

Board of County Commissioners of Lincoln County
Agenda for July 28, 2017

10:00 Call to order and Pledge of Allegiance

10:00 Richard Johnson, Office of Emergency Management Director and Emergency Communications Coordinator to discuss the Lincoln County E911 system

1. Approve the minutes from the July 24, 2017, meeting
2. Review the June, 2017, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, and Lodging/Tourism
3. Review the monthly management report from the First National Bank Omaha
4. Review and act upon proposed Resolution Number 949; A Resolution To Extend A Temporary Moratorium On The Development, Construction, And Installation Of Solar Energy Facilities In Unincorporated Lincoln County
5. Review the Quarterly Financial and Performance Status Report for the period 04/01/2017 to 06/30/2017 for Community Development Block Grant #14-591
6. Review the proposed job description for the position of Administrative Assistant to the County Administrator
7. Old business
8. New business
9. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 10:00 a.m. on July 28, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, and Clerk to the Board Corinne M. Lengel.

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

OEM Director and Emergency Communications Coordinator Richard Johnson met with the Board at 10:00 a.m. to discuss the Lincoln County 911 system. First, Mr. Johnson said that retired Public Health Director Sue Kelly had been the one who approved invoices regarding the EPR contract and asked if the commissioners wanted him to take over that role. The Board agreed it would be acceptable for Mr. Johnson to approve invoices for the EPR contract until a decision is made regarding the director's position.

Mr. Johnson also asked for approval of the Emergency Management Performance Grant for 2017, as FEMA had approved the state's application. Mr. Ensign asked how much would be received, and Mr. Johnson said it would be around \$10,000. Mr. Burgess made a motion to approve the Emergency Management Performance Grant for the period of January 1, 2017, to December 31, 2017. Mr. Schiffers seconded the motion, which carried unanimously. Mr. Ensign asked if any payment had been received, and Mr. Johnson said he didn't know but would check into it.

Mr. Johnson also provided a sales quote from Wireless Advanced Communications in the amount of \$2,640, which he stated would be at least a temporary fix for the tornado siren in Karval. He had a technician come out and try and pinpoint the source of the interference between the tower at Hugo and the repeater at Karval, but he couldn't find anything, other than to say the interference is coming through the airwaves somehow. Mr. Johnson said that the solution for the time being would be to simply hardwire the system and install what the phone company calls a dead pair, so that the signal is transmitted from radio-to-radio through the phone line, rather than the antenna sending the signal. He went on to say that Andy Bellendir, the owner of Wireless Advanced, is going to come out and look at all of their radios, as they are all outdated. Since there are grant funds available to upgrade radios, Mr. Johnson felt he might be able to obtain some of that funding for the county. He added that he plans to start working on a two-to-four year upgrade/replacement plan.

While reviewing the quote from Wireless Advanced, Mr. Burgess asked if the county would be charged additional fees if the job is not done within the quoted timeframe. Mr. Johnson said there would be no additional charges, other than the \$40 monthly cost from the phone company for the phone line. The phone company will not charge an installation fee. Mr. Burgess wanted to know if a more permanent fix would be a better option, but Mr. Johnson said he was merely trying to come up with a solution that would alleviate the problem in the worst time of year, which is now. He stated that when the time comes to upgrade again, he will make sure that he searches out all possible grant funding opportunities. Mr. Ensign

commented that there is adequate money available in the E911 fund to pay for it and felt the expense seemed necessary considering that the county is responsible for unincorporated areas.

Mr. Schifferns made a motion to approve the quote from Wireless Advanced Communications in the amount of \$2,640 for proper operation of the Karval siren, and to take the expenditure from the E911 fund. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Johnson stated that in regard to the 911 system, since the county doesn't have a GIS person, he spoke with the GIS analyst at the Governor's Office of Information Technology. That office has been tasked with helping counties convert their GIS files and keeping them up to date, at no cost to the county. Mr. Johnson said that Land Use Administrator Trey James does a good job with the GIS mapping, so the monthly file that he creates would be sent to OIT for conversion, possibly on a quarterly basis.

Lastly, Mr. Johnson spoke a bit about the county's radios and stated he would like to combine all county agencies into one grant application, if possible.

Mr. Burgess had requested the addition of County Road 109 to the minutes from the meeting held on July 25, 2017, and made a motion to approve the minutes as corrected. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the June 2017 statements of revenues and expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, and Lodging/Tourism funds. Mr. Ensign said that the Road & Bridge reports were not yet available.

Also reviewed was the monthly management report from the First National Bank of Omaha and a proposed resolution regarding solar energy facilities in unincorporated Lincoln County.

Mr. Burgess made a motion to adopt a resolution extending the temporary moratorium on development, construction and installation of solar energy facilities in unincorporated Lincoln County until August 31, 2017. 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 July 28, 2017, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, Commissioner	Present
Stan Kimble, County Attorney	Absent and Excused
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 #949: It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

RESOLUTION NUMBER 949

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

A RESOLUTION EXTENDING A TEMPORARY MORATORIUM ON THE DEVELOPMENT, CONSTRUCTION, AND INSTALLATION OF SOLAR ENERGY FACILITIES IN UNINCORPORATED, LINCOLN COUNTY, COLORADO, DIRECTING THE CONTINUED PROMPT INVESTIGATION OF THE BENEFITS AND POTENTIAL PROBLEMS WITH SOLAR ENERGY FACILITIES; AND DECLARING THE INTENTION OF THE BOARD OF COMMISSIONERS TO CONTINUE TO CONSIDER THE ADOPTION OF APPROPRIATE REGULATIONS WITH RESPECT TO SOLAR ENERGY FACILITIES.

Whereas, the Board of Commissioners of Lincoln County, Colorado, hereinafter referred to as the “BOCC” has received inquiries concerning the possible construction, installation, and operation of solar energy or solar power facilities; and

Whereas, the construction, installation, and operation of solar energy or solar power facilities would be considered a special use under the Lincoln County Zoning Resolution; and

Whereas, the County has no current land use or business regulation governing the use of property for solar energy or solar power facilities; and

Whereas, since the County does not have any current regulations pertaining to the construction, installation, and operation of solar energy or solar power facilities, the County will suffer irreparable harm if a short, temporary moratorium on the construction, installation, and operation, of solar energy or solar power facilities is not imposed; and

Whereas, on January 31, 2017, the BOCC imposed a moratorium, to run until July 31, 2017, on the possible regulated allowance of the construction, installation, and operation of solar energy or solar power facilities, the BOCC and County staff to investigate the solar energy industry as it relates to both small scale and large scale solar energy or solar power facilities in an agricultural setting; and

Whereas, since the imposition of the moratorium, the BOCC and County staff have received information and heard from both developers of solar energy and other counties that have already adopted solar energy rules and regulations; and

Whereas, the Lincoln County Land Board, also known as the Land Board, desires more time to participate in the process, including the holding of at least one more hearing on the subject, and the BOCC is agreeable to an extension for such purpose; and

Whereas, once the investigation and study is complete, including the holding of one or more hearing before the Land Board, the County will follow a prescribed procedure of at least one hearing before the Lincoln County Land Board concerning proposed rules and regulations, before the rules and regulations may be adopted by the BOCC; and

Whereas, the BOCC wishes to extend the moratorium for a short time to allow for the final investigation, study, and adoption of solar energy rules and regulations, for a period of one (1) additional month, such moratorium to expire on or before August 31, 2017; and

Whereas, it is the intent of the BOCC to have the rules and regulations, in place, as soon as possible, and is actively working towards that goal; and

Whereas, the duration of the extension moratorium imposed is reasonable in length and is no longer than is required for the County to properly investigate, develop, and, if appropriate, adopt and implement any regulations deemed necessary with respect to the development, construction, installation, and operation of solar energy or solar power facilities; and

Whereas, landowners desiring to lease real property for use as a solar energy or solar power facility, and developers desiring to lease real property and construct, install, or operate solar energy or solar power facilities, will not be unfairly prejudiced by the imposition of the extension of a short, temporary moratorium imposed by this resolution;

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

Section 1. Imposition of a Temporary Moratorium on the development, construction, installation, operation, and use of solar energy or solar power facilities. Upon the adoption of this Resolution, a moratorium will continue to be imposed upon the proposed use in any district presently enumerated by the Lincoln County Zoning Resolution for the submission, acceptance, processing and approval of all applications for permits and licenses by Lincoln County related to the development, construction, installation, operation or use of solar energy or solar power facilities within the County. The County staff is directed to prohibit any such land use and to refuse to accept for filing, and not to process or review, any such applications during the moratorium period.

Section 2. Effective Dates of the Moratorium. The moratorium imposed by this Resolution shall continue from the date of this Resolution up to and including August 31, 2017, unless sooner repealed.

Section 3. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium imposed by this Resolution the County staff shall continue to carefully review and investigate the aspects of the solar power industry including continued review by the Land Board. Such investigations shall be completed promptly and with due diligence. If directed to

do so by the BOCC, the County staff shall prepare appropriate regulations with respect to solar energy and solar power facilities for the consideration by the Land Board and the BOCC.

Section 4. Police Power Finding. The BOCC hereby finds, determines, and declares that this Resolution is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of Lincoln County and the inhabitants thereof.

Section 5. Severability. If any section, subsection or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

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. Stone commented that he had heard complaints from another landowner regarding the county allowing solar panels and a close proximity to residences. Mr. Schifferns stated that he had heard other comments as well, and Mr. Burgess asked if they wanted to set a minimum distance and require that companies negotiate with each individual landowner. Mr. Schifferns said he had mixed feelings about it, and Mr. Stone said he was leaning toward requiring a minimum of 1,000 feet for setbacks. The others agreed with that statement, and Mr. Burgess said the land use board would be having a meeting on August 1.

The Quarterly Financial and Performance Status report for the period of April 1, 2017, through June 30, 2017, for Community Development Block Grant #14-591 was reviewed, as well as the proposed job description and help wanted ad for the administrative assistant to the county administrator. The Board had no additions or changes to either of the latter items. The ad will

run in the paper for two weeks, and the group was hopeful that Mr. Ensign would have someone hired to begin work by September 1.

Mr. Stone called for old business, and Mr. Burgess stated that he had picked up the tank for the landfill's "green machine." The problem now is what they will use to pull it if it works. Mr. Burgess said he would be willing to give the landfill the three-quarter ton flatbed truck that District Two has, but he wasn't sure if it will pull the machine. He stated it would be the cheapest solution, so they will try and get the machine working first and then see if the flatbed will pull it.

Mr. Burgess also stated that he is taking quite bit of dirt from the Gaede pit and wanted to know if they should haul it to the landfill to be used as daily cover. The other commissioners agreed it would be a good solution and offered road crew members and trucks to help haul the dirt.

Mr. Ensign stated that he had received the landfill regulations from Mark McMullen, and it is up to the county commissioners to decide if they want to accept liquids at the landfill; however, it would require a variance from the state. Since DOC has another avenue of disposing of their liquids, Mr. Ensign stated it would probably just be easier for the county to continue to ban them. He was planning on going up to the landfill later in the day and stated he would speak with Mick Jaques about it.

Mr. Burgess asked the other commissioners if they wanted to put up a poster at the fair since they are considering constructing a new building at the fairgrounds. He stated that people may be willing to donate funding toward the project, particularly since it is an Enterprise Zone, but Mr. Schiffers said they needed to put up some pictures or something to let people know exactly what type of building they were thinking about. Mr. Ensign said there may be another means of funding the building, so the group agreed to discuss it again at budget time.

The commissioners approved the July payroll and several expense vouchers for the month, and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on July 31, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman