

Board of County Commissioners of Lincoln County  
Agenda for June 28, 2019

9:00 Call to order and Pledge of Allegiance

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

1. Approve the minutes from the June 27, 2019 meeting
2. Review and discuss an information packet regarding an upcoming meeting with Benefit Health Advisor
3. Review and act upon proposed Resolution #987, a resolution approving the Cheyenne Ridge Wind Project, Development Permit NO. 18-09
4. County Commissioner reports
5. County Attorney's report
6. County Administrator's report
7. Old business
8. New business
9. Approve additional payroll and expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 28, 2019. Those attending were Chairman Ed E. Schifferns, Commissioners Steve Burgess and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Juliet Lundy with the Eastern Colorado Plainsman/Limon Leader attended until 10:55 a.m.

Chairman Schifferns called the meeting to order and asked Mr. Piper to lead the Pledge of Allegiance.

Mr. Burgess made a motion to approve the minutes from the meeting held on June 27, 2019, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed an information packet regarding an upcoming meeting with Benefit Health Advisor. Mr. Piper said that Ty Ament and Tim Andersen, who are similar to brokers for the company, contacted him about the county switching over from the County Health Pool. They told him that they could provide the same coverage as what the county has now and that with their local package, Lincoln Community Hospital would provide discounts to county employees for using their facility. One of the downsides to leaving the Pool was that it might be difficult or extremely costly to get back into it if the county didn't like the new company. Mr. Piper said they want to run a test using current employee data to determine the risk level. The test might even conclude that it is better for the county to stay with CHP. Mr. Kimble asked what personal information they wanted from employees, and Mr. Piper said he thought it was names and birthdates, but he wasn't sure. Mr. Kimble said it was illegal to provide addresses or social security numbers, and the commissioners agreed that they weren't comfortable giving out employee names either. Mr. Piper said he'd scheduled Mr. Ament and Mr. Andersen an appointment with the Board on July 8, so they could talk about it in greater detail then.

Mr. Piper called Land Use Administrator Fred Lundy to come down for the discussion regarding a proposed resolution approving the Cheyenne Ridge Wind Project Development Permit No. 18-09. When Mr. Lundy arrived, Mr. Kimble said that on February 21, the Land Use Board approved the application with conditions including a Road Use Agreement and confirmation of the route of construction. Mr. Lundy added that Cheyenne Ridge wants to sell to Xcel Energy, which is exempt from taxes, so they needed something concrete in writing that stated they'd met the county's conditions and could move forward. Mr. Kimble put in that it was possible that the Bronco Plains group might come back with the same request, but Mr. Lundy said they wouldn't sell to Xcel, so they would probably need a permit.

Mr. Burgess asked Mr. Lundy if he were satisfied that Cheyenne Ridge met all the requirements, and Mr. Lundy confirmed they had and said they'd done an excellent job.

Mr. Stone made a motion to adopt a resolution approving the Cheyenne Ridge Wind Project Development Permit No. 18-09. 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 June 28, 2019, there were present:

Ed E. Schifferns, Chairman	Present
Steve Burgess, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

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

**RESOLUTION #987** It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

**A RESOLUTION APPROVING THE CHEYENNE RIDGE WIND PROJECT DEVELOPMENT  
PERMIT NO. 18-09**

**WHEREAS**, the Lincoln County Land Use Board approved the application of the Cheyenne Ridge Wind Project on February 21, 2019, with certain conditions; and

**WHEREAS**, a copy of the Staff Report, signed by Fred Lundy, Lincoln County Land Use Administrator, is attached hereto as Exhibit A; and

**WHEREAS**, pursuant to Section 3-110, Section 4, of the Lincoln County Zoning Resolution provides that if the Board of County Commissioners does not schedule the Development Application for review pursuant to Section 3-110E, or if the applicant does not appeal the decision to the Board of County Commissioners within thirty (30) days of the Land Use Board decision, then the decision of the Land Use Board shall be deemed final; and

**WHEREAS**, the Lincoln County Commissioners did accept the recommendations of the Land Board without scheduling any further review hearings; and

**WHEREAS**, the Lincoln County Commissioners have determined that all conditions of the Land Board recommendations have been met, including a Road Use Agreement and confirmation of the easement route of construction;

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

**APPROVAL:**

The application of Cheyenne Ridge Wind Project Development, for a Use By Special Review and Development Permit is GRANTED. The Use By Special Review and Development Permit, including

the applicant's right to construct, repair, maintain, and operate the requested electric transmission system, shall remain valid for a period of one year.

