

Board of County Commissioners of Lincoln County
Agenda for December 8, 2014

9:00 Call to order and Pledge of Allegiance

10:00 2015 Lincoln County budget hearing

10:15 2015 Lincoln County Public Trustee budget hearing

1:00 County Commissioners will conduct a hearing on the Land Use Board's decision on Nereo GC Lincoln's application for development permit/use by special review #14-02 for a wind farm

1. Approve the minutes from the November 26, 2014 meeting
2. Review the November reports from the Treasurer and the Sheriff
3. Review the renewal for the leases for office space in Limon for Human Services and Public Health
4. County Commissioner reports
5. County Administrator's report
6. County Attorney's report
7. Old business
8. New business
9. Approve additional expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on December 8, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, and commissioner-elect Ed Schifferns. County Attorney Stan Kimble attended in the afternoon.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance.

District One Road Foreman Chris Monks met briefly with the Board to ask questions and give updates on Road and Bridge issues. He wanted to know if the commissioners would like to purchase additional fuel if it goes below \$2.50 per gallon, as he has ordered six loads at \$2.56 per gallon. The Board agreed they would take another three loads (one per district) if the cost drops below \$2.50 per gallon. Chris asked Mr. King if he had any further information on the rotomill from CDOT but Mr. King had not heard anything, so Chris wanted to know if they would like to do some asphalt crushing in the town of Limon again. He explained to Mr. Schifferns that District One generally spends around \$10,000 annually and they stockpile it at Ravenkamps. Mr. Stone asked him to check with Monty Mattson to see what District Three might need, but added that he didn't believe they had much of a stockpile left. Mr. Lyons put in that they could use two or three loads at the landfill also. Mr. King said they should go ahead and contact the town of Limon since he didn't know if the rotomill deal would go through. Chris said he would call Dave Stone and then said they had hauled the rest of the trash "backstops" to the landfill earlier this morning, so they now have a total of sixteen. The group discussed a car for the landfill since they are having so many problems with the car they have now and Ms. Devers said that the sheriff's department has a pickup and a car they want to get rid of. They can most likely get more money for the pickup, but the car is a Charger and the Board did not feel it would be an appropriate vehicle for the landfill. They will look at other options; possibly purchasing a used vehicle from Anderson Motors. Chris commented that John Mohan also asked about an old pickup that he could use when he goes back and forth to the annex building so that he doesn't have to use his own vehicle. Ms. Devers said he does get compensated with eight gallons of gas each week, but Chris and Mr. Stone both said they have an old pickup that he might be able to use.

Mr. King made a motion to approve the minutes from the meeting held on November 26, 2014, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the November reports from the Treasurer and the Sheriff, as well as the renewal for office space leases in Limon for Human Services and Public Health. Ms. Devers said the former has increased by \$10 per month, and the latter by \$15 per month. Mr. Stone made a motion to approve both leases for 2015. Mr. King seconded the motion, which carried unanimously.

Johnny Olson, Region IV Director of CDOT, had asked Mr. King for a letter of support from the Board as he has applied for the Executive Director position. The others agreed and Ms. Devers will draft a letter.

Mr. King and Mr. Stone both reported attending the county commissioner conference and discussed highlights, including oil and gas and transportation. Lack of funding and options of increasing taxes were also points of discussion at the conference, as well as wind tower setbacks. Mr. Stone added that they also attended the Ports-to-Plains meeting and Joe Kiely has proposed adding Highway 385 as part of the project.

Mr. Lyons reported that he and Mr. Schifferns attended the hospital board meeting on December 4 and the hospital intends to purchase a Bobcat loader. Mr. Lyons suggested the commissioners complete their task of reviewing the appointments to the various boards for 2015, adding that Linda Olsen sent a request to be considered on the hospital board as a replacement for Warren (Chopper) McCue, who has said he does not want to be reappointed.

At 10:00 a.m., the Board conducted the hearing for the 2015 Lincoln County budget. After some explanations from Ms. Devers, Mr. King made a motion to adopt a resolution approving the spending limits for calendar year 2015. Mr. Stone seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on December 8, 2014, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

RESOLUTION #894 It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County, Colorado has the authority and responsibility pursuant to C.R.S. 29-1-103 to adopt a budget for Lincoln County for the 2015 calendar year; and

WHEREAS, in addition to the above referenced statute, the Board of County Commissioners also recognizes the passage of Amendment 1 to the laws of the State of Colorado on November 3, 1992, and has incorporated its interpretation of such Amendment into the 2015 budget; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, and a public hearing was held on December 8, 2014, at which time objections of the electors of Lincoln County were considered; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law;

NOW, THEREFORE BE IT RESOLVED that the following spending limits are adopted for calendar year 2015:

General Fund	\$6,005,718
Road & Bridge Fund	5,118,982
Human Services Fund	3,170,144
Library Fund	44,021
Contingent Fund	170,666
Conservation Trust Fund	84,500
E911 Fund	315,140
Capital Projects Fund	1,262,500
Landfill Fund	246,226
Lodging Tax Fund	154,000
Public Health Agency Fund	299,029
Hospital Fund	14,823,561
Total	<u>\$31,694,487</u>

BE IT FURTHER RESOLVED that the mill levies established for the following funds are:

General Fund	16.00 mills
General Fund – Mills for hospital	4.00 mills
Road & Bridge Fund	15.45 mills
Social Services Fund	3.00 mills
Library Fund	.25 mills
Capital Projects Fund	4.50 mills
Landfill Fund	1.15 mills
Public Health Agency Fund	.65 mills
Hospital Fund	2.50 mills
Total	<u>47.50 mills</u>
Less Temporary Property Tax Credit General Fund	-12.00 mills
Total	<u>35.50 mills</u>

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Stone then made a motion to adopt a resolution appropriating funds for the 2015 budget. Mr. King seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on December 8, 2014, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

RESOLUTION #895 It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County adopted the annual budget in accordance with the local government budget law and the provisions of Amendment 1 on December 8, 2014; and

WHEREAS, the Board of County Commissioners of Lincoln County has made provision therein for revenues in an amount equal to the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of Lincoln County;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that the following sums are hereby appropriated for 2015 from the revenue of each fund to each fund:

General Fund	\$ 6,005,718
Road & Bridge Fund	5,118,982
Social Services Fund	3,170,144
Library Fund	44,021
Contingent Fund	170,666
Conservation Trust Fund	84,500
E911 Fund	315,140
Capital Projects Fund	1,262,500
Landfill Fund	246,226
Lodging Tax Fund	154,000
Public Health Agency Fund	299,029
Hospital Fund	14,823,561

Total \$31,694,487
Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. King made a motion to adopt a resolution certifying the mill levies for the 2015 budget. Mr. Stone seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on December 8, 2014, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

RESOLUTION #896 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

CERTIFICATION OF TAX LEVIES

This is to certify that the tax levy to be assessed upon all property within the limits of Lincoln County, State of Colorado, based on a total assessed valuation of \$171,920,517 for the budget year 2015 as determined and fixed by the Board of County Commissioners, is:

General Operating Expenses:

General Fund	16.00
General Fund – Mills to the hospital	4.00
Road & Bridge Fund	15.45

Social Services Fund	3.00
Library Fund	.25
Contingent Fund	0
Conservation Trust Fund	0
E911 Fund	0
Capital Projects Fund	4.50
Landfill Fund	1.15
Lodging Tax Fund	0
Public Health Agency Fund	.65
Hospital Fund	2.50
Total	<u>47.50 mills</u>
Less Temporary Property Tax Credit – General Fund	- 12.00
Total	<u>35.50 mills</u>

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

County Treasurer Jim Covington arrived at 10:15 a.m. for the 2015 Lincoln County Public Trustee budget hearing and provided a copy of the resolution.

Once Mr. Covington had gone, Ms. Devers said she'd called Osborne's Supermarket to order the Christmas hams for county employees, but was told the ones the county got last year were more expensive this year. Mr. Stone said to go ahead and order what they knew to be good.

Mr. King made a motion to appoint Colette Barksdale as the 2015 CCI voting proxy for the Human Services Steering Committee. Mr. Stone seconded the motion, which carried unanimously.

Ms. Devers reported that she and County Attorney Stan Kimble both agree that Spectrum General Contractors should honor the contract they signed and provide 80% of the work on the roundhouse door and window project. They may need to hold a conference call later with Greg Connor to discuss it.

Mr. Lyons called for old business and then commented that the commissioners would need to keep in mind that they may need to pay additional costs for small projects if they cannot find a contractor who carries the million dollars in liability insurance required by CTSI. Mr. King asked if Shawn Smith had purchased the coverage per project or if he just obtained it for the entire year. Ms. Devers said he generally got it for the year and that he did it to protect himself in the event something would happen. She added that the county needs to be protected also.

Mr. Stone said that Vicky Duran would like to meet with the Board as she is the replacement on the Eastern Colorado Services for the Developmentally Disabled board. Ms. Devers said she had not yet heard from her, nor has she received the soil samples from the annex yet.

Mr. King passed around information he picked up at conference showing the Veterans Administration county contributions, and commented that Parker Newbanks, Jr. would possibly be getting a raise.

The group reviewed a letter from the State Land Board regarding the Stewardship Trust Realignment Project, and then approved the remaining expense vouchers for the month of November 2014.

COUNTY GENERAL FUND

Chief Deputy Salary \$3,298.00
Corporal Salary \$3,007.32
Correctional Officer III Salary \$3,367.29
Clerk I Salary \$2,281.00
Correctional Officer III Salary \$2,968.98
Treasurer Salary \$3,650.00
Deputy Clerk Salary \$464.00
Administrator Salary \$4,470.00
Land Use Admin Salary \$2,776.00
Election Deputy Salary \$2,583.00
Road Deputy Salary \$3,141.71
Clerk I Salary \$2,463.00
Clerk I Salary \$2,463.00
Assessor Salary \$3,650.00
Clerk I Salary \$2,316.00
Deputy I Salary \$2,558.00
Driver Examiner Salary \$2,835.00
Correctional Officer I Salary \$2,701.95
Fairgrounds Manager Salary \$1,400.00
Metal Detector Salary \$680.00
Correctional Officer I Salary \$3,110.25

Attorney Salary \$2,897.50
Commissioner Salary \$3,650.00
Clerk Salary \$3,650.00
Correctional Officer I Salary \$2,521.41
Commissioner Salary \$3,650.00
Correctional Officer I Salary \$2,914.50
Maintenance Salary \$2,643.00
Janitor Salary \$641.63
Janitor Salary \$1,261.50
Undersheriff Salary \$3,418.00
Correctional Officer III Salary \$3,032.62
Corporal Salary \$2,895.00
Coroner Salary \$825.00
Sheriff Salary \$4,091.67
VA Service Officer Salary \$408.33
Correctional Officer II Salary \$2,941.13
Janitorial Salary \$1,231.50
Correctional Officer I Salary \$2,523.00
Correctional Officer I Salary \$2,749.60
Deputy Clerk Salary \$2,583.00
Correctional Officer III Salary \$3,180.58
Victim's Assistant Salary \$2,823.00
Weed Coordinator Salary \$3,064.00
Road Deputy Salary \$3,197.26
Office Manager II Salary \$2,876.00
Part Time Data Entry Salary \$516.00
Commissioner Salary \$3,650.00
4-H Program Assistant Salary \$3,322.00
Chief Deputy Salary \$2,776.00
Metal Detector Salary \$595.00
Captain Salary \$3,418.00
Appraisal Clerk Salary \$2,366.00
Correctional Officer II Salary \$3,280.00
Road Deputy Salary \$3,926.80
Admin Assist Salary \$3,280.00
Metal Detector Salary \$1,768.00
Correctional Officer III Salary \$3,053.47

27221 AFLAC, Premiums \$1,420.24
27222 Auto-Clor Systems, Supplies \$251.75
27223 Patricia Bandy, Canvass Board \$75.00
27224 CCI, Conference \$100.00
27225 CCTA-Eastern Division, Dues \$100.00
27226 CCTA-PTAC Western Division, Dues \$50.00
27227 CenturyLink, Phone \$66.54
27228 CHP, Insurance \$62,400.19
27229 Colorado County Treasurer's Association, Dues \$400.00
27230 Colorado Sheriffs of Colorado, Conference \$175.00
27231 Jim Covington, Travel \$150.74
27232 Curian Clearing, Retirement \$6,966.11
27233 Denver Health, Inmate Medical \$911.90

27234 Curtis Dutro, Mileage \$18.40
27235 Embassy Suites, Lodging \$460.00
27236 Evergreen Systems, IT Services \$180.00
27237 Family Support Registry, Garnishment \$200.00
27238 Family Support Registry, Garnishment \$476.66
27239 First Bankcard, Charges \$1,094.57
27240 First Bankcard, Charges \$13.36
27241 First Bankcard, Charges \$290.67
27242 First Bankcard, Charges \$256.31
27243 First Bankcard, Charges \$66.83
27244 First Bankcard, Charges \$243.92
27245 First Bankcard, Charges \$185.00
27246 First Bankcard, Charges \$67.05
27247 First Bankcard, Charges \$13.19
27248 First Bankcard, Charges \$47.88
27249 First Bankcard, Charges \$72.11
27250 First Bankcard, Charges \$125.74
27251 Flatland Service LLC, Repairs \$735.00
27252 Great West Life & Annuity, Deferred Comp \$2,810.80
27253 HR Direct, Awards \$303.50
27254 Dave Hubbard, Mileage \$13.60
27255 International Association of Auto Theft, Dues \$40.00
27256 Greg King, Mileage \$79.60
27257 Leo's Electrical, Repairs \$660.00
27258 Lincoln Community Hospital, Contract \$7,774.00
27259 Lincoln County Road & Bridge, Fuel \$75.40
27260 Liquid Inc, Supplies \$72.24
27261 Ted Lyons, Mileage \$40.80
27262 Marshall & Swift, Handbook \$339.95
27263 Paul Martin, Mileage \$12.80
27264 Chris Monks, Mileage \$10.40
27265 Neve's Uniforms, Body Armor \$1,575.00
27266 Office of the District Attorney 18th Judicial District, 4th Qtr Pmt \$28,058.75
27267 Linda Olsen, Meeting Supplies \$50.51
27268 Osborne's, Supplies \$117.89
27269 LaRay Patton, Mileage \$13.60
27270 Mike Patton, Repairs \$1,373.78
27271 PayFlex, Cafeteria Plan \$1,088.33
27272 PayFlex, Dependent Care \$100.00
27273 Plains Heating, Repairs \$263.15
27274 Precinct Police Products, Uniforms \$102.99
27275 PSI Digital Imaging, Warranty \$1,239.00
27276 Public Trustee Assn, Dues \$200.00
27277 Quill, Supplies \$1,391.99
27278-
27298 VOID
27299 Scott Ravenkamp, Mileage \$7.20
27300 John Reid, Mileage \$43.20
27301 Chip Reid, Mileage \$40.80
27302 Shawn Smith Construction, Repairs \$947.50
27303 Shawn Smith, Mileage \$16.00

27304 Southside, Catering \$803.25
 27305 Doug Stone, Mileage \$132.80
 27306 TapeandMedia.com, Tapes \$1,841.52
 27307 John Thelen, Canvass Board \$75.00
 27308 John Thompson, Mileage \$24.00
 27309 Treasurer of Lincoln County, State Withholding \$4,857.00
 27310 Treasurer of Lincoln County, Federal Withholding \$13,639.49
 27311 Treasurer of Lincoln County, FICA Withholding \$23,161.10
 27312 Tri County Volunteer Fire Department, Conference \$810.00
 27313 Tyler Technologies, IT Services \$34,760.41
 27314 Verizon Wireless, Phone \$54.62
 27315 Vicki Ware, Canvass Board \$75.00
 27316 Waxie Sanitary, Supplies \$274.21
 27317 Curtis Wineski, Reimbursement \$19.23
 27318 Xerox, Lease \$390.67
 27319 Cynthia Yowell, Postage \$7.40

27356 Black Hills Energy, Utilities \$4,615.68
 27357 BrainSell Technologies, ACCPAC Server Repair \$600.00
 27358 CCFS, Food \$6,452.52
 27359 County Sheriffs of Colorado, Conference \$100.00
 27360 Denver Health, Inmate Medical \$12,376.22
 27361 Direct TV, Television \$101.98
 27362 DJ Petroleum, Fuel \$376.27
 27363 ESRTA, Phone \$1,752.33
 27364 Eastern Colorado Plainsman, Ad \$434.84
 27365 Election Center, Dues \$275.00
 27366 Evergreen Systems, IT Services \$1,004.20
 27367 Giddy Up, Uniforms \$373.43
 27368 Hillyard/Denver, Supplies \$990.80
 27369 Hoffman Drug, Paper \$6,968.39
 27370 Hugo Lumber, Repairs \$1,243.67
 27371 Integrity Steel Works, Parts \$889.10
 27372 Jefferson County, Coroner Services \$200.00
 27373 KCCHHS, License \$255.00
 27374 KC Electric, Electricity \$5,757.34
 27375 Kelley Blue Book, Car Guides \$98.00
 27376 Limon Leader, Ad \$80.14
 27377 Limon Chrysler Dodge, Repairs \$433.67
 27378 Lincoln County Treasurer, Reimbursement \$3,643.12
 27379 Lincoln Community Hospital, Medical \$218.00
 27380 Lincoln County Road & Bridge, Fuel \$3,953.73
 27381 Andrew Lorensen, Coroner Assist \$75.00
 27382 Zane Nestor, Coroner Assist \$125.00
 27383 Neve's Uniforms, Uniforms \$200.93
 27384 Osborne's, Supplies \$65.76
 27385 Pro-Vision, Equipment \$2,416.00
 27386 Quill, Supplies \$452.58
 27387 Quill, Supplies \$119.90
 27388 Rob's Septic, Services \$350.00
 27389 State of Colorado, December MV Renewals Cards \$159.48

27390 Travis Taylor, Mileage \$200.00
27391 Town of Limon, FTZ Contribution \$736.00
27392 Trimtech, Repairs \$390.00
27393 Tyler Technologies, IT Services \$13,500.00
27394 US Imaging, Digitation \$8,463.32
27395 Verizon Wireless, Phone/Data Cards \$4,648.64
27396 Witt Boys, Parts \$151.88
27397 Witt Boys, Supplies \$116.28
27398 Xerox, Contract & Repairs \$420.21

ROAD & BRIDGE

Road Crew Salary \$2,643.00
Road Crew Salary \$2,943.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,643.00
Mechanic Salary \$3,092.00
Road Crew Salary \$2,643.00
Road Crew Salary \$2,883.00
Road Crew Salary \$2,763.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,523.00
Road Crew Salary \$2,883.00
Road Crew Salary \$2,463.00
Road Crew Salary \$2,523.00
Road Crew Salary \$2,763.00
Road Crew Salary \$3,003.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,703.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,763.00
Road Foreman Salary \$3,124.00
Road Foreman Salary \$3,124.00
Road Foreman Salary \$3,524.00
Road Crew Salary \$2,763.00
Part-time Road Crew Salary \$700.00
Road Crew Salary \$2,643.00
Road Crew Salary \$2,763.00
Road Crew Salary \$3,003.00
Shop Secretary Salary \$2,943.00
Road Crew Salary \$2,523.00
Road Crew Salary \$2,523.00

27162 21st Century, Parts \$1,002.17
27163 AFLAC, Premiums \$100.10
27164 Caterpillar Financial, Lease \$70,914.75
27165 CHP, Insurance \$41,454.43
27166 Corporate Billing, Parts \$176.18
27167 County Wide Diesel Repair, Professional Services \$1,550.00
27168 Curian Clearing, Retirement \$3,821.37

27169 Drive Train, Parts \$25.81
27170 Family Support Registry, Garnishment \$612.00
27171 Forward Edge, Testing \$103.50
27172 Great West Life and Annuity, Deferred Comp \$2,740.00
27173 J&S Contractors, Grader Blades \$1,259.30
27174 Lawson Products, Parts \$171.31
27175 Lincoln County Clerk, Registration \$10.98
27176 Martin Marietta, Road Oil \$5,886.96
27177 McCormick Excavation, Road Oil \$7,771.96
27178 Oklahoma Centralized Support Registry, Garnishment \$298.56
27179 Osborne's, Supplies \$7.35
27180 PayFlex, Cafeteria Plan \$15.00
27181 Pronghorn Country Ace, Parts \$175.43
27182 Snap-On Tools, Tools \$36.90
27183 Terminix, Repairs \$465.60
27184 Treasurer of Lincoln County, State Withholding \$2,142.00
27185 Treasurer of Lincoln County, Federal Withholding \$5,485.38
27186 Treasurer of Lincoln County, FICA Withholding \$12,405.88
27187 United States Welding, Parts \$21.71

27325 Alco, Supplies \$46.56
27326 CASI, Road Oil \$840.00
27327 DJ Petroleum, Fuel & Oil \$7,578.66
27328 Don's Maintenance, Parts \$113.31
27329 ESRTA, Phone \$347.53
27330 First Bankcard, Charges \$685.24
27331 First Bankcard, Charges \$39.98
27332 Flagler Coop, Fuel & Oil \$30,772.02
27333 Town of Genoa, Water \$111.50
27334 Groove Automotive, Parts \$9.75
27335 Charles Hoffman, Gravel \$2,061.00
27336 Hugo Lumber, Parts \$118.87
27337 Karval Water Users, Water \$70.00
27338 KC Electric, Electricity \$281.35
27339 Lawson Products, Parts \$234.09
27340 Lincoln County Treasurer, Reimbursement \$53,841.45
27341 Martin Marietta, Road Oil \$5,925.72
27342 MHC Kenworth, Supplies \$131.18
27343 Mountain View Electric, Electricity \$328.04
27344 Stone Communications, Repairs \$911.50
27345 Witt Boys, Parts \$2,277.41

LANDFILL

Operator Salary \$2,703.00
Manager Salary \$3,124.00
Landfill Salary \$341.25

27205 Alco, Supplies \$96.50
27206 CHP, Insurance \$2,395.17
27207 Curian Clearing, Retirement \$393.33
27208 Mountain View Electric, Electricity \$48.22
27209 Prairie Mountain Publishing, Supplies \$378.08
27210 Treasurer of Lincoln County, State Withholding \$215.00
27211 Treasurer of Lincoln County, Federal Withholding \$577.49
27212 Treasurer of Lincoln County, FICA Withholding \$943.76

27347 ESRTA, Phone \$75.91
27348 Flagler Coop, Fuel \$1,052.86
27349 Hugo Lumber, Supplies \$375.00
27350 Lincoln County Treasurer, Pipe \$667.31
27351 Osborne's, Supplies \$43.05
27352 Witt Boys, Supplies \$175.40

LIBRARY

Bookmobile Salary \$585.33
Bookmobile Salary \$903.83

27213 Treasurer of Lincoln County, State Withholding \$4.00
27214 Treasurer of Lincoln County, Federal Withholding \$6.87
27215 Treasurer of Lincoln County, FICA Withholding \$227.86

27353 DJ Petroleum, Fuel \$143.84
27354 TEI Landmark Audio, Used Audios \$320.54
27355 Katie Zipperer, Postage \$25.02

LODGING & TOURISM

27216 Advanced Small Business Marketing, Marketing \$4,040.10
27217 Danielle Dascalos, Marketing \$787.50
27218 Hugo Improvement Partnership, Promotion \$263.70
27219 Town of Limon, Promotion \$2,127.20
27220 Linda Olsen, Christmas Tour \$550.00

PUBLIC HEALTH AGENCY

Nurse Salary \$3,097.00
Doctor Salary \$50.00
Receptionist/Educator Salary \$961.45
Nurse Salary \$2,771.63
WIC Educator Salary \$2,331.00
EPR Coordinator/Office Manager Salary \$2,576.00

27189 CDPHE, Birth Certificates \$164.50
27190 Century Link, Phone \$168.27

27191 CHP, Insurance \$4,387.04
27192 Curian Clearing, Retirement \$540.28
27193 Evergreen Systems, IT Services \$160.00
27194 First Bankcard, Charges \$176.06
27195 First Bankcard, Charges \$74.08
27196 First Bankcard, Charges \$8.45
27197 Great West Life and Annuity, Deferred Comp \$100.00
27198 Tracy Grimes, Rent \$500.00
27199 Quill, Supplies \$31.99
27200 Sanofi Pasteur, Vaccines \$3,141.31
27201 Henry Schien, Syringes \$248.69
27202 Treasurer of Lincoln County, State Withholding \$379.00
27203 Treasurer of Lincoln County, Federal Withholding \$990.13
27204 Treasurer of Lincoln County, FICA Withholding \$1,803.42

27321 ESRTA, Phone \$243.80
27322 First Bankcard, Charges \$228.69
27323 Lincoln County Treasurer, Reimbursement \$177.00

CAPITAL PROJECTS

27188 McCormick Excavation, Asphalt Patching \$4,382.35
27324 Lincoln County Treasurer, Jail Grinder \$31,389.50

E-911

27346 Century Link, Phone \$267.21

HUMAN SERVICES ADMINISTRATIVE FUND

Director Salary \$5,540.00
Admin Assist IV Salary \$2,713.00
Admin Assistant Salary \$2,289.00
Admin Assistant Salary \$2,344.00
Caseworker I Salary \$2,810.00
Legal Tech III Salary \$3,231.00
Accountant Salary \$2,787.00
PT Case Aid/ PT Tech Salary \$2,744.00
IMT IV Salary \$2,713.00
Assistance Pmts Supervisor V Salary \$3,305.00
Caseworker III Salary \$3,608.00
Caseworker IV Salary \$3,548.00
Caseworker Supervisor Salary \$4,393.00
Services Administrator Salary \$5,162.00
Caseworker I Salary \$2,990.00

CKLECC Coordinator Salary \$1,099.02
IMT IV-Fraud Investigator Salary \$223.00
Leap Technician Salary \$1,072.04

65947 Alco, Supplies \$170.28
65948 ESRTA, Phone \$784.12
65949 Farm Gas, Fuel \$192.69
65950 Hugo Lumber, Supplies \$106.28
65951 IEBT, County Client/Payment \$464.50
65952 Lincoln County Treasurer, Reimbursement \$2,270.00
65953 Lincoln County Road & Bridge, Fuel \$363.50
65954 Lincoln County Sheriff, Fees \$49.00
65955 Rocky Mountain Microfilm, Supplies \$1,050.65
65956 Sunrise Environmental, Supplies \$93.65
65957 Xerox, Supplies \$191.80
65958 Century Link, Phone \$114.62
65959 Darling Delights, Meeting \$16.25
65960 Evergreen Systems, IT Services \$575.00
65961 Fast & Friendly, Fuel \$381.40
65962 Fast & Friendly, General Assist \$179.96
65963 First Bankcard, Charges \$216.10
65964 First Bankcard, Charges \$359.83
65965 First Bankcard, Charges \$204.65
65966 First Bankcard, Charges \$462.93
65967 First Bankcard, Charges \$224.87
65968 First Bankcard, Charges \$572.72
65969 First Bankcard, Charges \$166.81
65970 First Bankcard, Charges \$262.81
65971 First Bankcard, Charges \$6.99
65972 First Bankcard, Charges \$96.70
65973 First Bankcard, Charges \$226.99
65974 First Bankcard, Charges \$77.75
65975 Tracy Grimes, Rent \$375.00
65976 Client Provider Pmt \$238.61
65977 Lincoln County, Rent \$1,882.00
65978 Lincoln County DHS, Travel \$1,106.78
65979 Office Max, Supplies \$266.23
65980 Office Works, Supplies \$728.00
65981 Osborne's, Supplies \$222.48
65982 Rose Padilla, Contract Fees \$170.00
65983 Scranton Specht & Associates, Contract Fees \$3,628.00
65984 Verizon Wireless, Phone \$539.91
65985 Viaero Wireless, Phone \$39.71
65986 Xerox, Supplies \$201.74
65987 Julie Witt, Travel \$103.20
65988 Lauren Lyons, Travel \$533.29
65989 Lincoln Country Treasurer, Withholding \$14,107.59
65990-
66000 VOID
66001 CHP, Insurance \$20,580.47
66002 Curian Clearing, Retirement \$2,497.53

66003 Great West Life & Annuity, Deferred Comp \$1,275.00
66004 PayFlex, Cafeteria Plan \$350.00
66005 AFLAC, Premiums \$314.81

At 1:00 p.m., the commissioners conducted a hearing on the Land Use Board's decision on Nereo GC Lincoln's application for development permit/use by special review #14-02 for a wind farm. Others present were LCEDC Director Lisa Nolder, Limon Town Administrator Dave Stone, Land Use Administrator John DeWitt, Deputy Assessor Renita Thelen, Todd Ritchie with Cascade Petroleum, Will Bublitz with the Limon Leader and Eastern Colorado Plainsman, Bond Beams with Prairie Minerals and his counsel Polly Jessen with Kaplan Kirsch & Rockwell, Harry Sherman with Nereo, and Jim Borgel with Holland and Hart; counsel for Nereo.

Mr. DeWitt began by reviewing the November 20, 2014, Land Use Board's decision on permit #14-02, Arriba Wind Farm, stating that the board voted in favor of the application with several conditions, three that were most pertinent: that prior to obtaining any building permits, a fully executed roadway agreement would be in place between Nereo and Lincoln County; that Nereo provide the county with a copy of the well permit issued by the State Engineer for the operation and maintenance (O &M) facility before building commences; and that Nereo "reasonably accommodate access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant (Nereo) shall, as a condition of approval and prior to final siting of any wind farm facilities and the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith and commercially reasonable effort to enter into, surface use agreements or other compatible development agreements with any mineral estate owners which have filed timely objections to the land use applications pursuant to Colorado statutes."

Mr. Borgel asked the commissioners to approve the original proposal by the Land Use Board and presented a resolution similar to that of NextEra and RES; the other two wind energy companies with towers in Lincoln County. Since the resolution contains conditions requested by the Land Use Board and is consistent with other wind farm agreements, Mr. Borgel felt there should be no reason for the Board *not* to approve it. Mr. Borgel went on to say that Cascade and Prairie Minerals representatives want the county to allow them access to possible well sites by tying up acreage in every quarter section. He produced a map of the proposed wind tower footprint, but stated that circumstances sometimes dictate a change when the final engineering comes into play and the exact location of towers may differentiate by a few feet. Nereo is very motivated to reach agreements with mineral owners, as the company understands that they need to do so in order to show their financial partners that they've done their job and met the requirements. Mr. Borgel added that it presents a significant limitation to require that they obtain agreements with every mineral owner when there are no requirements that can be placed on the mineral owners to be agreeable with them. According to him, Prairie Minerals "changed their game" halfway through the process and even though this is a last minute request, Nereo is still committed to coming to a resolution with them. He went on to say that accepting the proposals from Cascade and Prairie Minerals would put them at a disadvantage as they would have to make the same agreements with all mineral owners. Nereo has a

project, they've analyzed effects on the county, on wildlife and on water, and yet there have been no permits issued to drill wells in the areas of their wind tower footprint. Mr. Borgel finished by saying that Nereo has a real project that has been studied and designed, which is not the case with the oil and gas companies.

Mr. Kimble stated that no construction would begin until after the transmission lines are approved and asked Mr. Borgel if he knew when that would be. His response was that it most likely will be within the time frame of their permit, which is good for one year. Once they get the land use permit, they will obtain the power purchase agreement and then apply for the permit for power. They will then complete the final design and return for the remaining permits. He stated that their goal is to show the Board a signed agreement in order to meet the conditions.

Discussion ensued on where the turbines may be located and how much they might shift based on which turbines are used. Mr. Sherman commented that once into the final design they need to make sure that the turbines don't interfere with each other in any way, which requires a combination of science, engineering, and turbine characteristics.

Polly Jessen then spoke as representative for Prairie Minerals, stating that the current resolution from Nereo actually creates a potential for conflict to their access to surface locations. They want appropriate conditions in place to protect their interests and not block potential locations for well sites. Prairie Minerals has not reached an agreement with Nereo as they are concerned the proposed footprint will block them from an entire area for possibly two years, and Ms. Jessen stated that they felt the only option was to come before the Board with a strong stance. In the letter she prepared to the commissioners and Mr. DeWitt, Ms. Jessen stated that the project is likely to restrict access to subsurface minerals and if surface rights are not protected during the Land Use approval process, a mineral interest holder's primary recourse is against Lincoln County. She stated that they have to come before the Land Use Board and the commissioners to obtain conditions that protect them if they do not have reasonable negotiations, and they run certain risks if they don't ask for protection through development conditions. Ms. Jessen added that they have changed the conditions from what occurred with RES, but that was because they have learned through the process that the agreements have evolved over time and changes needed to be made in order to avoid the difficulties they've had in the past. She went on to say that they are only asking for what the state rules would allow, and they are comfortable continuing negotiations with Nereo if they could just have more time to do so before the commissioners make their final decision.

Mr. Lyons asked if Prairie Minerals has current leases in all of the locations in question but was told that they do not.

Bond Beams spoke up to say that things are developing in Lincoln County in a way that has never been seen before, and there are reasons for that. Ideally, both wind and oil and gas development would benefit the county and they do not want anything to prohibit that. However, they also do not want anything to inhibit the oil and gas industry from possible

production based on their ability to reach a potential location. He added that they feel their proposal is a fair accommodation that will work for both parties, and allowing a wind turbine to be placed in the middle of a forty-acre tract that would also allow oil and gas development around it would be the perfect solution. Mr. Beams went on to say that oil and gas development has “lost the site” if there is no criteria that addresses where wind energy will locate their turbines if it is not already in the agreement.

Mr. Sherman commented that while it sounds noble and workable, it is really legislation and a policy issue, as each case should be determined individually.

Mr. Lyons asked Ms. Jessen if they ever worked out a deal with NextEra and when she replied that they had, he wanted to know why they could not do the same thing again. Ms. Jessen said that NextEra already had their infrastructure in place at the time.

Mr. Beams put in that if Nereo places a turbine in or near a buffer zone, then the oil and gas industry is basically precluded from putting in a well, and that is a taking that they would need compensated for.

Mr. Stone asked if there were any oil wells drilled in the NextEra wind farm area and was told that there were none. Todd Ritchie spoke up to say that he is concerned that this will cause the same situation, as he felt that it rendered the mineral owners’ taxes without production. He added that they do have some leaseholders in the area and have reason to believe that there will be more. Mr. King addressed the map and said it appeared there would be approximately six areas where they would be precluded from drilling. He was told that there are roughly ten drilling locations where they would not be able to drill if there were a 300’ or 350’ buffer.

Mr. King also asked about directional drilling and Mr. Beams responded that the cost increases significantly to drill and operate a directional well, even though directional drilling has become the norm in many places.

Mr. Borgel spoke again to state that it appeared the commissioners were being asked to negotiate the surface right, which was not an appropriate discussion for that body. Mr. Borgel commented that it is up to the commissioners to approve or deny the plan that is before them and let the surface and mineral owners have the other discussions, and Mr. Kimble agreed that they were bringing up highly technical questions that the county commissioners do not have the expertise to answer. Ms. Jessen stated that if the Board needed more time, they would certainly be willing to come back on December 19, which is the deadline.

Mr. Kimble addressed Ms. Jessen’s letter and the portion referring to bringing recourse against Lincoln County, stating that it was concerning enough that he was considering filing a Petition for Declaratory Judgment.

Mr. King made a motion to postpone the discussion until December 19, 2014, in order to allow time for the parties to continue their negotiations and hopefully reach an agreement. Mr.

Stone seconded the motion. Mr. Lyons disagreed, stating that he felt the commissioners should approve the Nereo application with the same conditions the Land Use Board had imposed. He commented that for the Board to deny the residents the right for potential wind turbines on the whim that an oil and gas company *may* drill a well somewhere is not proper. Mr. Stone withdrew his second of the motion put forth by Mr. King and Mr. King in turn withdrew his motion.

Mr. Beams stated that they have demonstrated that both wind and oil and gas production can be in the same forty acres and asked why that was unacceptable to the Board. Mr. King responded that it was up to Prairie Minerals and Nereo to decide.

Mr. Kimble asked Ms. Jessen if they are agreeable to the proposed resolution with the exception of #11 in Section III: Conditions, and Ms. Jessen said that they would support what the Land Use Board suggested as a condition for approval; they would just like a little more power. Mr. Kimble said that the issue seems to be mainly with #11, so if Nereo and Prairie Minerals and Cascade cannot come to an agreement, they may need to discuss things again.

Mr. King made a motion to adopt a resolution granting approval of the Use by Special Review and Development Permit #14-02 for the Nereo GC Lincoln, LLC Wind Energy Generation Facility and Related Facilities in Lincoln County, Colorado. Mr. Stone seconded the motion, which carried unanimously.

RESOLUTION NO. 897

LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION GRANTING APPROVAL OF THE USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT NO. #14-02 FOR THE NEREO GC LINCOLN LLC WIND ENERGY GENERATION FACILITY AND RELATED FACILITIES IN LINCOLN COUNTY, COLORADO.

WHEREAS, Nereo GC Lincoln LLC (“Nereo”) has applied for the approval of a Use By Special Review and Development Permit (“Project Approvals”) for the construction and installation of a Wind Energy Generation Facility, to consist of up to approximately 300 MW and consisting of up to 175 wind turbine generators, together with pad mount transformers, buried and overhead cable, substations, private gravel roads, meteorological towers, operations and maintenance facilities, related equipment and structures, rights-of-way, temporary batch plant, and other ancillary facilities and uses (the “Wind Energy Generation Facility”) in accordance with the Lincoln County Application for Use By Special Review Permit submitted by Nereo, dated June 24, 2014 (the “Application”). The property subject to the Project Approvals is described in the attached Exhibit A (the “Property”).

WHEREAS, the Property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Nereo has obtained the consent of the owners of the Property to the Application and the Project Approvals in the form of leases and/or easement agreements which authorize Nereo to construct the Wind Energy Generation Facility and to obtain the Project Approvals; and

WHEREAS, following public notice as required by Section 3-110 of the Lincoln County Zoning Resolution, the Lincoln County Land Use Board held a public hearing on September 25, 2014 and November 20, 2014 at which hearing the Land Use Board approved the Use by Special review and Development Permit following the Land Use Board's review of the Application, a presentation by Staff, a presentation by Applicant, testimony from the public, including the testimony of interested public agencies, and such other information as was brought before the Land Use Board at such hearing; and

WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the decision of the Land Use Board; and

WHEREAS, at a meeting of the Lincoln County Board of County Commissioners held on December 8, 2014 the Lincoln County Board of County Commissioners considered the application, the staff report prepared with regard to the Application, the decision of the Land Use Board, the record of proceedings presented to the County staff and the Land Use Board, and such other information that was brought before the Board of County Commissioners at such meeting.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO:

I. APPROVAL:

The application of Nereo for a Use by Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, repair, maintain, and operate the Wind Energy Generation Facility, shall remain valid for a period of 50 years, or until such time as Nereo, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

1. That proper notice has been provided as required by law for the public hearing before the Board.
2. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all

pertinent facts, matters and issues were submitted and considered by the Board.

3. That the Wind Energy Generation Facility, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
4. That the Wind Energy Generation Facility is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
5. That the Wind Energy Generation Facility will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Wind Energy Generation Facility has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
6. That the Wind Energy Generation Facility will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
7. That the Wind Energy Generation Facility will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities, bridges and septic systems to be developed in connection with the Wind Energy Generation Facility will comply with County standards.
8. The operating characteristics of the Wind Energy Generation Facility shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
9. That an adequate water supply is available to provide water to the Wind Energy Generation Facility either through a public water supply system or wells adequate in quality and quantity to serve the development and approved by the State Engineer. The water supply will comply with all applicable requirements of the Colorado Water Quality Control Division and the State Engineer.
10. That the Wind Energy Generation Facility will not cause significant deterioration of surface or groundwater resources. The Wind Energy Generation Facility has been designed and will be constructed to:
 - a. Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water

- b. Comply with applicable water quality standards
 - c. Control levels of point and nonpoint source pollution
 - d. Prevent any changes in seasonal flow rates and temperature for affected streams
 - e. Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces
 - f. Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs
11. That the Wind Energy Generation Facility will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Wind Energy Generation Facility is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Wind Energy Generation Facility will not:
- a. Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands
 - b. Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas
 - c. Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species
12. That the Wind Energy Generation Facility will not cause significant deterioration of grasslands or farmland.
13. That the Wind Energy Generation Facility will preserve the integrity of existing and natural drainage patterns. Where required by County standards, a stormwater retention system shall be provided to retain stormwater runoff in excess of historic flows and shall be designed for a 100-year flood.
14. That to the extent necessary, the Wind Energy Generation Facility will be served by an adequate wastewater treatment system that meets all applicable County, state and federal standards.

III. CONDITIONS:

- 1. All trucks delivering materials to the Wind Energy Generation Facility shall use State highways as their primary access to the Nereo project to the greatest extent possible.

2. Trucks that use Lincoln County roads to deliver construction materials to the Wind Energy Generation Facility will use routes approved by the Lincoln County Road and Bridge Foreman. Legal load limits will be strictly observed.
3. Upon completion of the Wind Energy Generation facility all “improved county roads” will be returned to the roadway widths in existence prior to commencement of construction as designated by the Lincoln County Road and Bridge Foreman. All “improved county roads” that have been horizontally re-aligned will be returned to their original alignment unless the adjacent landowners and Lincoln County accept the re-alignment: acceptance to be in writing.
4. Nereo and contractors agree to maintain any Lincoln County Road utilized by haul vehicles to deliver construction materials to the various work locations. This maintenance to include any dust abatement required.
5. Where Wind Energy Generation Facility traffic uses Lincoln County Bridges the owner or contractor, as applicable, will be held responsible for any damages done to the bridges as a result of such use.
6. All vehicles (excluding emergency vehicles) accessing the project must observe Lincoln County road speed limits
7. All construction debris (including concrete truck clean out) and trash cannot be buried nor burned on site but must be disposed of at a properly permitted landfill on a regular basis. Suitable containers/dumpsters shall be utilized to prevent the debris from becoming wind-blown.
8. All reclamation materials including native seed mixtures, mulch and erosion control materials shall be certified as weed free.
9. Prior to obtaining any building permits there shall be in place a fully executed roadway agreement between Lincoln County and Nereo.
10. Prior to commencement of the operation and maintenance facility for the Wind Energy Generation Facility, applicant shall provide the County with a copy of the well permit issued by the State Engineer for such facility.
11. The applicant shall, to the extent required by applicable Colorado law, reasonably accommodate access to and development of subsurface mineral interests with respect to their proposed use of the property for wind farm facilities. In this regard, the applicant shall, as a condition of approval and prior to final siting of any wind farm facilities and the construction or installation of any wind farm facility, provide evidence that it has entered into, or made good faith and commercially reasonable efforts to enter into, surface use agreements or other compatible development agreements with

any mineral estate owners which have filed timely objections to the land use applications pursuant to Colorado statutes.

12. Nereo shall have a period of one (1) year after the date of issuance of the Lincoln County Development Permit #14-02 for implementation of the applicant's use of the Property for a Wind Energy Generation Facility. In the event the applicant requests any extension of the one-year period for commencement of construction of the applicant's use of the Property for a Wind Energy Generation Facility, as set forth in Section 1-210 of the Lincoln County Zoning Resolution (Rev. / Final 4/18/02), no such extension shall extend longer than two (2) years after the date of issuance of Lincoln County Development Permit #14-02.
13. Prior to the issuance of any building or construction permits, the Applicant and the Board of Lincoln County Commissioners shall enter into a written agreement which includes resolution of the fees to be paid by the Applicant relative to a combined permitting and sales and use tax assessment. The County agrees, however, that in no event shall the permitting fees/use or sales tax to be paid by the Applicant be assessed at a rate higher than similar projects previously approved by the Board of County Commissioners.

BE IT THEREFORE RESOLVED, that a Use by Special Review and Development Permit is granted to Nereo to construct a Wind Energy Generation Facility in accordance with the terms of the Application, subject to the conditions 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.

Done the 8th day of December, 2014.

Lincoln County Board Of County Commissioners
Lincoln County, Colorado

I, Corinne M. Lengel, Clerk to the Board of County Commissioners in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the Board of County Commissioners of the County of Lincoln and State of Colorado, in regular session on the 8th day of December, 2014.

Clerk to the Board

Exhibit A

Legal Description of Property Described in Application

Township 6 South, Range 52 West of the 6th P.M., County of Lincoln, Colorado.

Section 13: All

Section 14: E ½

Section 20: SW ¼

Section 22: All minus a portion described as follows:

- Beginning at the Section Corner common to Sections 15, 16, 21 and 22, Township 6 South, Range 52 West of the 6th P. M.;
- Thence South 00°37'42" East, a distance of 1338.76 feet;
- Thence South 89°40'55" East, a distance of 4009.51 feet;
- Thence South 37°01'05" East, a distance of 1838.39 feet;
- Thence South 59°59'40" East, a distance of 303.54 feet;
- Thence North 83°06'52" East, a distance of 2657.22 feet;
- Thence North 00°10'47" East, a distance of 2651.87 feet;
- Thence North 89°53'04" West, a distance of 2752.20 feet to the Section Corner common to Sections 14, 15, 22 and 23, Township 6 South, Range 52 West of the 6th P. M.;
- Thence North 89°57'00" West, along the Section Line common to Sections 15 and 22, a distance of 5288.00 feet to the point of beginning.

Section 23: E ½, SW ¼

Section 24: S ½

Section 25: ALL

Section 26: ALL

Section 27: E ½ of the E ½, W ½ of E ½, E ½ of W ½, W ½ of W ½,

Section 28: SW 1/4, W ½ of SE ¼, E ½ of SE ¼

Section 29: SE ¼

Section 32: W ½, E ½

Section 33: An area on the SE corner, as included in the description of Section 4, Township 7 South, Range 52 West.

Section 34: NW ¼ less a 500' X 500' track in the SW corner of the NW ¼, W ½ of NE ¼

Section 35: SW ¼, NW ¼ and E ½

Township 7 South, Range 52 West of the 6th P.M., County of Lincoln, Colorado.

Section 3: W ½

Section 4: SW¼, W½ of SE¼ and part of the N ½ described as follows: All that part of the South Half (S ½) of Section Thirty Three (33), Township Six (6) South, Range Fifty Tow (52) West of the 6th P.M., and the North Half (N ½) of Section Four (4), Township Seven (7) South, Range Fifty Two (52) West of the 6th P.M., lying South of the existing fence described as follows:

- Beginning at a point on the East line of said Section Thirty Three (33), said point being 1558.52 feet more or less North of the Southeast Corner of said Section Thirty Three (33);
- Thence S 88° 14' 32", a distance of 1915.28 feet;
- Thence S 53° 22' 41"W, a distance of 1813.17 feet;

- Thence S 9° 27' 14"W, a distance of 1621.00 feet;
- Thence S 01° 47' 40"W, a distance of 542.08 feet;
- Thence S 30° 24' 00"W, a distance of 423.76 feet;

Thence S 39° 54' 58"W, a distance of 813.70 feet more or less to a point on the South line of the North Half of said Section Four (4), All in Lincoln County, Colorado. Section 5: W ½ of SW ¼, N½ of E½ of SW¼, N½ of W½ of SE ¼

Section 7: SE ¼

Section 8: S ½

Section 9: W½ and NW ¼ except for 10 acres on the NE ¼ of the NE ¼

Section 10: All except for W ½ of the SW ¼ of the SW ¼

Section 15: ALL

Section 17: E ½, W ½

Section 18: N ½

Section 19: ALL

Section 20: S ½, N ½

Section 21: S ½, NE ¼, NW ¼

Section 22: N ½, S ½

Section 23: NE ¼, NW ¼

Section 26: SW ¼

Section 27: SE ¼, NE ¼

Section 28: ALL

Section 29: ALL

Section 30: NE ¼

Section 31: NE ¼

Section 33: N ½

Section 34: NW ¼, W ½ of NE ¼, E ½ of the NE ¼. S ½

Section 35: NW ¼, SW ¼

Township 7 South, Range 53 West of the 6th P.M., County of Lincoln, Colorado.

Section 13: N ½ of S ½ and S ½ of N ½ (consisting of 320 acres)

Section 22: N ½, S ½

Section 25: SE ¼

Section 27: N ½, S ½ except for S ½ of SE ¼

Section 33: ALL

Section 34: NW ¼ and SW ¼

Section 35: NW ¼, S ½ and NE ¼

Township 8 South, Range 52 West of the 6th P.M., County of Lincoln, Colorado.

Section 1: ALL

Section 2: NE ¼, NW ¼, S 1/2

Section 3: ALL

Section 11: N ½

Section 12: ALL

Township 8 South, Range 53 West of the 6th P.M., County of Lincoln, Colorado.

Section 2: E ½, and W ½

Section 3: ALL

Section 4: ALL

Section 11: ALL

Section 13: N ½

Section 14: NE ¼, less SE ¼ of said NE ¼

Section 24: NW ¼

Mr. Kimble had nothing further to report and Ms. Devers asked the Board if they would like to call Greg Connor and discuss the issue with Spectrum General Contractors and the roundhouse. The Board agreed and Ms. Devers made the call, asking Mr. Connor to call back when he had a conference call set up.

Greg Connor with Heritage Window Restoration and Tom Sella with Spectrum General Contractors called in to discuss the roundhouse door and window project. When they were told that 80% of the work needs to be performed by Spectrum, according to the contract, the question was asked if that includes assembly of the materials. Ms. Devers said that purchasing supplies is not considered part of the required work and Mr. Connor asked if Heritage performing any of the work is out of the question. Ms. Devers affirmed that was the case and Mr. Connor said that 98% of the existing windows need to be replaced. Mr. Sella said they do not want to misunderstand the arrangement and Ms. Devers responded that subcontractors are not to take up more than twenty percent of the budget. Mr. Sella said he would put together a letter outlining the issues and resolutions as discussed and would send it to Ms. Devers. They can then all discuss it to make sure things are moving forward as they should be.

At 4:00 p.m., County Treasurer Jim Covington returned to ask what he should do with Possessory Interest, as he came across two that were not paid. He has sent certified letters in the past and has threatened with small claims court unless paid by a certain date and time. Mr. Lyons suggested doing what has been done in the past, and Mr. King asked Mr. Covington to find out much they were actually talking about and they would decide if it was worth pursuing.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on December 19, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman