

Board of County Commissioners of Lincoln County
Agenda for March 31, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Chris Monks, County Shop Foreman and District 1 Road Foreman, to present sealed bids for opening with regard to a publicized county surplus property sale

10:00 Robert Kraxberger, Assistance Payments Supervisor, to present the Department of Human Services monthly report

11:00 Scott Zeimetz, with Trade Wind Energy, to discuss solar farms

1. Approve the minutes from the March 30, 2017, meeting
2. Update on vacancy in the Lincoln County Land Use Office
3. Discussion concerning pets in county office buildings and vehicles
4. Discuss establishing county email accounts for the Board of County Commissioners
5. Review a request to sell county-owned property in Block 3, Week's Subdivision, West Limon Addition to the Town of Limon, Colorado
6. Discuss proposed Colorado House of Representatives Bill 17-1275 and other landfill related issues
7. Review and act upon proposed Resolution #942, a request for the renewal of the ambulance service license for the Community Ambulance Service, Incorporated, located in Arriba, Flagler and Seibert, Colorado
8. Discuss payment options for various Road and Bridge equipment purchases
9. County Commissioner reports
10. County Attorney's report
11. County Administrator's report
12. Old business
13. New business
14. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 31, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schifferns and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, Clerk to the Board Corinne M. Lengel, and Will Bublitz with the Limon Leader and Eastern Colorado Plainsman, until 1:00 p.m.

Chairman Stone called the meeting to order and asked Mr. Burgess to lead the Pledge of Allegiance.

County Shop and District 1 Road Foreman Chris Monks then opened sealed bids received for the sale of county surplus property. Mr. Schifferns made a motion to accept the following bids for surplus county property: 1980 Ford F-800 Dump Truck - \$661 from Justin Jackson; 1986 Dodge D-250 - \$800 from Carl Anderson; 1990 F-250 - \$700 from Carl Anderson; 2001 Dodge 1500 - \$903 from Bert Clay; 2003 Dodge van - \$650 from Carl Anderson; 2011 Dodge Charger - \$4,127 from Robert Reece; 2011 Chevy Silverado - \$7,202.20 from Alan Carr; 10' tandem disk - \$225 from Todd Messer; 7' harrow - \$110 from Todd Messer; 12' harrow - \$125 from Todd Messer; gas Dynamic stove - \$310 from Mark Herman; large road drag - \$112 from Rhonda Covington; small road drag - \$50 from Rhonda Covington; three aluminum pans - \$69.69 from Lloyd Grauberger. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Schifferns asked for a correction to the March 30, 2017, minutes to clarify that a county resident wanted to move a portion of his fence closer to the county road. Mr. Burgess made a motion to approve the minutes, as corrected. Mr. Schifferns seconded the motion, which carried unanimously.

John DeWitt arrived for the meeting, and Mr. Ensign said that there was a miscommunication with the newspaper the previous week but that the Land Use Administrator position advertisement did appear in both local papers this week. Although he has not received any applications yet, he has had a couple of phone inquiries. The application deadline is April 10. Mr. Schifferns thanked Mr. DeWitt for being willing to fill in during the interim, and the others echoed his sentiments. The Board will review applications at their meeting on April 20 and determine who to interview at that time.

Mr. Kimble asked Mr. DeWitt if he would be available to meet with the Xcel group on Friday, April 7, and Mr. DeWitt said he would. Mr. Kimble referenced the draft Development and Construction Agreement, stating it is very similar to the agreement with NextEra, with one major difference: Xcel has agreed to pay the full two percent county use tax. Mr. DeWitt said he wasn't sure how this agreement would work since there is only one developer, as he was under the impression that transmission lines are not subject to use tax, as they weren't in the past. Mr. Burgess wanted to know if the company would pay the full amount up front, as NextEra did, since they do not plan to actually begin tower construction until 2018. He stated it was his understanding that they will only put in roads and complete the concrete bases for the towers this year. Mr. DeWitt responded that since the project spans four counties, they are still in the process of determining where the turbines will go, adding that they have changed them twice already. If they haven't determined the set locations, it may be difficult for them to pay

the full amount up front. Mr. Kimble commented that the agreement he drafted states that the company will not be allowed to obtain a permit until the sales/use tax has been paid. He added that if the Board agrees with the proposed agreement, he will send it to Xcel so they can have ample time to review it before next Friday, and there were no objections.

At 10:00 a.m., Human Services Director Patricia Phillips and Income Assistants Payments Supervisor Robert Kraxberger met with the Board to give the monthly report for the department. Ms. Phillips said she hadn't planned on being at the meeting, as she was going to another meeting, but had changed her mind due to the weather. The Board reviewed the financial reports and timesheets for the month of February, as well as the Income Maintenance, Child Welfare, and director's monthly reports. They had no questions for Ms. Phillips or Mr. Kraxberger, so the two left.

In regard to pets in the courthouse and county vehicles, Mr. Ensign said that he and Ms. Lengel had both done some research and found no resolutions pertaining to the matter. He did find a letter sent to Human Services Director Colette Barksdale in 2011. He had asked Mr. Kimble if the letter would constitute as county policy or if the Board would still need to adopt a resolution. Mr. Kimble stated a resolution would be in order and he will put one together.

The group discussed establishing county email accounts for the board of county commissioners and agreed on addresses. Mr. Ensign said they could stop by ESRTA to have them help set up the new email accounts on their personal devices at no charge, if they were so inclined.

The Board reviewed a request from Craig Anderson with NAI Highland, LLC, to sell county-owned property in Block 3, Week's Subdivision, West Limon Addition to the town of Limon, for the purposes of building a church. Mr. Ensign said although there is nothing in the Warranty Deed that restricts the usage of the property, it was Carla Weeks' wish when she donated the property to the county that it be used for medical purposes. Mr. Ensign did speak with hospital administration and was told that they, too, would prefer the county not sell the property in the event they expand the clinic at some point.

Mr. Burgess made a motion to deny the sale of county-owned property in Block 3, Week's Subdivision, West Limon Addition to the town of Limon. Mr. Schifferns seconded the motion, which carried unanimously.

After reviewing a request for the renewal of the ambulance service license for the Community Ambulance Service, Incorporated, located in Arriba, Flagler, and Seibert, Mr. Burgess made a motion to adopt a resolution renewing the annual ambulance license. Mr. Schifferns 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 March 31, 2017, there were present:

Douglas D. Stone, Chairman

Present

Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Gary Ensign, County Administrator	Present

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

RESOLUTION #942 It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

WHEREAS, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

WHEREAS, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

WHEREAS, Community Ambulance Service, with ambulances based in Flagler and Seibert in Kit Carson County and Arriba in Lincoln County, has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic life support vehicles; and

WHEREAS, upon review, the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Community Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Schifferns, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

At 11:00 a.m., Scott Zeimetz and Brice Barton with Tradewind Energy met with the Board to discuss solar energy farms. Interim Land Use Administrator John DeWitt, and members of the Land Use Board Chris Monks, Mark James, Paul Martin, John Higgins, and Mike McCormick also attended the discussion. Mr. Zeimetz and Mr. Barton provided a PowerPoint presentation regarding solar farms, stating that they also work with wind energy. They look for the best wind and solar sites across the country and work with the jurisdictions they permit through. They had intended to begin research into Lincoln County until they learned there is a temporary moratorium in place. The company has been active in Colorado for over ten years, and they currently have several projects going.

Mr. DeWitt asked if they lease or purchase land for a solar farm and was told that the company typically leases from landowners, although they have been known to purchase land as well. Their hope is to tie into the Xcel transmission lines once the new wind project goes in. Mr. Kimble asked if their tie-ins are above or below ground and was told they are underground to the main substation and then they are above ground. Mr. DeWitt asked what the life expectancy of a solar farm is, and Mr. Zeimetz told him they are modeling thirty-five years, adding that they have a much longer life expectancy and are much less costly to maintain than a wind farm. He added that the reason for bringing solar to Colorado is that the price was \$.74 per watt in 2013. It has dropped even more since that time.

Mr. Kimble asked what the difference between PV and CPV is and was told that PV is photovoltaic and CPV is concentrated photovoltaic, which was more economical ten years ago. Mr. Zeimetz said that he wasn't sure they would ever go back to concentrated photovoltaic as it is no longer necessary. Mr. Kimble told him that Lincoln County is basically zoned agriculturally and any potential solar development would go through Special Use by Review.

Mr. Burgess asked about setbacks and Mr. Zeimetz said that 100' from the property line is the most they have seen. As for noise, the inverter hums about like a refrigerator, but since it is generally in the middle of the panels, it is usually a minor concern. They put up a six foot chain link fence around the facility to protect what is inside. Typically, the biggest concern of neighbors has been appearance, but they do have to conduct various studies, such as glint-glare, proximity to airports or military bases, and environmental studies. The whole purpose of the panels (or wafers) is to absorb solar energy, not reflect it, and Mr. Zeimetz said that all of those concerns are addressed during the permitting process. He added that transmission capacity is one of their limiting factors; the closer to population they get, the more transmission capacity is required. They are currently looking at an area east of State Road 71 and west of Highway 40/287 on the eastern edge of Rush Creek I. Mr. Burgess commented that the area they are looking at is very sparsely populated, which would help with setbacks.

Mr. Burgess asked how many acres they typically need and was told that the company tries to hit 100 megawatts as their minimum cost, but it depends on the markets. Of course, construction costs are a big driver but they average 1,400 to 1,500 acres. Mr. Kimble asked what the smallest possible acreage would be and was told that anything less than 150 acres is not economical for them. Mr. Kimble also asked if they ever increase the setbacks if there is a

noise or glare issue, and Mr. Barton responded that they have looked at thirty feet from the public right-of-way, adding that they use the legal right-of-way, not where farmers tend to farm to.

Mr. Higgins asked what the temperature increase would be and was told that it really depends on the final design, as well as other factors. Mr. Higgins went on to say that he wouldn't want to be detrimental to the project but would also want to be mindful of his neighbor, and he wouldn't want to harm neighboring crops in any way. Mr. Kimble asked if Tradewind Energy does crop damage studies as part of their initial planning. Mr. Zeimetz said they could look into it, although he didn't think it was something that had ever been researched. He added that the noise level has always been lower than the ambient level around the inverter, but they would certainly be willing to do further studies.

Mr. Monks asked about erosion control and runoff and was told they adhere to the state when it comes to erosion control regulations. Mr. Barton added that the Storm Water Prevention Pollution Plan dictates that they leave the ground in the condition they first find it in. Mr. Monks asked why Xcel would want to give up their transmission lines if they are going to use them and was told that Xcel has no exclusive rights since it is a public utility.

When asked about land leases and surface owner agreements, Mr. Zeimetz said they want nothing to do with mineral rights. He also said there are no infrastructure improvements needed from the county.

Mr. DeWitt wanted to know about fire mitigation, since grass fires tend to occur in Lincoln County. Mr. Zeimetz said there is sixteen foot of aggregate all the way around the facility, and they work closely with the local fire departments.

Mr. Kimble asked if they pay sales and use tax on the components that come into Colorado but Mr. Zeimetz was unsure. He did say that they normally have a large payment up front and then it is depreciated over the next five years. He gave an estimated annual property tax of \$840,000 on a twenty year average.

Mr. Barton outlined the steps for the group and then asked if it is the county's intention to keep the moratorium in place until regulations are adopted and was told that is the case. He added that a solar project can take years and that there are no guarantees even if they begin one.

Mr. Zeimetz explained that solar is much easier to decommission than wind, as the poles can simply be pulled from the ground. Mr. Kimble asked how intensive their use of county roads is. Conducting a traffic study is part of their normal procedure, but Mr. Zeimetz said the roads are not damaged nearly as much with a solar project as with a wind energy project because the equipment they use isn't as heavy.

Mr. Schifferns wanted to know how well the wafers hold up in a hail storm. Mr. Zeimetz said they hold up very well because if they break, the company has to replace them. Mr. Higgins asked if a solar farm would affect a farmer's GPS system and was told that it would not.

When the group left, the Board discussed proposed Colorado House of Representatives Bill 17-1275, pertaining to "planning for regional waste management facilities as a priority over individual community planning, where technically feasible, to improve cost-effective disposal and diversion options for rural communities." Mr. Stone said he would like to know if legislation passes before they have to dump a bunch of money into the landfill, especially if they will be forced to close it at some point. Mr. Ensign said that the EDOP is expired and the county must have one, and Mr. McMullen indicated it would be cheaper to develop the whole plan than to do it in sections. In order to bring the landfill into compliance under the CDPHE order, the county will have to spend approximately \$50,000, regardless of what happens in legislation. The Board agreed to send a letter to the bill sponsors, and Mr. Ensign also suggested they contact Representatives Kimmi Lewis and Jerry Sonnenberg. Mr. Burgess again asked if they want to stop accepting trash at 2:00 p.m. Mr. Kimble said he had not had a chance to speak with town of Limon Administrator Dave Stone but would do so next Monday. Mr. Ensign also said he would contact the landfill and make sure the employees begin providing time sheets like other departments are required to do.

As for payment options regarding various Road & Bridge equipment purchases, Mr. Burgess said he thought they had settled the matter of the District 2 road graders. He stated he did not want to take the deal offered by District 1 where they would take the 2017 road grader and pay it off. He asked for direction on whether or not the total of both road graders should be paid this year in order to save the interest, or if he should continue to make the annual payments for the next three years, roughly in the amount of \$150,000. Mr. Ensign commented that if they pay the total this year, it will require a supplemental appropriation. Mr. Stone said he would rather that Mr. Burgess pay the annual payments as originally set up, and Mr. Schifferns agreed. Mr. Schifferns made a motion that District 2 continue to make annual payments on the 2016 and 2017 John Deere motor graders for three years. The 2017 payment on the 2016 is \$75,950 and the payment on the 2017 is \$73,859.80. Mr. Burgess seconded the motion, which carried unanimously.

After a brief discussion, Mr. Burgess made a motion to approve the purchase of a 2008 Cimline 110 crack fill machine from CRASCO, LLC, in the amount of \$15,000, to be paid from the District 4 budget. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns reported attending the work session/tour at the county landfill on March 20. There were three individuals from CDPHE, three road foremen, and the county administrator also in attendance. He checked roads on March 22 and attended the Michael Bennett meeting on the farm program on March 28. They discussed the new farm bill, CRP, and crop insurance. He also looked at the proposed Turnpike Troubadour concert site later that afternoon. District 1 has been working on Hwy 63 south of Arriba, and he received a call from a resident on March

29 who told him he was happy with a road. He also received the call from the landowner about moving the fence that day and will look into it with Chris Monks.

Mr. Stone also reported attending the tour/work session at the landfill on March 20. On March 21, he received a call from Chris Monks about the crack fill machine and told him to go ahead and order it. District 3 was crack-sealing west of Karval on March 23 when the new truck broke down again, so CAT was contacted. Mr. Stone said he checked roads west of Karval that day. On March 24, they had rain and snow in the district and Mr. Stone again checked roads. He asked Rick Ashcraft to make sure the oiled roads were plowed. There were also several power poles and lines down, so Mr. Stone spent a couple of hours watching them to make sure people didn't run over the lines. On March 27, he again checked on roads and the progress to restore power in the Karval area. The shop had no electricity but they did have the shop open and were doing what they could. He received a call from Jim Herron with Mountain View Electric Association on March 28. He also checked roads again that day.

Mr. Burgess reported meeting with Ruth McMillan and Doug Blackwelder on March 17 about the property that Ms. McMillan wants to sell. He told them the county would not build a road back into her property. On March 20, he received a call from a resident asking for help plowing out a driveway and farm trail, which they did. He called Mark Bain on March 21 and asked if the district could take gravel from his gravel pit. On the Twenty-second, he and Bruce Walters met with Mr. Bain, who agreed to their price. They discovered a "knock" in their MACK truck on March 23 and Chris Monks hauled it in. They have no idea what is wrong with it but think it may take between \$15,000 and \$30,000 to fix it. On March 27, Mr. Burgess said he obtained more information on the Safranek gravel pit and also talked with Tony Wernsman about Cell 2 at the landfill. He spoke with his road foreman about roads, snow, and other issues, and also took the pictures of the straw and manure dumped in the Big Sandy that he had showed the Board the day before. CDOT is setting up an asphalt plant in Elbert County and he spoke with someone about getting asphalt there. He also took the filter kit back to John Deere. They were having some electrical problems on March 29, so he contacted Jim Shideler, who fixed them. Lastly, he received a call from a resident on March 30 who was upset with the speed of a truck on the county road by his house, as they had hit and killed his dog. Mr. Burgess said they would put up some signs reducing the speed limit there.

Mr. Kimble reported that he is still working with Channel 7, he helped the coroner settle an issue with a body, and he looked at the pictures taken by Commissioner Burgess. He felt that the county's nuisance ordinance may apply but felt they would be better off notifying Water Quality Control. He suggested sending the offender a letter and will put something together once he finds out for sure if the property in question is in the county or the city limits of Limon.

Mr. Ensign had nothing to report and there was no old business to discuss. As for new business, Mr. Stone said he'd been contacted by Sheriff Nestor who told him that they'd had to transport a prisoner to Denver for surgery. He just wanted the Board to be aware of the fact when the expenses came in.

The commissioners approved additional expense vouchers for the month of March and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on April 7, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman