

CHERRY COUNTY BOARD OF ADJUSTMENT

September 4, 2025 3:00 PM CT

The Cherry County Board of Adjustment meeting was called to order by Chairman Shane Daniels at 3:00 PM CT in the advertised location of the 4-H Building Cherry County Fairgrounds.

Roll call was taken. The following members were present: Kerry Keys, Gary Swanson, RJ Luthy, Orrin Schaeffer, Shane Daniels, and alternate Dwane Lancaster. Also present were Jane Stolzenburg, Zoning Administrator, representatives of BSH Kilgore, LLC. and members of the public.

Open Meeting Act was noted, as was the confirmation of proper posting of public notice on August 20th, 2025.

The minutes of the August 18th, 2025, meeting were read. Motion to approve the minutes as read was made by Gary Swanson, seconded by Orrin Schaeffer. Roll call vote was taken: Luthy – Yes, Swanson – Yes, Keys – Yes, Daniels – Yes, Schaeffer – Yes. Motion carried.

Communications

Public Hearing

Brian Barmettler of Baird Holm presented opening comments.

Michael Knapp also gave testimony.

Jane Stenzenberg, Zoning Administrator, expressed concern that not all granted easements needed were in place.

Reading of communications from:

Crocker Huck Law Firm writing in support of the appeal;

Cherry County Wind, LLC writing in support of the appeal;

Pat Keslar writing in support of the Zoning Administrator's report;

Kilgore Volunteer Fire Department & District presenting a timeline and details of their interaction with representatives from both Sandhills Energy and Baird Holm LLP;

Barb Welch provided information on CUP use in Nebraska;

Schaeffer stated he was in contact with NPPD with questions concerning provision #4 of Zoning Resolution #Z-81;

Daniels stated he was in contact with NPPD with questions concerning provisions #4 of Zoning Resolution #Z-81; and

Schaeffer stated that he had done an onsite inspection at the wind turbine site.

Public Comment:

Craig Andresen provided comment on provisions #8, #11, and #12 of Zoning Resolution #Z-81;

Melanie Coffman provided comment on provision #4 and its connection with the R-line transmission line easement;

Carolyn Semin provided comment on the expiration of Conditional Use Permit, and its effect on ongoing construction;

Dan Wales provided comment concerning the decommissioning issues surrounding the wind turbine site;

Bob Stetter provided comment on provision #12 of Zoning Resolution concerning meeting all provisions;

Joy Miles had questions about timing of the surveys that had been conducted; and

Eva Miller raised concerns about the ongoing construction and definition of irrevocable letter of credit.

Rebuttals

Representatives of Baird Holm gave closing remarks

Closed public hearing at 5:01 PM

Chairman Shane Daniels moved to affirm the zoning administrator's decision.

Second by Orrin Schaffer.

Discussion followed.

Roll call vote was taken: Luthy – Yes, Schaffer – Yes, Daniels – Yes, Swanson – No, Keys – No. Motion carried.

Reasons: The end date was set according to commissioners vote on June 9, 2020 meeting.

Conditions were not met in compliance with resolution #Z-81.

Old Business

None

New Business

Date for next meeting set for Sept 29th 9:00 am CT.

Reports and Recommendations

None

Excused Absence

There were no excused absences.

Meeting adjourned at 5:50 PM CT

Kerry Keys

Secretary