

## MINUTES

### Madison County Joint Planning Commission

Norfolk, Nebraska

The May 16, 2024, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:00 p.m. in the Madison County Planning Department Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

#### Call To Order/Roll Call- Consideration and/or action on:

**Present:** Oswald, Brown, Flood, Amen, Acklie, Abler and Milander

**Absent:** Griffith and Westerman

**Also Present:** Brenda Jones, Mary Haschke, Lori Pfeifer, Carleigh Houghtling, Don Wegener, Leon Weiland, Tony Wortmann, Mary Wortmann, Renee Gilsdorf, Taylor Gilsdorf, Rob Fite, Ned Porter, Bobbie Pettit, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez

**Open Meetings Act:** Acklie stated that the Open Meetings Act will be followed.

**Proof of Publication:** Acklie stated the Proof of Publication Notice was published in the Norfolk Daily News.

**Minutes-April 18, 2024:** The minutes of the April 18, 2024, Madison County Joint Planning Commission meeting were presented.

Motion made by Amen to approve the minutes and seconded by Brown.

Vote taken. Abler, Acklie, Oswald, Flood, Amen, Brown and Milander vote "Aye" none vote "Nay". Motion carried.

Acklie reads the Public Hearing

**The purpose of this hearing is to receive public comments concerning the application of Neil Carnes for a Conditional Use Permit to construct a 2-unit townhome on property described as Lot 4 Horizon View Subdivision City of Madison, Madison County, Nebraska. The property is located at 108 West 14th St City of Madison, Nebraska. (Parcel # 590288212)**

Heather states that the applicant is requesting to build a 2-unit townhouse which is a single family attached home, requiring a Conditional Use per Madison City Zoning. The lot will be split, and the units sold with the land.

Heather reads the Statement of Finding of Facts and the Recommended Conditions.

#### Statement of Finding of Facts:

- 1. The application is consistent with the City of Madison Zoning and Subdivision Regulations.**
- 2. Property is in an R1-Single Family District.**
- 3. Lot size is appropriate for the requested Use to allow for the correct width and setbacks.**

**Recommended Conditions:**

- 1. This Conditional Use Permit allows applicant to build a 2-unit single family attached townhome.**
- 2. All setback requirements must be followed per City of Madison Zoning Regulations.**
- 3. Before building, an approved zoning permit must be obtained from the Madison City office.**

**7:04 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Brenda Jones; Madison CRA speaks in favor. She states that that the CRA owns the subdivision and developed it in 2018, She states that she is in support of this project. She states that they need housing and is excited that Neil Carnes wants to do this.

Acklie asks if anyone else is in favor.

Rob Fite; Mayor of Madison speaks in favor. He states that he lives in the subdivision, and he is a neighbor of the proposed project. He states that he is 100% in favor and feels that it will fit in the neighborhood just fine. He states the CRA put in a covenant that states that this will be the last multi family home and the rest of the lots are for single family homes.

Acklie asks if there is anyone in favor.

No one speaks

Acklie asks if there is anyone opposed.

No one speaks.

**7:06 p.m.** Acklie closes the Public Hearing.

Brown verifies the location.

Oswald verifies the location of the multi-family homes.

Heather states that it was always the CRA's intent to have multi-family homes and is allowable with a Conditional Use permit.

Oswald Makes a motion to recommend approval based on the above Recommended Conditions. Milander seconds the motion.  
Vote taken. Abler, Brown, Acklie, Oswald, Flood, Amen and Milander vote "Aye" none vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Corn Silk Energy LLC for a Conditional Use Permit for installation of a temporary meteorological tower for the purposes of measuring wind speed on property in the SE ¼ of Section 16, Township 21, Range 2, West of the 6th P.M. Madison County, Nebraska. The property is located approximately 1 mile South and 3 ½ West of the City of Madison, Madison County, Nebraska north of the intersection of 549th Ave & 825th Rd. (Parcel # 590126288)**

Heather reads the Statement of Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

1. The application is consistent with the Madison County Comprehensive Plan and with the Madison County Zoning and Subdivision Regulations.
3. Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

**Recommended Conditions:**

1. This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
2. Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
3. Applicant must abide by regulations regarding signage, lighting and other applicable regulations as stated in the Madison County Regulations.

Roger asks to clarify the name of the company and project name.

Ned Porter states that the project name is Corn Silk Energy LLC and it is owned by Invenergy.

**7:10 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Carliegh Houghtling; Invenergy speaks in favor. She states that she works out of the Denver area and grew up in Oklahoma. She states that Invenergy is a USA based developer and owner of renewable energy projects. She states that Invenergy currently has over 200 projects that they have developed. 117 of those are wind projects. She states that they currently have Conditional Use permits for 2 meteorological towers that are already up and they are looking to move those to a new location.

Houghtling states that they have been working in Madison County since about 2018-2019. She states that the towers are intended to measure wind speed, wind direction, temperature, humidity, ect. She

states that these towers are temporary. She states that they are 199' tall with guy wires in four directions with marker balls. She states that the towers are marked according to FFA guidelines.

Houghtling states that as things have developed and changed over the last 5 years so have the plans for where to develop the project itself has been transitioning. Landowner participation, environmental studies and engineering are all factors as to why they would like to move the project further south, therefore would like to move the existing met towers to those locations.

Ned porter passes out maps to show the location of the existing towers and where they will be moved. "Exhibit A"

Acklie asks if anyone else is in favor.

No one speaks.

Acklie asks if there is anyone opposed.

Leon Weiland Speaks in opposition. He asked what is the project; "1 tower, 2 towers, define the tower."

Heather states that we do not have an application for a project yet. She states that these temporary met towers are going to collect data to determine what the project is.

Weiland asks what is the goal. He states that no one builds this without a goal.

Heather states that their goal for today is to put the met towers up.

Weiland states that there is adequate evidence that that this will be a great place to put a wind farm.

Houghtling states that the data they received from the existing locations and they are able to use that. She states that the ultimate goal is to develop a wind project and they need to obtain data in another location to establish a wider base.

Weiland states that Houghtling is beating around the bush and asks again, "What is the wind project?"

Houghtling states that a wind project is building wind turbines.

Weiland asks how many.

Houghtling states that is why they need to put the met tower up so they can determine that.

Acklie tries to interject.

Weiland interrupts and states that when the animal is ferocious you can never back out of it. You shoot the sucker dead right on the spot so it never even starts. He states that he understands that we are talking about two different projects but there has to be a goal. He states that nobody is going to build a tower out there without a goal of building a wind farm.

Weiland states that him and his wife went to Sioux City last week and north of Wayne there are miles and miles of towers and that started somewhere. He states it is just like a project that these people are talking about.

Acklie states Wayne County don't have zoning. He states the only purpose we are here for tonight is to recommend approval to move those two met towers to a new location.

Weiland states that Madison County is a zoned County and we don't want a wind farm here so what's the purpose even starting.

Acklie states that our zoning regulations do not prevent wind towers in Madison County. He states that there are rules that go with the construction of tower such as where they can be located and how close. He states those regulations are in place should they come with an application to put up actual wind towers. He states these are just information towers.

Weiland states that they will.

Renee Gilsdorf speaks in opposition and states that if this is just a meeting to set up temporary towers and asks how do they have the right to sign up 238 pieces of property in addition to separate company with more pieces of property signed up.

Acklie states that in his opinion that is between the company and the landowner.

Heather explains Robert's Rules of the open meetings act as she does not want the meeting to get out of hand.

Don Wegener asks whose property is it.

Acklie states that according to the legal description Freudenburg's own it. He describes the location.

Neil Haske states that he would like to make a comment. He states that he looked at the map of those who signed and who haven't and the majority who have signed are absent landowners. He states that he got the impression that these companies were signing up all the absent landowners and avoiding those who live on the properties. He states that he was never asked and that is why he came tonight.

Acklie states that he is welcome to be here but his comments don't really pertain to what we are here for tonight.

Acklie asks if there is anyone else that would like to speak in opposition.

Tony Wortman states that this reminds him of the Planning Commission meeting in Stanton County when they were talking about Bitcoin. He hopes that Madison County doesn't run their meetings the same way. He states that he ended up with a Bitcoin factory in the back of their house and they use power from these windmills. He states that everyone beware cause Bitcoin is coming to your area soon. He says it's just a warning. He states that it's not just a little tower that we are talking about and don't try to fool these people and listen to them. He states that he has been fighting Planning Boards, County

commissioners, lawyers and people all over the Country fighting this crap. He tells the Planning commission to listen to the people as they get their land taken away and their homes ruined with no compensation.

Wortman states that property taxes go up and when it's turned over to Bitcoin, they charge you on your power rate. He states, "You're paying for the windmills, paying for the power lines, paying the underground fiber optics and the crypto people are smiling like crazy."

Acklie asks if anyone else is opposed.

Mary Haschke speaks in opposition and states that she is definitely against. She says she knows your taking it step by step, the legal way. She states, "but it really irritates me when I know you did the right thing by putting the little public notice in, you need your glasses on. Nobody reads those little Public Notices and then you come to these meetings and hope no one shows up and opposes. Let's hope we get this job done without any ruffling at all."

Haschke states; "When you come into an area that a lot of us have been here for years and years, Roger you have been in Madison for a long time. Leon we have all been here a long time. You energy people coming in from Oklahoma or wherever doing your job and I am sure you're doing a great job. I don't like looking at those windmills. I know economically it's bringing in energy, GREEN energy. That's a bunch of bull too, it's not green. What happens in 20 years when that dinosaur dies? Who's going to take care of that stupid dinosaur? I don't know legal stuff that you are doing but I am going to voice, I do not want to be looking at these windmills. I despise it and hope nothing like this comes to our area. Well I know that one little windmill is the domino effect and you're doing this meeting tonight to do a little bit of shuffling to make us happy and then your going to come along and the next meeting your going to have something else.

Haschke states; "I know you guys work hard and I appreciate the work you do but I do not appreciate sometimes how people come in and think they can just take you and just try to smooth you over. We are not stupid."

Leon Weiland states that he appreciated the Planning Commission but those from Oklahoma don't care about us. He states that his sister lives in the middle of one of these projects and no matter which way you turn you see a hundred of these things. He states that no one likes these things.

Acklie addresses Weiland and says that he spoke to his brother-in-law and he had nothing against the wind towers.

Mary Haschke states that when she called around a lot of people didn't know a tower was going up, especially farmers. She states, "Farmers are in the field. Fine time to have a meeting."

Amen states that he left the field to be at this meeting.

Haschke thanks him for that and states that she is sure a lot more would be here if they weren't in the field.

Oswald asks the people from Invenergy how many towers they envision in the project.

Ned Porter states that they don't know. He states that they don't know how much power they want to generate. He states that they have to sell the power first and that will determine how many megawatts are sold and how big and how many towers they will need.

Weiland states that nobody cares about that.

Renee Gilsdorf States that Nebraska deeds online shows that there are 215 people signed up with Invenergy.

Acklie states that he agrees with Porter, they don't know how many towers they would put until they collect the data. He states at this stage we are not developing a project.

Leon Weiland states this is the first step in developing a project.

Acklie agrees that it is the first step.

Weiland states that these projects can put one neighbor against another neighbor. He states when someone wants to do something like this there is a certain amount of greed involved. He states that once a wind farm is in place there is no way to back out. He states that these companies that build these things so often go broke and who does the clean-up. He states that is going to fail.

Neil Haschke states that he called around and windmills are not subject to be put on the tax roll. He states that they are taxed differently and asks how that works.

Ned Porter explains that the tower is personal property and Invenergy pays for that.

Neile Haschke states that it is his understanding that wind towers have a different rate.

Carleigh Houghtling explains the Name Plate Capacity Tax.

Taylor Gilsdorf speaks in opposition. She states that she is 25 years old and this is the area that she calls home. She states that she doesn't want it ruined for her. She states that she understands that this is a temporary tower but she knows what it's going to turn into. She states that she knows that we put this on this night and that there are a lot more people that would be here in opposition if they could get here.

Acklie states that we cannot pick when we have a meeting and cannot go around and accommodate when times are farmable and when they are not. He explains the requirements of a Public Hearing.

Lori Pfeifer speaks in opposition. She states that she lives in the area, and this is where her daughter who just graduated college wants to come home. We are not the ones that are signed up and it's an emotional thing. She states that many who have signed up don't even live here. She states that she understands the planning and zoning part but asks if we need to revisit the regulations to put the brakes on the wind towers.

Heather states that we updated the regulations a couple of years ago and what we had before was obsolete and would not have provided any protection. She states that she would like everybody to remember that we cannot prohibit any use; it's illegal. She states that any application that comes in here we can put some things in place to try and protect everyone but we do not have the right to tell the 251 landowners plus the other project that they can't sign a contract. She states what we can do is make it a Conditional Use.

Heather states that the Planning Commission meets the 3<sup>rd</sup> Thursday every month if there is something on the Agenda and we don't pick and choose what the date or time is. She states that once the Planning Commission gives their recommendation it then goes to the County Board. She states that we follow all the procedures that are required to notify the public.

Leon Weiland states that they are here voicing opposition to this project and asks if this Board has the authority to stop this project.

Milander replies, "No, we only send our recommendations to the County Board."

Heather explains the responsibility of the two Boards.

Weiland asks for Heather's title.

Heather responds, "I am the Zoning Administrator."

Neal Haschke states that Heather does a good job explainin.

Tony Wortmen states that they can be stopped because Stanton County stopped them.

Acklie states he would like to reiterate that we are here tonight to because Invenergy asked for a CUP to move 2 meteorological towers that are already in place in Madison County.

Neal Haschke asks if there is 1 tower or 2.

Abler states that there is 2.

Acklie explains that this Hearing is for 1 tower and then next Hearing is for 1 more, total of 2.

Heather explains that the 2 towers have been up and are going to be moved to a different location.

Acklie states that in his opinion, Invenergy has done their job and he doesn't feel like there is any reason to deny the request.

Acklie asks if there is anyone else that would like to speak in opposition.

No one speaks.

**7:57 p.m.** Acklie closes the Public Hearing.

Abler asks to clarify that there were only two in favor and the others who spoke were in opposition.

Acklie confirms.

Oswald thanks everyone for speaking and states that he realizes it is a very controversial subject.

Abler makes a motion to recommend approval based on the above Recommended Conditions. Brown seconds the motion.

Vote taken. Acklie, Flood, Amen, Abler, Brown and Milander vote "Aye" none vote "Nay".

Oswald abstains.

Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Corn Silk Energy LLC for a Conditional Use Permit for installation of a temporary meteorological tower for the purposes of measuring wind speed on property in Part of the S ½ of the SE ¼ in Section 21, Township 21, Range 3, West of the 6th P.M. Madison County, Nebraska. The property is located approximately 1 mile North and 5 miles East of the City of Newman Grove, Madison County, Nebraska at the intersection of 824th Rd and 543rd Ave. (Parcel # 590126725)**

Heather reads the Statement or Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

1. The application is consistent with the Madison County Comprehensive Plan and with the Madison County Zoning and Subdivision Regulations.
2. Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

**Recommended Conditions:**

1. This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
2. Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
3. Applicant must abide by regulations regarding signage, lighting and other applicable regulations as stated in the Madison County Regulations.

**8:01: p.m.** Acklie opens the Public Hearing.

Heather states that she received one phone call in opposition from Mary Frisch. Mary stated in that phone call that she owns adjoining property but lives in Iowa. She stated that she wants to be quoted; "There is too much government overreach, I am in the pipeline path and I want that on record."

Heather states that everything is the same as the other tower. Just moving the current tower to a new location.

Acklie asks if there is anyone in favor.

Carleigh Houghtling states that she is in favor.

Brown asks if this tower will have a light on it.

Amen states that is too short.

Houghtling states that it is 199' tall.

Ned Porter states that they had to notify the FAA so they can send out alerts that the towers are there

Acklie asks if there is anyone else in favor.

Ned Porter states that he is in favor.

Acklie asks if anyone else is in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks. (Previous attendees are no longer present.)

Bobbie Pettit states that she would like to ask a neutral question. She asks if the wind tower prohibition in Stanton County has been challenged in court.

Porter States that he does not think it has yet.

Pettit states that it's her understanding that if the federal government allows it and the state allows it, it would be illegal for the County to prohibit them.

**8:05 p.m.** Acklie closes the Public Hearing.

Amen makes a motion to recommend approval based on the above Recommended Conditions. Abler seconds the motion.

Vote taken. Abler, Acklie, Brown, Flood, Amen and Milander vote "Aye" none vote "Nay".

Oswald Abstains.

Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the adoption of the updated Madison County Comprehensive Plan.**

**8:08: p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Bobbi Pettit hands the members of the Planning Commission a copy of the updated Madison County Comprehensive Plan. (Exhibit B)

Pettit goes over the information on Pages #53; planning principals and planning policy and #56; future landuse map.

Pettit states that it is important that everyone agrees with the information on Page #53.

Acklie states that he likes the information in the plan.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

**8:12 p.m.** Acklie closes the Public Hearing.

Abler makes a motion to recommend approval based of the Madison County Comprehensive plan. Milander seconds the motion.

Vote taken. Abler, Brown, Acklie, Oswald, Flood, Amen and Milander vote "Aye" none vote "Nay". Motion carried.

**Administrators report:**

Zoning permits are discussed.

Flood makes a motion to adjourn. Abler seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 8:33 p.m.