PAYROLL, 51,101.68; AFLAC, employee cafeteria plan, 288.41; Ameritas Life Insurance, employee optical insurance, 169.90; Ameritas Life Insurance, county share retirement, 3,177.45/employee share, 2,207.96; AT&T, phone system, 98.41; Beef State Agency, insurance, 6,454.94; Blue Cross/Blue Shield, insurance, 17,358.37; Bytes Computer Solutions, IT services, 4,568.88 Centurylink, phone, 322.80; Clerks of the District Court Association, workshop, 75.00; Connecting Point, copy machine repair, 463.40; Crawford Clipper, publications, 288.74; DAS State Accounting, data processing, 516.00; Eakes Office Solutions, supplies, 134.00; Election Systems and Software, election materials, 4,887.35; First Concord Benefits Group, HR fees, 328.55/reimbursements/8,913.22; AT & T Mobility, phones, 305.68; Government Forms & Supplies, supplies, 195.00; gWorks, GIS contract, 10,839.00; Horse Creek Tire, supplies, 106.51; David Howell, mileage, 134.00; Lacy Klein, Mileage, 112.56; Centrylink, extension phone, 253.68; Madison National Life ins., insurance, 56.77; MASA Global, insurance, 125.00; Chad McCumbers, reimbursement, 134.58; MIPS, Inc., data processing, 1,963.90; NACO, workshop, 125.00; NE Association of County Treasurers, workshop, 150.00; NE Dept. of Revenue, state tax, 1,265.20; NEA, electricity, 1,456.74; Panhandle District County Officials, dues, 350.00; Quadiant Finance, postage, 500.00; Quill, supplies, 534.85; Quill Corporation, supplies, 225.45; Irene Richey, yrs of service, 19.00; Pine Ridge Service Center, fuel, 604.31; Scotts Bluff County detention Center, jail expense, 3,100.00; Security First Bank, county share social security, 2,903.88/employee share social security, 2,903.88/county share medicare 679.15/employee share medicare 679.15/ withholding, 2,721.19; Sioux County Court, court costs, 84.00; Sioux Co. Insurance Trust Fund, employee cafeteria plan, 458.33; Skavdahl, Edmund & Stecher, office rent, 200.00/clerical, 150.00/ phone, 22.39/subscription, 22.39/ filing fee, 87.00; Stanard Appraisal Service, appraise commercial and feedlots, 3,375.00 Rustin Starkey, custodial contract, 650.00; Transfer to Library Fund, 6,000.00; Transfer to Noxious Weed Fund, 10,000.00; Transunion Risk & Alternative, services, 120.00; U-Save Mart, fuel, 29.30; UNL Extension, reimbursement, 622.77; USDA, APHIS, predator control, 8,450.58; Village of Harrison, utilities, 376.50; Windbreak Cable, internet, 219.54; Zelle Human Resource Solutions, contract, in full, 10,580.65; Michelle Zimmerman, mileage, 176.88.

ROAD & BRIDGE FUND: PAYROLL: 42,684.81; AFLAC, employee cafeteria plan, 951.20; Ameritas Life Insurance, optical insurance, 167.92; Ameritas Life Insurance, county share retirement, 2,751.30/employee share retirement, 1,834.18; B&C Steel, supplies, 989.71; Beef State Agency, insurance, 5,389.42; Blue Cross/Blue Shield, insurance, 15,969.82; Centurylink, internet, 83.28; Dooley Oil, fuel, 5,799.31; Fairfield Inn & Suites, room, 279.90; Floyd's Truck Center, supplies, 102.27; Frank Parts, parts, 62.99; Herren's, repairs, 7,244.22; Holiday Inn, room, 134.95; Legacy Cooperative, supplies, 1,475.86; Lotton's, repairs, 553.45; Madison National Life ins., life insurance, 61.85; MASA Global, insurance, 87.50; Eric McCoy, reimbursement, 1,016.26; Morrill Hardware, supplies, 3.98; Morrill Supply, supplies, 188.81; NE Dept. of Revenue, employee withholding, 1,079.22; Nebraska Machinery, repairs, 7,286.54; NEA, electricity, 111.79; Northwest Auto Body & Paint, repair, 396.60; James Phipps, supplies/room/fuel, mileage, 688.55; Pomp's Tire & Retreading, Inc., supplies, 4,800.00; Powerplan, repairs, 80.86; Bobby Reece, reimburse physical, 100.00; Pine Ridge Service Center, fuel, 6,255.11; Security First Bank, county share social security, 2,398.34 /employee share social security, 2,398.34/county share medicare, 560.91/employee share medicare, 560.91/withholding, 2,224.33; Skeeter's Napa, parts, 412.56; U-Save Mart, fuel, 766.82; Village of Harrison, utilities, 113.90; Village of Morrill, electricity, 102.76.

REGISTER OF DEEDS PRESERVATION AND MODERNIZATION FUND: Government Forms & Supplies, recording book, 322.18; MIPS, data processing, 414.54.

LIBRARY FUND: PAYROLL: \$1,887.48; Ameritas Life Insurance, county share retirement, 127.40/employee share retirement, 84.94; Books-A-Million, books, 198.36; Crawford Clipper, ad, 8.16; Herren's, supplies, 14.99; NE Dept. of Revenue, employee withholding, 80.09; NEA, electricity, 215.05; NT & T phone, 71.13; Sarah Sanderson, supplies, 120.38; Security First Bank, county share social security, 117.02/employee share social security 117.02/county share medicare, 27.37/employee share medicare 27.37/withholding, 100.00; Village of Harrison, water, 66.25.

NOXIOUS WEED CONTROL FUND: PAYROLL: 3,602.87; Ameritas Life Insurance, employee optical insurance, 33.10; Ameritas Life Insurance, county share retirement, 243.19/employee share retirement, 162.13; Beef State Agency, insurance, 582.64; Blue Cross Blue Shield, insurance, 2,459.51; Centurylink, internet, 83.29; Herren's, supplies, 34.37; Holiday Inn, room, 269.90; Lotton's Service, fuel, 31.50; MASA Global, insurance, 12.50; NE Dept. of Revenue, employee withholding, 58.45; Nick Sanderson, meals, 90.45; Security First Bank, county share social security, 190.83/employee share social security, 190.83/county share medicare, 44.63/employee share medicare, 44.63/ withholding, 175.00; Westco, supplies, 632.25.

Michelle Zimmerman submitted monthly fee reports to the board. The board reviewed a quote from Beef State Agency, LLC regarding a deductible buy-down for wind/hail coverage on the courthouse. It was decided not to change the deductible.

Motion made by Downer, seconded by Geiser to proclaim the month of May, 2024 as Mental Health Month. On roll call vote, Downer, yes; Geiser, yes; Skavdahl, yes. The proclamation can be viewed in the Sioux County Clerk's Office.

Motion made by Downer, seconded by Geiser to ratify the signing of a disaster declaration with Region 23 Emergency Management Area due to the April 6, 2024 snowstorm. On roll call vote, Downer, yes; Geiser, yes; Skavdahl, yes. Motion carried.

Lacy Klein, County Treasurer submitted financial reports to the Board.

Allen Jordan, VSO updated the board on veterans issues he is working on.

Nick Sanderson updated the board about a possible grant for aerial spraying on forest service land. The Weed Department is starting to spray right of ways.

Sheriff McCumbers provided a financial report, and update on recent activities. A contract with the USDA was reviewed. Motion made by Geiser, seconded by Downer to approve the contract. On roll call vote, Downer, yes; Geiser, yes; Skavdahl, yes. Motion carried. A contract agreement for mutual assistance investigation sharing on Highway 20 was reviewed.

Ashley Ahrens updated the board on Sioux County 4-H summer programs.

Elaine Menzel, Legal Counsel with NACO updated the board on the changes to the open meetings law. County Attorney Skavdahl advised the board to add a public comment section to the board meeting agendas. Menzel stated that NACO is pleased to be able to serve the 93 counties. Summer workshop dates were discussed. The new NACO building in Ogallala is progressing nicely. Legislation was discussed. NACO fought back on getting rid of inheritance tax, as counties will need replacement for those revenues. Further studies will be done throughout the summer on replacement revenues.

A public hearing was opened at 11:00 to hear public comment on a budget amendment. No one from the public was in attendance for comment. The board reconvened into regular session at 11:02. Motion made by Geiser, seconded by Downer to approve Resolution 2024-4 to transfer funds from the ARPA Fund and General Fund to the Courthouse Improvement Fund. On roll call vote, Downer, yes; Geiser, yes; Skavdahl, yes. Motion carried.

Road Superintendent Jim Phipps has advertised for an employee. Work is being done on Henderson Road. Gravel crushing was discussed.

The board adjourned for a lunch recess from 12:00 to 1:00.

A public hearing was opened at 1:15 to hear public comment regarding an application for Conditional Use Permit submitted by Sioux County Wind Farm, LLC to construct a 300 megawatt utility-scale wind energy conversion system in eastern unincorporated Sioux County. Austin Paxson, Project Manager for NextEra Energy presented information about the project. David Levy, Baird Holm LLP explained the nameplate capacity tax and revenues the project will provide to the county and all other taxing entities, with a significant and long-term infusion of tax. Road use and decommissioning plans are included in the conditional use permit application. Roads will be put back to as good or better than when they found them. The industry is starting to see that some parts are reusable when decommissioning. Bonding was discussed. Levy stated that NextEra Energy is a Fortune 500 company, so they're not going away.

Public comments were heard. Questions and comments included depreciation of the equipment, bonding procedures and road damages.

Karen Huntrods submitted an exhibit to the board concerning issues with the wind project causing children to be born with autism, neurological affects to adults and children, aborting of fetuses and stillborn babies, infertility and deformities in domestic animals, as well as a decline in the population of birds.

Jessica Turbiville read and submitted to the board a letter written by her daughter who just graduated from high school in opposition of the project.

Judy Broeder questioned NextEra ownership, saying that China is in on the company and she doesn't want China in her backyard. Broeder provided the board with an exhibit regarding ownership of Nextera Energy Inc. asking what else are you lying about. Levy explained that it is a publicly traded company, so they have no control who owns it. Broeder also submitted an exhibit on turbine failures, bird killing, and tax credits.

Much discussion was held on the project destroying eagle and other bird habitat.

Jill Kotwasinski, Environmental Specialist discussed the eagle survey. Game and Parks is required to be involved in the study. Orion met with game and parks to discuss species, outlining issues in the report. US Fish and Wildlife is also consulted as they have wind and energy guideline requirements as well. A study of migratory patterns of birds is performed. A post-construction survey is done as well. The data is not finished yet. It can take two years to do a survey, and multiple years of data is gathered. Levy added that Orion did a survey, now NextEra is doing their own survey.

The question was asked regarding future purchase of the project from NextEra. Levy responded that a new company would have to operate with the same conditions as have been permitted. The conditions run with the land.

Two patrons who have negotiated contracts with NextEra spoke in favor of the project, citing the tax benefit to the county and providing a second source of income to them personally. One asked people to do their own research, their concern is real, but be careful what you believe.

The issue of lower property values was questioned. Gene Broeder submitted an exhibit regarding negative impact to property values. Levy said a study was done by Wichita State University in 2017 showing no statistical effect. Another study was done on Jefferson and Gage Counties when they plotted the values, trend lines were identical showing no impact from the wind farm.

Some in attendance called for a moratorium on wind farms at this time, that more research needs to be done.

Bryan Palm presented the board with an exhibit consisting of 5 points regarding decommissioning, fire protection, county roads, law enforcement and environmental concerns.

Lori Gray presented an exhibit including minutes of the Greeley County Commissioner’s Meeting dated August, 2023, whereby conditions were attached to the approval of a conditional use permit for Nextera Energy Resources. Gray asked that the Sioux County Commissioners look at this example as a fact in finding for the points of concern presented today. Gray requested that all conditions outlined be completed and approved by the the commissioners, by Nextera or any wind energy applicant, prior to commencement of construction.

Kaisha Huston submitted an exhibit regarding setbacks in other Nebraska counties. Levy responded that Sioux County has different setbacks, and that this project adheres to the rules they have been given.

The public hearing was closed at 3:02. Chairman Skavdahl thanked everyone for coming and voicing their opinions. The board reconvened into regular session.

Motion made by Downer seconded by Skavdahl to table the board decision on the permit. On roll call vote, Skavdahl, yes; Downer, yes; Geiser, no. Motion carried.

There being no further business to come before the Board the meeting was adjourned at 3:10 p.m. The Sioux County Board of Commissioners will meet June 3, 2024.

/s/Josh Skavdahl
Chairman of the Board

/s/Michelle J. Zimmerman
Sioux County Clerk