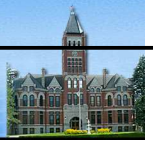




Fillmore County Board Minutes



March 24, 2020

The Fillmore County Board of Supervisors convened in open and public session at 9:10 a.m., March 24, 2020, in the Courthouse Boardroom in Geneva, Nebraska with Chairman Neiman presiding. Members present were Noel, Sluka, Harre, Cerny, and Lightwine, Graham was present via teleconference. The County Clerk was present to record the minutes of the meeting.

Notice of the meeting was given by publication. A copy of the publication is on file in the County Clerk's office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Agenda was approved as presented. The Chairman noted that the public meeting guidelines are posted as required by law and available for public distribution if requested. The meeting adjourned at 11:40 a.m.

MINUTES APPROVED

Chairman of the Board, Neiman declared the minutes from the March 10, 2020 and March 16, 2020 meetings approved as presented.

CLAIMS

The claims were presented for payment. The following abbreviations describe the expenditures: Equip – equipment, HDM's – home delivered meals, Insur – insurance, Main – maintenance, Mtgs – meetings, Mile – mileage, Misc – miscellaneous, Post – postage, Pro – proceedings, Rep – repairs, Ret – retirement, Ser – service, SS – 56, social security, Sup – supplies, Uti – utilities, Wksh – workshop expense.

GENERAL FUND:

Rachel Adam	Mile	28.52
Blue Cross Blue Shield of Nebraska	Insur	57,569.28
Lindsay Brundege	Mile	81.65
William Burgess	Meals	53.81
Diane Deepe	Ser	160.00
Eakes Office Solutions	Sup	276.09
Sharon Elznic	Mtgs, Mile	62.20
Exeter Senior Center	USDA Reim	39.90
Fairmont Aging Services	USDA Reim	112.00
Fillmore County Med Center	Ser	52.71
Fillmore County Sheriff	Ser	100.00
General Reporting Service	Ser, Mile	329.15
Geneva Home Center	Sup, Rep	475.61
Geneva Senior Center	USDA Reim	343.00
Richard Girmus	Mtgs, Mile	43.80
Matt Hafer	Mtgs, Mile	48.40
Matt Harre	Mtgs, Mile	66.80
Heartland Bank	SS	5,058.29
JEO Consulting Group, Inc.	Ser	200.00
Kalkwarf & Smith Law Offices, LLC	Ser, Post, Sup	3,094.75
Dean Kassik	Mtgs, Mile	64.50
MIPS, Inc.	Sup	148.98
Morley Most	Mtgs, Mile	66.80
Nebraska Public Power District	Uti	1,530.63
The Nebraska Signal	subscription	38.00
NeoFunds by NeoPost	Post	700.00
Nichols Collision Center, Inc.	Rep	141.00
Reg Noel	Mtgs, Mile	32.25
Precision Signs and Graphics	Sup	45.55
Protex Central, Inc.	Main	420.00
Quadient Leasing USA, Inc.	Ser	850.50
Retirement Plans Division of Ameritas	Ret	4,863.51
SE Nebraska Association of County Officials	Wksh	120.00
Saline County Law Enforcement	Boarding prisoner	480.00



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Secretary of State	Sup	20.00
State of Nebraska DAS State Accounting	Ser	43.88
State of Nebraska Health & Human Service	February patient care	87.00
Sharilyn Steube	Ser, Mile	83.75
Allan Stuckey	Mtgs, Mile	32.25
Christina Thomas	Mile	77.05
Unifirst Corporation	Ser	456.34
Verizon Wireless	Uti	1,225.86
Ericka Wellman	Mile	150.65
WEX Bank	Fuel	2,023.19
Windstream	Uti	140.69
Payroll	Salaries	73,846.47

ROAD/BRIDGE FUND:

Aurora Cooperative Elevator Co.	Fuel	1,576.75
Paul Bauer	Ser	475.00
Beatrice Concrete Co., Inc.	Gravel	590.48
C & M Supply, Inc.	Fuel	1,229.83
Certified Truck & Trailer, Inc.	Parts, Rep	3,449.71
Clay County Tree Service	Ser	525.00
Eakes Office Solutions	Sup, Main	390.50
Farmers Cooperative	Fuel	303.07
Gamma Scientific, Inc.	Rep	500.00
Geneva Building Supply	Rep, Misc	164.27
Grafton Mini-Mart	Fuel	150.91
Harre Seed & Services, LLC	Gravel	396.00
Heartland Bank	SS	2,445.96
Heath, Inc.	Rep	185.00
Kopchos Sanitation, Inc.	Uti	55.00
Logan Contractors Supply, Inc.	Equip	1,830.00
Midwest Unlimited	Sup, Equip	1,484.40
Nebraska Public Power District	Uti, Misc	11,479.83
NMC Exchange, LLC	Parts, Ser, Rep, Main	5,804.72
Perennial Public Power District	Uti	112.23
PetroChoice	Main	160.85
Retirement Plans Division of Ameritas	Ret	2,168.11
Roit Repair	Rep	125.96
Sahling Kenworth, Inc.	Parts	16.60
SE Nebraska Association of County Officials	Wksh	30.00
Speece Lewis Engineers	Ser	3,690.00
Verizon Wireless	Uti	86.82
Village of Exeter	Uti	18.75
WEX Bank	Fuel	525.73
Payroll	Salaries	32,661.50

ECONOMIC DEVELOPMENT - TOURISM FUND:

Southeast Nebraska Tourism Council	Dues, Wksh	200.00
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INHERITANCE TAX FUND:

CDW Government	Equip	5,523.00
NIRMA	Insur	1,928.90
Daniel L. Werner, PC, LLO	Ser	1,434.50
Woods Aitken, LLP	Ser	10,595.05

911 EMERGENCY MANGEMENT FUND:

Nebraska Public Power District	Uti	199.26
Nemaha County Sheriff's Office	Insur	114.59
Windstream	Uti	1,974.36



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CLAIMS APPROVED

Sluka moved and Cerny seconded the motion to approve the claims as presented. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

EMERGENCY DECLARATION

After discussion, Cerny moved and Harre seconded the motion to declare a State of Emergency for COVID-19 county-wide. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

HAUL ROAD AGREEMENT

The Board had a conference call with Andrew Miller and Jeremy Riggs with Martin Bencher Group regarding changes they would like to see in the haul road agreement.

After discussion, Sluka moved and Cerny seconded the motion to approve the haul road agreement with the following changes defining that the rock be placed ditch to ditch, haul road as specifically shown in Exhibit "A", and what a heavy load/oversized load is. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

FLEET MANAGEMENT OPTIONS

After discussion, Sluka moved and Cerny seconded the motion to approve Verizon fleet management for all pickups, motor graders, truck, and other equipment (determined by use) for the safety of employees and the county. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, and Noel
Nays: Sluka

The Chairman declared the motion carried.

SLEZAK ACRES YARD SUBDIVISION

Jennifer Slezak, Zoning Administrator, presented the plat for Slezak Acres Yard Subdivision located in the NE ¼, Section 34, Liberty Township.

After discussion, Lightwine moved and Sluka seconded the motion to approve the Slezak Acres Yard Subdivision located in the NE ¼, Section 34, Liberty Township as presented and described as follows: a tract of land located in part of the west half of the Northeast Quarter (NE ¼) in Section 34, Township 7 North, Range 1 West of the sixth P.M., Fillmore County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of said west half Northeast Quarter (NE ¼); thence S01°29'56"E on the East line of said West half Northeast Quarter, a distance of 527.43 feet; thence S88°14'02"W parallel with the North line of said West half Northeast Quarter, a distance of 248.73 feet; thence N01°29'56"W parallel with said East line, a distance of



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527.43 fee to a point of intersection with the North line of said West half Northeast Quarter; thence N88° 14'02"E on said North line, a distance of 248.73 feet to the point of beginning, containing a computed area of 3.01 acres, more or less.

Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

SOLAR REGULATIONS

After discussion, Sluka moved and Lightwine seconded the introduction of the following resolution:

RESOLUTION #2020 – 12

A RESOLUTION AMENDING THE FILLMORE COUNTY ZONING REGULATIONS TO PROVIDE UPDATES REGULATIONS FOR THE SOLAR ENERGY CONVERSION SYSTEM REGULATIONS; AND TO PROVIDE WHEN THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT

WHEREAS, pursuant to Neb. Rev. Stat. Section 23-174.10, as amended, any county which has adopted a county zoning regulation may make such regulations as may be necessary or expedient to promote the public health, safety, and welfare; and

WHEREAS, Fillmore County has adopted zoning regulations and the Fillmore County Board of Supervisors desires to implement Solar Energy Conversion system regulations; and

WHEREAS, the Fillmore County Joint Planning Commission conducted a public hearing on February 18, 2020 and provided a recommendation of approval, and the Fillmore County Board of Supervisors conducted a public hearing on February 25, 2020 for the following regulations and amendments to the Fillmore County Zoning Regulations:

Additions to Section with Item Number:

- 5.1.03 (7) Individual Solar Conversion 25Kw or less in accordance with Section 9.24
- 5.1.04 (19) Neighborhood and Commercial Solar Conversion, Individual Solar Conversion 25kW or more in accordance with Section 9.24
- 5.2.03(7) Individual Solar Conversion System Under 25Kw in accordance with Section 9.24
- 5.2.04 (13) Neighborhood and Commercial Solar Conversion, Individual Solar Conversion 25kW or more in accordance with Section 9.24
- 5.3.03 (5) Individual Solar Conversion Systems under 25Kw in accordance with Section 9.24
- 5.3.04 (9) Individual Solar Conversion System Over 25Kw in accordance with Section 9.24
- 5.4.03 (5) Individual Solar Conversion Systems under 25Kw in accordance with Section 9.24
- 5.4.04 (9) Individual Solar Conversion Systems over 25Kw in accordance with Section 9.24
- 5.5.03 (5) Individual Solar Conversion Systems under 25Kw in accordance with Section 9.24
- 5.5.04 (11) Individual Solar Conversion Systems over 25Kw in accordance with Section 9.24
- 5.6.03 (5) Individual Solar Conversion Systems under 25Kw in accordance with Section 9.24
- 5.6.04 (4) Individual Solar Conversion System Over 25Kw in accordance with Section 9.24
- 5.7.03 (5) Individual Solar Conversion System Under 25Kw in accordance with Section 9.24
- 5.7.04 (7) Neighborhood and Commercial Solar Conversion, Individual Solar Conversion 25kW or more in accordance with Section 9.24
- 5.8.03 (6) Individual Solar Conversion System Under 25Kw in accordance with Section 9.24
- 5.8.04 (5) Neighborhood and Commercial Solar Conversion, Individual Solar Conversion 25kW or more in accordance with Section 9.24
- 5.9.03 (6) Individual Solar Conversion System Under 25Kw in accordance with Section 9.24
- 5.9.04 (12) Neighborhood and Commercial Solar Conversion, Individual Solar Conversion 25kW or more in accordance with Section 9.24

9.24 Solar Conversion Systems

9.24.01 Applicability



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No solar panel, neighborhood solar or Commercial Solar shall be installed or constructed within the zoning jurisdiction of Fillmore County unless a Conditional Use Permit, if applicable, and a Zoning Permit have been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating construction, the applicable permits shall also be obtained. Photo-voltaic solar panels shall conform to the requirements of the National Electrical Code and/or other applicable regulatory standards and requirements.

9.24.02 General Solar Definitions

ACCESSORY SOLAR ENERGY SYSTEMS: include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

CONCENTRATED SOLAR POWER: A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

DEVELOPMENT: Any plat, subdivision, or planned unit development created under the Fillmore County subdivision and zoning regulations.

ELECTRIC UTILITY: The public electric utility providing retail service to a given area.

NET EXCESS GENERATION: For an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generators total electricity requirement during a billing period;

NET METERING: Net metering means a system of metering electricity in which a local distribution utility;

- (a) Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generators electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge, and
- (b) Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owned by the customer-generator. If the energy portion of the customer-generators bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to the coincide with the final bill of that period;

PHOTO-VOLTAIC (PV) CELL: A solid-state device incorporating semi-conductor materials designed and engineered to convert the energy of sunlight directly into electrical energy without use of mirrors, pumps, liquids or conversion of sunlight to thermal energy.

PHOTO-VOLTAIC (PV) MODULE: a collection of inter-connected PV cells within a weathertight enclosure covered with high-strength tempered glass.

PHOTO-VOLTAIC (PV) PANEL: an inter-connected collection of PV modules held together in a framework. Typically connected to and held together in a larger framework with other PV panels. May be mounted to a post or posts to hold it above the ground. The mounting system may incorporate a motorized tracking system to automatically tilt the PV panel to optimize the capture of sunlight falling on it as the sun moves throughout the day and thereby maximize the conversion of the sunlight to electrical energy.

PHOTO-VOLTAIC (PV) ARRAY: a group of inter-connected PV panels held together in a framework and mounted on posts, usually driven into the ground. The mounting system may incorporate a motorized tracking system to automatically tilt the PV array to optimize the capture of sunlight falling on the array the sun moves throughout the day and thereby maximize the conversion of the sunlight to electrical energy.

REPOWERING: The process of installing new or upgraded technologies and equipment to improve the performance associated with aging and general maintenance of the Solar panels.



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SOLAR ACCESS: the ability to receive sunlight across real property for any solar energy device.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following here detrimental to access to solar energy: structures on or above the ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, such as, but not limited to, photo-voltaic (PV) panels, used for gathering, concentrating or absorbing direct or indirect solar energy, and which may or may not be designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid, or to convert the energy of sunlight directly into electrical energy; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert sunlight into electricity by a photo-voltaic process using PV panels or by other means.

SOLAR CONVERSION SYSTEM, COMMERCIAL: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid and may include a battery system or other Solar Storage Mechanism to store power for later dispatch to the utility company as needed.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the ground.

SOLAR CONVERSION SYSTEM, INDIVIDUAL: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

SOLAR CONVERSION SYSTEM, NEIGHBORHOOD: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.

SOLAR ENERGY: Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

SOLAR ENERGY SYSTEM: A system that uses the power of the sun to capture and store energy and reduce on site consumption of utility power and/or to supply electricity to a utility company or cooperative.

SOLAR ENERGY SYSTEM, FREESTANDING: A solar energy system that is not mounted on a building or attached to another structure and is ground mounted using rammed-posts or other stand-alone support systems.

SOLAR SKYSPACE: The maximum three-dimensional space extending from a solar collector to all position of the sun necessary for efficient use of the collector.

- a. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
- b. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR OR SOUTH FACING: True south, or 20 degrees east of magnetic south

SOLAR STORAGE MECHANISM: Equipment or elements such as piping and transfer mechanisms, containers, heat



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exchangers or controls thereof and gases, solids, liquids or combinations thereof, including batteries, that are utilized for storing solar energy, gathered by a solar conversion system (SCS), for subsequent use.

9.24.03 General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions shall apply to all types of Solar Conversion Systems (SCSs) unless otherwise specified.

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets all applicable Federal, State and local environmental laws and regulations in place at the time of application
2. For commercial and neighborhood SCS: Applicant shall comply with specific requirements of the appropriate Rural Fire District
3. Maintenance: All systems and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
4. Decommissioning: In accordance with other provisions of these regulations, all solar conversion systems, when they are no longer generating power and will no longer be used to generate power, shall follow a decommissioning plan that has been agreed upon by Fillmore County, the electric company (if applicable), and the owner/developer.
5. Repowering: If any NSCS or CSCS is no longer operating for purposes of Repowering, replacement or maintenance, the Decommissioning provision will not apply for up to twelve months. However, an NSCS or CSCS that is not operating less than 50% of its regular cumulative capacity for more than twelve months will be considered abandoned and Decommissioning provisions will apply, following notice to the owner/operator, unless the County Board of Supervisors grants an extension of time for resumption of generating operations at regular output capacity based on good cause shown by the owner/operator of the SCS.
6. Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. Any applicant for an ISCS or NSCS project shall have been in communication with the electric utility company and shall confirm in writing to the County that the proposed SCS will meet the requirements of the electric utility for interconnection. The applicant shall have either a fully-executed interconnection agreement with the electric utility or a proposed interconnection agreement from the utility company which the applicant is agreeable to signing without any substantial revisions. Any applicant for a Commercial Solar Conversion System shall confirm in writing to the County that it has made application to the utility company for a System Impact Study, Facilities Study or other relevant technical review that is a prerequisite for an Interconnection Agreement.
8. All NSCS and CSCS facilities shall have signage located at key access points identifying the project and project owner and operator, and providing emergency contact information and stating any specific language required by the electric utility. In addition, safety warning signage as required under the National Electrical Code and under any other applicable safety regulations or standards shall be displayed as necessary.
9. SCS may be installed in the floodway fringe subject to Fillmore County floodplain regulations as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.
10. No SCS shall be constructed in the identified Floodway.
11. Concentrated Solar Power (CSP) system are prohibited within Fillmore County.
12. Financial assurances shall be in place as part of the Decommissioning Plan.

9.24.04 Individual Solar Conversion Systems

a. General Requirements for ISCS: ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

- a. An SCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing and accessibility.
A ground-mounted SCS may be located only in the required rear yard shall not exceed 12-feet in height and shall not be located less than five feet from the rear lot line and no closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
- b. No ground-mounted SCS shall be located in the required rear yard, side or front yard.
- c. Fillmore County has no responsibility to assure that any sunlight reaches the applicants proposed SCS and has no authority to prevent the applicants neighbors from using their properties in any way that conforms with the County Zoning regulations, including planting trees, constructing fences and building structures, all of which might shade the applicants proposed SCS. By signing the application form for the



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SCS the applicant acknowledges and agrees that the County does not have any responsibility to assure sunlight to the ISCS, SCS or NSCS, or to resolve any disputes that may arise.

- d. The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

2. Structural Requirements: The structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel or array location with respect to property lines, and dimensions of the proposed solar panel or array(s).

4. Preexisting Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid zoning permit issued by Fillmore County, may continue to be utilized so as long as it is maintained in operational condition.

5. Decommissioning:

- a. Whenever an SCS ceases operation on a property, it shall be required to report this to the Fillmore County Zoning Office and the electric utility.
- b. Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

9.24.05 Neighborhood Solar Conversion Systems

1. General Requirements for NSCS:

- a. An NSCS shall be set on its owned lot within the neighborhood/development;
- b. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development
- c. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net metering agreement;
- d. The developer shall provide Fillmore County with all solar easements established; however, Fillmore County shall not be responsible for enforcing said easements;
- e. All solar easements shall be enforced by an established Homeowners Association for the development/neighborhood.
- f. A ground mounted NSCS shall be protected with fencing and/or bollards;
- g. All connections to the uses within the neighborhood shall be made underground;
- h. An access agreement between the developments, homeowner's association, and any other necessary other entity and the electric utility shall exist in case of an emergency;
- i. A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric company shall exist in case of excess electricity; and
- j. Fillmore County has no responsibility to assure that any sunlight reaches the applicants proposed SCS and has no authority to prevent the applicants neighbors from using their properties in any way that conforms with the County Zoning regulations, including planting trees, constructing fences and building structures, all of which might shade the applicants proposed SCS. By signing the application form for the SCS the applicant acknowledges and agrees that the County does not have any responsibility to assure sunlight to the ISCS, SCS or NSCS, or to resolve any disputes that may arise.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. Solar Oriented Subdivision/Plot Plan:

- a. Whenever an NSCS is part of a proposed new subdivision, the developer shall outline the specific lot(s) or outlot(s) where the NSCS will be placed
- b. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in



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- the subdivision regulations, the location of all proposed underground conduits service the other lots in said subdivision.
- c. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed location(s) of solar array(s) with respect to property lines, and dimensions of the proposed solar array(s)
 - d. The developer shall install all underground wiring as prescribed by the electric utility.
 - e. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
 - f. The developer shall provide Fillmore County with As-builts of the wiring locations within the subdivision

4. Decommissioning

- a. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar array(s) and panels must occur in accordance with section 9.24.03(5) above in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Fillmore County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

9.24.06 Commercial Solar Conversion System:

1. Applicability

The purpose of this subsection is to provide standards for photovoltaic solar farms or CSCS consisting of ground-mounted solar panels, whether of the fixed-mount type or utilizing single-axis or dual-axis trackers, capturing energy from the sun and converting it directly to electricity using photo-voltaic processes. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each array of panels and growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, Fillmore County finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission. Thus, the use is compatible in urbanized, non-urbanized, or low-density areas with other uses.

2. Site Developments Standards

- a. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures other than the panel arrays and inverters.
- b. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.
- c. Height: The average height of the solar panel arrays shall not exceed 15 (fifteen) feet.
- d. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- e. Stormwater Management: Solar PV panel arrays shall be considered pervious, regardless of whether the arrays are fixed-mounted or mounted on tracking systems, and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site, but not the solar panels or panel arrays.
- f. A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
- g. Signage shall conform to the Fillmore County Sign regulations and to section 9.24.03(8) above. Signs may contain the owner's emblem or logo, in an appropriate proportion, for identification purposes only, but shall not contain any advertising text or material.
- h. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- i. Fencing: Due to the unique security requirements of this land use, and to facilitate the educational



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value of seeing this land use, fencing up to eight feet in height is permitted provided the fencing material is predominantly open.

- j. Emergency Access: The Fire Department, Sheriff and Emergency Medical Services shall be provided with a method, approved by them, to obtain immediate access to the property and facilities in the event of an emergency.
- k. Compliance with all State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation traffic impact analysis and historic preservation.

3. Submittal Requirements:

All Plans shall contain the following:

- a. These requirements shall apply to both the Conditional Use Permit and Zoning Compliance Permit
- b. The plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines;
- c. The plot plan shall include any roads, electric lines and/or overhead utility lines;
- d. A description of the electrical generating capacity and means of interconnecting with the electrical grid;
- e. A copy of a document showing that the project has been filed with the electric utility for the technical review required for eligibility to obtain an Interconnection Agreement from the utility company.
- f. Drawings or blueprints of solar panels and arrays in conjunction with the application for a zoning permit for a solar farm/powerplant;
- g. Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- h. Manufacturers recommended installation instructions and requirements, if any, and
- i. Documentation of land ownership and/or legal authority to construct on the property.
- j. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 (twelve) consecutive months, unless the County Board of Supervisors grant's an extension of time for resumption of generating operations at regular output capacity based on good cause shown by the owner/operator of the CSCS. The decommission plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site, Fillmore County reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

4. Compliance with other Regulations:

- a. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for determination that the manner of installation conforms to the States adopted electrical code and that has been pre-approved the associated power district meeting their Distribution Generation Requirements and Guidelines; and
- b. This subsection does not waive any requirements of any State or Federal codes, electrical codes or other technical code as applicable.

5. Discontinuation.

A CSC shall be considered abandoned after one year without energy production. Upon and Order from Fillmore County. The solar equipment owner shall remove all CSCS equipment and appurtenances within 6 (six) months, unless the County Board of Supervisors grants and extension of time for resumption of generating operation in accordance with section 9.24.03(5) and/or 9.24.06(3)J.

NOW, THEREFORE BE IT RESOLVED, by the County Board of Supervisors of Fillmore County, Nebraska that the above regulations pertaining to the Solar Energy Conversion Systems are hereby approved.

FURTHER IT BE IT RESOLVED, that this Resolution shall be in full force and effect from and after passage, approval and publication or posting required by law and all other resolutions and sections in conflict are hereby repealed.

Upon roll call, the vote was as follows:



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Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

EXECUTIVE SESSION

Sluka moved and Noel seconded the motion that the Fillmore County Board of Supervisors hold an executive session at this time pursuant to Section 84-1401, Reissue, Revised Statutes of Nebraska, 1943, for the protection of the public interest and consider in executive session personnel items authorized by Statute to be discussed in executive session. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried and requested that the Zoning Administrator, Veteran's Service Officer, and County Clerk remain. Executive session began at 11:04 a.m. Harre excused himself at 11:04 and then returned at 11:11 a.m.

RETURN TO REGULAR SESSION

Sluka moved and Noel seconded the motion to return to open session at 11:15 a.m. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

CAMERA/DOOR ACCESS FOR SOUTH DOOR AT COURTHOUSE

Sheriff Burgess and Amy Nelson, County Clerk, informed the Board that the current camera/door access that we have for the south door doesn't allow the dispatch to have a enough time to speak with the individual wanting to enter. Bill and Amy received a quote from Diode Technologies for a new camera/door access program that would give the dispatcher's more time to talk and the camera log will be recorded with other cameras for \$1,851.71.

SURPLUS

After discussion, Lightwine moved and Noel seconded the motion to declare 2010 Chevrolet K1500 LT pickup as surplus, advertising, and selling at the April 28, 2020 Board meeting. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka
Nays: None

The Chairman declared the motion carried.

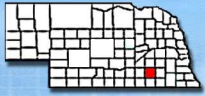
2020 PRIMARY ELECTION

County Clerk, Amy Nelson informed the Board that this week her office will be mailing out an Early Voting Application to all registered voters for them to complete and mail back if they would like to have a ballot mailed to them. At this time the Nebraska Secretary of State says that the Primary Election will be held.

COVID-19 POLICY

After discussion, Sluka moved and Cerny seconded the motion to approve the COVID-19 policy as presented and following the requirements of Nebraska State law. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Lightwine, Neiman, Noel, and Sluka



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Nays: None

The Chairman declared the motion carried.

ADJOURN

As there was no other business to come before the Board, Sluka moved and Lightwine seconded the motion to adjourn until 9:05 a.m., April 14, 2020. Upon roll call, the vote was as follows:

Ayes: Cerny, Graham, Harre, Lightwine, Neiman, Noel, and Sluka

Nays: None

The Chairman declared the motion carried.

Attest

Chairman