

YUMA COUNTY COMMISSIONERS

August 30, 2013

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 30th of August, 2013, with Chairman Robin Wiley, Commissioners Dean Wingfield and Trent Bushner present.

Administrator Linda Briggs was present throughout the day.

The commissioners reviewed with each other on affiliated meetings that each attended within the last two weeks.

Health and Human Services -

The commissioners conducted business with Dave Henson, Director of the Department of Health and Human Services. Also present: Hollie Hillman and Dalene Rogers.

Road & Bridge -

In attendance from the Road and Bridge Department were: Supervisor Mark Shaw, Truck/Mining Foreman Howard McGinnis, and Fleet Foreman Kent Twiss. Road and Bridge personnel updated the commissioners on road department activities. Also present: James Williams of Invenergy.

Tom Blach asked if the county would allow him to purchase some road material out of the Knodel Pit. Blach is working on gas roads in Kansas and cannot find any product that is close. The commissioners said they have had a hard time finding road base material and gravel. They have turned down the Colorado State Highway Department; therefore they could not open the pit up to others. The county is in need of all the material in the permitted pits. Other possibilities were recommended.

Staff discussed the following:

- The road crew is on Road FF north of Wray and will be cutting across to Road GG. Work on culverts continues.
- All of the information has been received on the Kamala street project. The mix design for the concrete is being evaluated based on the road base test results. The railroad has not yet made improvements to their crossing on Kamala. It would be best to have this done prior to doing the road work.
- Shaw has asked two contractors about grinding the landfill road and the bridge south of Beecher Island.
- Twiss said the mowers are out in full force. The rental tractors are at the end of the 250 hours allowed in the lease agreement. The rain has caused additional mowing in areas.
- Shaw said he has been working with Invenergy on the road agreement and informed the board of the difficulty Logan County had when Invenergy developed the wind farm north of Sterling. James Williams from Invenergy said it is their intention to leave the roads in as good or better shape than when they started their project.

Commissioner Wingfield moved to approve the Underground and Utility Permits for the following:

- **Augustus Energy Partners LLC to install a 4 inch poly gas line under Road T at Road 54.**
- **Don Rogers to install a 1 ¼ poly gas line under Road 30, thirty feet west of County Road GG.**
- **Dana/Shaw Ranch to install a waterline under Road K at Lat-39.691002 Lon-102.632243.**

And

Special Transport Permits for the following:

- **Kevin King (J.B. Hunt)**

Commissioner Bushner seconded the motion, which passed unanimously.

¹ These minutes prepared by Linda Briggs are summarized discussions, not verbatim.

Paul Backes / 2012 Audit -

Auditor Paul Backes, of McMahan and Associates, L.L.C, joined by auditor Billi Lewis, discussed the 2012 Yuma County Audit through on-line video. Backes reviewed the management letter, which provided recommendations to improve internal controls and day-to-day operations. The audit financial statement for the year ended December 31, 2012 was unqualified with no deficiencies identified. Backes informed the commissioners of how the audit is performed and what is reviewed in the various departments. It was noted that the fund balances increased in 2012 resulting in reserve balances going into 2013.

Commissioner Bushner moved to approve the Yuma County Audit of 2012 as presented and prepared by McMahan and Associates, L.L.C. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.

Richard Birnie -

Richard Birnie, GIS Coordinator, said that Sidwell is nearly finished with the conversion of data. Training will take place toward the end of September. Once the training is finished, he will be able to catch up the splits and changes that have taken.

The Governor's Office of Information and Technology has requested parcel and address data from the counties. Birnie said they also asked for the parcel data for a project called "Public Safety Management." Birnie will arrange a visit or conference call with the agency making the request.

Adam Srsen -

Adam Srsen, Chief of Police for the City of Wray, informed the commissioners they were awarded \$45,000 out of the \$75,000 requested for improvements to the gun range located on the property east of the airport runway. With this grant, 2/3 of the funds have been received to complete the project. Srsen said they would go to Kitzmiller requesting additional financial support for the project that needs completed by the end of 2015. A brief review of the project was made followed by Srsen thanking the board for the in-kind contribution and especially Commissioner Wingfield for going to the hearing with him.