**BE IT THEREFORE RESOLVED**, that a Use By Special Review and Development Permit is granted to Cheyenne Ridge Wind Project, to construct an electric 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 project 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.

Upon roll call the vote was:

Commissioner Schiffers, Yes; Commissioner Burgess, 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

Before leaving, Mr. Lundy recommended that the Board not sign the Road Use Agreement for the Bronco Plains project until Chris Monks received the work schedule, which is essential to him.

At 9:30 a.m., Gillian Laycock met with the Board to discuss the Hugo Main Street Initiative request to use the Hugo Union Pacific Railroad Roundhouse for an interactive, educational session about the Colorado Main Street Program. First, Mrs. Laycock thanked the commissioners for allowing the Colorado Prairie Arts and Music Council to use the new show barn for their concert after the Ranch Rodeo Saturday night. She commended John Palmer for his help, stating he was an invaluable resource to them and he deserved recognition. The concert was well-attended for the kind of weather they had, the acoustics were excellent, and it wasn't dusty at all. Mrs. Laycock went on to say that they've decided to move the Ned LeDoux concert on the Saturday of the fair to the show barn as well. John Palmer initially thought there wouldn't be time to set everything up for the concert after they cleared the livestock out, but after seeing how easy the stage setup was for the Ranch Rodeo concert, he felt they would

have plenty of time. Mrs. Laycock added that Sheriff Nestor was also very pleased with how controlled and secure the location was.

Mr. Burgess asked if they used the bleachers, and Mrs. Laycock said some families with children did off-and-on, but most people were up dancing. They also had a few picnic tables and a designated smoking area that worked out very well. Mr. Schifferns asked if anything needed to be changed or fixed for the next event, and Mrs. Laycock said there'd been a leak in the roof, but Structures repaired it the following day. She added that everything worked incredibly well and that Veris Environmental donated a generator, so they didn't even have to plug any equipment into the building. Mr. Stone asked about the lighting, and Mrs. Laycock said they used the lights to illuminate the parking lot, but otherwise, the stage lights worked well. She added she'd be back with another Special Event Permit application for the beer garden as well as the event application for the fair concert. When Mr. Stone asked what the occupancy limit was, Mrs. Laycock said it depended on the use of the sides, but she guessed it would hold 1,500 comfortably. They will also put out an RFP for vendors to sell concessions during the Ned LeDoux concert.

Mrs. Laycock provided an invitation from Hugo Main Street Initiative and asked if they could use the roundhouse for an informal picnic on July 15. Mr. Burgess asked if she'd been inside the building and knew it had a dirt floor. Mrs. Laycock said she, as well as the other few adults attending, had been in the roundhouse before and knew what to expect. Larry Lucas, a Main Street designer from the state, said that the county should consider including the roundhouse in the Main Street District when they get it developed, as their program would open up grant funding opportunities. She added that they weren't anywhere close to designing a Main Street District, but it was good to keep options open. Mr. Burgess wanted to know if it would be a problem obtaining funding since the county owns the roundhouse, but Mrs. Laycock said since it was a partnership, she didn't think it would be an issue. She felt they would have a captive audience with people from the state coming out and asked the commissioners if they wanted to attend the meeting, which they agreed to do if they could. The Board gave their permission for the use of the roundhouse for the gathering.

Mrs. Laycock also briefly discussed the benefits of becoming a Certified Local Government on a county level. Certified Local Governments are counties or municipalities endorsed by the State Historic Preservation Office (History Colorado) and the National Park Service to participate in the national preservation program. Limon lost several historical assets in the tornado years ago, but there are many others in the rest of the communities in the county. Mr. Piper said he understood that the municipalities would have to have their own CLG designation, except for Karval, which is unincorporated, but Mrs. Laycock believed that doing it on a county level would alleviate that requirement.

At 10:00 a.m., Robert Kraxberger met with the Board to give the monthly Department of Human Services report. The commissioners reviewed the financial report, employee timesheets, and the Income Maintenance, Child Welfare, and monthly director's reports, as well as a list of DHS acronyms. Mr. Kraxberger reported that they'd had some people with the

state food stamp program come out, and they were very impressed with the county's statistics. Most counties have twelve or more errors, but Mr. Kraxberger said they only had five, one of which they corrected in May. He told them to pass on that there needed to be better communication as the county would have appreciated some help during the period when the program was so short-staffed due to illness.

Mr. Stone asked if the number of adoption cases seemed high, but Mr. Kimble put in that they could be cases that occurred quite some time ago but were still receiving compensation.

Mr. Kraxberger left, and Mr. Schifferns called for commissioner reports. Mr. Stone reported stopping by the Karval shop and meeting with Rick Ashcraft on the morning of June 20. District Three chip-sealed 3.2 miles west on County Road T on June 24 and 1.7 miles on County Road 23 on the Twenty-fifth. He attended the CDOT meeting in Limon the previous day with the other commissioners and Mr. Piper, and he stopped by the fairgrounds earlier this morning.

Mr. Schifferns talked to a resident on June 20 who asked if they were still getting the wind farm north of Arriba, but Mr. Schifferns told him the commissioners hadn't heard anything further about it. A farmer called him on June 21 to ask if the crew would grade a particular county road before harvest, and Mr. Schifferns told him they would get to it. On June 24, he checked roads and talked to Chris Monks about the Xcel trucks using the wrong haul routes. A party asked Mr. Schifferns on June 25 if they could have some of the rotomill from the I-70 project, but he told the person that the commissioners hadn't decided if they would give it to individuals. Mr. Burgess didn't believe they should start doing that and said he'd had several requests too, as had Mr. Stone. Mr. Stone commented that someone told him Fred Poss had gotten a bunch of it, but Mr. Stone said that Mr. Poss used his own trucks to haul it from the project. Mr. Burgess added that Witts did the same, and Mr. Schifferns said it seemed there was a lot of confusion about it out in the public eye. Mr. Schifferns also reported attending the CDOT meeting on June 27.

Mr. Burgess stopped by the landfill on June 19 and talked with Mick and Allen about traffic lights. Bruce Walters met him in Arriba, and they looked at the road damage north and east of town. The road crew worked on the washed-out areas and hauled concrete from the town of Arriba and millings from Flagler to Genoa. Mr. Burgess received a call from someone about road conditions north of Arriba and told her he'd have the road crew take care of it the following day. On June 20, Mr. Burgess got a call from Steve Monks regarding section lines and a thank-you call from the woman north of Arriba for taking care of the road issue. Chris Monks called to tell him Wagner extended the warranty on the landfill's trash compactor, and the party who received the county's warning about the wood and debris in the drainage channel removed it. Mr. Burgess checked roads on June 21 and reported that heavy rains washed the gravel off the roadway in several areas. Chris Monks got prices for the rock to use at the fairgrounds; the smaller rock was cheaper. Mr. Burgess got a thank-you for mowing east of Arriba and also talked with Travis Miller about bridges. On June 22, Mr. Burgess stopped by the Ranch Rodeo, and on the Twenty-fourth, he came to Hugo and also picked up a letter in Limon pertaining to senior center management. Ralph Bell called to tell him they'd completed the

first phase of the I-70 milling project and thanked the county for helping them. On June 25, Mr. Burgess borrowed the core drill from CDOT, and he and John Mohan drilled a six-inch hole in front of the courthouse for the pipe. He talked with Mr. Schifferns and Mr. Stone about getting a load of smaller rock for drainage at the fairgrounds and told Chris Monks to get one load. Ryan Bush went to the landfill to drill post holes with the skid loader. Mr. Burgess stopped by the Clerk's office to check out the new cabinets and talked to John Mohan about the air conditioning units. He spoke to John Palmer about trash service and Linda Orrell about the Tourism Board funding fireworks in Hugo and Limon. On June 26, Mr. Burgess went by the landfill where they had the posts set for the signs. He talked with Mark McMullen about using shingles for cover, but they would have to make sure there was no asbestos in them. Mr. Burgess talked to Jim Shideler about wiring lights on the scale, and he will try and work on it next week. After the meeting yesterday, Mr. Burgess stopped at the landfill and dropped off the letter regarding the compactor warranty and then attended the CDOT 4-P meeting in Limon. He called Kit Carson, Yuma, and Washington counties about coming to see their finance departments on July 9. Earlier this morning, he talked with Lincoln Community Hospital CEO Kevin Stansbury.

Mr. Kimble reported that he called Ms. Foster with HDR Engineering regarding the memo the county received about repairing the bridge on County Road 33. She told him the timbers were bad, and the structure was too low. They recommended attaching it to a curb and repairing it to thirty-one inches, which is standard height. Mr. Kimble told her that farmers need to move their equipment across it and asked her about the ninety-day deadline. Ms. Foster indicated they don't have much in the way of enforcement and assured Mr. Kimble the county wouldn't lose highway user money. She suggested that the county send a letter explaining the hardships, which they would review, but there would be another inspection in ninety days. Mr. Burgess put in that they'd discussed it at the 4-P meeting as well. Mr. Stone commented that he understood from CDOT that if the county repaired the railings to their previous condition, they wouldn't have anything to worry about. Mr. Kimble said he'd draft a letter, and in the meantime, it would help if the commissioners would show a good faith effort that they were working on it.

Mr. Kimble briefly reported on the mediation meeting and the 1885 order that gave counties the ability to establish a road system without having to pay for the rights-of-way. The law was repealed in 1953 when the state felt that counties had ample time to develop that system, but also indicated that if a road currently existed on a section line, it would remain a county road. Mr. Kimble said the question seemed to be why the state would repeal the law in 1953 if all section lines were still to be considered public roads. He added that the county could always change the road policy adopted in 2014, but the commissioners all agreed they were not in favor of that.

Mr. Kimble said he'd received Mrs. Lengel's email regarding creating a finance or bookkeeping department and commented that statutes dictate the job duties of elected officials, and while the commissioners can't tell another elected official what to do, they do control the budgets. Mr. Burgess told him they planned to visit a few counties to see what their finance departments

look like, and Mr. Kimble said that everything seemed to be very complicated and specialized anymore.

Mr. Piper reported that there would be a phone conference concerning the Karval Water Users on July 10 and said he would forward the call-in information to the commissioners if they wanted to listen in. He also had a meeting with Roxie Devers about the roundhouse, and she told him he would have to take over the day-to-day requirements when she moved. She said she'd still be involved with the pre-construction and whatever she could do remotely, but the daily diaries, interviews, payroll, and other immediate issues would become his responsibility. It might be the first part of April 2020 before the next phase is complete. Mr. Piper also ordered fifteen Maglocks for \$3,700, which included a 15% discount. Sheriff Nestor talked to the Chief Judge about reimbursing the county for the four they'd use in the courts as well as the labor to install them. She told Sheriff Nestor they'd try and find the money for it. Lastly, Mr. Piper said the person decommissioning the 2011 Tahoe offered to buy the vehicle and not charge the \$1,500 for decommissioning. The Board agreed they would prefer to put it out for bid with the other vehicles.

There was no old business to discuss, and Mr. Burgess said that as for new business, he didn't believe John Palmer or Carlos Leonard would have time to cut down the other four sets of bleachers before the fair. He wanted to know if the others felt they should ask someone to do it for them. Mr. Stone said it would be nice to have the bleachers available in case they needed them and offered to talk to John Palmer about it.

The commissioners approved an additional expense voucher, and then Mr. Schifferns adjourned the meeting at 11:58 a.m.

---

Corinne M. Lengel, Clerk to the Board

---

Ed E. Schifferns, Chairman