

Board of County Commissioners of Lincoln County

Agenda for February 19, 2013

9:00 Call to order and Pledge of Allegiance

9:30 Veterans Service Officer Parker Newbanks, Jr. to give his annual report

10:00 Human Services Director Colette Barksdale to conduct a training on the financing of human services, including budgets and allocations

1. Approve the minutes from the February 7, 2013 meeting
2. Review the January 2013 reports from the Assessor and the Treasurer
3. County Commissioner reports
4. County Administrator's report
5. County Attorney's report
6. Old business
7. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 19, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon.

Chairman Lyons called the meeting to order and asked Mr. Stone to lead the Pledge of Allegiance. Mr. Lyons then commented on the previous discussion regarding obtaining asphalt/cement from the town of Limon, asking Mr. King for more specific information. Mr. King said that the town wants \$8 a ton for it, but the county would have to find someone to crush it. Mr. Stone said that David Seymour would like to have at least 1,500 ton if possible, and added that Dave Stone told him that he knows of three different people who can do the crushing. Since all three commissioners were interested, Mr. Lyons called Chris Monks, who said he would check into it and get back to them.

Mr. King made a motion to approve the minutes from the meeting held on February 7, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the January 2013 reports from the Assessor and Treasurer, and then, at 9:30 a.m., Veterans Service Officer Parker Newbanks, Jr. met with the commissioners to give his annual report. After giving an overview of what a Veterans Service Officer does, Mr. Newbanks presented the annual report which certifies that the county funds the office as required by law. Mr. Lyons asked him if he tends to see that less people are requesting services now that many of the WWII vets have passed away, but Mr. Newbanks said that he is now receiving requests from Korean War and Vietnam War veterans. Mr. King asked if he maintains his contact with a veteran if they leave the county, and Mr. Newbanks said he has been known to do it either way; either he maintains his relationship with the vet, or he turns their case over to the new county officer. Ms. Devers wanted to know if the burial allowance includes cremation and was told that it does include cremation, as well as interment of the cremains. The Board thanked Mr. Newbanks for his information.

At 10:00 a.m., Human Services Director Colette Barksdale and employee Robert Kraxberger met with the Board to conduct training on the financing of Human Services, including budgets and allocations. Ms. Barksdale informed Ms. Lengel that, since it was basically a work session, no minutes would be required, as long as proper documentation was maintained.

At 11:15 a.m., Ms. Lengel was asked to rejoin the meeting and the commissioners gave their individual reports.

Mr. Stone reported meeting with District Three foreman David Seymour, both on February 12 and February 15.

Mr. King reported receiving a blowing dirt complaint from Ken Becker on February 8 regarding property owned by UHINV, LLC (Furniture Row) and farmed by Gene Linnebur's son-in-law. Mr. King said Mr. Linnebur does not participate in any government programs, so there is nothing to

hold him to any kind of a farm plan at all. He added that Brian Johnson with FSA had sent a letter to UHINV, LLC in the hope of receiving some cooperation from them.

Mr. King also reported receiving a phone call from Denver Business Journal concerning oil wells in Lincoln County and the impact of truck traffic on the county roads. Mr. King informed the caller that he felt most residents are happy with the tax revenue in the county and the majority of the roads are kept in relatively good shape.

Mr. King mentioned that LCEDC will meet this coming Friday to discuss the process of hiring a new director to replace Patricia Vice, and added that he had received word from Lee Andersen that he would like to resign from the Genoa Cemetery Board. Either John Thompson or Gary Withington may be willing to replace him.

Mr. Lyons reported attending the Limon Correctional Facility meeting at the Limon town hall after the commissioner meeting on February 7, and said that he, too, had received the phone call from Kathy Robinson with the Denver Business Journal, and she had left him a message. When he called her back she was unavailable so he left her a message, as well. He never heard back from her.

Chris Monks stopped in to let the Board know that he had spoken with Dave Stone about the asphalt/cement that the town of Limon would like to get rid of. He also spoke with Jim McCormick about crushing it, and Jim said he would do it for \$8 a ton as well. He has an impact crusher, rather than a jaw crusher, and Chris felt hiring him to do the crushing would not pulverize the material quite so much as last time when a jaw crusher was used. Chris said he would recommend going with Mr. McCormick, as he also said he would not charge a mobilization fee if the county purchased at least 2,000 ton. He added that they would not have to pay the town anything. Mr. Stone said he thought David Seymour wanted at least 1,500 ton, and Chris said that District One could use that much also. Mr. King said that District Two would take whatever they can get, so Chris will follow up with scheduling Mr. McCormick to do the crushing.

Mr. Lyons continued his report by stating that Gary Beedy is interested in serving on the COG board, but would like to know what nights the meetings are held. Everyone thought it was Tuesday night, but Ms. Devers said she would contact Jo Downey and then let Mr. Beedy know.

Mr. Lyons also reported receiving a couple of phone calls from Kerry Halde. He wanted to know who owned the property next to his as he would like to purchase two or three acres to build a shop on. If he completes a purchase, he told Mr. Lyons he would need an exemption from subdivision regulations.

Finally, Mr. Lyons said that apparently the agreement with Scott Ravenkamp to lease the right-of-way for ten years that he thought had been settled hadn't been, as Scott said he wanted the agreement to be for five years to match the contract for the gravel pit. Mr. Lyons will ask Mr. Kimble to review the paperwork provided by Mr. Ravenkamp's attorney.

Ms. Devers reported attending the Post and Promote training and was asked if the commissioners were available on Twitter. She was told that if they wanted to set up a Twitter account, it would be easy to get them information in an instant, but none of the commissioners was interested in having a Twitter account.

Ms. Devers explained a bit about the door issue on the roundhouse; letting the new commissioners know that they had considered putting another door in the back and having all the bay doors operable, which would mean the scope of work would have to be changed. Roundhouse Preservation, Inc. had a meeting and discussed it and as a result, Ms. Devers asked the Board if they wanted to eliminate putting in the additional door in the back, as there seemed to be enough exits as is. The commissioners agreed that the extra door should not be added.

Ms. Devers reported that courthouse janitor Sheree Miller will be resigning, effective March 6, so she will advertise for the position and contact Job Services.

Also, Fairgrounds Manager Julie Joffe had a person come out from Sherwin-Williams to look at the floor in the Ellis Allen building. It will cost approximately \$1,000 to prep and repaint the floor. Mr. Stone made a motion to spend the money to prep and repaint the concrete floor in the Ellis Allen building. Mr. King seconded the motion, which carried unanimously.

Ms. Devers informed the commissioners of a meeting with the Office of Economic Development and International Trade on March 11 at the Limon community building, regarding the Colorado Blueprint and promoting Lincoln County. She also provided the minutes from the design meeting for the fairgrounds.

At 1:00 p.m., County Attorney Stan Kimble was asked to give his report. Since Anthony Ryan, attorney for Next Era, had come to discuss an issue Prairie Minerals has with Limon Wind, LLC, Mr. Kimble suggested they discuss it first. Land Use Administrator John DeWitt was also in attendance.

Mr. Kimble explained that a letter from Polly Jessen with Kaplan, Kirsch and Rockwell, attorneys for Prairie Minerals, Ltd., had been sent to the commissioners in care of Mr. DeWitt, explaining that Limon Wind failed to comply with Condition No. 11 of the resolutions passed by the commissioners on January 17, 2012. The letter stated that Prairie Minerals was informed that construction and installation of wind farm facilities for Limon Wind I and Limon Wind II had already been completed. Contrary to Condition No. 11, Limon Wind I and Limon Wind II had not entered into a surface use agreement or other compatible development agreement with Prairie Minerals, which is a "mineral estate owner who filed a timely objection to the application." Prairie Minerals also felt that Limon Wind I and Limon Wind II had not "made good faith commercially reasonable efforts to enter into" an agreement with them. Mr. Kimble added that he felt certain that Ken Morrison, Land Use Administrator at the time the permits were issued, most likely assumed that all of the agreements had been completed, since Anadarco, the largest mineral owner in the area, did have such an agreement with Limon Wind

I and Limon Wind II. He went on to say that he had spoken with Ms. Jessen, who felt that an agreement would be forthcoming and it all may soon be a moot point. She had wanted representation at this meeting, but Mr. Kimble said he had assured her that the commissioners were holding an informational session only and it was not a hearing of any kind.

Mr. Ryan spoke up to assure the Board that an agreement *is* forthcoming shortly. He explained that two mineral owners objected when they began the project; Anadarco and Prairie Minerals, and they had agreed to add Condition No. 11 to the resolutions as a result of those objections. NextEra did not want to sink too many resources into the project if there were going to be objections to the use permits, so they pulled out the agreement that Anadarco had done with Cedar Point Wind to pattern their agreement after. That agreement was not completed until October of 2012, long after they received an agreement from Prairie Minerals in May of 2012. As they were in the midst of negotiations with Anadarco, and they wanted to use the same template for both agreements, nothing was completed with Prairie Minerals. Mr. Ryan said that the agreement with Anadarco simply drug on longer than they anticipated, and then they were concerned with finishing the project by the deadline of December 2012, which was the priority. Since the agreement was done with Anadarco after the towers were up, NextEra assumed that would be acceptable with Prairie Minerals, as well. He finished by stating that NextEra enjoys being part of the community and they are very committed to having an agreement in place as soon as they possibly can.

Mr. Kimble said that he felt Ms. Jessen wanted to get some discussion going, and Mr. Ryan responded that if there is no agreement in two or three weeks, they can certainly come before the Board at their next meeting, as well as counsel for Prairie Minerals. He said they are not looking for a formal hearing, but that it definitely got NextEra's attention and they want to resolve it as soon as possible.

As for the noise issue with the wind tower, Mr. Kimble said that Jeff Kowalski is supposed to be out this coming Thursday to meet with Gary Withington. Mr. Kimble asked Mr. DeWitt to make sure that Mr. Kowalski knows how to get to Mr. Withington's.

Mr. King asked Mr. Ryan if he knew of any studies done on wind turbines affecting wildlife, as some of the residents north of Limon have commented that the deer have moved out of their area since the towers have gone up. Both Mr. Kimble and Mr. Ryan said that numerous studies have been done regarding wildlife during the initial permitting process.

Once Mr. Ryan had gone, Mr. DeWitt updated the Board on the Lockett Land Use complaint, offering pictures of the completed work and letting the commissioners know that he had heard nothing further from the complainant about the project. He added that he hoped all parties concerned will feel that there is so little left to do that Mr. Lockett will be allowed to finish without county supervision.

Mr. Lyons asked about new oil well permits, and Mr. DeWitt stated that he had filed two more the previous day. He added that he'd been working for approximately five months on getting

the section of railroad fixed coming into Hugo from the east. He sent several emails and recently noticed that they finally sent someone to look at it, and U.P. may be replacing a good portion of the track sometime this year.

County Assessor Jeremiah Higgins stopped in to let the Board know that his office will be sending out the oil and gas surveys again for anyone who has an oil and gas lease, as required by law. He asked that any complaints or questions be referred to him. He also mentioned that Sheriff Nestor is considering selling some of the abandoned property in his office, possibly via internet auction, and gave the commissioners some information regarding how it might be accomplished.

Mr. Kimble reviewed the Easement Agreement with Scott Ravenkamp and said that it seems to be acceptable.

There was no old business to discuss, but Ms. Devers asked the commissioners to sign a thank-you letter to Gary Ensign for his years of service on the Lincoln County E911 Authority Board, and requested that Mr. Lyons sign a revised Data Report Form for DOLA.

Mr. King made a motion to cancel County General check #22236, issued to Doug Stone in the amount of \$236.00 on February 7, 2013. Due to an error by the Warwick Hotel, Mr. Stone's personal credit card was charged for the new commissioner orientation instead of the county's credit card, and Mr. Stone had submitted a voucher for reimbursement. When the error was discovered, the hotel credited Mr. Stone's personal card and moved the charges to the county's account, so he turned the reimbursement check back into the county for cancellation. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed a request from Jason Bandy to be considered as a replacement to fill the vacancy left by Del Beattie on the hospital board. The question was asked whether or not his being a member of the Limon School Board would be an issue, and Mr. Kimble said he would check on it.

Mr. King asked Mr. Kimble about the blowing dirt complaint covered earlier in the meeting, and Mr. Kimble said he would read up on it again, but it was his thought that the county can take care of it and assess the property for compensation.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on February 27, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman