

Board of County Commissioners of Lincoln County
Agenda for May 18, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Sue Kelly, Public Health Director, to present the agency's April, 2017, report and to discuss matters relating to a pending vacancy in the Public Health Director's position

9:30 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report

10:00 Rachel Baird, Alamosa County Land Use Administrator, and Darius Allen, Alamosa County Commissioner, to discuss solar power plants

1. Approve the minutes from the May 8, 2017, meeting
2. Review the April, 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 April, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
4. Review and act upon a request from the Prairie Development Corporation to change the name of the Environmental Certifying Officer for CDBG Grant #14-591
5. Review and act upon a request from Limon Wind Energy III, L.L.C., to release and discharge Performance Bond #09152479
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old business
10. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 18, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended for a short time as well.

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

Public Health Director Sue Kelly met with the Board to give her monthly report and to further discuss the vacancy of her position. Ms. Kelly reported on April cases concerning communicable disease, immunizations, environmental health, WIC, STEPP, child and adult health, and EPR, stating they had a case of rabies exposure that she is currently working on. Treatment for rabies is an expensive series of shots and she is hoping to decrease the price by offering to purchase the medication at cost. She added it may be best to send the patients to University Hospital to receive treatment there. In addition, Heike Petersen has applied to graduate school and is waiting to hear if she has been accepted into the program. Ms. Kelly stated that if she does get accepted, Ms. Petersen will most likely start working part time in the fall; if not, she will stay full time. Ms. Kelly received one application for the director position and stated that if hired, the applicant has indicated they will not need the health insurance. She added that the commissioners should consider monetary compensation to an individual if they do not need the healthcare benefit.

At 9:30 a.m., Economic Development Corporation Director Troy McCue and VISTA volunteer James Russell met with the Board to present the monthly report. Tim Brown with Farm Bureau had come for the discussion regarding solar power plants, which had been cancelled due to an illness of one of the parties, but said he would stay and listen for a while. Mr. McCue updated the Board on his activities in the month of April, stating that OEDIT has money for SBDC expansion, so he would like to pursue grant funding to extend the hours EDC is allowed to put toward small business retention. He currently invoices his time, up to 200 hours per year, to Prairie Development Corporation, who funds \$5,000 annually. With the grant, it may be possible to raise the 200 hours up to 1,000 annually, in which case Mr. McCue said he would need a part time person to help him. He thought they could expect an additional \$10,000 to \$15,000 per year if the funding is approved.

James Russell updated the commissioners on his work with the strategic planning, stating that he has met with several groups countywide to get a feel for what people are envisioning for the county's future. He stated that they seem open to the overall idea of a Strategic Plan and he will begin compiling their contributions soon. He added that there seems to be some disconnect concerning communication between the county and the municipalities, as several residents hadn't known about the free landfill day. Mr. Ensign said it was published in both local papers for two weeks.

Mr. Burgess reminded Mr. McCue of the Ports-to-Plains sponsorship, and Mr. McCue asked if the county would split a break sponsorship for the Ag & Energy Summit coming up on June 13

and 14, as they had done in the past. Mr. Burgess made a motion to sponsor one-third of the cost of a break at the Ag & Energy Summit on June 13-14. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Russell asked for an explanation regarding the moratorium on solar regulations, and Mr. Kimble told him the moratorium was put in place in order for the commissioners and land use board members to study and adopt regulations for the county. He added that the county would most likely need to ask for an extension on the moratorium, particularly since the morning's meeting with Alamosa County was cancelled and the Land Use Board members want to compare other regulations to determine what is best for agriculture. Once they draft a set of regulations the Board feels comfortable with, the Land Use Board will review them and the commissioners will give final approval.

Mr. Brown commented that Farm Bureau is in favor of wind and solar energy as part of the county's economic development.

At 10:00 a.m., James Martin with Evergreen Systems and Technology, LLC, stopped in to request an upgrade to the building's public Wi-Fi. There are problems with the current access, and Mr. Martin said that for approximately \$200, he believes five wireless access points can be purchased and installed to alleviate the issues. Mr. Burgess made a motion to purchase five TP-Link Wireless Access points at approximately \$25 each. Mr. Schiffers seconded the motion, which carried unanimously.

After a name correction was made to the minutes from the meeting held on May 8, 2017, Mr. Schiffers made a motion to approve the minutes, as corrected. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the April 2017 Statements of Revenues and Expenditures for the 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 April 2017 reports from the Colorado Counties Casualty and Property Pool and County Workers' Compensation Pool.

Since Maryjo Downey is retiring from Prairie Development Corporation at the end of the year, Mr. Schiffers made a motion to replace Maryjo Downey as the official Environmental Certifying Officer for Lincoln County Community Development Block Grant #14-591 and naming Candace Payne to that position for the remainder of the CDBG contract. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed a request from Limon Wind Energy III, L.L.C., to release and discharge Performance Bond #09152479. Mr. Kimble said that the agreement doesn't specify when the bond is to be released but felt it would be fine to do so at this point. Mr. Burgess made a motion to adopt a resolution to release security pursuant to a Road Agreement entered into with Limon Wind III, L.L.C. Mr. Schiffers 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 May 18, 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:

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

RESOLUTION NUMBER 945

THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO

A RESOLUTION TO RELEASE SECURITY PURSUANT TO A ROAD USE AGREEMENT ENTERED INTO WITH LIMON WIND III, L.L.C.

Whereas, On March 31, 2014, the County of Lincoln, State of Colorado, hereinafter referred to as the "County", did enter into a Master Road Use Agreement, with Limon Wind III, L.L.C.; and

Whereas, Article 6 of said agreement provided that Limon Wind III, L.L.C., would provide and post security for repairs and dust control for the use and any subsequent damage caused to certain County roads required to be utilized during the term of this agreement; and

Whereas, Limon Wind III, L.L.C., did post a surety bond in the amount of One Million Dollars (\$1,000,000.00) as security for the work to be done; and

Whereas, the work has been completed and the County has performed post inspection of the subject roads as required by Article 7 of said agreement, and the County has found the roads to be in compliance with the Road Use Agreement and the security is no longer required;

NOW, THEREFORE BE IT RESOLVED:

1. The County has approved the subject and applicable County roads, as required by Article 7(a) (ii) of said agreement, and herein releases the surety bond posted by Limon Wind III, L.L.C.

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

Mr. Burgess reported receiving a call from a resident asking for gravel on County Road 41 between County Roads 3R and 3S on May 9. On May 10, he spoke with Road Foreman Bruce Walters about gravel pits, as well as Weed Coordinator Wayne Shade about applying pre-emergent to County Road 44 between County Roads 3S and 3W. He also attended the COG meeting. He attended the Centennial Mental Health meeting on May 11, and also spoke with a representative from Honnen Equipment about the problems they are having with the apps for tracking road graders. A resident called to thank him for graveling County Road 32. On May 15, he stopped by the Genoa shop and then toured several different fairgrounds buildings with the other two commissioners. They went to Las Animas, Lamar, Cheyenne Wells, and Eads. He called Cheyenne County Commissioner Nancy Bogenhagen on May 16 to request a copy of the plans for their building, as they had liked it the best. He attended a meeting in Limon that evening and the Economic Development Corporation meeting the morning of the Seventeenth. Later that afternoon, he attending Governor Hickenlooper's signing of HB17-1301 in Limon.

Mr. Stone reported attending the fair board meeting on May 9. The question was raised as to whether or not individuals using the arena to practice would need to sign a waiver. Mr. Kimble said they should check with the county's insurance carrier but felt it wouldn't be a bad idea. Mr. Burgess said there are disclaimer signs posted, but Mr. Kimble said he would still run it by the insurance carrier to make sure. Mr. Stone asked Mr. Schifferns if he remembered anything else from the meeting, and Mr. Schifferns said they were looking for donations to help pay for the tent for the Junior Livestock Sale buyers, which is \$2,250. Mr. Ensign commented that Richard Johnson had just purchased two large tents with money received through EPR. He suggested contacting him to see if the tents would be something that could be used for purposes other than emergencies. Mr. Stone reported taking the tour of fair buildings on May

15 and checking roads on May 17. They also interviewed an applicant for the District 3 road crew.

Mr. Schifferns reported attending the Arriba town board meeting the evening of May 8. Arriba Days will either be the last weekend of July or the first weekend in August, and they will hold a dog clinic on June 5. He attended the fair board meeting on May 9 and the transportation meeting in Limon on May 11, where the intersection of State Road 71 and County Road 2W was discussed. He said CDOT wasn't very interested in the discussion to begin with since they have no funding, but when they brought up the safety issues the intersection causes for semi-trucks and the county's proposal to round out the corners, they were a bit more receptive. Mr. Schifferns added that nothing will happen until October of 2018 anyway. He also took the fair building tour on May 15.

Mr. Kimble reported speaking with Kit Carson County Attorney Jeffrey Cure about the issues the county is going through regarding the landfill. He told Mr. Kimble they are having the same problems in his county and asked to see Lincoln County's Order on Consent. Mr. Kimble said he is hesitant to do so since the county was given the waiver on the fees. He intends to contact the CDPHE attorneys that worked with them on the Order, inform them that Lincoln County has received a CORA request, and ask them what to do. He added that Mr. Cure told him the counties need to work together to fight the new landfill regulations.

Mr. Kimble asked if the wire transfer was ever received from Xcel Energy for the Rush Creek Wind farm and transmission project, but Mr. Ensign said that it hadn't to his knowledge. However, Land Use Administrator Trey James had told him earlier in the week that he had a signed copy of the permit. Since the money was supposed to be received prior to the issuance of the permit, Mr. Kimble said he would contact John Lupo to find out the status of the payment.

Mr. Kimble also reported sending several emails regarding the hospital finance questions he had, but so far he has not heard back from anyone. He asked permission to look at some other sources in order to determine the county's risk, and the Board granted his request.

He and Mr. Ensign reviewed the Schreiber petition and notices were sent out. A hearing was scheduled for May 31. Mr. Kimble commented that only four other property owners are involved.

Mr. Kimble said they needed to come up with a couple of dates to reschedule the discussion regarding solar power plants with the Alamosa County representatives, and the group agreed to either May 30 or May 31 at 1:00 p.m. Mr. Kimble said he wasn't sure when the moratorium was passed but felt the commissioners may want to adopt a resolution extending the deadline. Mr. Burgess made a motion to extend the moratorium on the development, construction, and installation of solar energy facilities in unincorporated Lincoln County for an additional three months. Mr. Schifferns seconded the motion, which carried unanimously. Mr. Kimble will put together wording for the resolution and send it to Mr. Ensign.

Mr. Ensign informed Mr. Kimble that another complaint was received regarding the Patel property. He stated that Land Use has done all they can and asked Mr. Kimble to look into it. Also, the check to Mauna Towers never cleared, nor was the deed ever recorded. Mr. Ensign felt a letter from the county attorney may attain better results, since his correspondence hasn't gleaned anything at all.

Mr. Ensign reported that Charles Thompson with USDA would like to meet with the Board again concerning USDA programs and funding and what the county's needs are. They had been unable to make a suitable time work, so Mr. Thompson will be in the commissioners' meeting room on May 24, at 3:00 p.m., to meet with whomever wants to meet with him.

Mr. Ensign said the commissioners had also received an invitation to host a CDHS performance planning site visit on July 28. Since the expectation is for approximately sixty attendees, Mr. Ensign said he would see if the jury assembly room is available, and the commissioners could attend the meeting as a work session. It should last approximately an hour and a half.

As for old business, Mr. Burgess suggested that if they are going to have one section of the courthouse parking lot designed by an engineer, they may as well pay the extra money and have the entire thing designed at one time. Mr. Schiffers and Mr. Stone agreed. They will discuss it with Dave Frisch at the next meeting.

A call was placed to Landfill Manager Mick Jaques to discuss the topcoat machine and changing the landfill hours of operation. Mr. Jaques said he had taken the generator to the county shop to see if they could fix it. They had also checked the topcoat machine and found that the tires, oil, and antifreeze are all still good. They replaced the diesel fuel and got it running once they did so. The only problem is finding something to pull it to the county shop to see if there are any other problems. Mr. Burgess said he would find them something to use.

Mr. Jaques said he was having some problems figuring out the computer, and since James Martin was still in the building, Mr. Burgess went and got him. Mr. Martin told Mr. Jaques he would stop by the landfill in about thirty minutes to help him with the computer.

Mr. Stone called for new business and Ms. Lengel said she had learned that they will need to purchase a new accounting server before the end of the year. Mr. Martin is looking into prices.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on May 30, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman