

**Logan County Commissioners Work Session
October 15, 2019**

Present: Jane Bauder, Byron Pelton, Alan Samber, Valerie Richards, Kristan Lange, Dusty Johnson, Jeff Reeves, Aley Davidson, Keleigh Wright, Rob Quint, Greg Etl, Marilee Johnson, Jeff Rice, and Jennifer Crow.

Vice-Chairperson Bauder called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES FROM PREVIOUS SESSION - Commissioner Pelton moved to approve the minutes of the October 8, 2019 work session as written. Vice-Chairperson Bauder seconded, and the motion carried.

REVISIONS TO WORK SESSION AGENDA - Discussion of Sunset Memorial Gardens, Silent Train Crossings and Economic Development Plans will be removed from the agenda due to Chairman McBride's absence.

REVIEW LOGAN COUNTY DEPARTMENT OF HUMAN SERVICES SCHEDULE OF BILLS - Valerie Richards met with the Board to review the Logan County Department of Human Services schedule of bills dated October 15, 2019. The Board approved all bills as presented.

REVIEW LOGAN COUNTY SCHEDULE OF BILLS - Kristan Lange met with the Board to review the Logan County schedule of bills dated October 15, 2019. The Board approved all bills as presented.

REVIEW OF BUSINESS MEETING AGENDA - The Board reviewed the Business Meeting agenda for October 15, 2019. Resolution 2019-39 will be tabled to Tuesday, October 29, 2019 as the resolution with County Attorney Alan Samber's edits was not provided for the meeting.

CONGRESSMAN KEN BUCK UPDATE - Dusty Johnson, Aide to Congressman Ken Buck met with the Board to supply an update on the Congressman's activities.

The Judiciary Committee debated on a proposed bill that would create federal grants for "Red Flag" legislation. Three new measures made it through the House Judiciary Committee. The first measure calls for a nationwide ban on high capacity magazines, the second would prohibit people convicted of misdemeanor hate crimes from possessing firearms, and the third measure would incentivize states to establish red flag laws similar to Colorado's, which allows judges to order seizure of guns from people deemed a risk to themselves or others.

Buck introduced an amendment to the bill that would make the law apply specifically to known gang members, who he says are responsible for 80% of all gun homicides. Democrats killed the amendment. Buck was opposed to the Red Flag bill being passed at all. His amendment was to point out the hypocrisy, to show the Democrats want to take guns from people without criminal convictions, but who demand full due process for the people most likely to be involved in violent crimes. Many law enforcement agencies in rural America do not want these laws and do not want to enforce them.

The top two topics in the House right now are impeach Trump and gun legislation. The Board

asked if there was any mental health provision put in to the Red Flag bill or if it was just confiscation. Mental health was not put into the bill. The Board also discussed that most gang members do not buy their guns legally.

The meeting recessed at 9:19 a.m. and reconvened at 9:51 a.m.

NEXTERA ENERGY WIND ENERGY PROJECT - Alsey Davidson and Kelly Wright of NextEra Energy Resources met with the Board. Jeff Reeves, Logan County Road and Bridge Supervisor and Rob Quint of the Logan County Planning and Zoning Department also joined the meeting. NextEra Energy Resources built the Peetz, Logan and Northern Colorado Wind Energy Projects in the county during 2007 and 2009.

As wind projects technology progresses, towers are changed to make turbines more efficient and safer. Technology has changed quite a lot in ten years. The foundations will not be changed and the towers are still suitable for the upgrades. This is all verified by a third party engineer. It is essentially maintenance but they are calling them “repowers” as they are making the turbines more efficient.

Ms. Davidson noted that the purpose for the meeting was to walk through what they are doing and provide a timeline for what they are doing and ask what the requirements will be from the county. Draft road use agreements and development agreements have been provided for the county to review. The development agreement from the original projects were used as a base and most of the terms remain the same. A call will be scheduled with attorneys sometime in the future to discuss the agreements.

The road use agreement is being brought in due to the number of trucks, large cranes and longer blades being brought in which is the main component that is being changed. The road use agreement discusses the company’s maintenance and repair of the roads during the project. The company will film the condition of the road before construction and when they are done. The company will restore roads to as good as they were originally or better than before. The roads are in pretty good shape right now as they were upgraded for the original projects.

The two projects that are being repowered are the Peetz Table and Northern Colorado Wind, they are not repowering Logan which is in the middle. The goal to is to execute road use and development agreements by the end of the year, well ahead of construction which is to start March 13, 2020. Construction is to be completed in November. March through July construction will be on Northern Colorado site and July through November Peetz Table will be done.

Each turbine can be upgraded or repowered in a few days time. NextEra will also schedule a landowner dinner before the project starts. Agreements with landowners have already been extended to meet the requirements of the repower.

The capacity is not changing, just the efficiency is being worked on, so that it can output more MW hours. Peetz Table has been operational since 2007 and is 200 MW and Northern Colorado Wind has been operational since 2009 and is 174 MW. NextEra believes that it is cost effective to upgrade the technology at this time. Public Service Company of Colorado purchases the energy and has agreed to take more megawatt hours of energy from the projects.

Wind energy projects receive production tax credits for every megawatt hour that they produce. If they install a certain amount of capital investment, they are allowed to continue the tax credit.

Projects will comply with the original Conditional Use Permits (CUP). The construction period is six months for the Peetz Table project and less than six months for the Northern Colorado project. There is no change to tower heights. The length of the blades will increase from 253 feet to 299 feet for the Peetz Table project. The Northern Colorado project blade lengths will increase from 305 to 354 feet for the Siemens turbines and from 271 feet to 299 feet.

The environmental concerns were low risk during the original project construction and will continue to follow environmental best practices. Environmental studies will be conducted for the repower project to assess wetlands, floodplains, biological conditions, wildlife habitat and cultural resources at the project.

The Board suggested that the timing of the wheat harvest be considered and discussed with landowners. Alsey noted that the company will provide crop compensation to the landowners if any crops are damaged.

The old blades will not go into the Logan County Landfill. GE and Siemens are responsible for making sure the old blades are disposed of. They will not be disposed of in Logan County.

More detailed maps of the project area will be sent out. The haul routes will be outlined in the road use agreements, one for each project. Trucks are not to go off on different roads. A performance guarantee is established in the agreements if they do not restore the roads to a suitable condition.

The company will be maintaining the roads during project. Turn radii will be increased in three locations due to the blade length. They are working with individual landowners for the increased land needed. It is NextEra's responsibility to build the radii. NextEra can support the cost of road inspections if necessary and will agree to third party inspections if requested.

The development agreement addresses third party inspections of the blades. The Development Agreement establishes that the project is zoned "AG" Agricultural District with an existing Conditional Use Permit (CUP) to operate the Wind Energy Projects. The term of the agreement is five years with an optional extension of three years. NextEra will hire a third party inspector who is agreeable for both parties for the inspection of the facilities after construction is completed.

Landowner agreements are in place for three temporary MET towers to be installed at the project site to measure wind speeds. NextEra will work with Rob Quint for approval needed for permits for the temporary MET towers. The approval can be scheduled for the November agenda if the applications are ready to go.

The Board will review the road use and development agreements and direct the county attorney on how to proceed.

Ms. Davidson noted that there is no new development planned in the area. Tri State recently put forth a Request for Proposals soliciting wind projects. There is potential for growth further south in the county.

ENERGY PERFORMANCE CONTRACTING - Greg Etl, Regional Manager for the Colorado Department of Local Affairs met with the Board. Commissioner Pelton explained that revenue received from the ballot issue passed last year which continues a sales tax for six years is earmarked for maintaining current buildings. Projects need to be identified to be sure the funds are used the best way possible. Greg Etl suggested Energy Performance Contracting which will do an audit of the Justice Center to determine the best HVAC system, windows, etc. to help with increasing utility costs. The Justice Center is the biggest energy user and the most costly building to operate. Mr. Etl suggested that the audit look at all of the county buildings, not just the Justice Center.

Energy Performance Contracting has been a program that has been in place since 2009. The Governor's Energy Office New Energy Communities Initiative works with local governments. Anytime a local government is interested in newer energy efficient lighting or HVAC systems, etc. it is suggested that they go through an Energy Services Contractor or ESCO for the audit. A contract is signed to pay for the audit. The audit will identify projects that can make the building more efficient. If suggested projects are completed, the cost of the audit can be rolled into the cost of the project.

The ESCO will need to provide in the audit, the number of payback years for the project. For example lighting has a seven-year payback, HVAC - 18 years and windows - 29 years payback. The DOLA grant covers anything 15 years out. Anything less than a 15-year payback is not eligible, so the windows would not be covered. Typically HVAC equipment lasts 20 years. If the HVAC equipment lasts 18 years, 3 years would be paid for. It is a way to do the upgrades without out of pocket cash.

The Board wants to make sure that the ESCO allows local contractors a chance to bid on the project as they would be able to do the warranty work. Greg will get contact information from Phillips County on the ESCO that they used. Etl noted the timing for the energy audit should be done closer to the grant application time. Grant cycles are December 1, April 1 and August 1.

ADJOURNMENT - There being no further business to come before the Board, the meeting adjourned at 10:57 a.m.