

June 16, 2020

The Logan County Board of Commissioners met in regular session with the following members present constituting a quorum of the members thereof:

Joseph A. McBride	Chairman
Jane Bauder	Commissioner
Byron Pelton	Commissioner

Also present:

Alan Samber	Logan County Attorney
Pamela M. Bacon	Logan County Clerk
Marilee Johnson	Tourist Information Center Director/County Public Information Officer
Dave Conley	Lodging Tax Board
Rob Quint	Planning and Zoning
Patty Bartlett	Logan County Treasurer
Trea Miller	Logan County Economic Development
Jerry Casebolt	Logan County EMS
Jeff Rice	Journal-Advocate
Jennifer Herron	NextEra
Brandon Smith	Core Consultants
Nathan Keiser	NextEra
Bonnie Heiple	NextEra
Tricia Hale	NextEra
Todd Sattler	NextEra
Desa Inskeep	NextEra
Donna Hastings	
Steve McCracken	
Dianne McCracken	
Tony Gerk	
Lauren Gerk	
Megan Ringler	
Alisha Hurt	
Lori Schott	
Cindy Horner	
Patrick Steward	
Randy Alfen	
Nancy Alfen	
Taylor Hickerson	
Brooke Mollehan Cook	

Chairman McBride called the meeting to order at 9:30 a.m. The meeting opened with the Pledge of Allegiance. Chairman McBride asked if there were any revisions for the agenda. No revisions were noted.

The Board continued with the Consent Agenda items:

- Approval of the Minutes of the June 2, 2020 meeting.

- Acknowledgment of the receipt of the Landfill Supervisor's Report for the month of May, 2020.
- Acknowledgement of the receipt of the Treasurer's Report for the month of May, 2020.
- Acknowledgement of the receipt of the Clerk and Recorder's Report for the month of May, 2020.
- Appointment of Erin Lybarger to the Logan County Fair Board Sponsorship Chairperson to fulfill the remainder of a vacant term to November 2020.

Commissioner Pelton moved to approve the Consent Agenda. Commissioner Bauder seconded and the motion carried 3-0.

Chairman McBride continued with Unfinished Business:

The Board will consider the adoption of a resolution approving a conditional use permit on the application Niyol Wind, LLC to construct, operate and maintain a wind energy center.

Chairman McBride moved to approve a condition that all turbines within 2500 feet of an occupied structure to be equipped with low noise blades. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve a condition for a provision in the Development Agreement to be entered into between the applicant and Board of County Commissioners which requires a complaint resolution for addressing the complaints made by the residents and land owners situated within the boundaries of this project. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve a condition for sound testing monthly for the first year and then quarterly after for the life of the project with reports to Planning and Zoning and Commissioners. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve a condition adding Exhibit Q decommissioning in the application to be more fully developed in the Development Agreement with the final assurance test added to that. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Pelton moved to approve a condition requiring tower lighting standards as required from the FAA for the wind turbines above 499 feet as stated for the application with the FAA. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve a condition of Table 1 for the setback motion of 1475 feet. Chairman McBride seconded and the motion carried 3-0.

Commissioner Pelton moved to approve the application for a conditional use permit application of Niyol Wind, LLC to construct, operate and maintain a wind energy center including the findings of: 1. The decibel levels of the turbines are 50 decibels or less staying in accordance with the most restrictive state statues of residential areas since this is an agricultural area it stays well below what residential would have, so it works. 2. The land use for this particular project is reasonable because it works together with agriculture in a partnership and the land that it surrounds to create a partner with the landowners and Niyol. 3. Commissioner Bauder added that it does go with our Master Plan because our Master Plan embraces renewable energy and is consistent with our goals. Logan County is positioned to be a leader in renewable energy sector with this project and will help Colorado meet its renewable energy goals. 4. NextEra has not only met but exceeded all of our current regulations, all the studies, plans and majority of negotiations had to be completed before the permit could be pulled and I believe that NextEra has been a great contributor to NJC renewable energy program. NJC has one of the nations top programs in the U.S. It is safe. 5. There is going to be minor impacts to wildlife from the studies and the distance from the homes is almost three times

the height of the tower. Commissioner Bauder seconded and the motion carried 3-0.

Chairman McBride continued with New Business:

Consideration of the approval of the following Logan County Lodging Tax Board projects:

- Logan County Tourism Restart and Recovery Plan - \$5,000.
- Tourist Center Director Salary - \$33,000.

Commissioner Bauder moved to approve the Logan County Lodging Tax Board Project Logan County Tourism Restart and Recovery Plan in the amount of \$5,000. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve the Logan County Lodging Tax Board Project Tourist Center Director Salary in the amount \$33,000. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve of an agreement between Logan County and Nebraskalink Fiber and issuance of permit #2020-9 for use of the County Right of Way under various Logan County roads for fiber optic lines and vaults. Commissioner Pelton seconded and the motion carried 3-0.

Commissioner Pelton moved to approve of an agreement between Logan County and Cindy Lawley/Sitwise and issuance of permit #2020-10 for use of the County Right of Way under 117 Highland Drive for a new gas service line. Commissioner Bauder seconded and the motion carried 3-0.

Commissioner Bauder moved to approve of an agreement between Logan County and Cindy Lawley/Sitwise and issuance of permit #2020-11 for use of the County Right of Way under 201 Highland Drive for a new gas service line. Commissioner Pelton seconded and the motion carried 3-0.

The next business meeting will be scheduled for Tuesday, June 30, 2020, at 9:30 a.m. at the Logan County Courthouse.

There being no further business to come before the Board, the meeting adjourned at 10:23 a.m.

Chairman McBride reconvened the meeting at 10:42 a.m.

Commissioner Bauder moved approve resolution 2020-22 for a conditional use permit (CUP) #247 to be issued to Niyol Wind, LLC for the construction of a state-of-the-art wind powered generating facility to include up to eighty-nine (89) wind turbine generators, generated power to approximately 200.8 MW pad mounted transformers, buried and overhead cable, a substation, privet gravel access roads, permanent meteorological data collection towers, operations and maintenance facilities and storage buildings, related equipment and structures, right-of-way, a temporary batch plant and other ancillary facilities ad uses in portions of Township 9, Ranges 49 & 50 W, Township 8, Ranges 49 & 50 West; Township 7, Ranges 50 & 51 W, and Township 6, Range 51 West of the 6th Principal Meridian in Logan County, Colorado. Commissioner Pelton seconded and the motion carried 3-0.

There being no further business to come before the Board, the meeting adjourned at 10:44 a.m.

Submitted by:

Logan County Clerk

Approved: June 30, 2020

**BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO**

(seal)

By: _____
Joe McBride, Chairman

Attest:

Logan County Clerk & Recorder