

Board of County Commissioners of Lincoln County
Agenda for April 20, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Charlie Kendrick, Limon Rotary Club President, to discuss an application for a Malt, Vinous and Spirituous Liquor License for two events at 1255 Dairy Lane, Limon, Colorado, and to request a waiver of the county fees for these events

10:00 Sue Kelly, Public Health Director, to further discuss matters relating to a pending vacancy in the Public Health Director's position

11:00 Richard Johnson, Public Health Emergency Preparedness and Response Coordinator, to present an update on the Health Care Coalition

1. Approve the minutes from the April 6, 2017, meeting
2. Review the March, 2017, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
3. Review the March, 2017, report from the County Clerk & Recorder
4. Review the March, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. Discuss the current vacancy in the Land Use Administrator's position
6. Review and act upon proposed Resolution Number 943; A Resolution To Prohibit The Keeping Of Animals, Dogs, And Pets In The County Workplace, Buildings, And In And On County Facilities Except As Provided Herein
7. Review and act upon Contract Amendment #1 for Energy Impact Assistance Fund Grant #8037; Lincoln County Fairgrounds Sanitary Sewer Improvements
8. Review and act a request from the Lincoln County Tourism Board for approval of two additional contracts for the Colorado Prairie Music Festival
9. Review and act upon a request from the Lincoln County Tourism Board for assistance in road dust control for the Colorado Prairie Music Festival
10. Review and act upon a renewal request for a 3.2 Fermented Malt Beverage License for P.J.'s General Store, 1250 CR S, Rush, Colorado
11. Review and act upon an application for charging at the Lincoln County Landfill for Larry Monks, 47016 CR 26, Limon, Colorado
12. Review a recommendation from the Lincoln County E-911 Authority Board regarding the purchase of a new V-Viper System for the County Communications Center
13. Review initial cost estimates from GMS, Incorporated, Consulting Engineers, regarding proposed storm water drainage and parking lot improvements at the Lincoln County Services Complex
14. County Commissioner reports
15. County Attorney's report
16. County Administrator's report
17. Old business
18. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 20, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers 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.

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

Limon Rotary Club President Charlie Kendrick had submitted an Application for a Special Events Permit on April 14 for the two events at 1255 Dairy Lane in Limon on June 30 and July 1. He asked that the county waive the associated fees since the events (the Colorado Prairie Music Festival) are fundraisers to help pay for the veterans memorial in Pershing Cemetery. Mr. Burgess wanted to know if the concert on Friday night, sponsored by the Lincoln County Tourism Board, would also benefit the memorial. Mr. Kendrick said they hadn't made that decision yet, but the Rotary would supply the alcohol for that event if the county approves the permit application. Although the application is for malt, vinous and spirituous liquor, Mr. Kendrick said they will only sell beer and wine coolers and will have no hard alcohol. Mr. Burgess commented that he has a group who will donate the \$200 fee if the commissioners choose not to waive it, and Mr. Ensign asked if someone will purchase the liquor liability insurance for the event sponsored by Tourism. Mr. Kendrick said that Tim Anderson had planned to obtain a policy, but Mr. Ensign said that the organization cannot act on their own since they are already under the county's insurance policy and they do not have liquor liability coverage. Mr. Kendrick said the Rotary could provide their policy and will send it to Mr. Ensign. Mr. Schiffers asked how much the memorial will cost, and Mr. Kendrick said they are looking at somewhere between \$250,000 and \$300,000 if they don't extend the memorial further into the cemetery. If they do, it will be closer to \$800,000. He added that he intends to make application to the Veterans Administration.

Mr. Schiffers made a motion to waive the \$100 per event county special event permit fee for the two events to be held at 1255 Dairy Lane in Limon on June 30, 2017, and July 1, 2017. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Kendrick provided a copy of a resolution adopted by the town of Limon regarding bypassing the state and allowing special events permits to be approved on the local level. Ms. Lengel said she had a copy of Prowers County's resolution as well if the commissioners wanted to approve something similar. They agreed to have Mr. Ensign review the two samples and draft something they can adopt at a later meeting. Mr. Kendrick will post the Notice at 1255 Dairy Lane on April 28, 2017, and the hearing was scheduled for 9:00 a.m. on May 8, 2017.

Mr. Kendrick left, and Mr. Schiffers made a motion to approve the minutes from the meeting held on April 6, 2017, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the March 2017 Statements of Revenues and Expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library,

Lodging/Tourism and Road & Bridge funds, as well as for the individual road districts. Also reviewed were the March 2017 report from the Clerk & Recorder, and the March 2017 reports from the Colorado Counties Casualty and Property Pool and County Workers' Compensation Pool.

Mr. Ensign had been informed by the Clerk's office that the Mauna Towers \$5.00 check written in June of 2016 still had not cleared the bank, nor had the deed ever been recorded. He told Mr. Kimble that both the sheriff and OEM director would prefer the county buy the tower back, but only for the amount that it was sold for, or less, which was approximately \$15,000.

There were ten applicants for the Land Use Administrator position, and Mr. Ensign had provided copies of the applications to the commissioners for their review prior to the meeting. The group decided on four applicants to interview, and Mr. Ensign will schedule the interviews for Tuesday, April 25, starting at 9:30 a.m. He said they could begin the meeting at 9:00, which would give the commissioners time to discuss salary and compile a list of questions prior to the first interview.

Interim Land Use Administrator John DeWitt stopped in while Mr. Burgess was asking Mr. Kimble if the solar regulations that he drafted included anything from Alamosa County. Alamosa County actually has 1041 regulations that incorporate their solar energy regulations, but Mr. Kimble said there have been no studies on how crops are affected by the solar farms. Mr. Burgess asked if it would be beneficial to have someone from Alamosa County come and talk with them and the group agreed. Mr. DeWitt added that he'd found a website that listed solar regulations from all across the country, but the document is over nine hundred pages long. He has contacted the Department of Agriculture in various states to ask if crops are affected by solar energy panels and has been told there is no scientific evidence of it. He added that setbacks in one case were only twenty or thirty feet and crops grow right up to the fence. Mr. Burgess commented that one hundred foot setbacks should be more than adequate, and Mr. DeWitt agreed. He stated that a bigger concern for him would be fire separation. Mr. Kimble will contact Alamosa County, and Mr. DeWitt said he has also asked the developers if they would speak with farmers and ask if the land use board members could contact them to discuss any issues they might have.

At 10:00 a.m., Public Health Director Sue Kelly met with the Board to further discuss the director's position when she retires. She provided a sample ad for the newspapers, and after reviewing it, the Board agreed to run it for two weeks to start with. Applications will be due by 4:00 p.m. on May 12. Ms. Kelly will give them to Mr. Ensign who will forward them to the commissioners prior to the May 18 meeting, where they will decide which applicants to interview.

District 1 Road Foreman Chris Monks stopped in to discuss the Road Agreement with Xcel Energy for the Rush Creek II wind tower project. Mr. Kimble said there are a few things that are different about this agreement from what the county has had in the past; such as, fines for varying from the designated routes, the right for the county to change the routes if necessary, a

million dollar security bond, the fact that alternate routes won't be used to avoid the Port of Entry, and that gravel will be screened for rocks no larger than a baseball. Chris said their trucks have already destroyed a mile of County Road 2Z, which is a main artery that sees quite a bit of traffic. District 1 hauled some material for them to fix the road, but Chris told them they would be responsible in the future. He added that if that had already happened on one mile of road, they would really need to watch the other ten or twelve miles of county roads they will be using. Mr. Kimble felt the wording in the contract is fine, and Mr. Burgess added that they would need to be careful of what restrictions they placed on the company since the county does receive state and federal funding for roads. Mr. Kimble said that Chris had explained to them that the county's roads wouldn't hold up under the heavy trucks and felt that periodic, perhaps even weekly, inspections should be done. He added that he will contact John Lupo and let him know that the county is already experiencing problems with road damage and the truck drivers using non-designated routes. He went on to say that they are anxious to obtain their permits this month as they want to finish the project this year. Chris asked who is liable for fixing the road if Xcel does damage to it on a Friday when the road crew doesn't work. He was concerned with resident safety over the weekend if the company doesn't get back to fix the damaged area until Monday. Mr. Kimble said the county would have to fix the road and pass the cost on to Xcel, as it is the county's responsibility to maintain safe roads for its residents.

While Chris was still there, the group discussed the request from the Tourism Board to provide road dust control for the Colorado Prairie Music Festival. Chris said the District 1 water truck would be needed at the fairgrounds for the gymkhana, so Mr. Burgess said he had talked to his crew and District 2 will provide an 8,000 gallon tanker truck and operator. Chris advised that the streets that will be used are in the city limits, not the county, but Mr. Burgess felt the town wouldn't mind. He would like to park the truck at Veris and will get permission to do so.

At 11:00 a.m., Public Health Preparedness and Response Coordinator Richard Johnson met with the Board to present an update on the Health Care Coalition. Public Health Director Sue Kelly attended the discussion as well. Due to a federal mandate, the coalition in Lincoln County will be dissolved as of May 9 and will become part of the Northeast Health Care Coalition. However, EMS has said they will accept the coalition as a subcommittee.

Mr. Johnson is still working on coordinating a CodeRED meeting with the other two counties for the IPAWS upgrade. If all three counties agree to upgrade it will cost \$500; otherwise, it will be \$500 per county.

CDPHE selected Mr. Johnson to attend a workshop in Florida, which he said he was very honored by. He will be gone May 10 through May 12, and his expenses will be 100% reimbursed.

The Board reviewed the recommendation from the E-911 Authority Board regarding the purchase of a new V-Viper System for the County Communications Center. Mr. Johnson asked what his role as OEM is, as he was confused by some issues that happened at the EMS Council meeting the previous Tuesday. He asked if it was up to him to deal with CenturyLink and Wes

Horn regarding the 911 system or if that were someone else's responsibility. Mr. Stone told him that since a job description was never really developed for OEM, they didn't really know what his job duties were. Mr. Johnson said he wasn't sure if he was supposed to review the Scope of Work or other paperwork, or if that were Mr. Ensign's job. The commissioners agreed that Mr. Ensign had enough to do, and Mr. Johnson stated he preferred to do it himself as well but simply wanted clarification. Mr. Stone asked if there were a problem as it appeared Mr. Johnson was referring to something that they were unaware of. Mr. Johnson said the CenturyLink proposal, with several pages marked "confidential" was given to a local company without his knowledge, so when he was asked several questions at the meeting, he didn't have answers and had to contact Wes Horn. He went on to say that 911 has been managed by the sheriff's department and wanted to know if he could contact other counties for a job description.

Mr. Kimble asked if he meant that confidential information provided by CenturyLink was given to a competitor, and Mr. Johnson clarified that Eastern Slope Rural Telephone Association is not a competitor in this instance, as they cannot put in a 911 system. Mr. Ensign spoke up to say that he was the one who had given the copy to the IT department at ESRTA, after it was introduced in a public meeting, because the commissioners had tasked him with finding out more information. Since he doesn't know much about it, he deferred to the phone company's expertise on it. He added that he had no intention of superseding Mr. Johnson's authority, but saw no problem with sharing the document since the phone company is not a competitor and has been very involved in the meetings and conversations.

Mr. Kimble referred to his memo concerning the CenturyLink Scope of Work, particularly the disclaimer of warranties and the fact that the Colorado Constitution does not allow the county to agree to pay attorney fees and costs of collection. He said he would ask them to remove those sections from the agreement, so Mr. Burgess made a motion to table further discussion regarding the V-Viper System until they hear from Mr. Kimble. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Johnson and Ms. Kelly left, and the Board reviewed a resolution to prohibit the keeping of animals, dogs, and pets in the county workplace buildings, with the exception of service dogs and in other special circumstances. Mr. Kimble said one couldn't ask about an individual's disability; however, according to ADA, a person could be asked if their service animal is trained to deal with their disability. He added that HB16-1426, effective January 1, 2017, makes it a criminal offense to intentionally misrepresent an animal as a service animal.

Mr. Schiffers made a motion to adopt a resolution prohibiting the keeping of animals, dogs, and pets in the county workplace, buildings, and in and on county facilities, except as provided in the resolution. Mr. Burgess 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 April 20, 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 #943: It was moved by Commissioner Schifferns and seconded by Commissioner Burgess to adopt the following resolution:

RESOLUTION NUMBER 943

**THE BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, COLORADO**

**A RESOLUTION TO PROHIBIT THE KEEPING OF ANIMALS, DOGS, AND PETS IN THE COUNTY
WORKPLACE, BUILDINGS, AND IN AND ON COUNTY FACILITIES EXCEPT AS PROVIDED HEREIN.**

WHEREAS, Colorado Revised Statutes, 30-11-104(1) (a) requires each county to provide a suitable courthouse, a sufficient jail, and other necessary county buildings and to keep them in repair; and

WHEREAS, Colorado Revised Statutes 30-11-107(1)(a) and (e) further requires the board of county commissioners of each county to make such orders concerning the property belonging to the county as it deems expedient and to be responsible for the care of county property as well as county employees and citizens entering into the county buildings; and

WHEREAS, animals, dogs, and other pets brought into a county workplace, building, or facility, except under conditions as set forth herein, may cause injury to persons, may harm those with severe allergies, may create clean up and sanitation concerns, may damage public property, may fight with or damage other animals, dogs, or pets, and otherwise cause problems; and

WHEREAS, the Board of County Commissioners, hereinafter referred to as the “Board” strives to provide a safe and healthy work environment for its employees and the citizens of Lincoln County using county facilities, and has determined that animals, dogs, and other pets, should be prohibited from entering into or being in a county workplace, building, or facility, except under the conditions set forth herein;

NOW, THEREFORE BE IT RESOLVED:

1. Upon adoption of this Resolution, the owners of all animals, dogs, and other pets are hereby prohibited from bringing said animals, dogs, and other pets into a county workplace, building, or facility, except as set forth in paragraph 2 below.

2. The above prohibition shall not apply to “service animals” as that term is defined by federal and / or state law. Further animals, dogs, and other pets may be allowed on the Lincoln County fairgrounds and facilities during county fair week, 4-H events (when such events are sponsored), rodeo events, and other county approved or sponsored events when animals, dogs, or other pets are an inherent part of the event.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County, Colorado

ATTEST:

Clerk of the Board

After reviewing Contract Amendment #1 for Energy Impact Assistance Fund Grant #8037; Lincoln County Fairgrounds Sanitary Sewer Improvements, Mr. Burgess made a motion to approve the contract. Mr. Schifferns seconded the motion, which carried unanimously.

The Board also reviewed two additional contracts from the Lincoln County Tourism Board for the Colorado Prairie Music Festival. The first, in the amount of \$500, was for an additional band, Cordovas, who will open for the Turnpike Troubadours on June 30. Mr. Burgess reiterated that he still is not comfortable with the county purchasing alcohol. He would prefer to simply increase a contract amount by the cost for amenities and let the band buy their own. Mr. Burgess made a motion to approve the contract between Lincoln County and Cordovas in the amount of \$500. Mr. Schifferns seconded the motion, which carried unanimously.

The second contract, in the amount of \$2,600 from Marshall Austin Productions, was a portable stage rental agreement. Mr. Kimble said the indemnification agreement would need to be removed, so Mr. Ensign crossed it out. Mr. Burgess made a motion to approve the Portable Stage Rental Agreement with Marshall Austin Productions in the amount of \$2,600, as corrected. Mr. Schiffers seconded the motion, which carried unanimously.

Ms. Lengel stated that she had contacted Sheriff Nestor regarding the 3.2 Beer off Premise license renewal for PJ's General Store and was told there have been no problems that would prevent the Board from renewing it. Mr. Burgess made a motion to approve the license renewal. Mr. Schiffers seconded the motion, which carried unanimously.

After reviewing an application by Larry Monks to charge at the county landfill, Mr. Schiffers made a motion to allow him to do so. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Ensign said he had spoken with Dave Frisch with GMS, Incorporated on Monday about the cost estimates for the proposed storm water drainage and parking lot improvements of the courthouse, but still had not received anything. Mr. Burgess said he felt that county road employees could do the removal and sub-grade preparation like they did on the west side of the complex, which would save quite a bit of money. Mr. Schiffers said he felt a contractor should finalize things so that the warranty isn't voided. Further discussion was tabled until the estimates are received.

Mr. Burgess reported attending the Tourism Board meeting on April 8. He had a resident call him on April 10 concerning the straw being dumped in the Big Sandy in Limon, but stated it has since been removed from the creek bed. From April 11-13, his road crew did some milling on County Road 109, and he received a call from John Higgins regarding the solar regulations on April 12. Jason Brent hauled off some old tubes on April 14, for which Mr. Burgess collected \$800. He brought the check to Mr. Ensign. On April 17, Greg Etl called to let him know the lieutenant governor would be at the courthouse on April 18. He also attended Limon's Grand Plan meeting that evening. He checked roads with road foreman Bruce Walters on April 18, and then came to the courthouse for the meeting with the lieutenant governor. He also spoke with John Higgins more about the solar regulations. On April 19, he attended the Economic Development Corporation meeting, where they reviewed Troy McCue's performance evaluation, and also brought Wayne Shade to Hugo so he could pick up the weed truck. He also attended the Forfeiture Board meeting.

Mr. Schiffers said he'd spoken with Mr. Shade as well, and he is still looking for a new truck. He attended the hospital board meeting the evening of April 6, where he learned that the new dental clinic will open on May 1 and that the hospital has been approved as a VA provider. He attended the meeting at Mr. Kimble's office on April 7 regarding the road agreement with Xcel Energy, and checked roads on April 10. He also attended the Arriba town board meeting that evening. Their maintainer broke down and they asked Mr. Schiffers if he would allow someone from his road crew to blade their truck route if they happen to be in the area. Mr.

Schiffers said they would. On April 12, he and Chris Monks checked on the portion of fence that Randall Lewis wants to move and agreed that he can do so. It is roughly a mile and a half of fence. Mr. Schiffers reported that on April 13, Chris had the problems with County Road 22 at Winkleman's and they took pictures. He attended the Arriba Fire Department fundraiser on April 15, where they raised about \$6,200 for the department. The district filled cracks in County Road 109 on April 17, and Chris Monks worked on soft spots in County Hwy 63 earlier this morning. Mr. Schiffers also attended the lieutenant governor's meeting in Hugo on April 18.

Mr. Stone reported that District 3 had three road graders running on April 7, even though they don't normally work on Fridays. He talked with foreman Rick Ashcraft on April 10, and Jim Hubbard will transfer to District 1. A Mountain View Electric Association truck overturned that day, but thankfully, no one was hurt. On April 11, he received a call from Arthur Lowell, who asked if the county has any restrictions on raising hemp. He called Mr. DeWitt and learned that there are none. Mr. Stone checked roads on April 12 and received a call from John Higgins on April 13. Mr. Higgins is concerned that the land use board doesn't have enough input into the development of the solar regulations, and Mr. Stone told him the commissioners will be sure to invite the land use board to any future meetings they have regarding the subject. Mr. Burgess suggested that the land use board hold a meeting on their own to discuss solar regulations, as really they should make recommendations to the commissioners. Mr. Stone also checked roads on April 13. On April 14, he met with Speaker of the House Chrisanta Duran, who was impressed with her tour of Lincoln Community Hospital and all that they do there. District 3 hauled gravel on April 17, and Mr. Stone also attended the meeting with the lieutenant governor on April 18. He checked roads on April 19.

Mr. Kimble reported speaking with Limon Town Administrator Dave Stone about the landfill and the issues the county is having with getting the proper cover on when the town doesn't bring their trash until 4:00 p.m. Mr. Stone was going to bring it up to the town board at the next board meeting and let them know the county would prefer a deadline of 2:00 p.m. Mr. Kimble said it didn't seem like it would be a problem. Discussion ensued regarding the memo Mr. Kimble sent regarding the Northeast Lincoln Fire Protection District having the authority to bill for services. Mr. Kimble stated that once a district is formed that board takes over the governing of the district, so the district would have authority over the department, not the commissioners. Therefore, the county would not provide a letter allowing them to collect fees for service.

Mr. Kimble asked the Board to sign the Development Agreement and Road Agreement in order for Xcel and Rush Creek Wind II to obtain their permits as soon as possible. All applicable sales and use tax will be required to be paid at the time the permits are issued. Mr. Kimble said the estimated cost is \$2.6 million.

Mr. Burgess made a motion to approve Rush Creek Wind Energy Development Agreement between Lincoln County and Public Service Company of Colorado, a Colorado corporation

wholly owned by Xcel Energy, Inc. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess also made a motion to approve the Master Road Use Agreement between Lincoln County and Public Service Company of Colorado, a Colorado corporation wholly owned by Xcel Energy, Inc. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to adopt restated resolution #933 granting the Public Service Company of Colorado, a Colorado corporation wholly owned by Xcel Energy, Inc., the approval of a Use by Special Review & Development Permit for the construction, operation, and maintenance of a transmission line and collector substation in Lincoln County. Mr. Burgess seconded the motion, which carried unanimously.

**RESOLUTION
NO. 933 (Restated)**

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TRANSMISSION LINE, AS WELL AS ANCILLARY FACILITIES, WHICH MAY INCLUDE BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, BATCH PLANT, IN EACH CASE AS APPLICABLE, AND USES IN PORTIONS OF TOWNSHIP 11S RANGE 56W, SECTIONS 7, 18, 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 55W, SECTIONS 18, 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 54W, SECTIONS 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 53W, SECTIONS 18, 17, 16, 15, 14, 13; AND TOWNSHIP 11S RANGE 52W, SECTIONS 18, 17, 8 IN LINCOLN COUNTY, COLORADO.

WHEREAS, Public Service Company of Colorado, a Colorado corporation wholly owned by Xcel Energy, Inc. ("PSCo"), has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct a construct, operate, and maintain approximately 26-miles of 345 kilovolt (kV) transmission line and a collector substation in Lincoln County (the "Transmission Line") in accordance with the Lincoln County Application for Use By Special Review Permit submitted by PSCo, dated 12 August 2016 (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, Lincoln County staff conducted a review of the Application on September 22, 2016 and recommended approval of a Use By Special Review and Development Permit for the Transmission Line with certain limited conditions; and

WHEREAS, at a public hearing held on 29 September 2016, the Lincoln County Land Use Board recommended denial of the Use By Special Review and Development Permit; 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 County Board of County Commissioners held on 24 October, 2016, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the recommendation of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

WHEREAS, at a regular meeting of the County Board of County Commissioners held on November 10, 2016, the Lincoln County Board of County Commissioners adopted Resolution No. 933, granting the Project Approvals for the Transmission Line (the "Original Resolution"); and

WHEREAS, the Lincoln County Board of County Commissioners acknowledges and agrees that the Original Resolution was unintentionally adopted prior to finalization of all provisions therein; and

WHEREAS, the Lincoln County Board of County Commissioners now desires to revise and restate the Original Resolution in its entirety and upon adoption hereof the provisions of this resolution shall be substituted in its place.

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

I. APPROVAL:

The Application of Public Service Company of Colorado, a Colorado corporation wholly owned by Xcel Energy, Inc., 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, operate, and maintain approximately 26-miles of 345 kilovolt (kV) transmission line and a collector substation in Lincoln County, shall remain valid until such time as PSCo, 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 Transmission Line, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
4. That the Transmission Line is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.
5. That the Transmission Line will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Transmission Line has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
6. That the Transmission Line 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 Transmission Line 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 and bridges to be developed in connection with the Transmission Line will comply with County standards.
8. The operating characteristics of the Transmission Line 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 the Transmission Line does not require a water supply.
10. That the Transmission Line will not cause significant deterioration of surface or groundwater resources. The Transmission Line 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; and
 - f) Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs.
11. That the Transmission Line will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Transmission Line is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Transmission Line 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; and
 - c) Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species.
12. That the Transmission Line will not cause significant deterioration of grasslands or farmland.
13. That the Transmission Line will preserve the integrity of existing and natural drainage patterns.
14. That the Transmission Line will not require a wastewater treatment system.

III. CONDITIONS:

1. This Project Approval does not materially limit private property rights of mineral owners to reasonably access and use the surface of the permit area for the purpose of exploring for, developing and/or producing oil, gas and other minerals in accordance with Colorado law.
2. Prior to commencement of construction of the Transmission Line and/or prior to obtaining any building or construction permits, as applicable, PSCo must provide proof of executed easement option agreements, easement agreements, or court orders (including orders stayed on appeal), indicating that PSCo has control over

the entire Transmission Line easement area. Further, PSCo will use every reasonable effort to obtain options or easements from all affected property owners by negotiation.

3. Prior to construction of the Transmission Line and/or prior to obtaining any building or construction permits, as applicable, there shall be in place a fully executed development/roadway agreement between Lincoln County and PSCo.
4. All vehicles (excluding emergency vehicles) accessing the project must observe Lincoln County road speed limits.
5. 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.
6. All reclamation materials: native seed mixtures, mulch and erosion control materials shall be certified as weed free.
7. Reclamation must be performed to the standards required by all applicable statewide agencies unless otherwise agreed to by PSCo and the individual property owner upon whose property the reclamation is being conducted.
8. PSCo will use commercially reasonable efforts to the extent feasible in order to avoid erosion at the base of each transmission line structure.
9. Prior to the issuance of any building or construction permits, 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 that the permitting fees/use or sales tax to be paid by the Applicant shall be assessed at a rate of two percent (2%) of construction costs.

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Public Service Company of Colorado, a Colorado corporation wholly owned by Xcel Energy, Inc., to construct a transmission line 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 ____ day of _____, 2017.

LINCOLN COUNTY BOARD OF COMMISSIONERS LINCOLN COUNTY,
COLORADO

I, _____, Clerk to the Board in and for the County of Lincoln, State of Colorado, do hereby certify that the foregoing Resolution was adopted by the County Board of County Commissioners of the County of Lincoln and State of Colorado, in regular session on the _____ day of _____, 2017.

Clerk to the Board

EXHIBIT A

The Property

PORTIONS OF TOWNSHIP 11S RANGE 56W, SECTIONS 7, 18, 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 55W, SECTIONS 18, 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 54W, SECTIONS 17, 16, 15, 14, 13; TOWNSHIP 11S RANGE 53W, SECTIONS 18, 17, 16, 15, 14, 13; AND TOWNSHIP 11S RANGE 52W, SECTIONS 18, 17, 8 IN LINCOLN COUNTY, COLORADO.

The commissioners agreed that May 13 would be the free day at the landfill, with an alternate date of May 20.

Mr. Ensign also gave the commissioners copies of the Tourism Board bylaws adopted on April 21, 2009. The bylaws state that one of the purposes of the tourism board is to disperse funds to local entities for the promotion or enhancement of the experience of travelers through Lincoln County. Mr. Ensigns said the group may want to amend their bylaws in regard to that fact. The bylaws also state that a copy of the minutes of each meeting shall be forwarded to the members of the board of county commissioners following each meeting, and that the time and place of regular meetings will be posted at the Lincoln County Courthouse.

The group briefly discussed speed limits on county roads and an email that Mr. Kimble recently received from CDOT. He stated that when the county adopted the Model Traffic Code, a part of the Code dictates that speed limits on county roads cannot be changed without a speed study.

There was no old business to discuss, and when Mr. Stone called for new business, Mr. Burgess informed the others that he would like to sell an old 5,000 gallon oil tank that a farmer would like to purchase. There were no objections. He also asked if the commissioners would like to take a work session tour to look at fair buildings in other counties and all agreed that they would.

Ms. Lengel informed the Board that her office would be getting the new Dominion voting equipment the first week of May and asked if it would be acceptable to put a desk in the corner of the commissioner room to be used as the ballot adjudication station. There were no objections.

With no further business to come before the Board, the meeting was adjourned until 9:-00 a.m. on April 25, 2017, at which the commissioners will conduct interviews for the Land Use Administrator position.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman