

Minutes

Visitors signing in: Paul Richards District #4, Mark and Dorcas VanDerHart, Gerald and Jennifer Dolezel, Bill Price, Sam Titus, Jill Spenner, Travis Lindstrom, Ted Connealy

Notices of the meeting was given in advance thereof by Publication in the Plaindealer, Burt County website and on the 1st floor bulletin board within the courthouse.

The meeting was Called to Order at 6:30 P.M. by Chairman Rodney Bromm

Roll Call was taken by Ann Chytka as follows: Rodney Bromm **Present**, Charley Cull **Present**, Jay Hovendick **Absent**, Don Johnson **Present**, Wally Lydick **Present**, Tyler Weitzenkamp **Present**, Dean Carlson **Present**, Roger Pond **Present**, Scott Ronnfeldt **Present** (arrived at 6:32)

Quorum present yes.

It was noted where the Open Meetings Act was located.

Bromm stated that the minutes from March 11th. 2024 were received and reviewed.

With no changes being made, Lydick made a motion to approve the minutes from the March 11th, 2024 meeting 2nd by Weitzenkamp

Roll call vote Ayes- Bromm, Cull, Johnson, Lydick, Olsen, Pond, Ronnfeldt and Weitzenkamp Nays- None, Absent- Hovendick

Minutes were signed by Chairman Bromm and Administrator Chytka.

New Business: None

Old Business: Chytka handed out a spreadsheet that she had created listing what other counties currently have in there regs.

Definitions: for

- **Project Owner:** A project owner is a person or group responsible for initiating, funding, and overseeing a project.
- **Rotor Blade Length-**The actual length of one rotor blade in feet.
- **Wind Charger-** Device for holding a charge of electricity

- **Wind Energy-** Kinetic energy present in wind motion that can be converted to mechanical energy for driving pumps, mills, and electric power generators.
- **FAA-** Stands for Federal Aviation Administration
- **Property Line-** Shall mean the boundary line of the area over which the entity applying for the Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

It was agreed that since the above were mentioned in our regs that they need to be added.

- **Noise Level:** Currently ours is at 50 dBA
 - Per Lincoln/ Lancaster Health Department Study they recommend 40 during the Day and 37 during night time.

There was discussion about the Noise Level- Lydick is ok with leaving it at 50 dBA.

Cull stated that he has talked with a number of counties and they are lowering their noise level.

Rodney said that maybe there is a possible waiver for noise.

- Formatting Page 135 M)- Ann will correct formatting.
- Do we need to add Ice Throw like Lancaster page 7?

The Commission did not think that Ice Throw needed to be added to the regs.

- Do we need to have Fish & Wild Life clause like Keith County Page 81?

Need to be ok'd by all entities needed- This would be covered by the environmental impact analysis.

- **Environmental Impact Analysis.** The applicant shall have a third party, qualified professional conduct and create an analysis to identify and assess any potential impacts on wildlife and endangered species and

public conservation lands, with particular emphasis on areas where birds, water fowl, raptors, or bats are highly concentrated, significant bird migration flyways and areas that have landscape features known to attract large numbers of raptors.

- Do we need to add more information about **Shadow Flicker**?

Discussion was had and yes this is to be proposed to be added to our current regs.

An **analysis on potential shadow flicker** on any occupied structure on a nonparticipating property with direct line-of-sight to the CWES. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at those locations from sun-rise to sun-set over the course of a year. The analysis shall include a mitigation plan.

- Do we Need to set a minimum Acreage for these to be on?
 - What about Lot Splits: it was discussed that the setbacks need to be followed.
 - Need to make sure that we have something about the Developer needing Insurance. – all agree Under requirements on page 126 add proof of insurance.
 - Do we need to have certain setbacks from Towns, Village, Schools, Churches, and Cemeteries? (Buffalo and Gage County Currently have them)
 - **Crop Impact Analysis:** Along with the Environmental Impact Analysis, the report shall also, include an analysis of the crop land, pasture land, and livestock production impact due to the lack of aerial applications of herbicides or insecticides in the areas in and surrounding the proposed WECS towers.
- Discussion was had and believe that this is not needed in the regs.
- The applicant shall supply **the emergency management agency and/or fire departments** with a basic emergency response plan. The applicant shall provide a copy of the project description and site plan to the local

fire department and rescue service having jurisdiction over the project area and shall coordinate with such local entities in the development of an emergency response plan.

- Each site shall have its own 911 address

Discussion was had and yes this is to be proposed to be added to our current regs.

- **Public Inquiries and Complaints:** The owner and operator of the utility grid WECS project shall maintain a publicly available telephone number and identify a responsible person or position for the public to contact with inquiries or complaints throughout the life of the project. Said owner and operator shall make a reasonable effort to respond to the public's inquiries and complaints and shall maintain a record of such inquiries and complaints, together with actions taken and dates thereof and shall make such records available to the Zoning Administrator upon request.

Discussion was had and yes this is to be proposed to be added to our current regs.

- Do we want a photo simulation from different parts of the County? After discussion felt not needed.
- Hamilton County requires a noise study every 2 years. The testing for compliance shall be completed by an independent entity approved by the Board of Commissioners. The cost of this testing shall be paid for by the owner of the WECS. If not in compliance with the above listed dB levels, an immediate shutdown of the WECS shall be required until it can come into compliance.
- What about lot splits? This will need to follow current land setback requirements.

Correspondence- Steve Bowland, Mike Bowland, and Julie with RWE were all placed on file.

Next meeting will be held: We will attempt to have our public hearing on May 6th and may meet one more time before we send up the recommendation to the Board of Supervisors for the June 28th Meeting.

Being no additional business Cull made a motion to adjourn at 8:06 pm 2nd by Pond



Ann M. Chytka

Burt County Planning and Zoning Administrator



Rodney Bromm

Burt County Planning and Zoning Chairman