

Board of County Commissioners of Lincoln County

Agenda for March 6, 2013

9:00 Call to order and Pledge of Allegiance

11:00 Polly Jessen with Kaplan Kirsch Rockwell and Bond Beams with Prairie Minerals, Ltd to discuss the development permits approved for Limon Wind, LLC; Limon Wind II, LLC; Limon Wind III, LLC; and Eastern Colorado Interconnect, LLC for wind power facilities and how surface use conflicts would be addressed with respect to the development of subsurface minerals

1. Approve the minutes from the February 28, 2013 meeting
2. County Commissioners' reports
3. County Administrator's report
4. County Attorney's report
5. Old business
 - a. Appoint an individual to the Lincoln Community Hospital Board of Directors
6. New business
7. Approve expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 6, 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 arrived at 11:00 a.m.

Chairman Lyons called the meeting to order and asked Ms. Devers to lead the Pledge of Allegiance, and then Mr. King made a motion to approve the minutes from the meeting held on February 28, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

Mr. King reported attending the Economic Development meeting on March 4 and told the others that Vickie Maxon will serve as the coordinator for three-to-six months until a full-time person can be hired. He also stopped by the Genoa shop and took some insurance information from Ms. Devers to Mark McHone to hand out to the employees. On a visit to the landfill, he learned that the windshield on the compactor is shattered in a couple of places and Mick would like to have it replaced. Mr. Lyons said they would need to check with CAT. Lastly, Mr. King said he'd received a call from Gary Withington about the noise coming from the wind tower.

Mr. Stone reported meeting with David Seymour on March 1.

Mr. Lyons said that he'd been contacted by Keith James and the hospital board had agreed to appoint Steve Burgess as the member replacing Del Beattie, and he asked if the other commissioners agreed to that. Mr. King said he would prefer they appoint Jason Bandy, as it would be better to get some "young blood" on some of the county boards. Mr. Lyons said that Keith James, president of the hospital board, had called and told him their preference would be Steve Burgess, and asked Mr. Stone his opinion. Mr. Stone said that either of them would be good, but since the hospital board requested Mr. Burgess, they should honor that request and do what the board suggested. Mr. Lyons asked for a motion to appoint Steve Burgess to the Lincoln Community Hospital Board, and Mr. Stone made that motion. Mr. Lyons seconded the motion and it passed with Mr. Lyons and Mr. Stone voting for and Mr. King voting against.

Mr. Lyons also reported receiving another call from Gary Withington concerning his noise complaint. Mr. Kowalski had taken his readings and picked up his equipment on Monday; however, Mr. Withington told Mr. Lyons that he had not taken any readings with his meter on the same days that Mr. Kowalski did, so there was no way to make a comparison.

Mr. Lyons had also received a phone call from Gene Vick, who had heard that Mr. Lyons was going to vacate the position of commissioner. He told Mr. Vick that he intends to finish out his term.

At 9:30 a.m., Public Health Director Sue Kelly stopped in to give her monthly report. Phase IV out of V of the Community Assessment, or CHAPS, has been completed and Ms. Kelly has decided to join Survey Monkey to help with some of the surveys. She said it will cost her \$20 per month and she will cancel her subscription in a couple of months when she no longer needs to use it. She updated the Board regarding several EPR meetings she and Bill Rusher have

attended, adding that the regional EPR meeting in Cheyenne Wells had gone very smoothly. Both she and Mary Ann Hays have completed their on-line training in accordance to best practices for Vital Records, and Pat McHone has one more course to take before she is finished. They will have Mr. Rusher complete his as well. They have also cleared out a space for the coroner records in their storage area, but so far they have not received anything from Ms. Nestor. Ms. Kelly said they have not received payment yet from Medicare for the flu shots, but neither have they received any error notices, so she is confident that the money will come. A completed MOU with Plains Medical Center signed by all parties including CDPHE is now on file, which allows Public Health to VFC vaccines to under-insured children. Ms. Kelly said that the Scope of Work/Action Plan and proposed budget of \$19,741 have been submitted for the "Tobacco Use in Youth" project and they are awaiting word of its acceptance. The grant would run from July 1, 2013, through June 30, 2014. Mr. Lyons was skeptical about there being many participants in such a program, but Ms. Kelly said that since the money is there, it would certainly be worth a try. Lastly, Ms. Kelly reported that she has completed her Level III WIC training which means she has finished it, and wanted the Board to know that the offices have all been painted, look wonderful, and Travis Nall did a fantastic job.

Ms. Devers reported that Land Use Administrator John DeWitt had received a letter from the Division of Reclamation, Mining and Safety concerning a review of current permit status regarding temporary cessation on the Jamaco Pit, the George Ansley Pit, the Fisher Pit, the Pickenpaugh Gravel Pit, the Ellis Allen Pit, the Melvin Savage Pit, the Daugherty Pit, and the Brent Pit. The letter outlined that recent site inspections and reviews observed that the above-mentioned sites are not in compliance with the permit status requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). Specifically, if the county's operation is not active or has limited mining activity, action may be required. Operators not continuously engaged in the extraction of construction materials must either file a notice of Temporary Cessation or apply for Intermittent Status. Notice of Temporary Cessation must be filed in writing and include a \$144 fee per permit. Should the county choose to file Intermittent Status, the permit application should include a statement that the affected lands are to be used for less than one hundred eighty days per year, and operators must demonstrate that active mining occurs every year that they remain in Intermittent Status. Ms. Devers didn't believe there was a cost involved with filing as IS, but the Board asked her to have Mr. DeWitt make sure of that, as they felt it would be best to file that way.

Several other job applications were received for the janitorial position, so the Board looked them over while Ms. Devers informed them that she had asked Fairgrounds Manager Julie Joffe to measure the seats in the grandstands that needed covers, as the commissioners had asked her to do. Ms. Joffe was getting ready to leave on vacation and when Ms. Devers checked with Hugo Lumber, she was told that they do not want to redo the calculations that they had done once already and suggested the county order them. Ms. Devers said she would see if Travis Nall would have time to go out and measure the rows.

There was no old business to discuss, but Mr. Lyons suggested breaking future commissioner meetings at 11:30 instead of noon if they wanted to go out for lunch, since another of the restaurants is closing and they may not get served and finish their meal within an hour if they break at noon. The others had no problems with the arrangement.

The commissioners reviewed the remaining expense vouchers for the month of February 2013.

COUNTY GENERAL FUND

Chief Deputy Salary \$3,178.00
Corporal Salary \$3,159.60
Correctional Officer I Salary \$4,080.88
Correctional Officer I Salary \$2,403.00
Treasurer Salary \$3,650.00
Deputy Clerk Salary \$2,523.00
Administrator Salary \$4,350.00
Land Use Admin Salary \$2,426.00
Deputy Clerk Salary \$2,740.00
Janitorial Salary \$1,231.50
Road Deputy Salary \$3,425.27
Correctional Officer I Salary \$3,749.80
Assessor Salary \$3,650.00
Clerk I Salary \$2,166.00
Deputy I Salary \$2,408.00
Driver Examiner Salary \$2,655.00
Fairgrounds Manager Salary \$1,300.00
Correctional Officer I Salary \$3,439.00
Attorney Salary \$1,800.00
Commissioner Salary \$2,777.25
Road Deputy Salary \$3,131.26
Clerk Salary \$3,650.00
Road Deputy Salary \$3,418.18
Commissioner Salary \$3,650.00
Correctional Officer I Salary \$2,463.00
Undersheriff Salary \$3,298.00
Maintenance Salary \$2,763.00
Correctional Officer I Salary \$2,931.36
Corporal Salary \$2,890.50
Coroner Salary \$825.00
Sheriff Salary \$4,091.67
VA Service Officer Salary \$395.83
Correctional Officer I Salary \$2,494.86
Correctional Officer III Salary \$4,273.90
Deputy Clerk Salary \$2,463.00

Victim's Assistant Salary \$2,643.00
Weed Coordinator Salary \$2,884.00
Office Mgr II Salary \$2,776.00
Commissioner Salary \$2,777.25
Part Time Salary \$302.56
4-H Program Assistant Salary \$3,172.00
Chief Deputy Salary \$2,676.00
Metal Detector Salary \$1,200.00
Captain Salary \$3,238.00
Appraisal Clerk Salary \$2,216.00
Janitor Salary \$1,465.81
Correctional Officer II Salary \$3,868.24
Road Deputy Salary \$3,378.01
Admin Assist Salary \$3,160.00
Metal Detector Salary \$1,200.00
Road Deputy Salary \$2,993.12

22282 ACCA, Membership \$75.00
22283 Address Pro, Notices \$351.98
22284 AFLAC, Premiums \$1,219.19
22285 Behavioral Interventions, Maintenance Contract \$115.67
22286 Berenbaum, Weinshienk PC, Services \$187.50
22287 Bob Barker Company, Supplies \$82.96
22288 Centennial Mental Health, Contribution \$2,513.00
22289 Century Link, Communications \$66.77
22290 CHP, Insurance \$49,988.60
22291 Consolidated Management Co, Food Service \$6,753.33
22292 James Covington, Supplies \$304.54
22293 Cranmore Fire, Supplies \$570.00
22294 Curian Clearing, Retirement \$6,922.65
22295 John Dewitt, Mileage \$18.40
22296 Drug Check Express, Tests \$817.00
22297 Express Toll, Toll Fee \$20.80
22298 Evergreen Systems, IT \$378.32
22299 Family Support Registry, Garnishment \$200.00
22300 First Bankcard, Charges \$9.95
22301 First Bankcard, Charges \$448.80
22302 First Bankcard, Charges \$194.00
22303 First Bankcard, Charges \$59.83
22304 First Bankcard, Charges \$959.30
22305 First Bankcard, Charges \$48.94
22306 First Bankcard, Charges \$233.76
22307 First Bankcard, Charges \$16.40
22308 First Bankcard, Charges \$22.75

22309 Great West Life & Annuity, Deferred Comp \$2,880.00
22310 Julie Joffe, Travel \$138.82
22311 Greg King, Travel \$62.00
22312 KCCHHS, Contribution \$2,078.00
22313 Lincoln Cnty Treasurer, Supplies \$1,639.99
22314 Lincoln Cnty Extension, Travel \$95.60
22315 Ted Lyons, Mileage \$141.20
22316 National Sheriffs' Assoc, Dues \$45.00
22317 Northwest Parkway, Toll Fee \$7.50
22318 18th Judicial District, Payment \$28,534.50
22319 PayFlex, Cafeteria Plan \$1,300.00
22320 PayFlex, Fees \$100.00
22321 Plains Medical Center, Dentist \$963.50
22322 Plotter Supplies, Ink \$731.39
22323 Precinct Police, Uniforms \$134.91
22324 PTS of America, Transport \$532.40
22325 Quill, Supplies \$1,501.13
22326 Quill, Supplies \$620.28
22327 Radiology Imaging, X-ray \$44.00
22328 Rob's Septic Service, Pump Service \$935.00
22329 Shawn Smith Construction, Services \$465.00
22330 Treasurer of Lincoln County, State Withholding \$4,304.00
22331 Treasurer of Lincoln County, Federal Withholding \$12,105.27
22332 Treasurer of Lincoln County, FICA \$21,012.26
22333 Ultramax, Ammo \$264.60
22334 UPS, Postage \$16.11
22335 Verizon, Communications \$53.72
22336 Waxie Sanitary, Supplies \$551.10
22337 Wingfoot Commercial, Tires \$1,848.88
22338 Xerox, Lease \$181.93

22410 Alco, Supplies \$725.86
22411 Cash Wa Distributing, Supplies \$97.50
22412 Colo Customware, Software \$5,771.00
22413 Crimestar, Supplies \$600.00
22414 DirecTV, Television \$94.99
22415 ESRTA, Telephone \$1,766.52
22416 Eastern Colo Plainsman, Notices \$38.43
22417 Evergreen Systems, IT \$68.33
22418 Hart's Auto Supply, Radar Supplies \$84.49
22419 Hoffman Drug, Supplies \$598.02
22420 Hugo Lumber, Supplies \$1,182.23
22421 KC Electric, Utilities \$5,970.60
22422 Limon Leader, Advertising \$781.01

22423 LCH, Contract \$8,333.32
22424 Lincoln Cnty Rd & Bridge, Fuel \$3,436.85
22425 Lincoln Cnty Rd & Bridge, Fuel \$73.98
22426 Neve's Uniforms, Pants \$133.90
22427 Osborne's, Charges \$113.62
22428 Quill, Supplies \$391.93
22429 Radiology Imaging, X Rays \$25.00
22430 Amy Seymour, Travel \$132.51
22431 Les Swanson, Supplies \$23.39
22432 Travis Taylor, Mileage \$61.60
22433 Verizon Wireless, Communications \$33.29
22434 Vern's TV & Radio, Services \$97.94
22435 Witt Boys, Parts \$229.82
22436 Xerox, Supplies \$27.22

ROAD & BRIDGE

Road Crew Salary \$2,763.00
Road Crew Salary \$2,463.00
Road Crew Salary \$2,463.00
Road Crew Salary \$2,763.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,403.00
Road Crew Salary \$2,703.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,463.00
Road Crew Salary \$2,403.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,643.00
Road Crew Salary \$2,883.00
Road Crew Salary \$2,463.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,403.00
Road Crew Salary \$2,643.00
Road Foreman Salary \$3,004.00
Road Foreman Salary \$3,810.95
Road Crew Salary \$2,523.00
Road Crew Salary \$2,583.00
Road Crew Salary \$2,463.00
Road Crew Salary \$1,102.50
Road Crew Salary \$2,645.78
Road Foreman Salary \$3,124.00
Shop Secretary Salary \$2,763.00
Mechanic Salary \$3,032.00

Chief Deputy Salary \$3,298.00

22373 AFLAC, Premiums \$368.62
22374 CHP, Insurance \$29,982.12
22375 Clinton Clark, Gravel \$1,222.00
22376 Betty Clark, Gravel \$1,222.00
22377 Penny Clevenger, Gravel \$1,008.00
22378 CNH Capital, Parts \$28.80
22379 Colo Equipment, Parts \$39.66
22380 Cranmore Fire Protection, Supplies \$585.00
22381 Curian Clearing, Retirement \$4,578.79
22382 Division of Reclamation Mining & Safety, Fee \$646.00
22383 Alco, Supplies \$24.98
22384 Evergreen Systems, IT \$13.33
22385 EWS Steel Aggregate, Road Oil \$1,008.90
22386 Family Support Registry, Garnishment \$662.00
22387 First Bankcard, Charges \$298.10
22388 First Bankcard, Charges \$175.00
22389 Great West Life & Annuity, Deferred Comp \$2,548.89
22390 Interstate Billing, Parts \$437.33
22391 Jamaco Ltd, Gravel \$621.00
22392 Light House, Parts \$919.90
22393 Lincoln Cnty Clerk, Registration \$9.09
22394 Lincoln Cnty Treasurer, Gravel \$216.00
22395 Lincoln Cnty Treasurer, Trailer \$33,115.00
22396 MHC Kenworth, Parts \$9.68
22397 Michigan State Disbursement, Garnishment \$405.50
22398 Newman Traffic, Signs \$458.89
22399 Osborne's, Supplies \$49.14
22400 PayFlex, Cafeteria Plan \$15.00
22401 Professional Finance, Garnishment \$521.72
22402 Pronghorn Ace, Supplies \$124.81
22403 Treasurer of Lincoln County, State Withholding \$2,146.00
22404 Treasurer of Lincoln County, Federal Withholding \$5,521.31
22405 Treasurer of Lincoln County, FICA \$11,293.58
22406 Vern's TV & Radio, Supplies \$76.93
22407 Waxie Sanitary, Supplies \$44.40
22408 Wingfoot Commercial Tire, Supplies \$978.74

22450 AlSCO, Equipment \$58.95
22451 Cranmore Fire, Supplies \$275.00
22452 DJ Petroleum, Fuel \$37,400.64
22453 ESRTA, Telephone \$281.62
22454 Farm Gas, Fuel \$611.65

22455 Town of Genoa, Water \$108.85
22456 Hugo Lumber, Supplies \$123.91
22457 KC Electric, Utilities \$274.58
22458 Lincoln Cnty Clerk, Registration \$10.98
22459 MVEA, Utilities \$836.83
22460 Pronghorn Ace, Supplies \$86.96
22461 Rob's Septic Service, Repairs \$300.00
22462 Steel Corner, Parts \$1,252.61
22463 Tucker Custom Service, Road Oil \$17,221.02
22464 Wagner Equipment, Parts \$8,478.15
22465 Wingfoot Commercial Tire, Tires \$4,906.38
22466 Witt Boys, Parts \$1,656.70
22467 Xerox, Lease \$24.74

LANDFILL

Operator Salary \$2,523.00
Bookkeeper \$2,116.00
Part Time Salary \$389.20
Manager Salary \$2,944.00

22343 CHP, Insurance \$3,719.14
22344 Curian Clearing, Retirement \$369.03
22345 MVEA, Utilities \$42.89
22346 PayFlex, Cafeteria Plan \$516.67
22347 Prairie Mountain Publishing, Receipt Books \$361.59
22348 Professional Finance Co, Garnishment \$563.41
22349 Treasurer of Lincoln County, State Withholding \$277.00
22350 Treasurer of Lincoln County, Fed Withholding \$706.51
22351 Treasurer of Lincoln County, FICA \$1,204.44
22352 Waxie Sanitary, Supplies \$44.40

22444 ESRTA, Telephone \$67.90
22445 Osborne's, Supplies \$11.00
22446 SE & EC Recycling, Services \$1,297.95
22447 Witt Boys, Repairs \$759.15

LIBRARY

Bookmobile Salary \$476.16
Bookmobile Salary \$859.95

22364 Brodart Co, Subscription \$3,162.00
22365 Center Point Large Print, Subscription \$966.36

22366 Linda Grauberger, Supplies \$53.03
22367 Limon Memorial Library, Books \$103.87
22368 Office Works, Supplies \$17.58
22369 Treasurer of Lincoln County, FICA \$204.42
22370 Viaero, Communications \$76.41

22448 DJ Petroleum, Fuel \$72.80
22449 Lincoln Cnty Rd & Bridge, Fuel \$52.06

LODGING & TOURISM

22371 Advanced Small Business Marketing, Marketing \$3,733.20
22372 John LaBorde, Stories \$920.00

PUBLIC HEALTH AGENCY

Doctor Salary \$50.00
Receptionist/Educator Salary \$806.63
Nurse Salary \$2,987.50
WIC Educator Salary \$2,181.00
EPR Coord/Office Mgr Salary \$2,376.00

22353 CDPHE, Vital Records Supplies \$110.00
22354 Century Link, Telephone \$160.93
22355 CHP, Insurance \$2,482.32
22356 Curian Clearing, Retirement \$147.22
22357 Evergreen Systems, IT \$76.67
22358 First Bankcard, Charges \$100.57
22359 Tracy Grimes, Rent \$500.00
22360 Sonia Machuca, Interpreter \$22.00
22361 Treasurer of Lincoln County, State Withholding \$257.00
22362 Treasurer of Lincoln County, Federal Withholding \$639.19
22363 Treasurer of Lincoln County, FICA \$1,285.38

22437 ESRTA, Telephone \$254.99
22438 Lincoln Cnty Rd & Bridge, Fuel \$58.09
22439 Sonia Machuca, Interpreter \$33.00
22440 Osborne's, Supplies \$30.16

CAPITAL PROJECTS

22441 Colo Springs Dodge, Repairs \$2,062.45

Correctional Officer I Salary \$2,675.25

22339 CHP, Insurance \$661.20

22340 Treasurer of Lincoln County, State Withholding \$101.00

22341 Treasurer of Lincoln County, Federal Withholding \$287.85

22342 Treasurer of Lincoln County, FICA \$409.32

22442 Century Link, Communications \$278.46

22443 Century Link, Repairs \$900.00

HUMAN SERVICES ADMINISTRATIVE FUND

Director Salary \$5,430.00

Admin Assist IV Salary \$2,548.00

Legal Tech III Salary \$2,708.00

Accountant Salary \$2,567.00

CKLECC Coordinator Salary \$818.01

IMT IV Salary \$2,573.00

Assistance Pmts Supervisor V Salary \$3,140.00

Caseworker III Salary \$3,219.00

Caseworker IV Salary \$3,598.00

Caseworker Supervisor Salary \$4,128.00

Caseworker IV Salary \$3,728.00

Srvcs Administrator Salary \$4,997.00

Caseworker IV Salary \$3,463.00

Caseworker IV Salary \$3,783.00

IMT IV-Fraud Investigator Salary \$1,338.50

Leap Technician Salary \$435.12

64777 ESRTA, Telephone \$533.24

64778 Farm Gas, Fuel \$202.25

64779 Melissa Huff, Travel \$108.80

64780 LexisNexis, Fees \$50.00

64781 Lincoln Cnty Rd & Bridge, Fuel \$76.70

64782 Lincoln Cnty DHS, Travel \$325.00

64783 Void

64784 Office Max, Supplies \$310.45

64785 Osborne's, Supplies \$18.37

64786 Century Link, Telephone \$109.31

64787 CGHSFOA, Dues \$450.00

64788 Darling Delights, Meeting \$23.68

64789 Evergreen Systems, IT \$722.24

64790 Fast & Friendly Food Marts, Client Pmt \$76.00
64791 First Bankcard, Charges \$44.63
64792 First Bankcard, Charges \$33.38
64793 First Bankcard, Charges \$15.34
64794 First Bankcard, Charges \$21.10
64795 First Bankcard, Charges \$17.58
64796 First Bankcard, Charges \$1,003.23
64797 First Bankcard, Charges \$164.74
64798 First Bankcard, Charges \$98.58
64799 First Bankcard, Charges \$18.99
64800 First Bankcard, Charges \$131.38
64801 Tracy Grimes, Rent \$375.00
64802 Jean's Family Kitchen, Meeting \$73.30
64803 Lincoln Cnty DHS, Travel \$242.86
64804 Lincoln Cnty, Rent \$1,882.00
64805 Lincoln Cnty Rd & Bridge, Fuel \$141.38
64806 Matthew Bender & Co, Books \$233.31
64807 Lincoln Cnty Sheriff, Fee \$35.00
64808 Rose Padilla, Contract Pmt \$162.50
64809 Prairie Mountain Publishing, Supplies \$267.84
64810 Scranton Specht & Associates, Contract Pmt \$8,099.95
64811 SSTABS, Dues \$40.00
64812 Sunrise Environmental, Supplies \$141.61
64813 Verizon, Communications \$150.33
64814 Viaero, Communications \$40.21
64815 Witt Boys, Services \$38.16
64816 Xerox, Lease \$48.08
64817 Melissa Gossett, Travel \$10.00
64818 Andrew Lorensen, Travel \$96.00
64819 Lauren Lyons, Travel \$10.93
64820 Shannon Sheffield, Travel \$187.40
64821 Client/Prov Pmt, \$800.00
64822 Fast & Friendly Food Marts, Client Pmt \$77.18
64823 Lincoln County Treasurer, FICA \$13,211.93
64824 CHP, Insurance \$18,149.42
64825 Curian Clearing, Retirement \$2,922.11
64826 Great-West Life & Annuity, Liabilities \$1,350.00
64827 PayFlex, Cafeteria Plan \$500.00
64828 AFLAC, Premiums \$314.81
64829 Client/Prov Pmt \$1,725.00

At 11:00 a.m., Polly Jessen with Kaplan, Kirsch, Rockwell, and Bond Beams with Prairie Minerals, Ltd, met with the Board to discuss the development permits approved for Limon Wind, LLC,

Limon Wind II, LLC, and Limon Wind III, LLC, and Eastern Colorado Interconnect, LLC for wind power facilities and how surface use conflicts would be addressed with respect to the development of subsurface minerals. Tony Ryan, attorney for NextEra, and Stan Kimble also attended the discussion. James Emmerling arrived midway through.

Mr. Beams said he wanted to meet with the commissioners as he feels they are not even close to an agreement concerning Condition No. 11 in the resolutions passed by the county in January 2012. He explained that Prairie Minerals has been paying severance taxes in Lincoln County on 20,000 acres since 1976, and gave the Board some background and history of his company. Once he had finished, he added that the two greatest issues they have with NextEra are the locations of the towers and the fact that they can amend their plans without Prairie Minerals' approval as far as conducting future drilling operations on their minerals. He went on to say that due to the route NextEra took with the wind towers; directly across a quarter section owned by Prairie Minerals, and the 500 foot buffer zone they require, they have potentially taken away two or three of their drilling areas.

Mr. Kimble asked if drilling could commence if those buffer zones were removed, and Mr. Beams said absolutely; they would even agree to a 250 foot buffer zone.

Mr. Ryan spoke up to say that surface development agreements are supposed to benefit both parties and no actual development was taking place at the time they began negotiations.

Ms. Jessen stated that Prairie Minerals has four different sections of minerals and the biggest issues are proximity of drilling and cost factors, as those two or three locations that are now unavailable due to the buffer zones could have potential oil wells on them.

Mr. Beams explained that the players currently drilling in Lincoln County; Cascade, Pine Ridge, Comet Ridge, Wiepking, and Nighthawk are mainly drilling vertical wells, but that Prairie Minerals has the potential to drill horizontally. He added that drilling in Lincoln County is far more problematic than other counties and they need as much room as possible. Their investors want to minimize the risk and maximize the return, and they are not receiving any type of accommodation from NextEra, nor does he see an attempt on their part to negotiate. He added that in the agreement executed with NextEra, they were to "exercise good faith and commercially reasonable efforts" to enter into a surface development agreement, which he felt they did not do. Nor did they provide evidence that they were even attempting to enter into such an agreement. Prairie Minerals felt they were protected under Condition No. 11, as they felt NextEra would place their towers on the perimeter of the quarter section, and had no idea they would require such a large buffer zone. In May of 2012, Prairie Minerals prepared an agreement to present to NextEra that was forwarded to Kevin Gildea. Hearing nothing in several weeks, Mr. Beams assumed that the towers would not be set up, as Condition No. 11 had not been fulfilled and they were still waiting to hear from NextEra. When he learned that the towers were up, he felt it was a huge violation of trust, and thus sent the letter to the commissioners, stating that if Prairie Minerals had not contacted NextEra to find out the status of their project, he wasn't sure that he *ever* would have been contacted. Negotiations were

begun in earnest about a month ago, but Mr. Beams said that, based on comments from Mr. Ryan, he believes they are at an impasse. Ms. Jessen put in that if that is the case, they will have to come before the commissioners.

Mr. Ryan asked to speak, stating that they had just received the latest draft at 9:00 p.m. the evening before, and they had not yet had time to review it.

Mr. Bond stated that there needs to be language in the agreement that protects them from NextEra amending or expanding in the future, as he believes that NextEra, which is a multi-billion dollar company, has little or no regard for the interests of the smaller companies such as Prairie Minerals. He went on to say that he was here today to invoke the help of the commissioners should it come to that, as it was his understanding that the Board has the authority to revoke the permit if the commissioners agree with the reasonable accommodation doctrine. He added that it is certainly their hope that they can come to an agreement, but if not, he hopes that the Board will bring NextEra around to reasonable thinking.

Mr. Lyons said that a person can farm right up to the towers, so wondered what the difference was in that or drilling an oil well there.

Mr. Ryan responded by saying that it is a very different operation and they want to establish rights for the future, adding that some oil and gas companies have no concerns. According to Mr. Ryan, Prairie Minerals still has all of its rights to access their minerals under Colorado law, and NextEra has no objection to them obtaining their permits. He went on to say that he feels it is a big statement to say that NextEra is acting in bad faith, as they want to come to an agreement with Prairie Minerals and their preference would be to continue negotiations and do something that settles the problem forever.

James Emmerling asked if the 1,000 foot radius of the buffer zone was in case the tower fell over and Mr. Ryan stated it is for the clearance of the turbines.

Mr. Bond stated that he could not speak for NextEra, but Mr. Ryan has been working diligently to get something done and added that his primary goal is to ask for the county's help if they do not come to an agreement.

Mr. Emmerling asked what would happen if an agreement is not reached, and Ms. Jessen said that it may go to court, adding that the reason all surface owners are notified is because of the Surface Development Notification Act. Statute dictates that as long as Mr. Ryan appeared, the mechanism for addressing surface owner conflicts is in place now that they have come before the commissioners. Mr. Kimble asked if the hearing would be held in Lincoln County and Ms. Jessen said she was not sure, as it has not been done before.

Mr. Bond reiterated that they are asking for reasonable accommodation, and Mr. Ryan said that NextEra is working on getting "as-built" surveys done and they definitely want to abide by the county's resolutions.

The group thanked the Board for their time and said they would keep the commissioners informed as to the progress of the negotiations.

Mr. Kimble asked Mr. Ryan to remain to discuss the noise complaint by Mr. Withington and explained that Mr. Kowalski had taken the readings but that they would not be available until next Monday. Mr. Lyons commented to Mr. Ryan that it seemed to him that those two towers are being shut down on purpose when the wind is bad or it is extremely cold, as it seems rather coincidental that they are not operating when the weather is bad.

Mr. Lyons also made the comment that mineral owners should be able to get to their minerals and Mr. Ryan responded that one hundred and eighty-five other mineral owners besides Prairie Minerals and Anadarco had registered no complaints at all.

After Mr. Ryan left, Mr. Kimble provided a copy of the procedural steps concerning complaints of blowing soil, but had nothing else to report.

The Board again reviewed the job applications for the janitorial position and decided which candidates to interview.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 18, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman