

SIOUX COUNTY BOARD OF COMMISSIONERS

HARRISON, NEBRASKA

May 23, 2024

The Sioux County Board of Commissioners met for a special meeting at the Sioux County Courthouse meeting room on May 23, 2024 at 10:00 a.m. with the following present: Commissioners Josh Skavdahl, J. W. Geiser and Hal Downer. County Clerk Michelle Zimmerman, County Attorney, Adam Edmund and Deputy County Attorney Dan Skavdahl were also present. Reference was made to the Open Meeting Laws posted in the meeting room. Motion made by Geiser seconded by Downer to approve the agenda. On roll call vote, Geiser, yes; Downer, yes, Skavdahl, yes. Motion carried.

The pledge of allegiance was recited.

Josh Skavdahl opened the meeting in prayer.

Discussion was held on predator control issues. The current APHIS trapper has resigned. Don Freyda, retired APHIS trapper was present to discuss contracting the work out privately, possibly in conjunction with Dawes County. APHIS has had trouble filling the position with competitive wages. Richard Edwards discussed predator control in Wyoming and South Dakota and how they are funded. JW Geiser will work with someone on the Dawes County Board and discuss an interlocal agreement. Gale Henry added that he'd like to handle it at a local level, the coyotes are here now, with pups soon leaving the dens. Further discussion on the matter will be held at the June 3 regular board meeting.

David Levy, Baird Holm LLP and Austin Paxson, Project Manager for NextEra Energy met with the board to present the Application for Conditional Use Permit/Sioux County Wind Energy Project for approval. The Sioux County Planning Commission has recommended approval of the conditional use permit incorporating the findings of fact with the condition of addition of having a fire rig on site and forwarded it to the Sioux County Commissioners for approval. Mr. Levy stated that good public hearings have been held, that it is a legal process now. The courts say approval is to be based on fact, rather than on emotion. Landowners have voluntarily put their land in the project. The application meets all requirements with the conditions that the planning commission recommended. The attorney's have given their recommendations. Given legal and factual background they are asking for approval of the permit. Commissioner Downer questioned the road use, which roads will be used. Levy advised that those would be finalized during the road use agreement phase. Any improvements, the company will pay for, and the roads will be put back to their original state. Downer inquired about water use and water restrictions. Those permits will be looked into. Erin Fuller, landman for the project stated that a volunteer is willing to sell water from his own well. Construction cannot start until those things are approved. Commissioner Downer asked about bonding. Mr. Levy responded that the road use bond is paid prior to construction. Deputy County Attorney Skavdahl advised that the decommissioning bond

is 115% of the total cost of decommissioning. That bond is required in the Sioux County Zoning Regulation to be paid prior to construction as well.

Commissioner Geiser stated that the county has worked on the wind regulations for a long time, and have worked hard getting it put together.

Judy Broeder commented that it is a mistake to ok a permit without having a wildlife, environmental and soil study done. Do the taxpayers know that it is taxed as commercial property? Broeder questioned the authority of a power of attorney signing a contract for someone. Attorney Skavdahl said it depends on what the POA says. They can sign for a variety of things. Ms. Broeder asked if this CUP is specifically identified in the zoning regulations. Deputy Attorney Skavdahl replied, yes, we are zoned for wind farms.

Kaisha Huston submitted a portion of LB1317, approved by Governor Pillen on April 23, 2024. Huston also asked about the environmental studies being done. Austin Paxson replied that those studies are ongoing and will be done again. Huston asked about ranchers that are against it. 12 families have signed up, how many are against it? Have you checked, It's important to look at both sides. Commissioner Geiser stated he has asked people, and a lot are indifferent. Commissioner Skavdahl added that we can't tell people what they can or can't do with their land.

Motion made by Geiser, seconded by Skavdahl to approve the Conditional Use Permit for Sioux County Wind Farm, LLC. On roll call vote, Geiser, yes; Downer, no; Skavdahl, yes. Motion carried.

There being no further business to come before the board, the meeting adjourned at 11:30 a.m.

/s/Josh Skavdahl
Chairman of the Board

/s/Michelle J. Zimmerman
Sioux County Clerk