

Phillips County Commissioner Meeting

April 19, 2013

The meeting was called to order by Commissioner Chairman Joe Kinnie and opened with the Pledge of Allegiance. Those present were Commissioners Joe Kinnie, Harlan Stern and Don Lock, County Administrator Randy Schafer, and County Clerk Beth Zilla.

The board approved the mid- month accounts payable for the Month of April.

Don Lock made a motion to become the board of Social Services at 9:00 am. Harlan Stern seconded the motion. The minutes of this portion of the meeting will be maintained by the Department of Social Services. Motion carried.

Joe Kinnie made a motion to adjourn the Department of Social Services at 10:03. Don Lock seconded the motion. Motion carried.

Harlan Stern made a motion to approve the minutes from the April 10, 2013 meeting, as corrected. Don Lock seconded the motion. Motion carried.

The board reviewed the following Phillips County Event Center Rentals:

- Allyn Robinson
- Kathy Haynes
- Dixie Linnenbrink

Harlan Stern made a motion to approve Dan Waln. He will move to GN 40, Grade 16 from GN 16, Grade 2, and Step 2 at \$25,068.63 per year (\$2089.05 per month) beginning May 01, 2013. He has received a satisfactory job performance as Maintenance Supervisor. Don Lock seconded the motion. Motion carried.

Don Lock made a motion to approve the recommendation from the Phillips County Board of Adjustments, for a conditional use permit to build and maintain a 30MW wind energy facility for NECO Wind with the following conditions:

- 1) The project is subject to meeting the minimum commitments set forth by NECO Wind, LLC in its conditional use application dated February 22,2013 (copy attached), with the full understanding that some of those minimums will be superseded by these conditions:
  - a. NECO Wind, LLC will provide Phillips County with a copy of its pre-construction geotechnical report on soils prior to issuance of a building permit;
  - b. NECO Wind, LLC will submit a full set of construction plans prior to issuance of a building permit;
  - c. NECO Wind, LLC will provide Phillips County certification of an Interconnection Agreement prior to issuance of a building permit;
  - d. NECO Wind, LLC will provide Phillips County certification of a Power Purchase Agreement or other acceptable assurance that the project will be financed and the power from the project will be used or sold prior to issuance of a building permit;
  - e. NECO Wind, LLC will provide Phillips County a certificate showing insurance coverage of \$1,000,000 minimum liability coverage per occurrence prior to construction, \$3,000,000 minimum liability coverage per occurrence during construction and during actual operation with Phillips County listed as an additional insured on the policy;
  - f. NECO Wind, LLC will meet the minimum lighting standards set forth by the FAA;
  - g. NECO Wind, LLC will provide response training for the local fire departments prior to the system being placed into service;
  - h. NECO Wind, LLC will meet the following setback requirements:

	MINIMUM SETBACK
Setback of Wind Turbine from above-ground public electric power lines or communication lines. <sup>1</sup>	1.25 times system height
Setback of Wind Turbine from public road or highway or railroad. <sup>2</sup>	1.25 times system height
Setback of Wind turbine from public road or highway with ADT of 7,000 or more. <sup>3</sup>	1.25 times system height or 420 feet, whichever is greater
Setback of Wind Turbine from an inhabited structure located on-site, including residence, school, hospital, church or public library.	1,500 feet from the inhabited structure

Setback from all other property lines, unless appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Board.	1.25 times system height
1. Measured from the outer boundary of the public utility right-of-way or easement or from existing power line or telephone line. 2. Measured from the outer boundary of the public road/highway right-of-way or railroad right-of-way 3. Average daily trips, based on traffic field measurements [determined by CDOT or County]	

- i. NECO Wind, LLC will bury all underground lines in the project a minimum of four (4) feet;
- j. NECO Wind, LLC will provide notice of the project to Viaero Cellular;
- k. NECO Wind, LLC will be required to obtain Roadway Occupancy Agreements from Phillips County for all road crossings and driveways onto county roads;
- l. All private roads built for project maintenance will be maintained by NECO Wind, LLC;
- m. NECO Wind, LLC will utilize recommendations from the Natural Resources Conservation Services (NRCS) to mitigate erosion for all areas disturbed in project construction;
- n. Prior to generation of electricity, NECO Wind, LLC will provide Phillips County a certification, signed by a registered structural engineer, that all installed equipment and structures are in compliance with applicable federal, state, and local regulations and conform to good engineering practices;
- o. NECO Wind, LLC will provide proof through financing documents of an escrow arrangement for decommissioning (this provision must be reviewed and approved by the Board of County Commissioners);
- p. NECO Wind, LLC will provide a copy of as-built drawings of the completed project to Phillips County;
- q. Pending approval from private landowners, Phillips County, including the Board of County Commissioners or its representative(s), shall be allowed to inspect the facilities upon request as long as reasonable notice is provided;
- r. The attached conditions shall apply to any and all successors of NECO Wind, LLC in the operation of the facility.

and to build and maintain a generation interconnection electrical line between the NECO Wind, LLC 30 MW energy facility located southwest of Haxtun, Colorado with the following conditions:

- 1) While the actual route path approval remains flexible, evidence of signed easements for the entire route shall be provided prior to the issuance of a building permit;
- 2) NECO Wind, LLC shall provide a full set of construction plans prior to issuance of a building permit;
- 3) The project is subject to fulfilling the minimum commitments set forth by NECO Wind, LLC in its conditional use application dated February 22, 2013 (copy attached), with the full understanding that some of those minimums may be superseded by these conditions;
- 4) NECO Wind, LLC shall obtain Roadway Occupancy Agreements from Phillips County for all proposed road crossings;
- 5) NECO Wind, LLC will be required to bury the transmission line underground as proposed;
- 6) NECO Wind, LLC will be required to call for location before burial of any transmission line;
- 7) These conditions shall apply to any and all successors of NECO Wind, LLC, in the operation of the transmission line.

Harlan Stern seconded the motion. Motion carried. Permit attached.

The board agreed to sign a covenant with the Colorado Historical Fund if the county receives a grant for the courthouse windows.

The board met with Steven Wright and Mark Smith from PC Telcom. Mark and Steve gave a presentation on PCTelcom's technical support and Google apps for government software.

Harlan Stern made a motion to accept the bid from Troxell's Heating and Appliance, LLC, from Imperial, Nebraska, to repair duct work at the Sheriff's Office in the amount of \$1,542.91. Don Lock seconded the motion. Motion carried.

Harlan made a motion to accept the recommendation from the Phillips County Planning Commission and to approve a subdivision exemption for James and Julie Krogmeier for the sale of approximately 3 acres in the SE1/4 of Section 7, Township 7N, and Range 44W. Don Lock seconded the motion. Motion carried.

Don Lock made a motion that the Phillips County Commissioners sign the letter to Governor Hickenlooper in support of maintaining a stable regulatory environment for oil and gas in Colorado. Harlan Stern seconded the motion. Motion carried.

The board reviewed a Legal Notice for Invitation to Bid that will be published in a major paper on the Front Range for the Phillips County Enhancement Project.

The board discussed a draft Junk and Weed Control regulation. They will refer that draft to the Planning Commission for review as an addition to our zoning regulation.

The board agreed to rent the county's grass drill on a case by case basis. The fee will be \$15.00/acre plus and \$30.00/day. The renter will be responsible for any repairs.

Jeff and Olga Sullivan asked if they could place their business sign on the building that they currently rent from the county for their real estate business due to the fact the wind blew down their last sign that was mounted to a pole. The board agreed to allow the Sullivan's to do so.

Don Lock made a motion to approve the purchase of a 10' Harrow (3 point lift model) from Beaver Valley Supply Company in the amount of \$1454.00. It will be used primarily at the county fairgrounds. Harlan Stern seconded the motion. Motion carried.

Meeting adjourned at 2:45 pm.

Submitted by Beth Zilla

Phillips County Clerk



K. Joe Kinnie



Harlan Stern



Donald J. Lock

Attest:



Beth Zilla, County Clerk