Treasurer Dee Ann Stults -

The following were discussed:

- Stults wanted assurance from the commissioners that all employees would receive the one step on the salary scale, (the same as she requested in her budget). The commissioners stated that in some instances there are reasons for an additional step; which they consider when requested by the department head.
- Internet access is still having problems. It is hard to get things done due to it not working. This interferes with the required banking process.
- The basement restroom is still not being cleaned as it should be.
- Her office is not as hot due to a damper being adjusted.
- No one has looked at the tile in the back hall.
- There has not been any additional information on the CCI bankruptcy.

Clerk Beverly Wenger -

Clerk Beverly Wenger said she had talked to Sid Fleming, Manager of the City of Yuma, who said the city would pay for the labor to make the renovation of the office space in the Yuma City Hall. Following review of the estimate for all of the work, the commissioners agreed to pay for the materials.

Wenger said the office in Yuma can be used for the election service center/polling place. It is in the county's best interest to have two locations; one in Wray and one in Yuma.

The state has a request-for-proposal out as they are considering a new voting system. If this happens, everyone will need to make the change.

Wenger presented information on what changes were recommended by the County Elected Official's Salary Commission. Discussion followed.

[The Commissioners left the courthouse to reconvene their meeting at the Wray City Hall roundhouse to hold a major land use hearing on the application from Invenergy Wind Development LLC, on behalf of Wray Wind Energy LLC.

Land Use –

At 2:02 p.m., Chairman Robin Wiley welcomed everyone to the hearing on the request from Invenergy Wind Development LLC, on behalf of Wray Wind Energy LLC., to construct a wind farm consisting of 56 turbines north of Laird.

Present: Road and Bridge Supervisor Mark Shaw and Administrative Clerk Laurie Clemons.

OTHERS PRESENT: Staff members of Wray Wind Energy: Jim Williams and Laura Miners, Terry Hall and James Ziebarth of Y-W Electric Association, Barbara Bowman, Casper Hergenreter, Jr. of Grasslyn, Inc., Carroll and Vickie Flemister, Sue Jarrett, and Derry and Deloris Diehl,

Chairman Wiley asked Administrator Briggs to read the staff report.

Linda Briggs explained that the revised staff report represents the applicant's and staff's efforts to come to agreement on conditions and read a summary of the revised staff report conditions; which compares the application to the land use code standards and criteria (See attached).

Chairman Wiley offered the floor to Invenergy to summarize or give additional information about their application. Jim Williams thanked the commissioners for the opportunity to be present and stated how much they appreciate working with the staff from various departments. Williams stated Invenergy feels comfortable that they've worked through most of the concerns and conditions. He knows that Invenergy is the first wind farm in Yuma County, so he is happy to answer questions. Invenergy has been planning this project since 2006. They see Yuma County as a good resource and want to advance the project to the place where construction can begin. Invenergy submitted an interconnection request that allows them to inject power onto the transmission grid with WAPA. The environmental plan was developed between 2011 and 2012. The current wind energy plan has tax credits extended until 2013, so Invenergy needs to begin construction in 2013 to qualify. Invenergy submitted the application in April; Williams stated that they feel they have provided everything necessary to help the board come to a decision, and they appreciate the commissioner's time.

Chairman Wiley opened the floor for public comment.

Terry Hall, manager of Y-W, expressed his support of the wind farm project, but added Y-W's concern lies in the interconnection agreement (See attached). Specifically, Y-W has concerns with Option B. This plan would add 8.5 extra miles of transmission line, reducing reliability of services to the Wray substation. He also asked why Invenergy had never applied to Tristate for an interconnection agreement. Invenergy's current plan will run two sets of parallel lines over property owner's land; this concerns Y-W, and Y-W may hold discussions with WAPA about it.

Sue Jarrett, a private land owner, said she wanted to express her support of the wind farm project. She stated today was a day to celebrate all sources of energy for the future generations. Sue wanted to tell the commissioners, "Good job, and I hope this one gets done."

Bill Cure, a private land owner, stated he believes the future lies in green energy production. Yuma County knows it has the natural gas. He thinks the wind farm is a good deal that will make jobs, fill empty houses, and bring money to the county.

Chairman Wiley asked if there was anyone else interested in speaking from the public and then offered the opportunity back to Jim Williams to respond to public comments, especially Y-W.

Jim Williams responded to Terry Hall's comments by explaining that Invenergy went to WAPA because it has more capacity to handle a 90 megawatt line. They felt WAPA was more cost effective as Tri-State would require a massive rebuild project. In terms of reliability, as Invenergy crosses Tri-State lines, they will be rebuilding approximately 3 miles of existing line with new, updated power line capable of greater voltage and making Tri-State more reliable. Williams added that he agrees with Mrs. Jarrett and Mr. Cure's comments, but Condition U remains concerning. Invenergy submitted a cooperative plan last night to the planning commission that they would like to substitute for Condition U.

Commissioner Wiley asked the commissioners if they had questions for Invenergy.

Commissioner Bushner stated that he thinks the project is a good idea and he supports it. He recognizes that this is a private property issue, but the commissioners have some concerns to work through with them: like not injuring neighbors and protecting roads from deterioration. The commissioners have a responsibility to protect the county, and Bushner plans to utilize the planning commission's results, as they are very thorough and do a good job. Commissioner Bushner recognizes that Invenergy is under a deadline and does not want to delay their project so they get their tax credits, too.

Commissioner Wingfield commented that the commissioners are excited about the energy, but the public is concerned about the possibility of two sets of parallel power lines running overhead, and would like to see that resolved.

Commissioner Wiley remarked that he wanted to thank Invenergy. The commissioners are excited about the work that they've done, and the administrative staff's work, too. Based on the results of the previous evening's planning commission meeting, the commissioners do not have a recommendation at this time because they've received more information that they need to read before making a decision. Interconnection and power purchase agreement remain concerns that need addressing. Commissioner Wiley added that he is excited to see this happen, and there was no recommendation from the planning commission. **Commissioner Bushner moved and Commissioner Wingfield seconded to continue the hearing until September 16th. Motion carried.** Commissioner Wiley closed the public comment portion of the hearing. **Through a duly made motion at 2:34 p.m. the hearing was closed.**

Administrator's Report -

Administrator Linda Briggs reviewed calls, correspondence, and presented the following for action:

A motion was made by Commissioner Wingfield and seconded by Commissioner Bushner to approve the minutes of June 28 and July 15, 2013. The motion passed unanimously.

Commissioner Bushner moved to approve Resolution 08-30-2013 A which certifies to the County Clerk a ballot question which would allow Yuma County in concert with other Colorado counties to pursue becoming the 51st state of the United States of America. Commissioner Wingfield seconded the motion, which passed by unanimous vote.

Commissioner Wingfield moved to sign the grant agreement with the State of Colorado Department of Public Safety Division of Homeland Security and Emergency Management. This will allow up to \$278,764 to be used by agencies in the Northeast Region. Commissioner Wiley seconded the motion which passed by Wingfield and Wiley voting; Yea. This grant terminates May 31, 2015. [Commissioner Bushner was not present as he left to attend a courthouse security meeting being held in the Sheriff's office.]

Chairman Wiley signed the Veterans Report for August, 2013.

Certification of Accounts Payable for August 19 & 21, 2013, drawn on Yuma County Funds, with check # 54729 thru 54771 totaling the sum of \$ 156,433.03 and August 30, 2013 checks #54772 through #54843 totaling the sum of \$335,076.61, payroll for August 21, 2013 with check 29800 to 29805 totaling \$ 3,797.24 and August 30, 2013 with check #29806 through check #29834 and system # 35099 through # 35233 totaling the sum of \$230,116.56 was approved and signed by Chairman Robin Wiley. Fund 16 W-Y Combined Communication accounts payable for August 30, 2013, check # 6673 through #6693, totaling the sum of \$27,161.51 were approved and also signed by Chairman Robin Wiley; payroll for August 30, 2013 with system #5046 through 5058 and checks 4337 & 4338, totaling \$31,029.39 was approved and signed by Chairman Robin Wiley.

The commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:00 p.m. The next meeting of the board will be September 16 and September 30, 2013.

A listing of meetings attended by the Commissioners during the month of August 2013 is attached.

Robin Wiley, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk