

Board of County Commissioners of Lincoln County
Agenda for May 15, 2025

9:00 Call to order and Pledge of Allegiance

9:00 Meeting to review and act upon amended resolution #1023 regarding permitting for the Arriba Wind Farm; and to review and act upon a road use agreement for the Arriba Wind Farm project.

-To be completed as time permits-

1. Old Business
2. New Business

The Board of Lincoln County Commissioners met at 9:01 AM on May 15th, 2025. Chairman Wayne Ewing, Vice Chairman Robert Safranek, Commissioner Terry Jaques, Administrator Jacob Piper, and Acting Clerk of the Board Ryan Davis attended when the meeting was called to order. Attorney Kelly Lowery attended via Zoom. Clerk of the Board Corinne M. Lengel was absent and excused. Business Development Lead Kenny Wheeler and Project Developer Taylor Henderson with Nereo GC Lincoln LLC were in the audience, as were District One Road Foreman Chris Monks, District Two Road Foreman Bruce Walters, Land Use Administrator Ty Stogsdill, and Deputy Assessor Renita Thelen.

Mr. Ewing called the meeting to order and led the pledge of allegiance, after which he led the group in a short prayer.

Ms. Thelen asked the Board if Miss Lowery could attend the Board of Assessment Appeals (BAA) hearing scheduled for the May 19th meeting. Miss Lowery said that she would attend. Miss Lowery said that Mr. Tipismana had filed additional paperwork concerning the case but that she had not yet had time to review it. Miss Lowery noted that the deadline to file documents had already passed and that she would file a motion with the BAA concerning the late filing.

Mr. Ewing called to review amended resolution #1023 regarding permitting for the Arriba Wind Farm and the associated road use agreement. Miss Lowery said she had reviewed the proposed amendments to the master road use agreement and had no concerns. She said that she had updated the conditions for termination of the agreement and the language concerning damage resulting from third-party road usage under section three of the agreement. She said she had also replaced the word “project” with “construction activities” to reflect the limited scope of the agreement. She added that the most substantial change to the agreement was the addition of a provision declaring the road use agreement to be preliminary and giving the company the option to amend the agreement later.

Mr. Wheeler asked when the performance guarantee needed to be satisfied and if a letter of credit would be sufficient. Miss Lowery said the County must receive the instrument before Nereo begins using the roads. Mr. Piper said they had had wind companies post surety but had accepted a letter of credit for a recent project at the fairgrounds. Miss Lowery said that a letter of credit would be more convenient given the guarantee amount. Mr. Ewing and Mr. Jaques agreed that a letter of credit would be sufficient.

Mr. Jaques asked the company when they would like to conduct their road tour, and Mr. Henderson said they would prefer the week of May 19th. Mr. Jaques said they could do it on Wednesday the 21st after the economic development meeting.

Mr. Jaques moved to approve Amended Resolution #1023 and Development Permit #20-02 for the Nereo GC Lincoln LLC Wind Energy Generation Facility and Transmission Line concerning modifications to the scope of the road use agreement. Mr. Safranek seconded the motion, which carried unanimously.

At a special meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on May 15, 2025 there were present:

Wayne Ewing Chairman	Present
Robert Safranek, Vice Chairman	Present
Terry Jaques, Commissioner	Present
Kelly Lowery, County Attorney	Present
Ryan Davis, Acting Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done to-wit:

AMENDED RESOLUTION #1023 It was moved by Commissioner Jaques and seconded by Commissioner Safranek to amend Resolution #1023 and Development Permit No. #20-02 for the Nereo GC Lincoln, LLC Wind Energy Generation Facility, Related Facility, and Transmission Line in Lincoln County, Colorado (the "**Project**") (known as the "**Resolution**") as follows:

III. CONDITIONS:

4. Due to the permitting requirements and timing of the Project, Nereo and the County agree to execute roadway agreements, also known as a "Road Use Agreement" for each portion of the Project as needed rather than a "fully executed roadway agreement" prior to obtaining any building permit. Rather the parties agree that a permit(s) may be issued in accordance with each Road Use Agreement's execution as the Project advances.

Except for the amendment stated above for Condition (4) of the Resolution, the Resolution, along with the other County Resolution's associated with Project, more accurately known as Resolution 1099, 1126, and 1128, shall remain in place and unaffected by this amendment.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Resolution #1023 is amended as set forth above. The Lincoln County Board of County Commissioners retains continuing jurisdiction over the permit to address future issues concerning the site and to ensure compliance with the conditions of the permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit.

Upon roll call the vote was:

Commissioner Jaques, Yes; Commissioner Safranek, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County
Commissioners of Lincoln
County

ATTEST:

Acting Clerk of the Board

Mr. Safranek moved to approve the \$1,875.00 bid from Hensley Tree Services to remove three elm trees and stumps near the Public Health Agency building. Mr. Jaques seconded the motion, which carried unanimously.

Mr. Jaques asked if the Board had received additional bids for replacing the commercial water backflow device at the courthouse. Mr. Piper responded that they had received two but that he did not have them with him. He said the town would be shutting the water off on July 3rd. Mr. Monks asked if the Board wanted to bid out the repairs for the backflow device used at the fairgrounds and Hugo shop with the one at the courthouse, but Mr. Jaques told him to proceed with repairs on his own since they were considerably cheaper than the replacement.

Mr. Jaques moved to approve the amended master road use agreement between Lincoln County and Nereo GC Lincoln LLC. Mr. Safranek seconded the motion, and Mr. Ewing called for a voice vote.

Upon the call of the roll, the vote was:

Commissioner Jaques, Yes; Commissioner Safranek, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Miss Lowery disconnected her call at 9:32 AM.

Mr. Wheeler asked if the Board needed to approve the building permit, and Mr. Stogsdill said that it did. Mr. Ewing asked if they could approve the building permit without it being on the agenda, and Mr. Stogsdill said they could.

Mr. Ewing asked the Board if Grounds and Buildings Director John Mohan could paint the markings for accessible parking spaces in the courthouse parking lot. Mr. Jaques said he thought it would be better if the County contracted the work to a professional firm. Mr. Ewing suggested that Mr. Piper call local businesses to see who they had hired to paint the spaces in their parking lots.

Mr. Stogsdill asked the Nereo representatives to confirm the \$550,000.00 project cost as he would use the amount for the use tax calculation for the building permit fee. Mr. Wheeler explained that the project cost had decreased but that they would pay the use tax on the full amount. Mr. Stogsdill said that the project's next building permit fee would be adjusted to account for any overage or underage. Mr. Safranek moved to direct the Land Use Administrator to approve the building permit for the Nereo GC Lincoln LLC Wind Energy Generation Facility and Transmission Line. Mr. Jaques seconded the motion, which carried unanimously.

Mr. Ewing said that they needed to investigate extending the downspouts on the courthouse gutters and that Mr. Monks had suggested using flexible downspouts. Mr. Monks asked if Mr. Mohan would purchase them, and Mr. Ewing said that he would and should try to purchase them from someone local if possible.

Mr. Safranek called Doug Ratzlaff with Superior Builders to inquire about contractors who can paint the markings for the accessible parking spaces. Mr. Ratzlaff reported that Ritchie Bruno was the only person he knew who still performed the work.

Mr. Monks reported surveying the courthouse parking lot with Treasurer Ashley Erwin and Deputy Clerk Mindy Dutro earlier in the week. He said they had planned on putting in three accessible parking spaces on the south side of the parking lot but were concerned that the third spot would be too far away from the door. He suggested placing the two smaller accessible parking spaces on the south side of the door and the accessible van space north of the door. Mr. Safranek said he thought that was how they had initially planned it. Mr. Monks said that it was but that they had not considered the ballot drop-box. He suggested installing a curb cut-out in the sidewalk for the accessible van space north of the door to reduce the distance someone would need to traverse in the parking lot. Mr. Jaques and Mr. Ewing said they did not think the cut-outs would be necessary.

Mr. Monks said that they needed to determine the property line in anticipation of the next phase of the project. Mr. Jaques said that if they removed asphalt up to the edge of the property, they would need to commission a survey. Mr. Ewing said they should work up to the edge of the building instead and follow the existing curve.

Mr. Monks added that they would need to fill in some of the areas in phase one to correct the grade before they could reopen the parking lot. Mr. Walters said that District Two had some leftover fill they could use for the purpose.

Mr. Ewing reminded the group that they needed to purchase a solar-powered light to illuminate the flagpole. Mr. Piper said that he would buy one.

Mr. Ewing asked if they should mark the parking space in front of the ballot drop-box to deter people from parking for reasons other than voting. Mr. Monks suggested posting a sign restricting it to ballot drop-off parking only.

Mr. Stogsdill mentioned that he and Mr. Safranek had toured Elbert County and learned of a legal dispute they were involved in concerning biosolid storage. Mr. Stogsdill said that he had offered his assistance and thought this would be a good opportunity to review Lincoln County's biosolid regulations. He explained that the County's current biosolid regulations were adopted in 1996 and were based on the United States Environmental Protection Agency Part 503 regulations concerning the use and management of biosolids. He said that given the complexity of the rules, he did not want to attempt to rewrite them into the county regulations completely but instead wanted to find a way to reference them in a convenient and up-to-date set of county regulations.

With no further business before the Board, Mr. Ewing adjourned the meeting at 10:08 AM. The next meeting will be at 9:00 AM on May 19, 2025.

Ryan Davis, Acting Clerk of
Board

Wayne Ewing, Chairman