

Dakota County Board of Commissioners
Monday, June 9, 2025
3:00 p.m. Regular Business Meeting
County Board Meeting Room, First Floor
Dakota County Courthouse, Dakota City, Nebraska

Chair Hohenstein called the meeting to order at 3:00 p.m. Pledge of Allegiance was recited at the BOE meeting held just prior. Present at Roll Call: Hohenstein, Rodriguez, Van Berkum, Bousquet, Reed. Absent: County Attorney. Also present was Cherie Conley, County Clerk, acting as Board Secretary. The location of the Open Meetings Act was noted.

CALL TO ORDER
PLEDGE OF ALLEGIANCE

A current copy of the *Open Meetings Act* is posted on the west wall near the entrance of the County Board Meeting Room and is available for review by all citizens in attendance.

ROLL CALL – Excused Absence

The Dakota County Board of Commissioners reserves the right to adjust the order of items on this agenda if necessary.

1. PUBLIC COMMENT. The Board of Commissioners will hear comments about any item not on the agenda. The Chair has the discretion to limit the time of comment.
2. CONSENT AGENDA *Any individual item may be removed by a Commissioner for special discussion and consideration. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners.*
 - a. Approval of the previous meeting minutes – May 27, 2025
 - b. Approval of payroll claims for May 25 to June 7, 2025
 - c. Approval of payroll accounts payable claims
 - d. Approval of accounts payable claims
3. NEW BUSINESS & RESOLUTIONS
 - a. 3:00 p.m. Public Hearings for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding:
 - 1) The addition of Solar Conversion Systems to Conditional Use Permits under 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations.
 - 2) the additional definitions to be added to the Dakota County Solar Conversion Systems 900.4.101
 - 3) regarding the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations Section 900.4.300
 - b. Board approve or not approve Resolution 25C-011 Dakota County Zoning Ordinances Addition to Section 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations.
 - c. Board approve or not approve Resolution 25C-012 Dakota County Zoning Ordinances Addition to Section 900.4.101 additional definitions to be added to the Dakota County Solar Conversion System.
 - d. Board approve or not approve Resolution 25C-013 Dakota County Zoning Ordinances Addition to Section 900.4.300 the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations.
 - e. Board approve or not approve Resolution 25C-014 directing the Highway Superintendent to study the use being made of public road specific to the Petition to Vacate road at Intersection S Avenue and 207th Street – starting at S Avenue and go west to dead end approximately .265 miles in Section 27, Township 28N, Range 6E, Dakota County, Nebraska.
 - f. County Treasurer Office requesting Board approval of Resolution 25C-015 releasing two (2) pledged securities.
 - g. Rodney Reisdorph requesting permission to close Stable Drive to hold car show event *Scene of the Crash* being held at the Dakota-Thurston County fairgrounds for the dates of July 18th at 8:00 a.m. to July 20th at 10:00 a.m. and use Road Department barricades.
 - h. Greg Utech, Dakota-Thurston County Fair Board, requesting approval of Special Designated Liquor Licenses for the following events: Thursday, July 31 - Tractor Pull; Friday August 1st – Figure 8 Racing; and Saturday, August 2nd - Extreme Bull Riding and Cornhole Tournament.
 - i. Cherie Conley, Dakota-Thurston County Fair Board, requesting approval to close a portion of Stable Drive for safety of fair attendees from Wednesday, July 30th to Sunday, August 3rd, approval to use Road Department barricades, and approval to apply mag-water on a portion of Stable Drive from Gateway Drive to East fair entrance for dust control splitting cost with County.
 - j. Approve County Surplus Report from May 30, 2025 Surplus Sale.
 - k. Approve Dakota-Dixon Inter-Local Agreement to share Veterans Service Officer for period of July 1, 2025 to June 30, 2026.
 - l. Board to discuss and approve or not approve the County contracting services with Lutz & Company with consulting and helping to prepare the 2025-2026 County budget.
 - m. Approve NDOT and Dakota County Weed Control Operation and Equipment Rental Agreement for May 1, 2025 to May 1, 2026.

- n. Board approve or not approve request from Chief Deputy Decker to purchase new vehicle for the jail/sheriff department.
4. OLD BUSINESS & MISCELLANEOUS
 - a. Jolene Gubbels, Highway Superintendent – Road Report
 - b. Board to discuss and decide how to proceed with the request of Bill Rohde to place a light at the intersection of Hwy 77 and 225th Street and the costs to the county.
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
7. ADJOURNMENT

Chair Hohenstein called for Public Comment: Walter Beerman, South Sioux City, commented on Gill Hauling garbage rates being \$40/month and Sioux City rates are \$18.47/month. Wondered if County could do anything about the rates or getting Sioux City services. Mike Carnes, Dakota County Star, shared that the paper is expanding and has started a POD cast and updates to website.

Chair Hohenstein called for Consent Agenda items. Chair Hohenstein explained that he went through the payroll claims and accounts payable claims and everything was in order. Commissioner Van Berkum moved, seconded by Commissioner Reed to approve the consent agenda items: (a) approval of the previous meeting minutes – May 27, 2025; (b) approval of payroll claims for May 25 to June 7, 2025; (c) approval of payroll accounts payable claims; (d) approval of accounts payable claims-none. ROLL CALL VOTE: Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes. UNANIMOUS MOTION CARRIED.

Payroll: General Fund Employer: Gross Salaries-\$204,350.42; Net Pay-\$146,343.46; Total Retirement-\$14,899.09; Total FICA-\$15,160.88; Health Plan-\$44,240.00; Dental Plan-\$1,600.00; Life Insurance-\$212.30; Richard Bousquet-\$1,225.62; Martin Hohenstein-\$1,271.77; Jeffrey Reed-\$1,225.62; Rogelio Rodriguez Villalobos-\$1,225.62; Brian Van Berkum-\$1,225.62; Cherie Conley-\$2,549.99; Robin Hansen-\$1,519.20; Paola Ledesma-\$1,689.60; Kathy Abbe-\$1,502.40; Khen Chu-\$1,290.00; Maria Garcia-\$1,346.40; Stephanie Gatzemeyer-\$2,549.99; Jalissa Hattig-\$1,657.60; Brenda Landaverde-\$1,420.00; Emily McNaughton-\$1,346.40; Debra Benton-\$1,540.01; Christy Abts-\$2,549.99; Melissa Collins-\$1,817.94; Joseph O'Neil-\$636.00; Karen Becerra-\$1,744.80; Katherine Wiltgen-\$2,549.99; Louvontree Hunter-\$3,615.82; Debra Jensen-\$1,781.60; Samantha Mitchell-\$1,378.40; Rodney Soole-\$2,307.20; Todd Uhl-\$2,100.00; Tammy Dunn Peterson-\$1,679.14; Angelica Antonio Flores-\$3,561.32; Shaun Bird-\$2,549.20; Timothy Decker-\$2,766.78; Brian Ellinger-\$3,224.85; Penny Epting-\$4,266.14; Brian Fernau-\$2,499.66; Tyler Fulkerth-\$3,178.59; Jeremy Gilpin-\$1,858.66; Martin Guerrero-\$3,366.00; Melvin Harrison III-\$3,475.48; Jason James-\$3,172.47; Jared Junge-\$2,516.80; Christopher Kleinberg-\$3,185.79; Jose Magana-\$3,433.03; Keaton Mueller-\$3,542.00; Gregory Nyhof-\$3,560.48; Jonathan Romo-Rodriguez-\$3,311.48; Mardi Schnee-\$1,389.13; Sarah Hammond-\$2,588.01; Shantel Krull-\$1,160.25; Jocelyn Rivera-\$1,415.38; Debra Schmiedt-\$3,910.80; Kimberly Watson-\$3,981.55; Jacob Acero-\$2,391.43; Summer Adair-\$1,928.64; Roberto Alvarez-Arreola-\$1,687.56; Shaelee Barreras-\$2,793.75; Ismael Castro-\$2,105.28; Timathey Chamberlain-\$1,981.44; Charlotte Coleman-\$1,824.08; Ruby De La Torre-\$2,172.91; Adilene Delgadillo Alvarez-\$1,834.18; Elisabet DeRoin-\$2,346.05; Cody Epting-\$2,126.28; Rebekah Epting-\$2,128.44; Jennifer Fuentes-\$2,258.08; Jonathan Gray-\$2,311.83; Kara Groetken-\$1,875.20; McKenna Hammer-\$1,928.64; Todd Hammer-\$2,516.80; Adam Hough-\$1,920.00; Dustin Johnson-\$2,035.56; Terry Johnson-\$2,193.15; Carol Juarez-\$1,708.56; Brandon Long-\$2,693.55; Jennifer Marquez-\$2,068.45; Skyler Miner-\$1,910.00; Lucas Moulton-\$1,829.16; Kelsey O'Neill-\$2,545.40; Jaime Perez-Rojas-\$542.68; Kimberly Peterson-\$1,862.90; Cesar Ponce Robles-\$1,411.32; Michele Rohde-\$1,731.44; Jeremy Russell-\$1,981.44; Jerry Santos-\$2,146.35; Jennifer Svendsen-\$3,079.92; Kyle Urbanec-\$1,352.62; Armando Valerio-\$1,949.64; Randall Walsh-\$2,662.58; Alondra Zermeno-Mendez-\$1,808.16; Deanna Hagberg-\$2,266.37; Jolene Gubbels-\$2,427.50; Jennifer Ankerstjerne-\$1,505.97; Theresa Grove-\$2,529.60; Johanna Marquez-\$1,306.24; Courtney Swick-\$1,510.81; Nicholas Nieman-\$2,499.89; **General Fund Employee:** Federal Tax-\$13,684.53; State Tax-\$6,875.15; Soc Sec-\$12,287.23; Medicare-\$2,873.65; Extra Fit-\$1,521.00; Extra Sit-\$480.00; Retirement-\$10,323.74; Health Plan-\$3,550.00; Dental Plan-\$504.00; Colonial Health-\$237.73; Sheriff Union Dues-\$825.00; Colonial Life/Disability-\$202.17; Deferred Comp-\$1,293.00; Garnishments-\$1,331.06; Flex Plan Medical-\$1,073.08; Flex Dependent Care-\$208.33; VSP Vision Prem-\$391.64; Legal Shield-\$128.61; Liberty Nat'l Pretax-\$81.74; Liberty Nat'l Post tax-\$12.26; VSP Vision Base-\$123.04; **Road Fund Employer:** Gross Salaries-\$21,659.79; Net Pay-\$15,690.67; Retirement-\$1,462.01; Total FICA-\$1,611.79; Health Plan-\$6,160.00; Dental Plan-\$220.00; Life Insurance-\$27.16; Tristin Eifert-\$1,833.27; Michael Fuchser-\$1,844.80; Robert Hacker-\$2,071.11; Scott Jorgneson-\$1,924.80; David Kneiff-\$2,107.14; Kimon Litras-\$1,984.80; Andrew Miller-\$1,844.80; Tanya Orr-\$1,924.80; Dean Pallas-\$2,246.40; Robert Schmidt-\$1,844.80; Gunner Stanwick-\$2,033.07; **Road Fund Employee:** Federal Tax-\$1,465.30; State Tax-\$723.81; FICA-\$1,306.28; Medicare-\$305.51; Extra Fit-\$45.00; Retirement-\$974.72; Health Plan-\$400.00; Dental Plan-\$42.00; Colonial Health-PreTax-\$38.23; Colonial Health L/D-\$0.00; Garnishments-\$243.96; Flex Plan Medical-\$40.00; Road Union Dues-\$275.00; VSP Vision Prem-\$44.40; Legal Shield-\$38.89; Liberty National PreTax-\$6.50; VSP Vision Base-\$19.52; **Health Planning Grant Employer 2502:** Gross Salaries-\$1,622.40; Net Pay-\$1,222.38; Retirement-\$109.51; Total FICA-\$120.29; Health Plan-\$560.00; Life Insurance-\$2.55; Chloe Coover-\$1,622.40; **Health Planning Grant Employee 2502:** Federal Tax-\$101.52; State Tax-\$55.20; FICA-\$97.49; Medicare-\$22.80; Retirement-\$73.01; Flex Plan Medical-\$50.00; **Health Program Grant Employer 2504:** Gross Salaries-\$1,871.78; Net Pay-\$1,468.42; Retirement-\$118.58; Total FICA-\$140.39; Health Plan-\$560.00; Dental Plan-\$20.00; Life Insurance-\$2.55; Mohamud Ibrahim-\$114.98; Yesica Saldana Cisneros-\$1,756.80; **Health Program Grant Employee 2504:** Federal Tax-\$98.68; State Tax-\$48.57; FICA-\$113.78; Medicare-\$26.61; Retirement-\$79.06; Dental Plan-\$21.00; VSP Vision Base-\$15.66; **Juvenile Services Aid Employer 2507:** Gross Salaries-\$1,620.00; Net Pay-\$1,342.76; Retirement-\$109.35; Total FICA-\$121.13; Dental Plan-\$20.00; Life Insurance-\$2.55; Kristin

Robinette-\$1,620.00; **Juvenile Services Aid Employee 2507:** State Tax-\$46.55; FICA-\$98.17; Medicare-\$22.96; Retirement-\$72.90; Dental Plan-\$21.00; VSP Vision Prem-\$15.66;

Payroll Accounts Payable: General Fund: Collection Service Center, garnishment-\$564.45; Colonial Life & Accident, life insurance premium-\$439.90; Dental Account, premium-\$2,104.00; FSA Dep Care - \$208.33; FSA Medical - \$1,073.08; Health Plan, premium-\$47,790.00; Fraternal Order of Police #49, union dues-\$825.00; Federal Withholding, federal taxes-\$15,205.53; Globe Life Liberty, premium-\$94.00; Legalshield, premium-\$128.61; Life Insurance, premium-\$212.30; Nationwide Retirement Solutions, contributions-\$1,293.00; Nebraska Child Support, garnishments-\$766.61; Neb Dept of Revenue, state taxes-\$7,355.15; PointC – admin fees, \$82.50; Principal Life Insurance-premiums, \$2,856.55; Ameritas Retirement, contributions-\$25,222.83; Social Security, FICA & MEDI-\$30,321.76; VSP, premium-\$514.68. **Road Fund:** Collection Service Center, garnishment-\$243.96; Colonial Life & Accident, life insurance premium-\$38.23; Dental Account, premium-\$262.00; FSA Medical-\$40.00; Health Plan, premium-\$6,560.00; Federal Withholding, federal taxes-\$1,510.30; Globe Life Liberty, premium-\$6.50; Legalshield, premium-\$38.89; Life Insurance, premium-\$27.16; Neb Dept of Revenue, state taxes-\$723.81; Nebraska Public Empl Local 251, union dues-\$275.00; Ameritas Retirement, contributions-\$2,436.73; Social Security, FICA & MEDI-\$3,223.58; VSP, premium-\$63.92; **Insurance Fund 1275:** PointC FSA-Withdrawals, \$1,269.51; PointC – Auto Withdrawals, \$7,307.97; PointC Medical-medical claims, \$28,656.95; VSP-Cobra premium, \$19.17; **Health Fund 2502:** DC FSA–medical claims-\$50.00; Medical Account, premium-\$560.00; Federal Withholding, federal taxes-\$101.52; Life Insurance, premium-\$2.55; Neb Dept of Revenue, state taxes-\$55.20; Principal Life – premiums, \$23.90; Ameritas Retirement, contributions-\$182.52; Social Security, FICA & MEDI-\$240.58; **Health Fund 2504:** Dental Account, premium-\$41.00; Health Plan, premium-\$560.00; Federal Withholding, federal taxes-\$98.68; Life Insurance, premium-\$2.55; Neb Dept of Revenue, state taxes-\$48.57; Principal Life-premiums, \$25.88; Ameritas Retirement, contributions-\$197.64; Social Security, FICA & MEDI-\$280.78; VSP, premium-\$15.66; **Juvenile Services Fund 2507:** Dental Account, premium-\$41.00; Life Insurance, premium-\$2.55; Neb Dept of Revenue, state taxes-\$46.55; Principal Life-premiums, \$23.87; Ameritas Retirement, contributions-\$182.25; Social Security, FICA & MEDI-\$242.26; VSP, premium-\$15.66.

Accounts Payable: 0300 Road Fund-transfer funds for claims, \$150,000;

Chair Hohenstein opened the Public Hearings for the purpose of giving citizens the opportunity to offer support, opposition or make neutral comment regarding: 1) The addition of Solar Conversion Systems to Conditional Use Permits under 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations; 2) The additional definitions to be added to the Dakota County Solar Conversion Systems 900.4.101; 3) Regarding the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations Section 900.4.300 at 3:06 a.m. There were no comments in support, neutral or opposed. Commissioner Reed moved, seconded by Commissioner Van Berkum to close the public hearing at 3:07 p.m. for ; 1)The addition of Solar Conversion Systems to Conditional Use Permits under 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations; 2) The additional definitions to be added to the Dakota County Solar Conversion Systems 900.4.101; 3) Regarding the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations Section 900.4.300. ROLL CALL VOTE: Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Van Berkum to approve all 3 resolutions: 1) Resolution 25C-011 Dakota County Zoning Ordinances Addition to Section 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations; 2) Resolution 25C-012 Dakota County Zoning Ordinances Addition to Section 900.4.101 additional definitions to be added to the Dakota County Solar Conversion System; 3) Resolution 25C-013 Dakota County Zoning Ordinances Addition to Section 900.4.300 the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations. Discussion: Lou Franco, South Sioux City and Walter Beermann, So Sioux City, shared that they did not believe it was right to approve all 3 at the same time and that the public should be made aware of the planning and zoning changes. It was explained that public hearings with the planning and zoning had already taken place. Commissioner Bousquet withdrew his motion.

Commissioner Reed moved, seconded by Commissioner Van Berkum to approve Resolution 25C-011 Dakota County Zoning Ordinances Addition to Section 600.3.18 in the Agricultural Zoning District of the Dakota County zoning regulations. ROLL CALL VOTE: Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes. UNANIMOUS MOTION CARRIED.

BOARD OF COMMISSIONERS

DAKOTA COUNTY

RESOLUTION 25C-011

RESOLUTION ADOPTING ADDITIONTO DAKOTA COUNTY ZONING REGULATIONS

WHEREAS, the County Board of Commissioners has the authority to amend zoning resolutions which shall have the force and effect of law pursuant to Section 508 of the Zoning Ordinances of Dakota County, Nebraska; and

WHEREAS, the County Board of Commissioners established the Dakota County Planning Commission pursuant to Regulation as set for by Neb. Rev. Stat. §23-114 to 23-114.05, 23-168.04, 23-172 to 23-174, 23-174.02, 23-373 and 23-376; and

WHEREAS, the Commission has determined it reasonable and necessary to add ordinance Section 600.3.18 in the Agricultural Zoning District; and

WHEREAS, it is the intent of the County Board to enact the proposed addition of Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District,

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the adoption of proposed addition to Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District was held on May 20,

2025 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation of approval as noted in the Planning Department Report Exhibit "A."

- II. A public hearing regarding the adoption of the proposed amendment and revisions to the Dakota County Zoning Regulations, was held by this Board as required by §23-114.01(2).
- III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Dakota County Clerk.
- IV. Notice of the time and place of each hearing was also given in writing to the clerks of the local governments which have jurisdiction over land within three (3) miles of the property affected by such action as required by Neb. Rev. Stat. §23-164.
- V. The proposed amendment and revisions to be approved by this Resolution are within Section 600.3.18 of the Dakota County Zoning Regulations. Further the Planning Department report is attached hereto as Exhibit "A."
- VI. The proposed amendment and revisions to the Dakota County Zoning Regulations are consistent with the Dakota County Comprehensive Development Plan and are designed to promote the health, safety, and welfare of the present and future inhabitants of Dakota County.

FURTHER, BE IT RESOLVED THAT this Board, in light of the above, after due deliberation and consideration, upon the recommendation of the Planning Commission, adopts the proposed addition to the Dakota County Zoning Regulations Section 600.3.18, specifically approval of the amendment as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations by adding Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District and that the same have full force and effect of law, the effective date of the aforementioned Zoning Regulations shall be June 9, 2025.

BE IT ALSO RESOLVED THAT, pursuant to Neb. Rev. Stat. §23-114.03, the County Clerk is directed and instructed to, within fifteen (15) days of the date of this Resolution, publish these Regulations in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county, and the County Clerk is further directed to spread these regulations in the minutes of the proceedings of the county board.

FINALLY, BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Zoning Regulations, and all previous Resolutions or parts of Resolutions of the Dakota County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed. The above Resolution was approved by a vote of the Dakota County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 9th day of June, 2025.

PASSED and APPROVED this 9th day of June, 2025.

EXHIBIT A Excerpt

DAKOTA COUNTY PLANNING COMMISSION: May 20, 2025 MINUTES

Motion made by Tim Decker, second by Scott Bousquet to approve the addition of Solar Conversion Systems to Conditional Use Permits under 600.3 in the Agricultural Zoning District of the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Steven Lieber, second by Harold Moes to approve adding the additional definitions to the Dakota County Solar Energy Regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Harold Moes, second by Tim Decker to approve the addition of Commercial 25kw+ Solar regulations to the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

EXCERPT: Section 600.3. CONDITIONAL USES

The following uses are permitted in the AG, Agricultural District after a finding by the County Planning Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County: 1-17 Same. Addition of **18. Solar Energy Conversion Systems.**

Commissioner Van Berkum moved, seconded by Commissioner Bousquet to approve Resolution 25C-012 Dakota County Zoning Ordinances Addition to Section 900.4.101 additional definitions to be added to the Dakota County Solar Conversion System. ROLL CALL VOTE: Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes. UNANIMOUS MOTION CARRIED.

BOARD OF COMMISSIONERS

DAKOTA COUNTY

RESOLUTION 25C-012

RESOLUTION ADOPTING ADDITION TO DAKOTA COUNTY ZONING REGULATIONS

WHEREAS, the County Board of Commissioners has the authority to amend zoning resolutions which shall have the force and effect of law pursuant to Section 508 of the Zoning Ordinances of Dakota County, Nebraska; and

WHEREAS, the County Board of Commissioners established the Dakota County Planning Commission pursuant to Regulation as set for by Neb. Rev. Stat. §23-114 to 23-114.05, 23-168.04, 23-172 to 23-174, 23-174.02, 23-373 and 23-376; and

WHEREAS, the Commission has determined it reasonable and necessary to add ordinance Section 900.4.101 additional definitions to be added to the Dakota County Solar Conversion System; and

WHEREAS, it is the intent of the County Board to enact the proposed additional definitions to be added to Section 900.4.101 Dakota County Solar Conversion System,

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the adoption of proposed additional definitions to be added to Section 900.4.101 Dakota County Solar Conversion System was held on May 20, 2025 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation of approval as noted in the Planning Department Report Exhibit "A."
- II. A public hearing regarding the adoption of the proposed amendment and revisions to the Dakota County Zoning Regulations, was held by this Board as required by §23-114.01(2).
- III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Dakota County Clerk.
- IV. Notice of the time and place of each hearing was also given in writing to the clerks of the local governments which have jurisdiction over land within three (3) miles of the property affected by such action as required by Neb. Rev. Stat. §23-164.

- V. The proposed amendment and revisions to be approved by this Resolution are within Section 900.4.101 of the Dakota County Zoning Regulations. Further the Planning Department report is attached hereto as Exhibit "A."
- VI. The proposed amendment and revisions to the Dakota County Zoning Regulations are consistent with the Dakota County Comprehensive Development Plan and are designed to promote the health, safety, and welfare of the present and future inhabitants of Dakota County.

FURTHER, BE IT RESOLVED THAT this Board, in light of the above, after due deliberation and consideration, upon the recommendation of the Planning Commission, adopts the proposed addition to the Dakota County Zoning Regulations Section 900.4.101, specifically approval of the amendment as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations by adding Section 900.4.101 and that the same have full force and effect of law, the effective date of the aforementioned Zoning Regulations shall be June 9, 2025.

BE IT ALSO RESOLVED THAT, pursuant to Neb. Rev. Stat. §23-114.03, the County Clerk is directed and instructed to, within fifteen (15) days of the date of this Resolution, publish these Regulations in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county, and the County Clerk is further directed to spread these regulations in the minutes of the proceedings of the county board.

FINALLY, BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Zoning Regulations, and all previous Resolutions or parts of Resolutions of the Dakota County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed. The above Resolution was approved by a vote of the Dakota County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 9th day of June, 2025.

PASSED and APPROVED this 9th day of June, 2025.

EXHIBIT A Excerpt

DAKOTA COUNTY PLANNING COMMISSION: May 20, 2025 MINUTES

Motion made by Tim Decker, second by Scott Bousquet to approve the addition of Solar Conversion Systems to Conditional Use Permits under 600.3 in the Agricultural Zoning District of the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Steven Lieber, second by Harold Moes to approve adding the additional definitions to the Dakota County Solar Energy Regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Harold Moes, second by Tim Decker to approve the addition of Commercial 25kw+ Solar regulations to the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Section 900.4.101 GENERAL SOLAR DEFINITIONS

1. 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.
2. AGGREGATED PROJECT: Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CSCS components within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
3. AGRIVOLTAIC: A solar energy conversion system that combines agricultural use of certain land with a solar energy conversion system. The most common types of agrivoltaics facilities include the growing of crops, providing for pollinators, or grazing of animals. These agricultural activities occur underneath and surrounding the panels or Modules.
4. BUILDING-INTERGRATED SOLAR ENERGY SYSTEMS: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
5. CHURCH: A building that houses a religious organization or congregation that meets in a specific location with constitutions and by-laws and is a qualified 501 (c)(3) organization
6. COMMUNITY-SCALE SOLAR ENERGY SYSTEMS: A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 20 acres.
7. COMMUNITY SOLAR GARDEN: A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to a shared solar.
8. 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.
9. DEVELOPMENT: Any plat, subdivision, or planned unit development created under the Dakota County subdivision and zoning regulations.
10. ELECTRIC UTILITY: The public electric utility providing retail service to a given area.
11. EXTRAORDINARY EVENTS: Any of the following would be considered an 'extraordinary event': large-scale or facility-wide damage to Solar Arrays/panels and facilities due to wind, storm, hail, fire, flood, earthquake, or other natural disasters; explosion, grievous injury to any citizen or employee; or similar event.
12. FEEDER LINE: Any power line that carries electrical power from one or more solar collectors or individual transformers associated with individual solar energy collection to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems serving the CSCS.
13. Grading: The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property but not including normal cultivation associated with an agricultural operation.
14. Ground Mounted Panels: Freestanding solar panels mounted to the ground by use of racking, piling, piers, stabilizers, or similar apparatus.
15. Grid-Tied Solar System: A photovoltaic solar system that is connected to an electric circuit served by an electrical company.
16. HEIGHT, TOTAL SYSTEM: The height above the grade of the system including the unit and the measured highest vertical extension of any portion of the SCS

17. METEOROLOGICAL TOWER/MEASURING DEVICES: For the purpose of collecting data used to monitor solar energy or other data relevant to locating a SCS.
18. NET EXCESS GENERATION: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;
19. NET METERING: a system in which solar panels or other renewable energy generators are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.
20. NON-PARTICIPATING RESIDENCE: Any property that is not the subject of an agreement with the Solar Energy Conversion System Owner or Operator.
21. OFF-GRID SOLAR SYSTEM: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits served by an electric utility company.
22. OPERATOR: The party or entity responsible for the construction, operation, maintenance, and decommissioning of the Solar Energy Conversion System.
23. PARTICIPATING PROPERTY: Any property that is under lease or other property agreement with the Operator of a Solar Energy System.
24. PERMEABLE FENCING: Fencing that allows wildlife to pass through. Examples include typical barbwire fencing or wire fencing with larger holes than a traditional chain link fence, made with woven wire, containing wildlife corridors for larger wildlife.
25. PHOTOVOLTAIC SOLAR PANELS: Solar panels that convert sunlight into electricity through the photovoltaic effect and do not contain liquids.
26. POLLINATOR-FRIENDLY SOLAR ENERGY: A community or large-scale solar energy system that meets the requirement of a pollinator-friendly checklist designed for Midwestern eco-systems, soils, and habitat.
27. ROOF PITCH: The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
28. ROOFTOP OR BUILDING MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is mounted to the roof of or side of a building using brackets, stands, or other apparatus.
29. SOLAR ACCESS: the ability to receive sunlight across real property for any solar energy device.
30. 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 where detrimental to access to solar energy: structures on or above 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.
31. SOLAR CARPORT: A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
32. SOLAR COLLECTOR(ACCOSSORY): A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
33. SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; 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 energy to a gas, solid or liquid or to convert into electricity.
34. 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.
35. SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the ground.
36. 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.
37. 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.
38. SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.
39. SOLAR DAYLIGHTING: Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.
40. SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
41. SOLAR GLARE: The glare effect that occurs when the sun reflects on the conversion system and that can affect people or near-by properties.
42. SOLAR HOT AIR SYSTEM: (also referred to as Solar Air Heat or Solar Furnace) – A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating supplement building space heating, typically using a vertically mounted collector on a south-facing wall.
43. SOLAR HOT WATER SYSTEM: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
44. SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or on the ground.
45. SOLAR-READY DESIGN: The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.
46. SOLAR SKYSPACE: The maximum three-dimensional space extending from a solar collector to all positions 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 a 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.
- 47. SOLAR ORIENTED SUBDIVISION: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.
- 48. SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.
- 49. SUBSTATION: Any electrical facility utilized to convert electricity produced by a SCS for inter-connection with transmission lines.
- 50. TRANSMISSION LINE: The electrical power lines that are medium and/or high voltage transmission lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- 51. WILDLIFE CORRIDORS: A vegetated route or other connection which allows movement of wildlife between areas of habitat. A wildlife corridor may be naturally occurring areas such as stream corridors, or constructed breaks in the contiguously fenced areas other than for roads. A wildlife corridor allows animals to travel through an area that may be fragmented with solar energy conversion systems, or other features, rather than using the nearby roadways.
- 52. YARD FRONT: A yard extending from the front lot line of the SCS and adjoining a public street or road to the front of the SCS between side lot lines.
- 53. YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the SCS.
- 54. YARD, SIDE: A yard between the SCS and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point required minimum open space between the property line and the SCS.

Section 900.4.101.5 AREA DEFINITONS:

SOLAR ARRAY: A collection of multiple solar panels that generate electricity as a system, most typically this is a group of solar panels connected to the same inverter.

SOLAR MODULE: A grouping of Solar Arrays. The Operator shall measure the area of a Solar Module is measured with the panels as horizontal as possible. An Operator may separate a Module from other Modules with fencing, wildlife corridors, natural areas, roads, etc. Appurtenant structures such as sub-stations, battery storage, and other storage buildings, are not included in this definition.

SITE AREA: The footprint of the solar facility including the various Solar Modules, whether on property that is commonly owned/controlled or is under separate ownership. The Site Area is the cumulative total of the Solar Modules within the facility. The Operator shall measure the Site Area with the panels as horizontal as possible. This term does not include the wildlife corridors or other features of the solar energy conversion system that are not considered part of the Solar Module.

PROJECT AREA: The total impacted area including the Site Area along with the accessory or appurtenant structures and equipment, wildlife corridors, and other components of the solar energy conversion system.

Commissioner Rodriguez moved, seconded by Commissioner Bousquet to approve Resolution 25C-013 Dakota County Zoning Ordinances Addition to Section 900.4.300 the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations. ROLL CALL VOTE: Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes. UNANIMOUS MOTION CARRIED.

BOARD OF COMMISSIONERS

DAKOTA COUNTY

RESOLUTION 25C-013

RESOLUTION ADOPTING ADDITION TO DAKOTA COUNTY ZONING REGULATIONS

WHEREAS, the County Board of Commissioners has the authority to amend zoning resolutions which shall have the force and effect of law pursuant to Section 508 of the Zoning Ordinances of Dakota County, Nebraska; and

WHEREAS, the County Board of Commissioners established the Dakota County Planning Commission pursuant to Regulation as set for by Neb. Rev. Stat. §23-114 to 23-114.05, 23-168.04, 23-172 to 23-174, 23-174.02, 23-373 and 23-376; and

WHEREAS, the Commission has determined it reasonable and necessary to add ordinance Section 900.4.300 the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations; and

WHEREAS, it is the intent of the County Board to enact the proposed addition of Section 900.4.300 the addition of Commercial Solar Energy Conversion System 25Kw+ regulations to the Dakota County zoning regulations, NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the adoption of proposed addition of Section 900.4.300 in the Agricultural Zoning District was held on May 20, 2025 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation of approval as noted in the Planning Department Report Exhibit "A."
- II. A public hearing regarding the adoption of the proposed amendment and revisions to the Dakota County Zoning Regulations, was held by this Board as required by §23-114.01(2).
- III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Dakota County Clerk.
- IV. Notice of the time and place of each hearing was also given in writing to the clerks of the local governments which have jurisdiction over land within three (3) miles of the property affected by such action as required by Neb. Rev. Stat. §23-164.
- V. The proposed amendment and revisions to be approved by this Resolution are within Section 900.4.300 of the Dakota County Zoning Regulations. Further the Planning Department report is attached hereto as Exhibit "A."
- VI. The proposed amendment and revisions to the Dakota County Zoning Regulations are consistent with the Dakota County Comprehensive Development Plan and are designed to promote the health, safety, and welfare of the present and future inhabitants of Dakota County.

FURTHER, BE IT RESOLVED THAT this Board, in light of the above, after due deliberation and consideration, upon the recommendation of the Planning Commission, adopts the proposed addition to the Dakota County Zoning Regulations Section 900.4.300, specifically approval of the amendment as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations by adding Section 900.4.300 and that the same have full force and effect of law, the effective date of the aforementioned Zoning Regulations shall be June 9, 2025.

BE IT ALSO RESOLVED THAT, pursuant to Neb. Rev. Stat. §23-114.03, the County Clerk is directed and instructed to, within fifteen (15) days of the date of this Resolution, publish these Regulations in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county, and the County Clerk is further directed to spread these regulations in the minutes of the proceedings of the county board.

FINALLY, BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Zoning Regulations, and all previous Resolutions or parts of Resolutions of the Dakota County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed. The above Resolution was approved by a vote of the Dakota County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 9th day of June, 2025.

PASSED and APPROVED this 9th day of June, 2025.

EXHIBIT A Excerpt

DAKOTA COUNTY PLANNING COMMISSION: May 20, 2025 MINUTES

Motion made by Tim Decker, second by Scott Bousquet to approve the addition of Solar Conversion Systems to Conditional Use Permits under 600.3 in the Agricultural Zoning District of the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Steven Lieber, second by Harold Moes to approve adding the additional definitions to the Dakota County Solar Energy Regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Harold Moes, second by Tim Decker to approve the addition of Commercial 25kw+ Solar regulations to the Dakota County zoning regulations and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Section 900.4.300 COMMERCIAL SOLAR ENERGY CONVERSION SYSTEM 25Kw+

1. Applicability

The purpose of this section is to provide for the construction and operation of Commercial Solar Energy Conversion Systems 25Kw+ (CSECS25Kw+) in the unincorporated areas of Dakota County. Commercial Solar Energy Conversion Systems 25Kw+ may be permitted in the Agricultural (AG) Zoning District subject to the approval of a Conditional Use Permit and also subject to the following required criteria and standards:

- a. A legal description of the perimeter boundaries of the proposed project including lease agreements or other satisfactory evidence that the applicant is the owner of the property or has written permission of the owner/s to make such application.
- b. Name, address and phone number of the developer and the developer's contact person for the project. A statement from the developer providing relevant information regarding an overview of the company, the company's environmental management history and the company's qualifications and experience in CSECS25Kw+ development. In the event of any change in contact personnel ownership or contact information, the applicant shall provide the address, phone number and name of the contact person to the Dakota County Planning Administrator.

2. Site Plan:

Drawn in sufficient detail and scale to clearly describe the following:

- a. General vicinity of the project location within the County
- b. Scale and North arrow
- c. Acreage of the site
- d. Existing topography shall be shown at two (2) foot intervals
- e. Location of existing electrical lines, including transmission lines, oil & gas pipelines, and any additional utility lines
- f. Flood hazard boundaries as shown on the latest Federal Insurance Rate Maps
- g. Property lines for each property under separate ownership included within the proposed CSECS25Kw+ boundaries with a key identifying each owner
- h. Location of all existing residential structures within the boundaries of the proposed CSECS25Kw+
- i. All public roads within and/or adjacent to the CSECS25Kw+
- j. Location of all solar collectors, transformers, substations, connecting power lines and other structures to be used as part of the operation

3. General Requirements:

- a. Collection lines rated at 45 kv or below are to be installed underground and shall be installed so as to permit agricultural usage or other current usages of the property, an underground (and if applicable overhead) communication and power collection plan will be submitted with application.
- b. Information shall be provided relative to the solar technology to be used (i.e. polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.); approximate number of solar modules/panels; system mounting (i.e. fixed-tilt on flat roof, fixed-tilt ground-mount, l-axis tracking ground-mount, etc.); the maximum height of any new utility poles; and power capacity of the system, in both DC and AC Watts where applicable; total acreage of array and acreage of total project; manner in which the project will connect (i.e. net meter to existing distribution line, to new distribution line, to transmission line); and, whether a new substation will be constructed. (If so, provide location and size).
- c. If a CSECS25Kw+ is proposed to be placed within one (1) mile of any airport or airstrip as shown on the Airport and Airstrip Map incorporated herein by reference, the applicant shall provide acknowledgement from the Federal Aviation Administration prior to construction. The applicant shall provide a Solar Glare Hazard Analysis utilizing the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), or its equivalent, per its user's manual, to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information, shall be submitted to the Planning Administrator at least thirty (30) days before the required public hearing for the Conditional Use Permit for the CSECS25Kw+. Any applicable CSECS25Kw+ design changes (e.g., module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the Planning Director for accurate records of the as-built system. The analysis shall provide an assessment of when and where glare will occur throughout the year.

- 1). If solar glare is predicted, the applicant shall provide mitigation measures to address the impacts of solar glare. Mitigation measure may include, and are not limited to, texture glass, anti-reflective coatings, screening, distance, and angling of solar PV modules in a manner that reduces glare to surrounding land uses of non-participating property owners.
 - d. The CSECS25Kw+ shall not exceed fifteen feet (15') in height; provided, however, said height restriction shall not apply to substation facilities or transmission lines.
 - e. All CSECS25Kw+ structures shall be setback from the project boundary lines and public rights-of-way at least ninety feet (90'). Additionally, all CSECS25Kw+ structures shall be setback two hundred fifty (250) feet as measured from the nearest portion of any existing and non-participating landowners' residential structure at the time of the application.
 - f. The CSECS25Kw+ shall be enclosed by perimeter fencing at least eight feet (6') tall to restrict unauthorized access. No outdoor storage of any materials or equipment is permitted except for construction equipment and materials during construction.
 - g. There shall be no signage allowed on the CSECS25Kw+ with the exception of safety and emergency contact signs, warning signs, directional or project identification signs and any other signage required by applicable law or regulations.
 - h. The CSECS25Kw+ should be located to make maximum use of existing terrain, vegetation, and structures to screen the Project from off-site views. Where possible, CSECS25Kw+ should be sited such that non-shading vegetation and/or existing structures are located between the facility and public and private viewpoints. Landscaping and/or screening may be required to help screen the CSECS25Kw+.
 - i. The applicant shall identify the potential fire risk associated with the project, including both prescribed burning and nonprescribed burning.
 - j. No CSECS25Kw+ shall be placed such that concentrated solar glare casts onto adjacent properties or roadways.
 - k. 2 Access roads per mile shall be constructed within the project, for installation and operation purposes, shall be shown on the site plan and shall be constructed in accordance with engineering standards and in accordance with any applicable landowner agreements.
4. Development Plan:
- The Development Plan shall have a written narrative in a style that is easily understood that describes the project, including cost/benefit analysis, anticipated lifetime, decommissioning and restoration. Detailed technical data, statistics and other supplementary information shall be included in appendices. Contents of the CSECS25Kw+ Development Plan as follows:
- a. Cultural Assessment: Applicant shall perform a cultural resources assessment and provide the same to the County and to the State Historic Preservation Office.
 - b. Wildlife and Wetlands: Applicant shall comply with all requirements provided by law and obtain all permits required by the U.S. Fish and Wildlife Service (USF&WS), the Nebraska Game and Parks Commission, the Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA) regarding the protection of wildlife and identification of wetlands.
 - c. General Construction Document Requirements: Applicant shall provide a general description of major components of the solar panels and on-site facilities including solar panel specifications, transmission lines and accessory facilities, such as control rooms, transformers, transformers, substations, maintenance facilities, underground infrastructure, and interior access roads. The proposed number, location, capacity, and dimensions of the arrays shall also be included.
 - d. Soil Erosion Sediment Control and Storm Water Runoff: Applicant shall prepare and provide to the County a NDEE approved Storm Water Pollution Prevention Plan for all construction sites.
 - e. Fire Safety and Emergency Plan: The develop plan shall include a Fire Safety and Emergency Plan identifying the potential fire risk associated with the project, including both prescribed burning and non-prescribed burning. This shall address fire originating within the site, fires escaping from the site and potential effects of fire originating from outside the site. The applicant shall provide 24-hour contact information to the Dakota County Emergency Management Department and shall post emergency contact information on site.
 - f. Ground Water Resources: Applicant must notify the County of any risks it finds to ground water aquifers in connection with the construction of CSECS25Kw+ project and all mitigation measures the applicant proposes to utilize to mitigate such risk.
 - g. Air Quality: Applicant shall submit a plan to control dust on roads which will be used during construction which plan shall be a part of the Road Agreement required below.
 - h. Land Use and Development: Applicant shall identify potential constraints or benefits the CSECS25Kw+ may place on the current or future use of the land within the project site and the surrounding area. The extent of any limitations due to public health and safety risks shall be specifically addressed, and the effects on the following activities shall also be addressed.
 - 1). Agricultural activities;
 - 2). Residential activities;
 - 3). Commercial activities;
 - 4). Industrial activities.
 - i. Bibliography: The Development Plan shall provide a bibliography of the authorities consulted and documents relied on in completing the Development Plan.
 - j. Appendices: All detailed technical information that supports the Development Plan shall be included in the appendices. The most important feature of the appendices shall be included in the main body of the Development Plan.
 - k. Prerequisites to Construction Under an Approved Conditional Use Permit
 - 1). Decommissioning Agreement: A Decommissioning Agreement as described in Section "7. a." below must be approved and accepted by the Board of County Commissioners before any construction begins.
 - 2). Road Agreement: Transportation routes used for construction shall be coordinated with the Dakota Highway Superintendent. Dakota County may require the applicant to provide and pay for an independent study of all or some of the roads, bridges, and culverts over which equipment for the CSECS25Kw+ will travel during the construction phase to determine the ability of said roads, bridges, and culverts to withstand the expected traffic. Applicant shall be held liable for any damages to county roads or rights-of-way resulting from solar panel construction, deconstruction, and/or maintenance activities. A Road Agreement by which the developer or operator of the CSECS25Kw+ assumes financial responsibility for infrastructure improvements needed for construction and repair for infrastructure damages caused by construction must be entered into by the Applicant and by the Board of County Commissioners before any construction begins.

- 3). Power Purchase Agreement Applicant shall provide evidence that they have successfully entered into an agreement for the off-site purchase of power produced or have a grid interconnection for the energy production with the relevant electrical authority (ex. NPPD or local utility) before any construction begins.
5. Construction Requirements
 - a. Licensed Engineer: Construction shall be in compliance with applicable County Building Codes, State and Federal Regulations and applicable conditions set forth in the Conditional Use Permit
 - b. Site Clearance: Site clearance and preparation shall be conducted in accordance with State Law and any applicable landowner agreements.
 - c. Field Representative: Prior to the start of, and continuously throughout the construction and site restoration, Applicant shall designate a field representative responsible for overseeing compliance with the conditions of the Conditional Use Permit. Such representative shall be accessible by telephone during normal business hours. The address and emergency phone number of such representative shall be provided to the Planning Administrator and the Dakota County Emergency Management Director of any change in contact information.
 - d. Cleanup: Applicant shall remove all waste and scrap that is the product of construction, operations, restoration, and maintenance from the site and properly dispose of it upon the completion of each task. Any land restoration shall be done in a manner that is consistent with the terms of any agreement executed between the Applicant and the landowner.
6. Operational Requirements of CSECS25KW+ Conditional Uses
 - a. Hazardous Materials: Lubricants and/or hazardous material located on the premises shall be kept and transported in accordance with all state and federal regulations.
 - b. Visual Impact: Applicant shall take reasonable measures to mitigate specific adverse visual impacts such as reflections and glare affecting residences within or immediately adjacent to the CSECS25KW+ Conditional Use area.
 - c. Decommissioning: Decommissioning shall occur in compliance with the Decommissioning Plan.
7. Decommissioning/Restoration/Abandonment/Financial Security
 - a. Decommissioning Agreement: Applicant shall enter into a Decommissioning Agreement with the Board of County Commissioners before any construction begins. Compliance with the Plan shall, at all times, be a condition of the Conditional Use Permit whether or not explicitly listed in any document reflecting the agreement. The Plan shall describe the manner in which the CSECS25Kw+ improvements will be dismantled and removed from the site within 18 months of the abandonment or the end of the useful life of the CSECS25Kw+ or of such improvement and shall require the removal of all above-ground components of the CSECS25Kw+. Foundations shall be removed to a depth of at least four feet (4') below grade and the area refilled with soil which is reasonably similar in quality, structure, and fertility to that of the original excavation. Access roads shall be removed in accordance with the terms of the property owners' lease agreement.
 - b. Abandonment: The CSECS25Kw+ shall be deemed abandoned at the end of a one year period following the mailing by certified mail of written notice of abandonment to the CSECS25Kw+ owner of record sent when a complete inverter block of panels does not produce electrical energy for distribution and there is no demonstrated plan to restore the equipment to operating condition. The Board of County Commissioners may require the current Conditional Use Permit holder to decommission any abandoned CSECS25Kw+ or may undertake such decommissioning with the proceeds of the escrow account, surety bond or insurance policy or otherwise at the expense of the last approved holder of the Conditional Use Permit.
 - c. Financial Security: In accord with the Decommissioning Agreement, Applicant shall submit an Escrow Account/Surety Bond/Insurance Policy or other approved financial security agreement at the time and in the amount specified in the Decommissioning Agreement in order to guarantee removal of all equipment and to restore the site, as near as possible, to its pre CSECS25Kw+ topography, topsoil quality and to generally guarantee compliance with the Decommissioning Plan at the end of the project's life or in the event of abandonment of the CSECS25Kw+.

8. Transfer of Conditional Use Permit

If the Conditional Use Permit is to be transferred from the CSECS25Kw+ owner/operator (first party) to a different CSECS25Kw+ owner/operator (second party), said transfer must first be approved by the Board of County Commissioners. First party shall inform the second party of all requirements of the CSECS25Kw+ Conditional Use Permit. The second party, or new holder, of the Conditional Use Permit shall meet all requirements of the CSECS25Kw+ Conditional Use Permit. The County Commissioners may direct the Planning Administrator, the Highway Superintendent and/or a designated person to field inspect the CSECS25Kw+ project to determine current compliance with required conditions. A transfer fee of \$1,000.00 shall be paid to the County to compensate for work related to the transfer.

9. Proof of Insurance

Applicant shall indemnify and hold the County harmless from and against any and all claims demands, suits and losses to the extent arising out of, relating to or resulting from or in connection with the negligent action or omission of Applicant or its contractors or assigns during the development, construction or operations of Applicant's solar energy project located in Dakota County, Nebraska. Notwithstanding the foregoing, in no event shall the Applicant, its contractors or assigns (or any of their respective affiliates, members, shareholders, officers, directors, agents or employees) be liable for consequential, incidental, indirect, special, exemplary, or punitive damages. During the construction phase of the project, Applicant or its main contractor shall, at their own expense, maintain the following insurance policies:

- a. Commercial General Liability Insurance
 - 1). Commercial General Liability Insurance: Applicant or its main contractor shall maintain Commercial General Liability Insurance for the solar energy project on an "occurrence" basis, including coverage for: Premises and Operations Liability; Explosion, Collapse and Underground Damage Liability; Personal Injury-Liability; Broad Form Contractual Liability supporting Applicant's indemnification agreements in favor of the additional insureds; Completed Operations and Products Liability for a period of one (1) year following the date of final completion of the solar energy project; and Independent Contractor's Protective Liability. Such policy shall have primary coverage limits of One Million Dollars (\$1,000,000.00) for injuries or death to one or more persons or damage to property resulting from any one occurrence and a Two Million Dollars (\$2,000,000.00) aggregate limit.
 - 2). Commercial Automobile Liability Insurance: Applicant or its main contractor shall maintain Commercial Automobile Liability Insurance, including coverage for owned, non-owned, rented, leased and hired automobiles for both bodily injury and property damage in accordance with state legal requirements, with a combined single limit of not less than One

Million Dollars (\$1,000,000.00) per accident with respect to bodily injury, property damage or death.

- 3). Umbrella Excess Liability Insurance: Applicant or its main contractor shall maintain Umbrella Excess Liability Insurance which coverage shall remain in effect for one (1) year after the date of final completion of the solar energy project. The County Commission has discretion to determine the exact Umbrella Excess Liability Insurance limit within the following: Up to ten million dollars (\$10,000,000.00) per occurrence and annual aggregate limit of up to ten million dollars (\$10,000,000.00) with Completed Operations and Products Liability coverage for a project up to twenty (20) MW in size. Between ten million dollars (\$10,000,000.00) and twenty million dollars (\$20,000,000.00) per occurrence and annual aggregate limit of between ten million dollars (\$10,000,000.00) and twenty million dollars (\$20,000,000.00) with Completed Operations and Products Liability coverage for a project twenty-one (21) MW to fifty (50) MW in size. Between twenty million dollars (\$20,000,000.00) and twenty-five million dollars (\$25,000,000.00) per occurrence and annual aggregate limit of between twenty million dollars (\$20,000,000.00) and twenty-five million dollars (\$25,000,000.00) with Completed Operations and Products Liability coverage for a project above fifty (50) MW in size.
- 4). Workers' Compensation and Employer's Liability Insurance: Applicant or its main contractor shall maintain Workers' Compensation Insurance with statutory limits (as may be amended from time to time), including Employer's Liability Insurance with limits of liability of not less than:
 - i). One Million Dollars (\$1,000,000.00) for bodily injury by accident, each accident;
 - ii). One Million Dollars (\$1,000,000.00) for bodily injury by disease, each employee;
 - iii). One Million Dollars (\$1,000,000.00) aggregate liability for disease. After construction is complete, and during the operational phase of the project, Applicant shall maintain the insurance policies provided above, except the limits of the Umbrellas Excess Liability Insurance may be reduced to a lower figure if approved by the Board of County Commissioners.

10. Written Notice

Dakota County shall provide written notice of any proposed CSECS25Kw+ to be located within the established Growth Area or one (1) mile (whichever is greater) of any City within Dakota County requesting a review by that City prior to final consideration and action on the Conditional Use Permit.

Commissioner Bousquet moved, seconded by Commissioner Van Berkum to approve Resolution 25C-014 directing the Highway Superintendent to study the use being made of public road specific to the Petition to Vacate road at Intersection S Avenue and 207th Street – starting at S Avenue and go west to dead end approximately .265 miles in Section 27, Township 28N, Range 6E, Dakota County, Nebraska. ROLL CALL VOTE: Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes. UNANIMOUS MOTION CARRIED.

DAKOTA COUNTY
BOARD OF COMMISSIONERS
RESOLUTION 25C-014

**A RESOLUTION DIRECTING THE HIGHWAY SUPERINTENDENT
TO STUDY THE USE BEING MADE OF PUBLIC ROAD**

WHEREAS, Sec. 39-1722 Nebr. R.R.S., 1943, makes provisions for a county board of commissioners to commence the process of vacation or abandonment of public roads in its county; and

WHEREAS, a clear and unambiguous description of the road to be relocated, vacated or abandoned, is as follows, to-wit:

At intersection S Avenue and 207th Street – starting at S Avenue and go west to dead end approximately .265 miles in Section 27 Township 28N, Range 6E, Dakota County, Nebraska

Aerial map showing said County Right-of-Way to be vacated or abandoned in Dakota County, Nebraska is hereto attached, marked Exhibit "A,"

WHEREAS, the vacation or abandonment of said road is for one or more of the following reasons:

1. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose for it to remain open to the public.
2. The board cannot foresee any reason that the said road would have to be reopened in the future if it were vacated or abandoned.

NOW THEREFORE, BE IT RESOLVED, that the Dakota County, Nebraska Board of Commissioners deems that the public interest may require the vacation and/or abandonment of said public roads described above.

AND BE IT FURTHER RESOLVED, that the Dakota County Highway Superintendent be directed to study the use being made of such public road and that said County Highway Superintendent be directed to submit in writing to the Board, within 30 days from this date, a report upon the study made of his recommendation as to the vacation and/or abandonment thereof.

AND BE IT FURTHER RESOLVED, that this Resolution and the written report of the Dakota County Highway Superintendent be retained in the office of the County Clerk of Dakota County, Nebraska, as a part of the permanent public records of the Dakota County, Nebraska, Board of Commissioners.

PASSED AND APPROVED this 9th day of June, 2025.

Commissioner Van Berkum moved, seconded by Commissioner Hohenstein to approve Resolution 25C-015 releasing two (2) pledged securities. ROLL CALL VOTE: Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes. UNANIMOUS MOTION CARRIED.

BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, NEBRASKA
RESOLUTION 25C-015

APPROVAL OF PLEDGED SECURITIES RELEASE

WHEREAS, the County Treasurer may deposit in any bank, capital stock financial institution, or qualifying mutual financial institution of the county in which she is treasurer in excess of the amounts authorized in §77-2318 and guaranteed by the Federal Deposit Insurance Corporation (FDIC) plus the maximum amount of the bond given by such bank; and

WHEREAS, the following depository secures the deposits by giving security for excess funds as provided in the Public Funds Deposit Security Act as authorized in §77-2318.01:

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Dakota County, Nebraska, that **BANK FIRST** be permitted to Release the following securities, held in escrow by the Dakota County Treasurer (trustee) to secure deposits in the County in said bank, to wit:

Union Bank & Trust
Pledge Cusip # 63939DAD7
Amount \$5,000,000.00
Maturity Date 07/26/2049

Union Bank & Trust
Pledge Cusip # 26829WAB9
Amount \$4,200,000.00
Maturity Date 04/25/2074

APPROVED AND ADOPTED this 9th day of June, 2025.

Commissioner Hohenstein moved, seconded by Commissioner Reed to approve Rodney Reisdorph request to close Stable Drive to hold car show event *Scene of the Crash* being held at the Dakota-Thurston County fairgrounds for the dates of July 18th at 8:00 a.m. to July 20th at 10:00 a.m. and use Road Department barricades. ROLL CALL VOTE: Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Van Berkum to approve Laurel DeRoin, Dakota-Thurston County Fair Board, request for Special Designated Liquor Licenses for the fair events: Thursday, July 31 - Tractor Pull/Rocky Mt Oyster feed and Friday August 1 - Figure 8 Racing; and Saturday, August 2nd - Extreme Bull Riding and Cornhole Tournament. ROLL CALL VOTE: Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Van Berkum moved, seconded by Commissioner Bousquet to approve the Dakota-Thurston County Fair Boards requests to close a portion of Stable Drive for safety of fair attendees from Wednesday, July 30th to Sunday, August 3rd, approval to use Road Department barricades, and approval to apply mag-water on a portion of Stable Drive from Gateway Drive to East fair entrance for dust control splitting cost with County. ROLL CALL VOTE: Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Reed moved, seconded by Commission Van Berkum to approve County Surplus Report from May 30, 2025 Surplus Sale and to sell the two broken down vehicles remaining on the surplus list to a contact of Commissioner Bousquet's and if they do not purchase them, the vehicles will be placed for sale on Big Iron. ROLL CALL VOTE: Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Reed moved, seconded by Commissioner Van Berkum to approve the Dakota-Dixon Inter-Local Agreement sharing Veterans Service Officer services for the period of July 1, 2025 to June 30, 2026. ROLL CALL VOTE: Van Berkum-Yes, Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Reed moved, seconded by Commissioner Hohenstein to approve the County entering into an agreement with Lutz & Company-Omaha to consult and help with preparing the 2025-2026 County budget. ROLL CALL VOTE: Bousquet-Yes, Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Reed moved, seconded by Commissioner Van Berkum to approve the NDOT and Dakota County Weed Control Operation and Equipment Rental Agreement for May 1, 2025 to May 1, 2026 for the spraying of State of Nebraska ditches. ROLL CALL VOTE: Reed-Yes, Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes. UNANIMOUS MOTION CARRIED.

Chief Deputy Decker requested Board approval to purchase 2 new vehicles for the jail/sheriff department. These vehicles are currently available for purchase and the Jail and Sheriff's budgets have funds available to purchase. Commissioner Reed moved, seconded by Commissioner Van Berkum to approve the Jail and Sheriff's Departments request to purchase a 2025 Chevrolet Traverse and 2025 Chevrolet Tahoe from Karl Emergency Vehicles-Des Moines, IA. ROLL CALL VOTE: Hohenstein-Yes, Rodriguez-Yes, Van Berkum-Yes, Bousquet-Yes, Reed-Yes. UNANIMOUS MOTION CARRIED.

Jolene Gubbels, Highway Superintendent, presented the Bi-weekly Road Report for May 25 to June 7, 2025. Total Road Maintenance – 235.5 hours; overtime hours – 12.5 hours; tree/debris removal – 1 hour; culverts/Rd projects – 40 hours (Fiddler Creek, 250th/R Ave); gravel hauling – 138.5 hours; total tons hauled – 360.24 on roads/ sign repair – 15 hours; weed spraying – 20 hours. Road concerns-Grading: Millis Beach, Stable Drive; Gravel: Ithica Way, O Ave, I Ave, P Ave, 200th St, 232nd St. M Ave update – 1 mile is nearly completed – concerns on field entrances and ditches will be addressed. Speeding on 210th Street to golf course was mentioned. Road dept looking at purchasing a road magnet.

The Board discussed the request of Bill Rohde to place a light at the intersection of Hwy 77 and 225th Street and the costs to the county and safety concerns. Commissioner Van Berkum expressed concerns regarding putting a light up at one request, there will be others. Commissioner Bousquet moved, seconded by Commissioner Van Berkum to approve placing a security light at the intersection of Hwy 77 and 225th Street providing the pole/light can be placed in the State ROW and in a place that will allow adequate lighting for the intersection. ROLL CALL VOTE: Rodriguez-Yes, Van Berkum-No, Bousquet-Yes, Reed-Yes, Hohenstein-Yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Commissioner Reed attended the NACO Board/Budget meeting in Kearney-very good information. Commissioner Rodriguez has had conversations with Lance Hedquist regarding Keeping Northeast Nebraska Beautiful to get that revamped. Commissioner Hohenstein shared that Senator Meyer will be in SSC on Wednesday, June 11 at 10:00 to attend the pouring of the first plastic road.

Mail and/or Emergency Business: None.

Commissioner Van Berkum moved to adjourn the meeting. All in favor. Chair Hohenstein adjourned the Board of Commissioners meeting of June 9, 2025, at 3:56 p.m.

Dakota County Board of Commissioners

Martin Hohenstein Chair

Cherie Conley, County Clerk/Secretary