

Board of County Commissioners of Lincoln County
Agenda for March 28, 2025

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Ken Stroud, Emergency Management Director, to discuss the Annual Operating Plan from the Division of Fire Protection and Control
- 10:00 Jackie Whittington with KellPro to discuss an inventory tracking system
- 11:00 Review and act upon Amended Resolution #1131; a resolution granting the approval of a Use by Special Review and Development Permit to the Public Service Company of Colorado
- 1:00 Project walkthrough for the Lincoln County Courthouse Restroom Design Project
- 2:00 Project walkthrough for the Lincoln County Roundhouse Concrete Removal Project

-To be completed as time permits-

1. Approve the minutes from the March 18, 2025, meeting
2. Review and act upon a lease agreement with Robert J. Safranek
3. County Commissioner reports
4. County Attorney's report
5. County Administrator's report
6. Old Business
7. New Business
8. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 28, 2025. Chairman Wayne Ewing, commissioners Robert Safranek and Terry Jaques, county administrator Jacob Piper, and clerk of the Board Corinne M. Lengel attended. Land Use Administrator Ty Stogsdill was there when the meeting started.

Chairman Ewing called the meeting to order, led the Pledge of Allegiance, and asked Mr. Jaques to pray.

Mr. Safranek moved to approve the meeting minutes for March 18, 2025. Mr. Jaques seconded the motion, which carried unanimously.

Mr. Stogsdill requested guidance regarding his first Domestic Septage Permit Application from Denny and Sheila Nessler with Columbia Sanitary. He felt the group needed to establish protocol moving forward, pointing out a couple of mistakes on the application. The Nesslers hadn't included the permit fee with the application; the Board said he shouldn't spend time reviewing it without the proper fees. Mr. Safranek said the Land Use Board should be allowed to provide input, and the group devised a plan where Mr. Stogsdill, the commissioners, and Land Use Board members would review the applications and provide feedback via email.

Emergency Manager Ken Stroud arrived at 9:30 a.m.

The commissioners asked about the property north of Limon; Mr. Stogsdill reminded them no one filed a formal written complaint. The landowner would like to meet with the commissioners to discuss it and determine a resolution that wouldn't involve the courts. The Board agreed to that approach but suggested Mr. Stogsdill run it by the county attorney first.

Although he's researched the matter, Mr. Stogsdill hadn't found a way to zone smaller parcels with the county zoned as agricultural. A landowner can request different zoning, but Mr. Stogsdill felt there should be a better way to determine that in the beginning stages. He had mentioned it to the Land Use Board and said he was still trying to figure it out.

Mr. Stogsdill left at 9:25 a.m., and the Board met with Emergency Manager Ken Stroud, who explained the Division of Fire Protection and Control Annual Operating Plan. Only one change prompted new signatures: verbiage regarding dispatch protocol.

Mr. Jaques moved to approve the 2025 Lincoln County Operating Plan. Mr. Safranek seconded the motion, which carried unanimously.

Dennis and Sheila Nessler arrived at 9:30 a.m.

Mr. Ewing asked Mr. Stroud about the cost of the state emergency fire fund and if there were any benefits to it; Mr. Stroud said most smaller counties don't participate because there isn't much benefit.

Mr. Piper provided a \$7,140 quote from Complete Wireless Technologies for installing and programming twelve mobile radios for the Road & Bridge Department. It can take up to a month to receive the units; Mr. Stroud offered to deliver them to each road boss when they arrived. They will fall under the sheriff's existing subscription. The commissioners agreed to start with the twelve road graders and work more radios into future budgets.

Mr. Jaques moved to accept Complete Wireless Technologies' \$7,140 quote to program and install twelve 800 MHz radios in Road & Bridge Department road graders. Mr. Safraneck seconded the motion, which carried unanimously.

Mr. Stroud left, and Mr. Ewing asked the Nesslers if they had something to discuss. The couple wanted to introduce themselves to the new commissioners and inform them that they had submitted a septage application. Mr. Ewing told them Mr. Stogsdill had been in earlier to discuss it and let them know they needed to correct a couple of errors and pay the fee. The Nesslers left to find Mr. Stogsdill.

Jackie Whittington with KellPro met with the Board at 9:45 a.m. to discuss an inventory tracking system. Finance Director Andrea Hendricks, Sheriff Tom Nestor, and IT Director James Martin attended the presentation. The sheriff told the commissioners his department would do what it could to make things easier for the finance department; Mrs. Hendricks noted that she already uses an inventory tracker for fixed assets over \$5,000, which the county auditor requires. Ms. Whittington provided the cost: \$1,914 annually per site with a \$183 annual per-user fee. The fixed asset software would run about \$500 annually instead of \$1,914.

Mrs. Lengel said she and Mr. Martin had discussed tracking each department's computers, including acquisition and dissolution periods. Mr. Martin said he could look at the KellPro software to see if it would work. Ms. Whittington offered to send Mr. Martin, Mrs. Hendricks, and Mr. Piper the sandbox login so they could experiment with it.

After Ms. Whittington left, Mr. Martin provided a \$5,024 quote from CivicPlus for its Monsido standard package for ADA accessibility on the county website. The annual fee includes 2,500 ADA-accessible pages, 250 PDF accessibility checks, and twenty-five Heat Maps. Since Mr. Martin had already budgeted \$5,000 for ADA accessibility, Mr. Jaques said it didn't require the Board's approval.

Lincoln Health CEO Kevin Stansbury arrived at 10:55 a.m., but Mr. Piper said he wasn't on the agenda, so he left.

At 11:00 a.m., the Board opened a Teams meeting with County Attorney Kelly Lowery and Public Service Company of Colorado ("PSCo") counsel Sarah Kellner to review the amended documents regarding the August 28, 2024, public hearing. Miss Lowery noted that the commissioners would need to amend the resolution and meeting minutes; she provided all documents, including the audio transcript and affidavit.

Mr. Safranek moved to adopt Amended Resolution #1131, a resolution granting the approval of a Use by Special Review and Development Permit to the Public Service Company of Colorado. Mr. Jaques 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 March 28, 2025 there were present:

Wayne Ewing Chairman	Present
Robert Safranek, Vice Chairman	Present
Terry Jaques, Commissioner	Present
Kelly Lowery, 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:

AMENDED RESOLUTION #1131 It was moved by Commissioner Safranek and seconded by Commissioner Ewing to adopt the following resolution:

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT #24-03 FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TRANSMISSION LINE, AND ANCILLARY FACILITIES, WHICH MAY INCLUDE BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, BATCH PLANT, IN EACH CASE AS APPLICABLE, AND USES LOCATED AT APPROXIMATELY ALL OF SECTION 6 AND 7, AND PART OF SECTION 18, TOWNSHIP 14S RANGE 59W; ALL OF SECTION 6, AND PART OF SECTION 7, TOWNSHIP 15S, RANGE 59W.

WHEREAS, Public Service Company of Colorado ("PSCo") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct, operate, and maintain approximately 4-miles of 345 kilovolt (kV) transmission line in Lincoln County (the "Transmission Line") in accordance with the Lincoln County Application for Use By Special Review Permit submitted by PSCo, dated May 4, 2024 (the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the Property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Lincoln County staff conducted a review of the Application on July 10, 2024 and recommended approval of a Use By Special Review and Development Permit for the Transmission Line with certain limited conditions; and

WHEREAS, at a public hearing held on August 22, 2024, the Lincoln County Land Use Board recommended denial of the Use By Special Review and Development Permit; and

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WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board;

WHEREAS, at a meeting of the County Board of County Commissioners held on August 28, 2024, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the recommendation of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

WHEREAS, while the County Board of County Commissioners approved Resolution #1131, there were issues with conditions that were and approved at the public hearing and the initial resolution; therefore, making this amended resolution #1131 necessary.

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

I. APPROVAL:

The Application of PSCo, for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, operate, and maintain approximately 4-miles of 345 kilovolt (kV) transmission line, shall remain valid until such time as PSCo, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

II. FINDINGS OF FACT:

1. That proper notice has been provided as required by law for the public hearing before the Board.
2. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.

3. That the Transmission Line, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
4. That the Transmission Line is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.

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5. That the Transmission Line will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Transmission Line has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
6. That the Transmission Line will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
7. That the Transmission Line will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities and bridges to be developed in connection with the Transmission Line will comply with County standards.
8. The operating characteristics of the Transmission Line shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
9. That the Transmission Line does not require a water supply.
10. That the Transmission Line will not cause significant deterioration of surface or groundwater resources. The Transmission Line has been designed and will be constructed to:
 - a) Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water,
 - b) Comply with applicable water quality standards,

- c) Control levels of point and nonpoint source pollution,
- d) Prevent any changes in seasonal flow rates and temperature for affected streams,

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- e) Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces; and
 - f) Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs.
11. That the Transmission Line will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Transmission Line is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Transmission Line will not:
- a) Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands,
 - b) Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas; and
 - c) Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species.
12. That the Transmission Line will not cause significant deterioration of grasslands or farmland.
13. That the Transmission Line will preserve the integrity of existing and natural drainage patterns.
14. That the Transmission Line will not require a wastewater treatment system.

III. CONDITIONS:

- 1. Prior to beginning construction on each parcel, a copy of the signed Easement Agreement or Order of Immediate Possession, as applicable, for such parcel necessary to construct the project shall be submitted to the Planning Department.

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BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Public Service Company of Colorado, to construct a 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 site 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 Jaques, Yes; Commissioner Safranek, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

Attest:

Clerk of the Board

EXHIBIT A

The Property

ALL OF SECTION 6 AND 7, AND PART OF SECTION 18, TOWNSHIP 14S RANGE 59W; ALL OF SECTION 6, AND PART OF SECTION 7, TOWNSHIP 15S, RANGE 59W

Mr. Jaques moved to amend the August 28, 2024, meeting minutes to include the audio transcript and affidavit. Mr. Safranek 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 March 28, 2025 there were present:

Wayne Ewing Chairman	Present
Robert Safranek, Vice Chairman	Present
Terry Jaques, Commissioner	Present
Kelly Lowery, 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:

MOTION TO APPROVE AMENDING THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, COLORADO MEETING MINUTES HELD ON AUGUST 28, 2024 AND APPROVED ON SEPTEMBER 6, 2024.

It was moved by Commissioner Jaques and seconded by Commissioner Safranek to adopt the following motion:

A MOTION TO APPROVE AMENDING THE LINCOLN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONER’S (the “Board”) MINUTES FROM THE AUGUST 28, 2024 MEETING.

WHEREAS, on August 28, 2024, the Board conducted its regularly scheduled meeting;

WHEREAS, on September 6, 2024, the Board by motion approved the August 28, 2024 minutes with the then attached Resolution #1131 (the “Resolution”) in relation to Public Service Company of Colorado (“PSCo”)’s Use by Special Review and Development Permit (the “Permit”), a copy of the original minutes and resolution are attached hereto and incorporated here in as Attachments 1 and 2, collectively;

WHEREAS, the meeting minutes and Resolution were meant to reflect the terms and conditions associated with Permit hearing that was conducted by the Board on the same day (the “Permit Hearing”);

WHEREAS, a copy of the relevant Permit Hearing recording transcript and affidavit attesting to the accuracy of the same is attached hereto and incorporated herein as Attachment 3 and 4, collectively; and

WHEREAS, due to the differences between the original meeting minutes and resolution and the hearing transcript, specifically the approved conditions for approving the Permit, it has been deemed necessary to amend both the meeting minutes and resolution to accurately reflect the Board’s conditions for issuing PSCo’s permit.

THEREFORE, IT IS PROPERLY MOVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO TO AMEND THE AUGUST 28, 2025 MINUTES AND AMEND RESOLUTION # 1131 AS FOLLOWS:

AMENDED AUGUST 28, 2024 MINUTES

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 28, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, Limon Leader reporter Stephanie Zwick, and commissioner candidate Terry Jaques attended. Land Use Administrator Ty Stogsdill, Limon Rotary Club Secretary Charlie Kendrick, and landowner Dwight Bevans were there when the meeting started.

Chairman Burgess called the meeting to order, led the Pledge of Allegiance, and then asked Mr. Ewing for a short prayer.

Mr. Ewing moved to approve the meeting minutes for August 15, 2024. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the July 2024 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools; Mr. Piper said there were no changes from last month.

Mr. Stogsdill left, and Hugo Town Clerk Administrator Sara Lancaster arrived at approximately 9:10 a.m.

Since Mr. Kendrick was present for the 11:00 a.m. hearing, Mr. Burgess said he would proceed to the public hearing on the Rotary's Special Events Permit. However, Mr. Kimble advised against it since the time appeared on the agenda; public input might occur at the allotted time. Mr. Kendrick said he would come back.

Mr. Piper noted that although the Board might have to table the decision to adopt the resolution, they could review the information from the Department of Corrections regarding the annual reimbursement for certifying costs of prosecuting crimes allegedly committed by persons in DOC's custody. The reimbursement amount is \$101.02.

Mr. Stone moved to sign a letter of support for the Colorado Opportunity Scholarship Initiative on behalf of Morgan Community College. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Burgess called for commissioner reports. After the last commissioner meeting, Mr. Stone talked to Judd Kravig; the District 3 road crew kept working on the washouts. He visited the shop on August 19 to look at the new truck. Mr. Stone reported they'd gotten about half an inch of rain. He also noted that the state inspection of the landfill on August 15 went well. On August 21, Mr. Stone spoke with Judd Kravig about the crew's activities; they continued hauling material to the washouts and grading. He checked the "Taylor road," stating that it washed out, and while almost two miles needed work, they'd fixed the worst spots. Mr. Stone talked to Mr.

Kravig again on August 26; a grader and a CAT truck broke down. They took the truck back to Burlington on August 27 to have it fixed since it was still under warranty.

Mr. Ewing reported checking roads on August 16 and 17. He spoke with Chris Monks on August 20. They discussed the mower they would get on August 21 and putting it to work on August 22. They also discussed the road damage south of Arriba, the same area where the mower's gearbox went out. Mr. Ewing attended the Genoa town board meeting that evening; they had an emergency water shutoff while installing the line to the Genoa Tower, and a lack of communication caused problems. Other discussion items were the use of town equipment, possibly hiring a code enforcement officer, and how to help the new town clerk "get up to speed." Mr. Ewing attended the Capstone project fair with Mr. Burgess, Ken Stroud, and Bruce Walters at the Colorado School of Mines in Golden on August 22. They discussed the Ewing bridge project with several engineering students and were optimistic the team would accept it. They would complete a hydrology study, an engineered structure design, and alternative crossing options. Mr. Ewing attended the hospital board meeting that evening. Lora White and Julie Witt attended to discuss the Early Childhood Council Taskforce. Staffing the daycare continues to be their most challenging issue. Mr. Ewing noted that the hospital decided to use cloth wipes instead of disposable wipes because of sewer problems. On August 23, Mr. Ewing spoke with Mr. Burgess and called Sheila Nessler with Columbia Sanitation, who gave him Jason Culp's contact information. Mr. Culp provided analytics of several septage reports, which he shared with the other commissioners. Earlier this morning, Mr. Ewing talked to Chris Monks about County Road 24; they will start on it next Tuesday. One of their trucks has transmission problems, and they're having the loader diagnosed; they might look into trading it.

On August 16, Mr. Burgess spoke with Amy Brooks of Castle Rock Construction about crushing concrete and asphalt for Districts 1 and 2; she said they could provide a price. Mr. Burgess talked to Limon Town Administrator Greg Tacha about using the town's dump site for asphalt crushing. Mr. Burgess sent pictures of the County Road 33 bridge to Ken Stroud for use at the August 22 School of Mines presentation. On August 17, Mr. Burgess looked at roads north of Limon where water ran across them. He talked to Joe Linnebur about fencing. The District 2 road crew repaired damaged pipes on County Road 3N on August 19. Mr. Burgess signed the annual Abstract of Assessment for the Assessor and then picked up some shovels for District 2 from Town and Country Hardware. Sheriff Nestor called him about meeting with a company that leases patrol cars; Mr. Burgess thought it sounded favorable. The road crew continued working on County Road 3N on August 20.

The "low oil" light keeps coming on in their CAT 950 loader; Mr. Burgess called the dealer, who will send a mechanic to look at it. Mr. Burgess talked to Mr. Piper about the roundhouse bat problem. Roxie Devers had voiced concerns about the door sweeps meeting historical requirements. He mentioned a mandatory walkthrough for the bridge project on September 4. Mr. Burgess attended the Economic Development meeting at Mountain View Electric on August 21; Karval hoped to build a couple of new homes near the school. Mr. Burgess talked to Travis Miller about the County Highway 109 bridge detour material, which must reach an R40 soil classification. According to Mr. Kimble, the county couldn't charge more for material than it

paid. Mr. Burgess suggested having the material tested before the bid walkthrough. On August 22, Mr. Burgess, Mr. Ewing, Mr. Stroud, and Mr. Walters went to Golden to present the County Road 33 bridge project to students at the Colorado School of Mines; it went well. Fifty to seventy-five students expressed interest; the school would have to choose a team of four to ten students to work on it. They will work out schedules and a Scope of Work on September 5. District 2 had trouble with a John Deere motor grader's hydraulics. Mr. Walters called a mechanic, who would come out and look at it. Mr. Burgess spoke with Ty Stogsdill on August 23 about a business in a subdivision north of Limon on State Highway 71, and Mr. Stogsdill agreed to look into it. Mr. Stogsdill mentioned the Land Use Board's setback questions. Mr. Burgess talked to Mr. Ewing about having Columbia Sanitation provide information so they could better understand septage. He then went to the Limon Library to celebrate Lucy Reimer's twenty-four years of service.

On August 26, the District 2 crew hauled gravel and cleaned up the gravel pit. Mr. Burgess checked several roads, noting the rain was sporadic. The John Deere grader would need a new hydraulic pump costing between \$8,000 and \$9,000, plus labor; they intended to submit another oil sample to determine further damage. Mr. Burgess picked up crushed concrete samples from Castle Rock Construction's crusher east of Arriba. Gary Beedy called and expressed his concerns about floodplain adaptation, noting that the state didn't believe it addressed roads. He also requested that the commissioners write a letter of support regarding shallow wells. Mr. Burgess spoke with Ken Stroud about the jury assembly restroom project; he wondered if the School of Mines could design that project in addition to the bridge project.

The group moved to the jury assembly room, where Mr. Burgess opened the public hearing to review and act on a proposed development permit regarding the Xcel Energy Power Pathway transmission line project. The hearing recording will remain in the County Clerk's vault for the statutory period. Mr. Burgess directed that anyone wishing to speak should state their name for the record; he would give each speaker four minutes to ask questions, which the group would answer after hearing all questions.

Mr. Stogsdill stated that the Land Use Board denied Development Permit #24-03, which encompassed four miles of Xcel's Power Pathway Project in Lincoln County, based on two facts: the first was that the company didn't adhere to the 800' setback from occupied structures requirement, and the second was that Xcel hadn't acquired signed easements from all seven landowners in the proposed area.

Mr. Kimble asked if Xcel had submitted a complete application; Mr. Stogsdill affirmed it had. He also said that he couldn't find the setback requirement in his version of the Zoning Resolution, last revised on November 9, 2017. However, Mr. Stogsdill located Resolution #1010, adopted by the county commissioners on February 18, 2020, amending the setback requirement to 250' from occupied structures. Mr. Kimble added that Mr. Stogsdill had determined that the proposed transmission line route in Segment 5 was not within 250' of any occupied structures, thus eliminating the setback problem. His concern was that the county doesn't have the authority to determine property values when landowners negotiate with utility companies, nor

has it historically required them to obtain landowner easements before approving the development permit.

Jennifer Chester with Xcel Energy gave a PowerPoint presentation regarding the 550-mile Colorado Power Pathway with an estimated completion date of 2027. She cited positive impacts such as tax revenue, temporary jobs, revenue to local establishments such as hotels and restaurants, and the long-term benefit of increased energy capacity. They have approval for slightly less than four hundred of the five hundred and fifty miles. Ms. Chester explained the routing process and what the company considered regarding Lincoln County from the beginning. There were constraints in the original study area, including Air Force Academy training areas, forcing them to push further east. Twenty-three structures with 140' to 150' poles would support the 345-kV double-circuit electric transmission line through Lincoln County's four-mile stretch. Ms. Chester noted that some of the company's primary concerns when starting a project are existing homes, land use patterns, and water sources. Xcel started the Power Pathway Project late in 2020 and received PUC approval in 2022. They are now constructing Segments 2, 3, and 1 (out of order) and have scheduled Segment 5 for next year. Ms. Chester concluded her presentation by saying they had identified no occupied structures within 250' of the proposed transmission line, thus meeting the setback requirement. Xcel would have all land rights in place before construction started; the project met all zoning resolution requirements.

Mr. Burgess asked for comments from others, and Dwight Bevens stated he had a couple of questions for the commissioners. Mr. Burgess said Mr. Piper would write them down, and they would answer them after hearing questions from all audience members.

Mr. Bevens asked what the tax benefit was to Lincoln County and if the three commissioners had wind towers or solar panels on their property. The right to condemn a person's land without due process disturbed him, and he stated that Xcel Energy wouldn't admit how much the transmission line would devalue the properties along the route, but it was by fifty percent or more. Mr. Bevens said the big companies felt they could run over the "country bumpkins" in Lincoln County, but the commissioners had the authority to keep them out. He asked how many landowners favored the developments based on the number of meetings the commissioners held or attended. He also asked how many of them would sell their land to him and let him tell them what he'd pay. Mr. Bevens said not many people had the money to fight Xcel and that the company would continue to want more if the commissioners gave in. Indicating the room full of people, Mr. Bevens asked how many of the individuals were Xcel employees and how they could justify the numbers. When he began questioning their integrity and morals, Mr. Burgess told Mr. Bevens his four minutes were up.

Mr. Burgess asked if there were any other questions from the audience, and hearing none, he asked Mr. Piper to repeat the questions Mr. Bevens asked. To the first question regarding which commissioners had wind towers or solar panels on their property, Mr. Burgess said he owned land in Kansas but had no wind towers or solar on it. Mr. Ewing responded that he had wind towers on Lincoln County land, and Mr. Stone said he had neither.

To the second question, the tax benefit to Lincoln County, Ms. Chester noted that while the state set the process, Xcel had paid over \$560,000 to Lincoln County for other projects. However, the state had yet to determine the tax assessment for this project. Mr. Piper asked if the project would be subject to the two percent county use tax, but Mr. Kimble didn't believe utility companies fell into that category.

Mr. Burgess asked how deep Xcel would set the poles. Ms. Chester said they were on concrete foundations but referred to the company's transmission engineer, Josh Peterson, to elaborate. Mr. Peterson explained most were thirty feet deep, with larger structures being forty to forty-five feet deep. He noted they do soil borings at each location and investigate water flow properties.

When asked about the right-of-way requirements, Ms. Chester said they have a seventy-five-foot right-of-way on either side of every pole.

Mr. Ewing asked Mr. Bevans where he got the information that the transmission line would devalue property by over fifty percent. Mr. Bevans responded it was common sense; he'd spent a lifetime creating a pristine homestead and didn't want to have to see or hear the transmission lines.

Mr. Kimble stated that condemnation or eminent domain was constitutional and that the judicial system would take over if the parties couldn't negotiate an agreement or price.

Mr. Burgess asked him what legal ramifications could occur if the commissioners denied the permit. Mr. Kimble said that without an executive session, he couldn't speak specifically to that question but generalized that if a company determined the county didn't have reasonable grounds for denial, they could challenge the decision through a court Rule 106 action, resulting in possible fines or penalties to the county.

Mr. Burgess asked Ms. Chester about the landowner easements; she noted that they had signed agreements with two of the seven as of today. Xcel would continue to work with the remaining landowners to reach agreements, although some often waited until closer to the construction timeframe to sign them. She noted that they would continue to acquire voluntary rights so that they didn't have to file condemnation on those landowners.

Mr. Burgess and Mr. Ewing asked if Xcel had considered a different route, possibly along section lines; Ms. Chester said they looked at section lines and parcel boundaries first, which they did with this project. However, it didn't always work out. She noted that they had considered alternatives but had already determined the proposed route that appeared in their development permit application.

Mr. Stone asked Mr. Bevans if he'd met with the Xcel representatives, but Mr. Bevans said they never contacted him. Mr. Stogsdill interjected that the company sent Mr. Bevans a certified letter, but he never accepted it.

Gary Strickland said he owned land north of Mr. Bevans and had heard from Xcel a little over a year ago, but nothing since. He asked why the PUC had the authority to set land values.

Ms. Chester told him the PUC regulates utilities and facilities to determine the best areas for power but deferred to Heather Brickey, the company's power director, for clarification. Ms. Brickey said they received the PUB certification, which said the Power Pathway project would benefit the state and electrical grid, allowing them to move forward. They must be prudent with funding and offer fair market value to property owners.

Mr. Ewing reluctantly moved to approve Xcel's development permit, and Mr. Stone agreed, stating he felt for the landowners but didn't think the commissioners had a choice. Mr. Piper noted that if the commissioners wanted to place any conditions on the project, they would have to do so during their approval of the development permit and adopt the proposed resolution.

Mr. Ewing amended his motion to include approval of Development Permit #24-03: the Xcel Energy Power Pathway Transmission Line and adoption of Resolution #1131 with the conditions that Xcel obtain all landowner easements, either signed or by order of the court before construction started. Mr. Stone seconded the motion, and Mr. Burgess called for a voice vote. Mr. Stone voted yes, Mr. Ewing voted yes, and Mr. Burgess voted yes.

**The following amendment is a transcript from the recording of this meeting:*

1. Lincoln County Commissioner Hearing on August 28, 2024: Xcel Power Pathway Project Application
2. Hearing Started at: 9:30 A.M.
3. ...
4. Transcript Starting at the 50:03 mark of the Hearing Recording:
5. Commissioner Wayne Ewing ("**Ewing**"): Well, I think our pathway on this concerning the Pathway is pretty well lined out by our counselor. And uh...I reluctantly approve.
6. Chairman Steve Burgess ("**Burgess**"): Is that a motion?
7. Ewing: Yes, it is.
8. Burgess: Do I have a second?
9. Commissioner Doug Stone ("**Stone**"): I feel the same way, I'm very concerned about our citizens in Lincoln County, but I feel like I'll have to 2nd that motion.
10. Burgess: In the interests of Lincoln County, I have to agree, you know. We've been through this route before where we denied it denied an application pulled the permit

and what cost Lincoln County a quarter of a million dollars \$1,000,000 to defend that. I remember that one. So, I will call for a voice vote on how you vote, please.

11. Lincoln County Administrator Jacob Piper (“**Piper**”): We probably should clarify the motion.

12. Burgess: Okay, let me restate the motion. The motion will be to approve the proposed development permit regarding the Xcel Energy Public Pathway Transmission Line.

13. Piper: And then it will also be that there will be, there will also be a resolution that will go along with this that there would have been with any conditions, because you'll also want...um, well, I'm not speaking for you guys, but the last one had the condition of construction will not start prior to the leases being signed. Um...so that would go in that resolution, I believe.

14. Lincoln County Attorney Stan Kimble (“**Kimble**”): Jacob, would you like to read that resolution, the title? Or would you like me to?

15. [In-audible comments between Kimble, Burgess, Piper, and Ewing]

16. Burgess: Okay...Question, then I'll let you at that point he [Piper] said a signed resolution, if we have landowners that I, I take it, we might have landowners that will never sign and sign the agreement. How does that...?

17. Piper: I don't know how that works.

18. Ewing: That doesn't affect us our end of it, does it?

19. Kimble: Your resolution would just approve the application for this permit and then the condition would be that before construction begins, the easements will be signed for the whole route.

20. Burges: But that that goes back to my question. If they don't sign the easements, what happens then?

21. Kimble: Well, if the easements are not signed, I suspect there will be an action to condemn the easement. And my understanding of the law in there, there again it's been a long time, but the court, if it determines that there's a good public use for this easement, will grant it immediately and then they'll fight over the cost for as long as

it takes. But the Xcel will get that easement immediately when they file it with the court.

22. Kimball: Okay.

23. Jennifer from Xcel (“**Jennifer**”): If helpful, the language up here is what we've seen for conditions in other jurisdictions on that particular matter.

24. Kimble: I think that's what the language we've used, the bottom black part.

25. Burgess: Can you get...okay.

26. Piper: So that will be if you guys vote to approve that resolution. There would be no way to come up with that for this meeting to be signed, but I believe you can act on it to be signed at the next meeting. That's how that last one [resolution] was done.

27. Kimble: I agree.

28. Piper: It would be [resolution] 1131.

29. Burgess: There you go. Okay. It's not 34.

30. Kimble: So, is this vote now to approve the application for permit?

31. Piper: Yep, via resolution 1131.

32. Ewing: Okay, so I start over. I move to approve the application for permit for Xcel's Pathway with the condition that they receive before construction, they receive permission from...err written permission from each of the landowners.

33. Kimble: I guess either assigned easements or an order of court.

34. Ewing: What he said.

35. Land Use Administrator Ty Stogsdill (“**Stogsdill**”): That permit number is 24-03 also.

36. Burgess: Do I have a second on that?

37. Stone: I will second that.

38. Burgess: Okay. I will call for a voice vote, Mr. Stone?

39. Stone: Yes.

40. Burgess: Mr. Ewing?

41. Ewing: Yes.

42. Burgess: Mr. Burgess votes yes.

43. ...

44. Transcript Ends at: 54:50

Mr. Burgess concluded the hearing and turned off the tape recorder at 10:27 a.m.

After the room cleared, Mr. Kimble reported attending a Zoom call with the Karval Water Authority the previous week. The Karval Water Users had an agreement with the supplier assigned to the Authority, but its attorney wanted the Karval Water Authority to own the water rights. Mr. Kimble didn't know if they'd worked anything out with the Colorado Agricultural Water Alliance but noted that the state's water attorney wanted to investigate it further.

Mr. Kimble also reported speaking with Mr. Stogsdill about the septage regulations; they still hadn't received anything from Weld County regarding penalties.

Regarding the transmission line hearing, Mr. Kimble said that while he understood that the Land Use Board members sympathized with landowners because most of the volunteer members were landowners, the commissioners had to look at the big picture. He assumed they didn't like overturning those decisions but noted it was sometimes necessary to protect the county. Mr. Kimble said it might be time to add a business owner or two to the land board.

Brenda Toft commented that it was hard on those volunteers, especially knowing that their decisions affected fellow landowners' pocketbooks. However, everyone knew there were rules to follow.

Terry Jaques asked if the county required land board members to take specific training, but Mr. Kimble said it was hard enough to get people to volunteer for the various boards. Mr. Burgess asked Mr. Stogsdill if he'd found anything in the zoning resolution regarding operating a business in a subdivision. Mr. Stogsdill said he'd seen nothing that allowed more than living there or having a few animals. Mr. Kimble wondered if it was a community overlay and asked Mr. Stogsdill to give him the information.

Mr. Kimble asked if the Board had considered his suggestion to have John DeWitt update the Zoning Resolution since the latest version was November 9, 2017. The commissioners agreed and asked Mr. Piper to contact Mr. DeWitt.

Mr. Burgess asked Mr. Kimble if he'd sent a certified letter to the landowner who damaged County Road 109; he said he did but hadn't received a response.

Mr. Piper reported that the power purchaser in El Paso County didn't approve Triple Oak Power's Sentinel Wind Project; although they hadn't abandoned it, it was on hold.

Mr. Piper clarified that the pre-bid meeting for the County Highway 109 bridge project on September 4 wasn't a walkthrough but a Zoom meeting at 10:00 a.m. The commissioners didn't need to attend, as Travis Miller and RockSol Consulting would handle the discussion. They would then have to ensure prospective contractors had all the same information.

Mr. Piper and Mr. Stone planned to attend the County Health Pool meeting at 10:00 a.m. on September 12, after which the commissioners would hold a work session at 1:00 p.m. to open bids on the bridge project. Mr. Piper said the Board would only have to decide how much (if any) they were willing to contribute in county funds. Once the commissioners ensured the bids met all specifications, they would accept the lowest one and then send it to the state for review and approval.

Since they had discussed it last year, Mr. Piper asked if the commissioners wanted to look into different Workers' Compensation insurance. CTSI later lowered the cost, and Mr. Piper said he wasn't advocating for a change but giving them options. Mr. Burgess said it was worrisome when a company offered a much lower rate to start and felt they should stick with CTSI. The others agreed.

At 11:00 a.m., Mr. Burgess opened the public hearing to act on a request from the Rotary Club of Limon, Colorado, for a Special Events Permit for the September 14, 2024, mouse races at 459 Indiana Avenue in Limon. No one attended the hearing, and Mr. Ewing moved to approve the Special Events Permit. Mr. Stone seconded the motion, which carried unanimously. Mr. Piper had let Public Health Director Kelly Meier know that the commissioners could meet with her early, so she arrived at 11:00 a.m.

Mr. Stogsdill informed the group that the COSSA event would occur on September 17 at 3:00 p.m. at the Ellis Allen building. He said he would take care of the notices and left.

The chairman recessed the Board of County Commissioner meeting and opened the Lincoln County Board of Public Health meeting.

Mrs. Meier presented the \$32,980 WIC contract for FY25. Mr. Stone moved to approve the contract, Mr. Ewing seconded the motion, and it carried unanimously.

Mr. Ewing moved to approve the EPR contract amendment regarding invoice deadlines. Mr. Stone seconded the motion, which carried unanimously.

Mrs. Meier said that they updated the MOU between Kit Carson and Lincoln counties due to changes in the WIC application. They would still provide the same services. Mr. Stone moved to approve the updated WIC Memorandum of Understanding between Kit Carson and Lincoln counties. Mr. Ewing seconded the motion, which carried unanimously.

Lastly, Mrs. Meier presented the Third Party Entity/Organization Certification for Access to PII through a Database or Automated Network. She said it meant they would not use or disclose personal identifying information (PII). Mr. Stone moved to sign the document, Mr. Ewing seconded the motion, and it carried unanimously.

Mr. Burgess asked Mrs. Meier about the refrigerator. She said Braden Kappel found a part to fix the old one, so they planned to move it to the hospital and use it as a backup. She also ordered

a device that would notify her cell phone if the power went out and the generator didn't kick on.

After Mrs. Meier left, the chairman adjourned the Board of Public Health meeting and reconvened the Board of County Commissioners meeting.

Mrs. Lengel asked if they could discuss the generator for the election equipment and surveillance system while they were on the subject. Sheriff Nestor communicated to her via text message that he didn't know what the restrictions on the old generator were and would talk with Dale at Standby Power about it. The unit is the original courthouse complex generator that has been here since 1992. The sheriff indicated it was likely time to replace the courthouse complex generator to keep up with modern technology, but it would be expensive. Mrs. Lengel said the IT Director, James Martin, met with electrician Leo Hurtado, but she hadn't had a chance to speak with Mr. Martin. While replacing the complex unit was probably a good idea, Mrs. Lengel said it wouldn't help her for the upcoming presidential election. Since Emergency Manager Ken Stroud was still in the room, she asked if he had other ideas, and he said he would discuss the subject with Mr. Martin.

Mrs. Lengel also asked if the commissioners had discussed moving the accessible parking spaces in the front of the courthouse to the east side of the parking lot. Mr. Burgess said John Mohan didn't favor it because people would have to cross the asphalt, which might be slick in the wintertime. Mr. Piper thought having both might be the best option. Mrs. Lengel hadn't received the letter from the Secretary of State's office that they had promised after the June 22 assessment, but she said she'd give it to the commissioners as soon as she did.

At 11:30 a.m., Mr. Burgess opened the public hearing to review and act on a proposed resolution to adopt the Lincoln County Floodplain Damage Prevention Ordinance and Regulations. The hearing recording will remain in the County Clerk's vault for the statutory period. No one other than those already in the room attended the hearing.

Mr. Burgess said that Ms. Lancaster had told him CDOT indicated the county shouldn't adopt the resolution because it didn't include roads. Mr. Stroud said the county already participated in the program, and Mr. Piper said it had for some time. Mr. Stogsdill thought it had to do with flood insurance. Mr. Stroud told him that was correct; if a landowner builds in the floodplain, participation in the NFIP (National Floodplain Insurance Program) would allow them to obtain flood insurance. They have created new maps, which the ordinance referenced. The county had to adopt the resolution and updated maps by September 12 to continue participating in the NFIP.

Mr. Kimble asked if it hurt anything to adopt it; Mr. Stroud said it would not. Mr. Piper asked if the county could get out of the program anytime, and Mr. Stroud told him it could. When Mr. Stone said he wouldn't want to have to fix county roads according to CDOT regulations in the case of washouts, Mr. Stroud said that adopting this ordinance wouldn't add restrictions and might help landowners save money.

Mr. Stone moved to approve a resolution adopting the Lincoln County Floodplain Damage Prevention Ordinance and Regulations. Mr. Ewing seconded the motion, which carried unanimously.

Resolution #1132 with attached Lincoln County Floodplain Damage Prevention Ordinance

Mr. Stone moved to adopt a resolution certifying the costs of prosecuting crimes alleged to have been committed by persons in the custody of the Department of Corrections. Mr. Ewing seconded the motion, which carried unanimously.

Resolution #1133

Mr. Burgess brought up Gary Beedy's request for a letter of support regarding legislation concerning shallow wells. Mr. Jaques commented that it added extensive requirements and would be costly to drill wells in the future. Mr. Piper said he would draft a letter.

Mr. Kimble, Mrs. Zwick, and Mr. Jaques left at 11:50 a.m. when the group broke for lunch.

When the meeting reconvened at 1:00 p.m., the commissioners approved the August 2024 payroll and called Chris Monks to ask him to obtain fuel prices for the 2025 budget.

With no further business to discuss, Mr. Burgess adjourned the meeting at 1:35 p.m. The next meeting will be at 9:00 a.m. on September 6, 2024.

AMENDED RESOLUTION #1131

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on March 28, 2025 there were present:

Wayne Ewing Chairman	Present
Robert Safranek, Vice Chairman	Present
Terry Jaques, Commissioner	Present
Kelly Lowery, 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:

AMENDED RESOLUTION #1131 It was moved by Commissioner Safranek and seconded by Commissioner Jaques to adopt the following resolution:

A RESOLUTION GRANTING THE APPROVAL OF A USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT #24-03 FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A TRANSMISSION LINE, AND ANCILLARY FACILITIES, WHICH MAY INCLUDE BURIED AND OVERHEAD CABLE, SUBSTATIONS, PRIVATE GRAVEL ROADS, METEOROLOGICAL TOWERS, OPERATIONS AND MAINTENANCE FACILITIES, RELATED EQUIPMENT AND STRUCTURES, RIGHTS-OF-WAY, BATCH PLANT,

IN EACH CASE AS APPLICABLE, AND USES LOCATED AT APPROXIMATELY ALL OF SECTION 6 AND 7, AND PART OF SECTION 18, TOWNSHIP 14S RANGE 59W; ALL OF SECTION 6, AND PART OF SECTION 7, TOWNSHIP 15S, RANGE 59W.

WHEREAS, Public Service Company of Colorado ("PSCo") has applied for the approval of a Use By Special Review and Development Permit ("Project Approvals") to construct, operate, and maintain approximately 4-miles of 345 kilovolt (kV) transmission line in Lincoln County (the "Transmission Line") in accordance with the Lincoln County Application for Use By Special Review Permit submitted by PSCo, dated May 4, 2024 (the "Application"). The property subject to the Project Approvals is described in the attached Exhibit A (the "Property").

WHEREAS, the Property is currently zoned Agricultural under the Lincoln County Zoning Resolution; and

WHEREAS, Section 2-220 of the Lincoln County Zoning Resolution allows for the approval of a Use By Special Review and Development Permit within the Agricultural Zoning District in accordance with the provisions of Article 3 of the Lincoln County Zoning Resolution; and

WHEREAS, Lincoln County staff conducted a review of the Application on July 10, 2024 and recommended approval of a Use By Special Review and Development Permit for the Transmission Line with certain limited conditions; and

WHEREAS, at a public hearing held on August 22, 2024, the Lincoln County Land Use Board recommended denial of the Use By Special Review and Development Permit; and

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Amended Resolution #1131
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WHEREAS, pursuant to Section 3-110 of the Lincoln County Zoning Resolution the Lincoln County Board of County Commissioners chose to review the Application, together with the staff report and the Decision of the Land Use Board; and

WHEREAS, at a meeting of the County Board of County Commissioners held on August 28, 2024, the Lincoln County Board of County Commissioners held a public meeting at which it considered the Application, the staff report on such Application, the recommendation of the Land Use Board, the record of proceedings before the Land Use Board, and such other information as was brought before the Board of County Commissioners at such hearing; and

WHEREAS, while the County Board of County Commissioners approved Resolution #1131, there were issues with conditions that were and approved at the public hearing and the initial resolution; therefore, making this amended resolution #1131 necessary.

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

III. APPROVAL:

The Application of PSCo, for a Use By Special Review and Development Permit is GRANTED, subject to the conditions set forth below. The Use By Special Review and Development Permit, including the applicant's right to construct, operate, and maintain approximately 4-miles of 345 kilovolt (kV) transmission line, shall remain valid until such time as PSCo, its transferees, successors and assigns no longer own, lease, or otherwise occupy an interest in the Property described in Exhibit A, whether by lease, easement, or otherwise, whichever occurs last.

IV. FINDINGS OF FACT:

12. That proper notice has been provided as required by law for the public hearing before the Board.
13. That the information contained in the record of proceedings and presented to the Board at the public hearing is extensive and complete, and that all pertinent facts, matters and issues were submitted and considered by the Board.
14. That the Transmission Line, as described in the Application, is consistent with the minimum zoning requirements set forth in the Lincoln County Zoning Resolution.
15. That the Transmission Line is consistent with the goals and strategies set forth in Lincoln County's Comprehensive Plan.

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16. That the Transmission Line will be compatible with the character of the surrounding neighborhood and will not have negative impacts on adjacent properties. The Transmission Line has been designed to mitigate any potential noise, odor, vibration, glare and similar impacts associated with the proposed land use.
17. That the Transmission Line will not cause undue traffic, congestion, dangerous traffic conditions, or other vehicle-related impacts due to the implementation of project-wide Best Management Practices and effective traffic control measures during construction.
18. That the Transmission Line will not require a level of community services or facilities that is not available, and the Applicant will provide the necessary

improvements to address any deficiencies to facilities and services that the use would cause. All public roads, utilities and bridges to be developed in connection with the Transmission Line will comply with County standards.

19. The operating characteristics of the Transmission Line shall not create a nuisance and the project has been designed to minimize impacts on neighboring properties with respect to noise, odor, vibrations, glare, and similar conditions.
20. That the Transmission Line does not require a water supply.
21. That the Transmission Line will not cause significant deterioration of surface or groundwater resources. The Transmission Line has been designed and will be constructed to:
 - a) Prevent any changes to patterns of water circulation, conditions of the substrate, extent and persistence of suspended particulates, and the clarity, odor, color or taste of water,
 - b) Comply with applicable water quality standards,
 - c) Control levels of point and nonpoint source pollution,
 - d) Prevent any changes in seasonal flow rates and temperature for affected streams,
 - e) Prevent changes in aquifer recharge rates, groundwater levels and aquifer capacity including seepage losses through aquifer boundaries and at aquifer-stream interfaces; and
 - f) Prevent changes in circulation patterns, seasonal water levels and temperature of lakes or reservoirs.
22. That the Transmission Line will not significantly degrade wetlands or other aquatic habitat and riparian areas. The Transmission Line is designed to avoid such areas or to minimize disturbance in these areas. Specifically, the Transmission Line will not:
 - d) Cause any significant changes to the structure and function of wetlands and to unique, rare, delicate or irreplaceable riparian areas, vegetation, forest or woodlands,

- e) Cause any significant changes to the filtering and nutrient uptake capacities of wetlands and riparian areas; and
 - f) Cause any significant changes to aerial extent of wetlands and evolution of wetland species to upland species.
- 15. That the Transmission Line will not cause significant deterioration of grasslands or farmland.
 - 16. That the Transmission Line will preserve the integrity of existing and natural drainage patterns.
 - 17. That the Transmission Line will not require a wastewater treatment system.

III. CONDITIONS:

- 2. Prior to beginning construction on each parcel, a copy of the signed Easement Agreement or Order of Immediate Possession, as applicable, for such parcel necessary to construct the project shall be submitted to the Planning Department.

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Amended Resolution #1131

March 28, 2025

BE IT THEREFORE RESOLVED, that a Use By Special Review and Development Permit is granted to Public Service Company of Colorado, to construct a 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 site 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 Jaques, Yes; Commissioner Safranek, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

Attest:

Clerk of the Board

EXHIBIT A

The Property

ALL OF SECTION 6 AND 7, AND PART OF SECTION 18, TOWNSHIP 14S RANGE 59W; ALL OF SECTION 6, AND PART OF SECTION 7, TOWNSHIP 15S, RANGE 59W

END OF AMENDED RESOLUTION #1131

Upon roll call the vote to accept the proposed motion was:

Commissioner Jaques, Yes; Commissioner Safranek, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

Attest:

Clerk of the Board

Miss Lowery noted that the settlement agreement, pending approval, should be dismissed within twenty-eight days, based on the Board's actions. She said Xcel would work with the county on the other conditions.

Mr. Jaques moved to approve and sign the Contingent Settlement and Mutual Release Agreement between the Public Service Company of Colorado (PCSO), Lincoln County, and the Board of County Commissioners of Lincoln County. Mr. Safranek seconded the motion, which carried unanimously.

Ms. Kellner left the call, and Miss Lowery finished the attorney's report. She, County Assessor Jeremiah Higgins, and Deputy Assessor Renita Thelen are still working out the details of the May

BAA hearing; they can attend it virtually, which will help with time and mileage costs. Mr. Ewing asked what would happen if the petitioner didn't file the proper paperwork, but Miss Lowery said they had already done so. Although the petitioner has the burden of proof, Miss Lowery said the BAA often sided with them and not to expect a win.

Regarding the Bovina Cemetery District, Mr. Piper asked if the commissioners wanted the county to pay for Miss Lowery's legal fees, reminding them that the previous Board voted to have the county cover the survey costs. Mr. Jaques stated that the cemetery district didn't have the money and felt the county should pay for it; the others agreed.

Miss Lowery had looked into Kansas eminent domain and felt there wasn't much Lincoln County could do unless a Colorado legislator wanted to carry a similar bill at the capitol. If inclined, the commissioners could sign a letter of support, which the group agreed to do.

Miss Lowery had nothing further to discuss and disconnected.

Mr. Jaques moved to approve the lease agreement with Robert J. Safranek for property at the Lincoln County landfill. Mr. Ewing seconded the motion. Mr. Jaques and Mr. Ewing voted in favor, and Mr. Safranek abstained.

The commissioners briefly discussed the landfill fencing, and then Mr. Jaques gave his commissioner's report.

The March 18 Tourism and Fair Board meetings were canceled and rescheduled. Mr. Jaques attended the March 19 Economic Development meeting and reported that four new restaurants will open in Limon: Golden Tai Pei in the old Pizza Hut; Roshe's Pizza at the old Ruby's, Southside is being remodeled and has a potential buyer; and El Paso Mexican in the old Denny's building. Other Economic Development meeting notes included a \$45,000 grant application through USDA, the Genoa Wonder View Tower team will put together a 150-250-year celebration event, and an equestrian center is looking at the possibility of locating in the old feedlot in South Limon (they need forty acres for a facility). Wausau Supply has a bid to double the size of their building (60,000 square feet), and the lots across from Head Start on 9th Street sold; they plan to add three duplexes. A builder wants to add a duplex for Limon downtown infill housing, MCC is offering Nurse Aid courses, and Hugo is still working on access under the railroad tracks for sewer infrastructure; they will hold a public meeting to add a block of waterline replacement. Love's Truckstop is still looking at a site in East Limon, where the old Preferred Motel burned down and the lot west of there. Sewer- and waterline bids for Limon will soon go out on an estimated \$4-million-dollar project. Limon is also looking for a site to construct an additional community center. The Lincoln Theater is seeking funding to upgrade the digital projection system at an estimated cost of \$30,000. Mr. Jaques reported that the Republican River meeting in Yuma was canceled due to bad weather.

On March 24, Mr. Jaques attended a virtual Ports-to-Plains meeting, where they discussed efforts to improve the corridor and the Heartland Express. They also discussed positive progress

in Texas and New Mexico and the advantages of designating these roads as a future interstate project. They were meeting with local political contacts this week in DC.

Mr. Jaques attended the March 25 Fair Board meeting, where items were approved for the upcoming Fair. He attended the March 26 lunch and workshop at the landfill to review projects and future needs to maintain compliance. Lastly, Mr. Jaques reported checking over 100 miles of District 2 county roads.

Mr. Safranek reported meeting with District 3 Road Supervisor Judd Kravig after the March 18 commissioner meeting. They reviewed bids to replace the Mack truck and chose Colorado Springs, which would give more for a trade-in. Mr. Safranek fielded phone calls regarding an employee on March 21. He attended the Meat-In event the Lincoln County Cowbells held on March 22. They ordered the new District 3 truck on March 24, and Mr. Safranek attended the landfill work session on March 26.

Mr. Ewing reported having a fantastic vacation, during which he spoke with Chris Monks several times about roads and employees. He also visited with Ken Stroud about the microwave tower situation; he asked him to advise all participants that the county changed direction and was no longer looking at that location. Mr. Monks informed him that the road crew graveled County Road 30.

On March 25, Mr. Ewing checked roads after Mr. Monks informed him of a complaint concerning two corners and a mailbox. District 1 applied an asphalt and gravel mix in places on County Road 30. Mr. Ewing attended a Tourism Board meeting, where they approved the following amounts: Hugo Fire - \$6,300 (July 4th festivities); CCRR - \$5,000 (Ranch Rodeo); Limon Chamber - \$3,387.69 (July 4th festivities); Limon Rotary - \$TBD next meeting (Run for the Wall); Town of Limon – up to \$15,570 (Baseball Tournament); Karval Community Alliance – up to \$4,000 (Plover Festival). He informed the Tourism Board that the commissioners were looking for a replacement member and about the presented bill for tourism to increase from 2% to 6%. Mr. Ewing attended a Fair Board meeting, where they discussed Fair Book changes, ribbons, and rodeo-budgeted funds and how to roll them over to possibly increase rodeo payout.

Mr. Ewing, the other commissioners, and Mr. Piper attended the March 26 landfill workshop. They discussed compliance issues, where to get more dirt to cover trash, and what to do with the fence prematurely built in the wrong area. Mr. Ewing and Mr. Monks discussed the maintenance of the landfill loader in comparison to the way District One does maintenance. He also spoke with Lincoln Health CEO Kevin Stansbury concerning the March 31 meeting with Anthem/Blue Cross.

On March 27, Mr. Ewing and Chris Monks discussed a county vehicle and ensuing practices for road crew members.

Mr. Piper reported hiring a new janitor; she will start on Monday, March 31.

Mr. Piper had received an email from Brenda Howe asking the commissioners to choose a free landfill day. Mr. Safranek wasn't in favor and stated it merely allows residents to save up trash they should dispose of in a timelier fashion. Mr. Jaques understood the point but said it was a customary practice. The commissioners chose May 10 with a weather backup date of May 24.

Mr. Safranek spoke with Jason Smith about the Public Health furnace; Mr. Smith said they'd quoted a 92% efficient unit because of the excellent tax credits and unavailability of parts. Mr. Smith suggested replacing the unit before winter but letting it go for now since it worked.

There was no other business to discuss, so the group broke for lunch at 12:25 p.m.

When the meeting reconvened at 1:00 p.m., the Board conducted a project walkthrough for the courthouse restroom design project. No contractors attended the walkthrough.

At 1:35 p.m., Mrs. Lengel returned to the meeting at the Board's request. Mr. Ewing moved to give County Administrator Jacob Piper a raise from Level 7, Step 6 to Level 7, Step 11, moving him to \$6,030 monthly, effective April 1, 2025. Mrs. Lengel asked if the increase was in the budget; the commissioners said it wasn't. Mr. Piper noted they could wait until budget time, but the Board felt it was okay to do it now.

Mrs. Lengel left at 1:45 p.m., and the Board approved the March 2025 payroll.

At 2:00 p.m., the Board conducted a project walkthrough of the Hugo Union Pacific Railroad Roundhouse concrete removal project and finished at approximately 3:30 p.m.

The next meeting will be at 9:00 a.m. on April 7, 2025.

Corinne M. Lengel, Clerk of the Board

Wayne E. Ewing, Chairman