

Board of County Commissioners of Lincoln County
Agenda for June 30, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Jeremiah Higgins, Lincoln County Assessor, to present preliminary assessment values

10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report

11:00 Trey James, Lincoln County Land Use Administrator, to further discuss the proposed transmission line regulations and the proposed solar power plant regulations

1. Approve the minutes from the June 29, 2017, meeting
2. Review a letter from the Colorado Commission on Higher Education regarding the 2016-2017 Colorado Opportunity Scholarship Initiative Matching Student Scholarship grant
3. Review and act upon a letter to the Colorado Department of Public Health and Environment regarding a request for extension of certain compliance requirements of the Compliance Order on Consent with regard to the county landfill
4. Review and act upon a request for a Lincoln County credit card for the Lincoln County Bookmobile Supervisory Librarian
5. County Commissioner reports
6. County Attorney's report
7. County Administrator's report
8. Old business
9. New business
10. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 30, 2017. The following attended: Chairman Doug Stone, Commissioner Ed Schifferns, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Steve Burgess was absent and excused, and Will Bublitz with the Limon Leader and Eastern Colorado Plainsman joined the meeting at 10:30 a.m.

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

County Assessor Jeremiah Higgins met with the Board to present the preliminary assessment values for 2017. He stated there were eight protests this year; four that were adjusted and four that were denied. His guess was that there would be no appeals for the Board of Adjustment this year, but there is still time, as the information doesn't need to be to Mr. Ensign until July 15. Mr. Higgins added that overall, the valuation is only down about four percent, but the assessment rate change will definitely affect taxes. Mr. Ensign asked if wind farms are state assessed, and Mr. Higgins responded that they are, just as solar farms should be. He added that the difference with the solar farms currently being discussed is that those companies have purchased the land. If a company leases the land instead, the landowner would be charged at the commercial rate. There is still grazing and farming allowed around the wind towers, but Mr. Higgins said that probably wouldn't be the case with solar farms, which would constitute the difference.

James Russell stopped in to listen to the proposed transmission line and solar power plant regulations and was informed the discussion wouldn't take place until 11:00 a.m. He wanted to know if the commissioners had any questions for him, which they did not. He asked if they value wind energy as a resource in Lincoln County, and Mr. Schifferns told him that financially it is an asset; however, many residents would disagree based on the visual aesthetics of the towers. Mr. Russell encouraged the Board to consider investing in the system by using some of the use tax to possibly develop transmission lines with KC Electric or another electricity coop. Since there are no regulations regarding the disposal and recycling of the blades, he felt the county should be on the forefront, conceivably helping to define such regulations. Mr. Kimble asked if he was saying the county should assume the responsibility, and Mr. Schifferns commented that they would have to have a contract to sell the power. Mr. Ensign informed Mr. Russell that local coops are not energy producers, just energy consumers. Mr. Russell asked the commissioners to think about what he had said and he would return for the discussion at 11:00 a.m.

Mr. Schifferns made a motion to approve the minutes from the meeting held on June 29, 2017, as submitted. Mr. Stone seconded the motion, which carried.

The Board reviewed a letter from the Colorado Commission on Higher Education regarding the 2016-2017 Colorado Opportunity Scholarship Initiative Matching Student Scholarship grant award in the amount of \$97,802.00, on behalf of Kit Carson, Lincoln, Morgan, Washington, and Yuma counties.

The Board also reviewed a letter to the Colorado Department of Public Health and Environment regarding a request for extension of certain compliance requirements of the Compliance Order on Consent for the county landfill. Mr. Schifferns made a motion to sign the letter, and Mr. Stone seconded the motion, which carried.

Mr. Schifferns made a motion to approve a county credit card with a limit of \$500 for Bookmobile Supervisory Librarian Katie Zipperer. Mr. Stone seconded the motion, which carried.

Mr. Schifferns reported that District 1 put in new culverts on County Road 2W the week of June 20; they closed the road on Tuesday and Thursday. He attended Judge Fisher's 30th anniversary reception on June 22, and checked roads on June 26. The road crew is also chip-sealing County Road 109 and did some for the town of Hugo as well.

Mr. Stone reported that he also attended Judge Fisher's reception. On June 26, District 3 chip-sealed six miles of road. They finished on the Twenty-seventh. Mr. Stone checked roads last evening after the district received quite a bit of rain.

Mr. Kimble reported that he'd been working on the solar and transmission regulations, converting them to the format that would fit the county zoning ordinance. He also forwarded pictures of the Patel property, sent to him by Land Use Administrator Trey James, to the Logan County attorney for some assistance. Mr. Ensign asked if he'd heard anything further regarding Mauna Towers, but Mr. Kimble had not. He stated that he didn't really want to go to the quiet title expense but felt that something should be recorded. Mr. Ensign said the tower is probably worth \$15,000, so the expense of a quiet title shouldn't be too bad in comparison.

Mr. Stone said he'd received a phone call from Jeff Thornton, who feels that 300' to 500' is more than adequate for setbacks in the solar farm regulations. He also had a call from John Higgins who felt the commissioners should follow the Land Use Board's recommendation and require that setbacks be 1,500 feet.

Mr. Kimble commented that with transmission lines, once a company obtains PUC approval, they wouldn't have to work with the county anymore. However, Xcel Energy has stated that they *want* to work with the county, so imposing regulations that are too strict may cause them to change their minds. Mr. Stone responded that Mr. Higgins' thought was that larger setbacks in regard to solar farms would protect the smaller, 40-acre farmers better.

At 10:00 a.m., Human Services Director Patricia Phillips met with the Board to give her monthly report. The Board reviewed financial reports and employee time sheets for the month of May, as well as the Income Maintenance, Child Welfare, and Director's monthly reports. Ms. Phillips said the FY-end closeout projection shows that they are overspent in Child Welfare, Admin, and Medicaid, which is generally the case. They do have a lot of money in TANF reserves that can be used to offset some of those expenses. The allocations have been lowered for next year in

almost every category, and Ms. Phillips said she would have to adjust her 2018 budget accordingly.

Ms. Phillips also wanted the Board to know that one of her interns had a tire blow out on the blue van during a trip back from the city. They will have the county shop do a thorough check on the tires and get new ones if necessary. She said the blowout was most likely a combination of factors but they learned to pay closer attention to the tires on their vehicles. She also told the interns not to take the vans if they are transporting kids further than Limon. Ms. Phillips said she plans to trade the vans off next year.

While waiting for the 11:00 appointment, the commissioners approved additional expense vouchers for the month of June, and Mr. Ensign gave his report. Lincoln Community Hospital Administrator Kevin Stansbury invited the commissioners to a thank-you reception at the hospital later in the day, where Senator Jerry Sonnenberg and Representative Kimmi Lewis would be in attendance. He also reminded the Board that the meeting scheduled for July 7 was changed to July 10. There was no old or new business to discuss.

At 11:00 a.m., Land Use Administrator Trey James met with the Board to further discuss the proposed transmission line and solar power plant regulations. Jeff Thornton attended the discussion on behalf of Farm Bureau, and James Russell had returned as well.

Mr. Kimble said he noticed three things while putting the new transmission line regulations into the zoning ordinance format: Page 4, regarding setback distance; Page 6 regarding the Road Use Agreement pertaining to only the commissioner and road foreman of the district (he felt it should be all county commissioners); and Page 7 regarding withholding a permit until the Board is satisfied that both parties have used good faith efforts to assure that minerals are capable of being produced.

Mr. James asked the commissioners if they had any changes since the last meeting. Mr. Schiffers stated that Mr. Burgess had felt they needed to change the setback distance on Page 5 from 200' to 500'.

As for the proposed solar power plant regulations, Mr. James felt that setbacks from any occupied structure should be negotiable, but that they needed to pick a starting point. Mr. Stone agreed that he liked having the setbacks negotiable.

Mr. Thornton said they feel that there should be a setback limit of 300' to 500' but would prefer no more than 500', like oil and gas.

Mr. Russell asked if any applications for solar energy wind farms have been received, and Mr. Kimble told him that there is currently a moratorium in place, which is why they are working so diligently on the regulations. Mr. James said a couple of solar energy companies have talked to him.

Mr. Stone asked if the Land Use Board would accept 500' setbacks, and Mr. James said he felt they were okay with it as long as the landowner had the right to negotiate. Mr. Kimble said that if the Board chooses a number now, for the purposes of finishing up the resolution, they can always change it during the hearing if members of the public present good reason for them to do so.

Mr. Stone said they should start with 500' and go from there, and Mr. Schiffers agreed. Mr. James will correct the resolutions to include the suggestions made, and will send them to Mr. Ensign and Mr. Kimble for review prior to the next meeting.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on July 10, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman