

Board of County Commissioners of Lincoln County  
Agenda for August 30, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Open bids on work to be performed on the courthouse complex roof

9:30 A delegation of citizens to request that the Commissioners proceed with placing on the 2013 ballot the question concerning the 51<sup>st</sup> state

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

11:00 Reach Out and Read presentation to Lincoln County for being a Book End County

1. Approve the minutes from the August 29, 2013 meeting
2. Review and approve the paperwork for renewal of the license for the Hugo Volunteer Fire Department Ambulance Service
3. Review and approve the paperwork for renewal of the license for the Limon Ambulance Service
4. Review a letter from County Attorney Stan Kimble concerning the failure of ambulance services to renew their annual licenses within the time allowed and the liability, if any, to the county
5. Review a Petition to the State Board of Assessment Appeals filed by Albrook Partners, LLC
6. Cancel Lodging/Tourism check #20933 written on August 31, 2012 for \$225.00 to Rayleene Thompson since it was not presented for payment
7. County Administrator's report
8. County Attorney's report
9. Old business
10. New business
11. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 30, 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. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended as well.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance, and then the commissioners opened the one bid received for work to be performed on the courthouse roof. Dave Lasecke with Alliance Roofing was present to discuss his company's bid. Travis Nall was also in attendance and said that although three companies had looked at the roof, one had called the previous day to say they would not bid on it, and he had never heard from the third one.

The bid from Alliance Roofing was for \$49,619, and included the warranty letter, certificate of liability insurance and Worker's Comp insurance, and a one-year warranty on labor. Mr. Lasecke showed the group what materials would be used, including Drop-Stop sealant that does not include a warranty, but is some of the best material ever made for that purpose, according to Mr. Lasecke. The other materials all have a twenty-year warranty on them. When asked about other projects, Mr. Lasecke said he had done the same type of repair on a building in Ault four years ago and hasn't had a call about it since. The company has been in business for twenty-one years and Mr. Lasecke said he'd been with them for four of those. He has completed work on residential, commercial, steel, flat, and various other types of roofs.

Ms. Devers wanted to know how soon he could begin work and Mr. Lasecke said he was currently three weeks out on other jobs, and when asked how long he thought it may take, said that it is a very labor intensive project because of all the removal involved. However, depending on how large of a crew he could bring with him, he expected around three weeks to reach completion.

Mr. King asked what kind of mitigation he puts in place to keep the roof from leaking while they are working on it, and Mr. Lasecke said that they watch the weather and only do as much as they can seal in the same day. They work one area at a time from start to finish and never take off more than they can re-cover. Since it is getting to the time of year when weather is unpredictable, Mr. Lasecke was asked if that would be a problem and he said that cooler weather is actually a little better for the product, and as long as the sun is out, it is always warmer up on the roof.

Mr. Lyons asked how much of a down payment he would want to begin work, but Mr. Lasecke said that they do not collect any money until the project is complete, as they have terms with their suppliers to provide materials and since it should only take about three weeks, they will not ask for any funds ahead of time. Mr. Lyons said they would look over the information in the bid packet and officially act on acceptance at their meeting on September 6. Mr. Lasecke will provide letters of reference in the interim.

At 9:30 a.m., a delegation of citizens met with the commissioners to request that they proceed with placing the question concerning forming a 51<sup>st</sup> state on the 2013 ballot. The group was too large for the commissioner meeting room and moved to the jury assembly room for that portion of the meeting. Those in attendance were Jim and Sherron Bowen, Mark and Linda James, Tom and Jari Lee, John and Judy Thelen, Les and Cathie Swanson, Sara Gotschall, Ben and Linda Orrell, Brenda Mayo, Lian Emmerling, Rich and Donna Metcalf, Greg and Cassandra Vernie, Wayne Rudder, Troy and Misty Krebs, Jeffrey Hare, Jay Jolly, James and Lisa Thelen, Kimel and Wanda Brent, Lucas Hohl, Dave and Toni Crismon, Keith Thelen, Patsie Smith, Ted Schieffelin, and Charles Hoffman.

Linda Orrell was designated as the group's spokesperson and asked that the Board reconsider their decision to secede from the state because the state government does not give the citizens due consideration and it is time to send a clear message to Governor Hickenlooper by placing the question on the 2013 ballot and letting the electors decide.

Mr. Crismon wanted to know what it would cost to hold the election, but Mr. Lyons said it would not cost anything and referred the question to County Clerk Corinne Lengel. Ms. Lengel said that due to the fact there will already be a state question on the November ballot, the cost to the county will be incorporated into those costs, as the election will be countywide anyway.

Mr. Jolly spoke up to say that he is tired of paying increases in utilities, such as with the new increase in electricity rates, and that the state has overreached their bounds by putting too many restrictions and regulations on the oil industry. When the conversation veered more toward oil development and fracking, Mr. Hoffman asked Mr. Lyons to keep the topic on the issue of the 51<sup>st</sup> state. He added that they are not saying that the secession will be automatic by placing the issue on the ballot; it simply means that those for the secession will have their needs and concerns listened to. He went on to say that he didn't really believe secession would happen in the long run, as the issue will still have to go through federal legislation, but it is simply a means for the group to be heard and convey their displeasure regarding current regulations.

Jeffrey Hare with the 51<sup>st</sup> State Initiative spoke up to inform the group that there is another option, which is for the commissioners to pass a resolution stating that they believe there is validity to the discussions and would like to participate in the process. He added that Phillips County also had put forward a proposal to restructure the state senate to allow one senator per county, but that there is a 1964 Supreme Court case standing in the way of that.

Mr. Lyons said he would prefer placing the issue on the ballot to adopting a resolution, and expressed that he was glad that a larger group had come to the meeting to voice their opinions, since prior to that the commissioners had only heard from about six people. Mr. Stone agreed that he would also agree with placing the question on the ballot to find out what the general feeling is across the county, and Mr. King said that he is not a proponent of the 51<sup>st</sup> state at all, but agrees with Phillips County's proposal. According to Mr. King, there is a group that believes that trying to secede is a huge waste of effort since it will have to be approved both by the state

and nationally, but he, too, is willing to place the issue on the ballot for the voters to decide if they should move forward or not.

Patsie Smith asked if there would be another opportunity later on to vote on the issue or if passing the question in Lincoln County means succession has passed. She stated that she is critical of how the ballot issue would be worded and how voters will interpret it, and Mr. Hare stated there will be a statewide ballot question later on, adding that the U.S. Congressional hurdle will be the biggest one to cross. It was also mentioned that the ballot wording must be the same in any county that agrees to have the question placed on their ballot.

Mr. Hoffman asked Ms. Lengel if there is still time for the commissioners to get the information to her and she responded that ballot certification is due on September 6, 2013.

Mr. Stone made a motion to adopt a resolution to put the question of pursuing the 51<sup>st</sup> state on the November 5, 2013, ballot. Mr. King seconded the motion, and it carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on August 30, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

**REFERRAL TO LINCOLN COUNTY ELECTORS AT THE COUNTY ELECTION  
TO BE HELD ON NOVEMBER 5, 2013, THE QUESTION OF WHETHER  
TO PURSUE THE CREATION OF A 51<sup>ST</sup> STATE**

**RESOLUTION #859** It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

**WHEREAS**, the Board of County Commissioners of Lincoln County, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of Lincoln County, Colorado; and

**WHEREAS**, the County Commissioners have been in communication with commissioners of other Colorado counties who, in concert with them, have discussed the creation of a 51<sup>st</sup> state; and

**WHEREAS**, elected officials and citizens in these counties have formed and are participating in policy committees with the intent of developing position papers, responding to questions, and preparing a vision for the 51<sup>st</sup> state; and

**WHEREAS**, on August 30, 2013 a group of citizens asked the Board of County Commissioners to put the issue of a 51<sup>st</sup> state to a countywide vote of registered voters at the November 5, 2013 election; and

**WHEREAS**, the County Commissioners, being duly elected by the citizens of Lincoln County, have decided that the best course is to allow the registered voters in the county to decide whether or not they wish to pursue the creation of a 51<sup>st</sup> state;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado that this resolution shall be referred to the registered voters of Lincoln County at a special election to be held on Tuesday, November 5, 2013. The question to be submitted to the registered voters at such election shall be as follows:

**Shall the Board of County Commissioners of Lincoln County, in concert with the county commissioners of other Colorado counties, pursue those counties becoming the 51<sup>st</sup> state of the United States of America?**

**BE IT FURTHER RESOLVED** that each registered voter at the election and desirous of voting may cast a vote of either "Yes" or "No" to said question:

**BE IT FURTHER RESOLVED** that the Lincoln County Clerk and Recorder shall take such action as is necessary to place the ballot issue on the election to be conducted on November 5, 2013.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Jim Bowen commented that he would prefer to see a petition process take place, similar to what Morgan County did when the issue was defeated there, but Linda Orrell told him there was no time for that at this late date.

The group disbanded and the commissioners returned to their meeting room to proceed with the remainder of the agenda.

Mr. King made a motion to approve the minutes from the meeting held on August 29, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the paperwork for renewal of the Hugo Volunteer Fire Department Ambulance Service license and then Mr. King made a motion to adopt a resolution renewing said license with basic life support ambulances. Mr. Stone 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 August 30, 2013 there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

**RESOLUTION #860** It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, pursuant to the Colorado Emergency Medical Services Act, Section 25-3.5.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

**WHEREAS**, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

**WHEREAS**, the Hugo Volunteer Fire Department Ambulance Service has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic life support vehicles; and

**WHEREAS**, upon review the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the Hugo Volunteer Fire Department Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

At 10:00 a.m., Department of Human Services Director Colette Barksdale met with the Board to give her monthly report. Robert Kraxberger accompanied her. While the commissioners approved the employee time sheets and reviewed the monthly financial reports, Ms. Barksdale informed them that all of her staff has completed their NIMS courses. She also explained that the Child Abuse Hotline survey from CCI should have been sent to all commissioners, but since it is fairly long and must be completed by next week, she offered to fill it in for them if they preferred. She said that the state wanted to take over all calls for child abuse and neglect, which was basically a contentious debate that resulted in the formation of a committee to look into it. Ms. Barksdale said it would have been extremely costly, plus a basic takeover. Although the committee has come up with a different plan, Ms. Barksdale said it seems as if it has already been decided. Mr. King said he felt the more local control the county could maintain the better, and the commissioners agreed to have Ms. Barksdale fill out the survey and bring it back for them to look at.

Ms. Barksdale informed the group about a potential threat to some of her staff, as a past client is to be released from a mental facility on September 3 and has made threats against particular employees in her department. She asked everyone to be aware of the possibility that he may appear at the courthouse and showed the group a picture.

Ms. Barksdale then said that Centennial Mental Health will be holding a fundraiser on September 14 that will benefit the Limon office and asked if the commissioners would agree to her spending \$500 to sponsor a table at the event. She added that they received some funding five or six years ago for work incentives and have not used it all, so they have enough to cover the sponsor fee if the commissioners agree to it. She would like to invite local law enforcement to attend and represent their department. Mr. King commented that Centennial needs all the help they can get, and Mr. Stone made a motion to approve the expenditure of \$500 for DHS to sponsor a table at the upcoming Centennial Mental Health fundraiser. Mr. King seconded the motion, which carried unanimously.

Ms. Barksdale informed the Board that the state has still not completed the Child Welfare portion of close-out, even though they had to be finished with their end of fiscal close-out by the end of July. She said they were underspent in Child Welfare, so it will not matter, but they were overspent in Administration, as usual. However, they did receive 100% bail-out. They were underspent in TANF funds by \$43,000, so their reserves will now be back to the maximum amount of \$100,000. Ms. Barksdale wanted the Board to be aware of the fact that they may see a decrease in tax base relief because of the increase in valuation the county has seen. Historically, the county has received funding due to low assessed valuation and high DHS costs, but she cautioned that it may change in the future. They do still qualify at this time and they are trying to get it fully funded again. If that happens, Lincoln County should get around \$30,000.

Mr. King asked Ms. Barksdale if she felt there would be an influx of people applying for human services benefits when Obama Care goes into effect, as he has heard that many companies intend to cut full time employees to part time in order to avoid paying for their health insurance. Ms. Barksdale responded that she has heard that they are supposed to anticipate between 300 and 400 people applying for the new Connect 4 Health Colorado benefits; as a matter of fact, she even has a couple of employees in her own department that will qualify. Mr. Kraxberger put in that they have had several clients come in already who have mentioned that their work hours have been cut.

After reviewing the paperwork for renewal of the license for Limon Ambulance Service, Mr. King made a motion to adopt a resolution to renew the Limon Ambulance Service license with advanced life support ambulances. Mr. Stone 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 August 30, 2013 there were present:



Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

**RESOLUTION #861** It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, pursuant to the Colorado Emergency Medical Services Act, Section 25-3.5.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

**WHEREAS**, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

**WHEREAS**, the Limon Ambulance Service has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as advanced life support; and

**WHEREAS**, upon review, the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the Limon Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with permitted advanced life support ambulances.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

The Board reviewed a letter from County Attorney Stan Kimble concerning the failure of ambulance services to renew their annual licenses within the time allowed and the liability, if any, to the county. According to Mr. Kimble's letter, the county is not liable.

The Board also reviewed a Petition to the State Board of Assessment Appeals filed by Albrook Partners, LLC. When asked if the commissioners needed to act on it in any way, Ms. Devers responded that Mr. Kimble and County Assessor Jeremiah Higgins are aware of the filing and the commissioners do not need to take any action.

Mr. King made a motion to cancel Lodging/Tourism check #20933, written on August 31, 2012, to Rayleene Thompson in the amount of \$225.00, since it was never presented for payment. Mr. Stone seconded the motion, which carried unanimously.

At 11:00 a.m., Megan Wilson, Executive Director of the Reach Out and Read program, and a group of others met with the Board to present plaques for the county being designated as a Book End County. Public Health Director Sue Kelly and her staff members attended the presentation, as well as Barbara Vaughn and Kayla Jaques. Awards were presented to Lincoln Community Hospital, Lincoln County Public Health, Plains Medical Center, and Gordon Clinic for their participation in the program.

Ms. Devers reported that Meredith Burcham at CHP informed her there will be a nine-to-eleven percent increase in health insurance premiums in 2014, as compared to the industry standard of twenty-two percent. She also asked the Board if they wanted to increase the fees that the towns pay at the landfill next year, as she is working on the budget and needs to let them know if they are to expect an increase. Mr. Lyons commented that he hated to raise rates for anyone, but the county will have to dig another pit at some point and it will be much more costly due to new state regulations. The commissioners agreed that since it had not been done since 2009, they would increase the fees by \$.50 per cubic yard for the towns. Mr. King made a motion to increase the landfill rates to the towns to \$6.50 per cubic yard beginning on January 1, 2014. Mr. Stone seconded the motion, which carried unanimously.

Ms. Devers also reported being contacted by Sue Campbell with First Step Recovery, who has been providing domestic violence counseling in Burlington for several years. She told Ms. Devers that people from Lincoln County carpool to Burlington all the time for their counseling, so there is actually something available that is not located in the metro areas.

Although the commissioners had approved a \$200 raise for Land Use Administrator John DeWitt, Ms. Devers said that she had not realized he will be due for another step increase in

December and wanted to know if they still wanted to give him the \$200 or \$150. Mr. Lyons said he would like for Mr. DeWitt to come in and give the commissioners an update of what he is working on. Ms. Devers said she will leave the \$200 increase as is and they can speak with him when he comes in for his budget hearing.

Mr. Lyons commented that he'd attended the hospital board meeting the previous evening and they had officially made Monica Wilkins the administrator.

At that time, Analisa Romano with the Greeley Tribune called to ask the commissioners some questions about their decision to place the 51<sup>st</sup> state question on the 2013 ballot. Mr. Lyons told her that it's an opportunity to express discontent over what all of those involved in the 51st state initiative say is an attack on rural industries and lifestyles. Mr. King reiterated that he is not in favor of the 51st state, but agreed that rural needs and protests are falling on deaf ears at the state Capitol. He did tell Ms. Romano that he prefers the Phillips County proposal, which aims to change representation in the state legislature so that rural representatives can carry more weight in their votes. He added that just because something works in the metro areas doesn't mean it works in the same ways, if at all, in the rural areas. As a matter of fact, regulations that may benefit the urban areas often adversely affect those in the rural areas. Mr. Stone said that he wasn't convinced the commissioners are ready to jump on the bandwagon right now, but agreed to put the question on the ballot to see how the voters feel in Lincoln County.

Once they had finished speaking with Ms. Romano, Mr. King stated that he would like to act on the purchase of a road grader for District Two at the September 6 meeting. He commented that it is more expensive than the grader being purchased by District One, but it does have all-wheel drive.

A call was placed to County Attorney Stan Kimble to see if he had anything to report and he mentioned an email he received from Dave Taussig regarding water issues concerning the 51<sup>st</sup> state initiative. Mr. Taussig had urged the commissioners not to put the question on the ballot as he felt it would be disastrous for any new state to have to start at the back of the line and with no compact protection from sister states. Mr. Lyons asked Mr. Kimble about the Colorado fence laws and he confirmed that Ms. Simmons can build a fence on her property fencing Kent Dyer out and bill him for half of the fence. He added that one always hopes landowners can get together and form a plan beneficial to both sides, but if not, she does have the right to charge Mr. Dyer for half of the fence; labor and materials, according to state statute.

There were no other expense vouchers to approve and with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on September 6, 2013.

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Corinne M. Lengel, Clerk to the Board

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Ted Lyons, Chairman