

Board of County Commissioners of Lincoln County

Agenda for March 30, 2012

9:00 Call to order and Pledge of Allegiance

9:00 Open bids for construction of a box culvert on county road 38

9:30 Fairgrounds Manager Randy Monks to discuss issues concerning the fairgrounds

10:00 Human Services Director Colette Barksdale to give her monthly report

11:00 Lorrie Boyer to discuss the Colorado Agri-Ability Project

1:00 Tony Ryan, Attorney for Next Era, to present for approval and signature the development agreements for Limon Wind, LLC, Limon Wind II, LLC, and the Eastern Colorado Interconnect and to request three exemptions from Subdivision Regulations for two substations and an operations and maintenance facility

1:30 Land Use Administrator Ken Morrison to present the Land Use Board's decision on the development permit application for a single family residence for Clinton Phipps and to discuss a Quit Claim Deed to the State of Colorado

2:00 Land Use Administrator Ken Morrison, Assessor Jeremiah Higgins and Zane Nestor, Corporal with the Sheriff's Office, to discuss a proposal from ESRI for GIS

2:30 Carlos and Michelle Leonard and Wanda Harris to discuss an issue concerning a payment to Karval Water Users

1. Approve the minutes from the March 29, 2012 meeting
2. County Commissioners' reports
3. County Administrator's report
4. County Attorney's report
5. Old business
6. New business
7. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 30, 2012. The following attended: Chairman Steve Burgess, Commissioner Gary Beedy, County Administrator Roxie Devers until 11:30 a.m., and Clerk to the Board Corinne M. Lengel. Commissioner Ted Lyons was absent and excused, and County Attorney Stan Kimble attended in the afternoon, as did Will Bublitz with The Limon Leader and Eastern Colorado Plainsman for approximately an hour and a half.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance, after which bids were opened for construction of a box culvert on County Road 38. Present for the bid opening were Roy Brossman and Aaron Mills. The bid from Colorado Construction Group was in the amount of \$46,019, the bid from Structures Unlimited, Inc. was in the amount of \$46,086, and the bid from TLM Constructors, Inc. was in the amount of \$71,923. Mr. Burgess said that he will review the bids and make a final decision once he has done so.

The Board then asked Mr. Mills about the traffic control for the bridge just south of the courthouse on County Road 109. He had submitted a quote in the amount of \$21,095 for signage, TCM, TCI, flagging for setup and lane shift, and traffic signals for one-month construction duration. Mr. Beedy made a motion to accept the quote from TLM Constructors, Inc. in the amount of \$21,095 for traffic control on county bridge LIN 63-62.0A. Mr. Burgess seconded the motion, which carried.

A brief discussion was also held regarding the fact that lead paint had been discovered when Mr. Mills was checking the bridge. Since it must be one hundred percent contained, he stated that they would need to paint it with an extremely thick primer and then scrape it off—it can't just be painted over.

Mr. Beedy made a motion to approve the minutes from the meeting held on March 29, 2012, as submitted. Mr. Burgess seconded the motion, which carried.

Mr. Beedy reported attending the final State Rail Plan meeting on March 16, a Colorado East Community Action Agency meeting on March 19, and the Economic Development board meeting on March 26. He also met with W.W. Enterprises about the new shop in Karval. On March 27, he attended a meeting with representatives from Blattner Energy, Inc. and providers of emergency medical services where information was given regarding emergency response when the new wind farm goes in. The company intends to begin roads on April 1, pour foundations for the towers on May 7, and start setting the 250 towers in July. Mr. Beedy wondered if a public meeting should be held regarding cooperation from farmers and ranchers during the summer harvest months when there will be excessive traffic on the county roads. Mr. Burgess put in that he intends to lower the speed limit on several of them. On March 28, Mr. Beedy spent some time at the Karval shop working on the bid process.

Mr. Burgess reported touring roads on March 21, as well as checking on the work at the fairgrounds. On March 22, he participated in a Centennial Mental Health video-conference, spoke with Chris Monks about County Road 63 south of County Road 2W, and also contacted

the pole farm in Arriba. On March 27, he worked with a trustee regarding removing the bookmobile decals, and on the Twenty-eighth he went out to the fairgrounds with Ms. Devers and Ms. Lengel to discuss the remodeling of the women's restroom.

At 9:30 a.m., Fairgrounds Manager Randy Monks met with the Board to discuss issues concerning the fairgrounds. The map of the grounds that will be placed in the fair book was discussed and Mr. Burgess asked Randy if he still intended to put up a fence on the east side of the grandstands, as they should include parking information on the map. Randy did confirm that it is still his plan to make the fence run north and south and camper parking will be allowed beyond the fenced-off area. Various signs were then discussed, including camper parking, trailer parking, no parking, and senior parking signs. Mr. Burgess also asked what the intention was with the old chute and Randy explained their ideas for building a type of alley along the show barn.

Mr. Burgess asked Randy for a full set of keys to the fairgrounds for Ms. Devers to keep as she does not have one anymore since some of the locks were changed. He also explained that the commissioners want a detailed list of upcoming events scheduled at the fairgrounds at the end of each month, and that they expect Randy to limit his work hours to twenty-four per week.

When Mr. Burgess asked if the horse-racing event was still scheduled for the first week of April, Ms. Devers said that although she had received proof of insurance from Lilia Galindo with Rancho La Escondida, the insurance was in her name rather than the company's. Ms. Devers was bothered by the fact that the insurance specified barrel races rather than horse races and didn't show Lincoln County as the certificate holder, so she forwarded it on to the county's liability insurance carrier, and then asked Ms. Galindo to make the corrections. So far, she had not heard back from her yet. Randy put in that Ms. Galindo wants to meet with him this coming Sunday and Ms. Devers added that when she talked to her she did say that she had called the fire and ambulance service and the Colorado Marshal's office number that she was given last fall, but it was no longer in service. Ms. Devers contacted Sheriff Nestor who gave her a different number, but Ms. Devers did not know if Ms. Galindo had gotten it taken care of. Randy said that she is supposed to bring him a check for use of the facilities and wanted to know if it would be okay to accept it. The commissioners felt that he should, and then the question arose as to what to do about women's restroom facilities since the remodeling on those under the grandstands will not be finished. The Board determined that renting a few Port-A-Pot units would be the best thing to do for the event, possibly on the south side of the tracks as well, since those restrooms are still winterized.

Randy asked that Wayne Shade come to the grounds and do some weed spraying when he gets the chance, and Mr. Burgess said he would get in touch with him.

At 10:00 a.m., Human Services Director Colette Barksdale met with the Board to give her monthly office report. Robert Kraxberger and Patricia Phillips also attended, and Ms. Phillips gave a presentation on the Real Baby Program.

The commissioners approved the employee time sheets and reviewed financial reports for the month of February 2012 while Ms. Barksdale gave a brief update on the upcoming Child Welfare Allocation Committee meeting. She also informed the Board that the Limon Work Force Center has had a couple of applicants for the accounting clerk position but asked if she would still be allowed to advertise for the position if the applicants through the Work Force Center do not meet the requirements or her expectations. The commissioners agreed it would be acceptable to advertise in that event.

Ms. Barksdale said they will have enough funding to complete Project School Supply again for the next school year, and that she is not yet sure if she will be attending the summer CCI conference in Keystone.

Ms. Barksdale also presented a flex schedule request from Marissa Schier, effective April 2, 2012. Mr. Beedy wanted to know if it would affect other staff coverage or overtime, and Ms. Barksdale assured him it would not. He also asked how long Ms. Schier wanted to continue the schedule and Ms. Barksdale felt it would be indefinitely. The commissioners agreed that they would like to have the situation reviewed every six months.

Mr. Beedy made a motion to approve a flex schedule for Marissa Schier, effective April 2, 2012, to be reviewed six months from that date. Mr. Burgess seconded the motion, which carried.

Ms. Barksdale then presented information on a time reporting system that she and the Public Health office are interested in, which would allow employees to enter the amount of time they spend working on various department programs, as it is something they have to report in fifteen-minute increments. At this time, the process involves two additional people, as well as the employee, but with the new, automated system, it would alleviate those extra steps and automatically send the information to the state. The setup can be done free of charge, but since Public Health doesn't feel like they can afford the cost of the program, Ms. Barksdale said they could work something out to where Human Services would pay the \$60 monthly fee and Public Health could take over paying for supplies for the Limon office.

Mr. Beedy made a motion to accept a time and attendance proposal from YTime: Now, LLC for \$60 per month. Mr. Burgess seconded the motion, which carried.

At 11:00 a.m., Community Relations Coordinator Lorrie Boyer met with the Board to discuss the Colorado AgrAbility Project. She gave a power-point presentation on the statewide free program and asked the commissioners if they knew of anyone who may be eligible for the services. Since outreach is the key, the commissioners suggested she contact the local newspapers, which she said she intends to do. The Board thanked her for a very informative presentation.

Mr. Burgess called for old business and Mr. Beedy made a motion to accept the \$12,110 bid from Plains Heating and Air Conditioning to install heat and air conditioning in the new Karval shop. Mr. Burgess seconded the motion, which carried.

Mr. Beedy also said he'd spoken with Marvin Hutton with Limon Electric and determined that his bid includes everything that was requested. Mr. Beedy made a motion to accept the \$13,587 bid from Limon Electric Supply for the installation of electricity in the new Karval shop. Mr. Burgess seconded the motion, which carried.

Finally, Mr. Beedy made a motion to accept the \$189,011 bid from Structures Unlimited, Inc. to construct the new Road & Bridge shop in Karval. Mr. Burgess seconded the motion, which carried.

At 1:00 p.m., Tony Ryan, Attorney for NextEra, met with the Board to present the development agreements for Limon Wind, LLC, Limon Wind II, LLC, and the Eastern Colorado Interconnect for their approval and signature. Mr. Ryan also wished to request three exemptions from subdivision regulations for two substations and an operations and maintenance facility. Land Use Administrator Ken Morrison attended, as well. Mr. Morrison stated that the use tax and permit fees will be paid by April 15 and all permits will be signed and ready for the project by April 30. Mr. Beedy asked if he should still sign the documents since he had abstained from previous conversations, as he felt he had a conflict of interest, but Mr. Kimble told him it would be acceptable to sign the agreements.

Mr. Beedy then made a motion to approve development agreements for Limon Wind, LLC in the amount of \$1,902,205.85, Limon Wind II, LLC in the amount of \$1,827,876.54, and for Eastern Colorado Interconnect. Mr. Burgess seconded the motion, which carried.

Mr. Burgess then called for a brief recess so that he and Ms. Lengel could take the documents to Commissioner Lyons for his signature and notarization.

When Mr. Burgess called the meeting back to order, Mr. Morrison stated that NextEra had also requested exemptions from subdivision regulations for two substations and the operations and maintenance building. Mr. Beedy made a motion to adopt a resolution granting NextEra an exemption of subdivision regulations on their O & M building in Section 10, Township 8 South, Range 56 West. Mr. Burgess seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on March 30, 2012 there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Absent & Excused
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Absent & Excused

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

RESOLUTION #817 It was moved by Commissioner Beedy and seconded by Commissioner Burgess to adopt the following resolution:

WHEREAS, application has been made by NextEra for exemption from the Lincoln County Subdivision Regulations for an operations and maintenance facility on a parcel of land in Lincoln County described as follows:

A tract of property located in the Northwest Quarter of the Northwest Quarter of Section 10, Township 8 South, Range 56 West of the 6th Principal Meridian, Lincoln County, Colorado, being more particularly described as follows:

BEGINNING at a set rebar with a 2" aluminum cap, 0.5' below ground stamped "3,4,9,10 T8S, R56W, 38222" accepted as the common corner of Sections 3, 4, 9 and 10, Township 8 South, Range 56 West of said Meridian from which a set rebar with a 2" aluminum cap, 0.5' below ground stamped "¼, 3,10 T8S, R56W, 38222" accepted as the common quarter corner of said Sections 3 and 10 Township 8 South, Range 56 West of said Meridian bears North 88°39'38" East, 2662.29 feet;

Thence North 88°39'38" East, 540.05 feet along the north line of said Northwest quarter;

Thence leaving said north line, South 00°33'46" East, 436.74 feet along a line which is 540.00 feet east of and parallel with the west line of said Northwest quarter;

Thence leaving said parallel line, South 88°42'11" West, 540.04 feet to said west line;

Thence North 00°33'46" West, 436.34 feet along said west line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 235,732 square feet or 5.4117 acres, more or less.

The bearings herein are based on the "Colorado State Plane Coordinate System of 1983", central zone and were established by GPS observations. The reference bearing for the O&M facility site is the line between the set rebar with a 2" aluminum cap, 0.5' below ground stamped "3,4,9,10 T8S, R56W, 38222" accepted as the common corner of Sections 3, 4, 9 and 10,

Township 8 South, Range 56 West of said Meridian from which a set rebar with a 2" aluminum cap, 0.5' below ground stamped "¼, 3,10 T8S, R56W, 38222" accepted as the common quarter corner of said Sections 3 and 10 Township 8 South, Range 56 West, of the 6th Prime Meridian as shown here on. Said line bears North 88°39'38" East, with all bearings contained herein relative thereto.

The description shown here on is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Said parcel of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption is for an operations and maintenance facility site for Limon Wind, LLC and Limon Wind II, LLC; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the tract as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Beedy, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Beedy also made a motion to adopt a resolution granting NextEra an exemption from subdivision regulations for a substation on 5.32 acres located in the Northeast Quarter of the Northwest Quarter of Section 18, Township 8 South, Range 55 West. Mr. Burgess seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on March 30, 2012 there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Absent & Excused
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Absent & Excused

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

RESOLUTION #818 It was moved by Commissioner Beedy and seconded by Commissioner Burgess to adopt the following resolution:

WHEREAS, application has been made by NextEra for exemption from the Lincoln County Subdivision Regulations for a substation site on a parcel of land in Lincoln County described as follows:

A tract of property located in the Northeast Quarter of the Northwest Quarter of Section 18, Township 8 South, Range 55 West of the 6th Principal Meridian, Lincoln County, Colorado, being more particularly described as follows:

BEGINNING at a set rebar with an aluminum cap flush with ground stamped "38222" and accepted as the north Quarter corner of said Section 18 from which a set rebar with an aluminum cap flush with ground stamped "38222" and accepted as the Northwest corner of said Section, bears South 89°31'18" West, 2452.66 feet;

Thence South 01°02'18" East 496.72 feet along the North-South mid Section line;

Thence leaving said mid section line, South 89°31'18" West, 466.72 feet along a line parallel with the North line of said Section;

Thence leaving said parallel line, North 01°02'18" West, 496.72 feet along a line parallel with said North-South mid section line to a point on the North line of said Section;

Thence North 89°31'18" East, 466.72 feet along said North line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 231,820 square feet or 5.32 acres, more or less.

The bearings herein are based on the Colorado State Plane Coordinate System of 1983, central zone and were established by GPS observations. The reference bearing for the substation site is the line between the set #6 rebar with an aluminum cap flush with ground stamped "38222" marking the North Quarter corner of said Section 18 and the set #6 rebar with an aluminum cap flush with ground stamped "38222" marking the Northwest corner of said Section 18, Township 8 South, Range 55 West, of the 6th Prime Meridian as shown here on. Said line bears South 89°31'18" West, with all bearings contained herein relative thereto.

Said parcel of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption is for a substation site for Limon Wind II, LLC; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the tract as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Beedy, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Beedy then made a motion to adopt a resolution granting NextEra an exemption from subdivision regulations for a substation on 17.19 acres located in the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 South, Range 56 West. Mr. Burgess seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on March 30, 2012 there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Absent & Excused
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Absent & Excused

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

RESOLUTION #819 It was moved by Commissioner Beedy and seconded by Commissioner Burgess to adopt the following resolution:

WHEREAS, application has been made by NextEra for exemption from the Lincoln County Subdivision Regulations for a substation site to be located on a parcel of land in Lincoln County described as follows:

A tract of property located in the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 South, Range 56 West of the 6th Principal Meridian, Lincoln County, Colorado, being more particularly described as follows:

BEGINNING at a set rebar with a 2" aluminum cap, 0.5' below ground stamped "3,4,9,10 T8S, R56W, 38222" accepted as the common corner of Sections 3, 4, 9 and 10, Township 8 South, Range 56 West of said Meridian from which a set rebar with a 2" aluminum cap, 0.5' below ground stamped "¼, 3,10 T8S, R56W, 38222" accepted as the common quarter corner of said Sections 3 and 10 Township 8 South, Range 56 West of said Meridian bears North 88°39'38" East, 2662.29 feet;

Thence North 00°06'01" West, 720.17 feet along the west line of said Southwest quarter;

Thence leaving said west line, North 88°39'38" East, 1,040.24 feet along a line which is 720.00 feet north of and parallel with the south line of said Southwest quarter;

Thence leaving said parallel line, South 00°06'01" East, 720.17 feet along a line which is parallel with and 1040.00 feet east of said west line to the south line of said Southwest quarter;

Thence leaving last said parallel line, South 88°39'38" West, 1,040.24 feet along said south line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 748,975 square feet or 17.1941 acres, more or less.

The bearings herein are based on the "Colorado State Plane Coordinate System of 1983", central zone and were established by GPS observations. The reference bearing for the substation site is the line between the set rebar with a 2" aluminum cap, 0.5' below ground stamped "3,4,9,10 T8S, R56W, 38222" accepted as the common corner of Sections 3, 4, 9 and 10, Township 8 South, Range 56 West of said Meridian from which a set rebar with a 2" aluminum cap, 0.5' below ground stamped "¼, 3,10 T8S, R56W, 38222" accepted as the common quarter corner of said Sections 3 and 10 Township 8 South, Range 56 West, of the 6th Prime Meridian as shown here on. Said line bears North 88°39'38" East, with all bearings contained herein relative thereto.

The description shown here on is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Said parcel of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption is for a substation site for Limon Wind, LLC; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the tract as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Beedy, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Ryan assured the commissioners that the funds would be wired to the county by April 15, and Mr. Morrison added that the permits would not be issued until the money was received.

After Mr. Ryan's departure, Mr. Morrison presented the Land Use Board's decision on development permit application #12-02 for a single-family residence requested by Clinton Phipps. The only condition the board had put on the permit was for a public water source or proper well.

Mr. Morrison also wished to discuss a Quit Claim Deed between the county and the State of Colorado for the right-of-way beneath Highway 40/287 located in Section 6, Township 10 South, Range 55 West, as it had come to their attention that they did not hold the deed to it. Mr. Morrison said that back in the fifties, when the road was built, the county owned the right-of-way, but now the state is looking to clean things up and own the rights-of-way under all state highways.

Mr. Beedy made a motion to approve the Quit Claim Deed between Lincoln County and the State of Colorado for the right-of-way beneath Highway 40/287 located in Section 6, Township 10 South, Range 55 West. Mr. Burgess seconded the motion, which carried.

At 2:00 p.m., Land Use Administrator Ken Morrison and Assessor Jeremiah Higgins met with the commissioners to discuss a proposal from Environmental Systems Research Institute, Inc. (ESRI) for GIS in the county. Software licenses, annual maintenance, hardware, and technical support were all included in the quote for \$25,340, but a server was not. Mr. Morrison said that the primary users would be the Assessor and Sheriff, and that Land Use and the Clerk would be secondary. Training could be done either on line or at the company itself, and Mr. Morrison felt that the primary users would probably need to actually attend training in Denver for two or three days at the ESRI facility. He added that another option may be through Morgan Community College.

Mr. Higgins put in that his department really doesn't have the time to devote to learning the program as it should be learned and suggested hiring someone to be the Land Use Administrator, GIS Administrator, and Emergency Manager combined since Mr. Morrison will

be retiring. When asked if he felt one person could handle all three roles, Mr. Morrison said he thought it would be possible.

Mr. Morrison also told the Board that if they would prefer to have someone from ESRI come in and do a presentation at one of the commissioner meetings, they would be willing to do that. Mr. Burgess felt it would be good to have something presented before all three commissioners before a decision was made, adding that there are still too many questions.

Mr. Kimble reported receiving a check in the amount of \$14,000 from Kent and Susan Dyer on the second county-owned piece of property they had purchased, and he asked Ms. Lengel to make sure that Ms. Devers paid Hedlund Abstract \$340 for the title commitment. The commissioners signed the settlement statement. He had also received the contract for the third property that the Dyers wish to purchase and said he would order the title commitment on it as well.

Mr. Kimble then informed the Board that he felt he may have a conflict of interest that he wanted to run by them, as he represents the town of Flagler, who is currently involved in a situation with Plains Medical Center and Lincoln Community Hospital. Since the hospital is a county-owned facility and Mr. Kimble represents the county, he wasn't sure how the commissioners would feel about him representing the town of Flagler. Mr. Burgess told him it would not be a problem unless he felt it was turning into one and, if so, then he should excuse himself from the conflict.

At 2:30 p.m., Carlos and Michelle Leonard and Wanda Harris met with the Board to discuss an issue concerning a payment to Karval Water Users. Apparently, the Karval Water User board has refused to reinstate service due to non-payment of a prior owner, according to their by-laws. Since the county originally entered into an agreement with Karval Water Users as owner of the system in June 1990, questions were fielded to Mr. Kimble as county attorney. Mr. Kimble sent several letters to KWU, first explaining his opinion that debt attaches to the property and does not follow a delinquent owner, per his experience with municipal water/sewer billing. He also felt that the KWU board was well within the parameter of its rules, as set forth by their by-laws, to refuse to extend service to a property that is still obligated by a delinquency until the delinquency is paid.

Upon further research, Mr. Kimble explained that he had since located a copy of the agreement entered into between the Lincoln County commissioners and Karval Water Users, Inc. on June 18, 1990, and apparently the county's involvement of ownership of the system ended on June 18, 2010; thus the county no longer has ownership interest in the water system and fixtures. Mr. Kimble's letter to the water board included information that their by-laws may need to be clarified in the matter of attaching a delinquent payment to real property.

Wanda Harris commented that she felt the board was breaking their own by-laws and that the bill they had received also included late fees and bad check charges of the party who never paid the original bill.

At that time, Mark Olson and Larry Nickell with Karval Water Users arrived and Mr. Kimble stated that his third letter to Mr. Olson suggested a compromise with the new owners, such as possibly discounting the interest charges, or a portion of the delinquency, and then amending the by-laws to be more specific about establishing that the obligation stays with the land regarding future issues.

Larry Nickell commented that he had done some searching and they cannot find where they ever got a deed to the land that the water plant sets on. Since the county owns the property, Mr. Nickell said he would like to petition the county to continue to own it until they pay off their loan, as DOLA will not allow them to obtain other loans if they own the property. Also, it is a much better tax benefit to them if the county owns it.

Mr. Beedy said he recalled that there was originally a loan on the water treatment plant for \$26,000 and Mr. Nickell put in that it was around \$18,000 now. Unfortunately, Mr. Beedy couldn't remember what else had taken place, and Mr. Kimble said they would need to have Ms. Devers pull the paperwork, as there may have been a Deed of Trust recorded back to the county. He added that it might not be possible for KWU to be an extension of the county anymore, but they would check into it.

Back to the issue with the delinquent bill, Mr. Nickell said they would hold a water board meeting the following Tuesday and hopefully take care of the issue, as it did not appear that the county had any vested interest in the matter at this time.

Once everyone had gone, Mr. Burgess said he'd spent some time looking over the bid from Colorado Construction Group on the bridge in District 2. Although it originally appeared lower than the bid from Structures Unlimited, Inc., after further review it showed a \$1,250 per trip fee for the use of a pumper truck, which Mr. Burgess said was included in the bid from Structures. He felt that there was no way that they would *not* need to use a pumper truck on the project and said that Mr. Brossman should have realized that when he looked at the site before submitting his bid.

Mr. Burgess made a motion to accept the bid from Structures Unlimited, Inc. in the amount of \$46,089 to construct a box culvert on County Road 38, due to the fact that the use of a pumper truck was included in the bid amount; whereas, it was not in the bid from Colorado Construction Group. Mr. Beedy seconded the motion, which carried.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on April 6, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman