

Greeley County Commissioner Minutes

February 21, 2023

The Greeley County Board of Commissioners convened in open and public session at 9:30 a.m. on the 21st day of February 2023 in the Assembly Room, Greeley County Courthouse. Notice of the meeting was given by publication in the Cedar Valley News.

Answering present at Roll Call were Jordan Foltz, Joe Leslie, and Dennis Wadsworth. Also present was County Attorney Cindy Bassett and County Clerk Mindy Grossart. Chairman Foltz noted that the open public meetings act information is posted as required by law and available for public distribution if requested. Everyone present joined in the Pledge of Allegiance.

Motion was made by Leslie to waive the reading and approve the county board minutes from the February 7, 2023, meeting, second by Wadsworth. Roll Call Vote: All yes, motion carried.

County payroll and vendor claims were reviewed by the board. Motion made by Leslie to approve payroll and claims, second by Wadsworth. Roll Call Vote: All yes, motion carried. GENERAL FUND: Salaries, 28,178.90, EFTPS Matching SS, 2,155.68, Ameritas Life Ins. Corp, Matching County Retirement, 1,868.38, Blue Cross Blue Shield, 14,293.93, ROAD FUND: Salaries 11,770.95, EFTPS Matching SS 900.48, Ameritas Life Ins. Corp, Matching County Retirement, 794.54.

Motion made by Wadsworth to enter BOE at 9:40 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. The Knights of Columbus 13584 applied for an Exemption on a 2015 enclosed trailer VIN#RS0005780629. Motion made by Leslie to approve the tax exemption for the Knights of Columbus, second by Wadsworth. Roll Call Vote: All yes, motion carried. Motion made by Leslie, second by Wadsworth to adjourn BOE at 9:42 a.m. Roll Call Vote: All yes, motion carried.

An application for a Special Use Permit for Greeley Wind II, LLC was reviewed by the Board. Motion by Wadsworth to open the public hearing for Greeley Wind II, LLC at 9:45 a.m., second by Leslie. Roll Call Vote: All yes, motion carried. The purpose of the public hearing is to hear testimony in favor of, opposition to and to the Special Use Permit submitted by Greeley Wind II, LLC. Carol Trumler, Planning & Zoning Administrator gave an overview of the SUP and read the Finding of Facts and Conditions of Approval Set by the Planning & Zoning Commission. The Greeley County Planning & Zoning Commission unanimously approved the SUP with Bill Hamer abstaining from voting. FINDINGS OF FACT: 1. The contents of the Special Use Permit application were completed with required information. 2. The Applicant must satisfy all applicable Agency requirements before construction begins. 3. This Special Use Permit only permits wind energy development and does not permit any solar development. 4. The proposed Greeley Wind II, LLC (NextEra) meets the Greeley County and Zoning Regulations defined in Section 8.73 Commercial/Utility Grade Wind Energy System, and is consistent with the Greeley County Comprehensive Plan. 5. Testimony in favor of the application were: (Based on 30 years) approximately 27 million dollars in landowner payments would be given, approximately 19 million dollars for additional tax revenue will be given to Greeley County, including approximately 12.5 million dollars to the local school (Central Valley School District) and this project will create approximately five full-time jobs. 6. The approval of the Special Use Permit application was approved by the Greeley County Planning and Zoning members with Bill Hamer abstaining from voting because of personal conflict of financial interest in the project. 7. The approval of the Greeley Wind II LLC (NextEra) Commercial/Utility Grade Energy System Special Use Permit enforces the Greeley County Comprehensive Plan goal of providing opportunities for development in orderly, efficient, and environmentally sound manner allowing Commercial/Utility Grade Wind

Energy Systems in appropriate areas of the County. CONDITIONS OF APPROVAL: 1. Greeley Wind II, LLC (NextEra Energy Resources) shall enter into a written contract and agreement regarding the building up and maintenance of any county road used during any phase of the construction, maintenance and/or decommissioning of wind towers, turbines and any appurtenant structures built and or used by NextEra in this project before such roads are used in the construction, maintenance, and/or decommissioning process. 2. Representatives of NextEra shall report to the Greeley County Commissioners periodically to advise and inform the Board of Commissioners of the progress and status of this project until the project is completed. 3. Greeley Wind II, LLC (NextEra) shall secure an agreement to sell the project output within thirty-six (36) months of the date of the Commissioners approval of this Special Use Permit. If said agreement is not secured and a copy of said agreement remitted to the Commissioners before the above-described date, this Special Use Permit will become null and void. In the event Greeley Wind II, LLC (NextEra) does execute such agreement before the above-described date, Greeley Wind II LLC (NextEra) will be required to apply for a new Special Use Permit.

David Levy, Baird Holm, LLP and Matthew Jones, Next Energy Resources, LLC gave presentations on the project and answered questions. Matthew Jones pointed out some specifics and benefits of the Greeley Wind project: 1. Greeley Wind Nebraska, LLC is a wholly-owned, indirect subsidiary of Next Era Energy Resources, LLC. 2. Located in Greeley County, Nebraska. 3. Capital investment of approximately \$187 million. 4. Expected maximum capacity of up to 115 megawatts of clean, renewable energy produced by up to 41 turbines. 5. GE 2.82 MW up to 583' tall turbines, 374' Hub. 6. Building an operations and maintenance facility and substation. 7. Pending approval, expected to begin commercial operation by the end of 2024. 8. Providing approximately \$27 million in landowner payments. 9. Bringing approximately \$19 million in additional tax revenue for Greeley County. 10. Approximately \$12.5 million to Central Valley School District. 11. Generating approximately 250 temporary construction jobs. 12. Creating up to five full-time operations jobs. 13. Increasing local business activity. 14. To power more than 47,165 homes. Matthew stated some of the project studies include 2023-2024 Eagle and Raptor Nest Survey, Acoustic Bat Monitoring, Avian Use Survey, Breeding Bird Survey, Grouse Lek Survey, Prairie Orchid Survey, Wetland Delineation and Whooping Crane Stopover Habitat Assessment.

Testimony in favor of the Special Use Permit was given by: Nadine Bane, Russ Bloom, Mike Wood, Doug Wrede, Bob Dutcher, Brian Gydesen, Cilinda Meyer-Scheideler, Galen Barnes, Peggy Petersen, Ron Morearty, Joe Happ, Joel Glaser, Nick Dutcher, Galen Hansen, Bill Hamer, Darrel Cook and Butch Hughes. Some of those comments were: tax revenue, good company, reduce taxes, positives outweigh the negatives, help the county with roads, tax money for Central Valley Public School District, County, and Fire Department, good for local businesses, housing, and entire county, improve roads, tax relief and economic development. Neutral Testimony: Kristy Barnes and Nadine Bane. Some of those comments were: support of the project, concern for Bald Eagles and endangered species. Testimony in opposition to the Special Use Permit: Don Dugan, Bill Spelic, Robert Bernt, Cindy Glaser, Jerrald Scheef. Some of the opposition comments were: negative impact on game & parks, fish & wildlife, earthworms, bald eagles, whooping cranes, birds & bats, vibration, lights, sound, gag order, contract fine print, electricity from wind cannot be stored, size of the turbines, recycle issues, decommission concerns, explore other options, landscape, sandhills, decrease property value and beauty, greed, leave the land better for the next generation. Leslie moved to close the Public Hearing at 11:38 a.m., second by Wadsworth. Roll Call Vote: All yes, motion carried. After discussion, Wadsworth moved to table the decision on the SUP until the March 28, 2023, County Board Meeting, second by Leslie. Roll Call Vote: All yes, motion carried.

The Commissioners recessed at 12:17 p.m. The Commissioners re-convened at 12:30 p.m.

Next, the County Board reviewed an Administrative Subdivision for O'Connor Church of Visitation S-21 T-18 R-10 (4.738 acres) current & desired use of the property: Residential. After discussion, there were some concerns in regard to access and if there is a need for an easement. Motion made by Leslie to table the decision until the next County Board meeting, second by Wadsworth. Roll Call Vote: All yes, motion carried.

Wadsworth moved to enter executive session at 12:38 p.m. for the purpose of discussing possible litigation, second by Leslie Roll Call Vote: All yes, motion carried. Wadsworth moved to exit executive session at 12:49 p.m., second by Leslie. Roll Call Vote: All yes, motion carried. Motion by Wadsworth to enter a second executive session for the purpose of discussing personnel at 12:52 p.m., second by Leslie. Roll Call Vote: All yes, motion carried. Leslie moved to exit executive session at 1:00 p.m., second by Wadsworth. Roll Call Vote: All yes, motion carried. Sheriff Paul Deaver was present for the discussion during the second executive session.

Motion by Leslie to adjourn at 1:04 p.m., second by Wadsworth. Roll Call Vote: All yes, motion carried.

Dated this 24th day of February 2023.

Jordan Foltz, Chairman

ATTEST:

Mindy A. Grossart
Greeley County Clerk