

Board of County Commissioners of Lincoln County
Agenda for November 26, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Emergency Manager John DeWitt to request that the Commissioners sign the county's revised Emergency Operations Plan

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

11:00 Spencer Cooreman and Tricia Hal with NextEra to request an exemption from subdivision regulations on a parcel for the maintenance and operations building and a substation for Limon Wind 3

1:15 Greg Leverett to discuss a possible conflict of interest for a Human Services employee who is a member of the Sheriff's posse

1. Approve the minutes from the November 19, 2013 meeting
2. Review and sign an amendment to the Immunization Core Services contract to obtain an additional \$1,991.
3. County Commissioners' reports
4. County Administrator's report
5. County Attorney's report
6. Old business
7. New business
8. Approve Payroll and Expense Vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 26, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon, and Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended the discussion concerning Limon Wind III. Ed Schiffers also attended the meeting.

Chairman Lyons called the meeting to order and asked Land Use Administrator/Emergency Manager John DeWitt to lead the Pledge of Allegiance. Mr. DeWitt then asked if there were any changes to the revised Emergency Operations Plan. There were none, so Mr. King made a motion to sign the plan, Mr. Stone seconded the motion and it carried unanimously.

Mr. DeWitt said that most of the oil activity has moved up north and onto John Craig's place, and Nighthawk is still doing quite a bit of permitting.

Mr. King commented that the truckers are continuing to bypass the truck routes, even since the signs have been posted, and he has received several complaints about it. Mr. DeWitt said that he spoke with representatives from both Nighthawk and Plains and they have taken the official position that it's a law enforcement matter now. Since Sheriff Nestor planned to meet with the Board at 9:30, Mr. King said he would ask him about it then.

Mr. King made a motion to approve the minutes from the meeting held on November 19, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed an amendment to the Immunization Core Services contract to obtain an additional \$1,991, and Mr. King made a motion to approve the amendment. Mr. Stone seconded the motion, which carried unanimously.

Mr. King reported receiving a phone call from Paul Holder, as well as several other residents in the area, about the oil trucks not keeping to the designated routes. On November 25, he talked to people in Arriba about oil activity and wind towers, and also received a phone call from Shelby Back about the tumbleweeds in the Karval area. Mr. King also stated that he'd received information that since Elbert County is in such poor financial shape, they may not be able to afford their full allocations to COG and Centennial Mental Health.

Mr. Stone reported that his main focus has been on the tumbleweed situation in his district. They've tried to mow them and have even brought in a packer to see if they can pack them and then mow. The tumbleweeds have become such an issue that they are piled up to the eaves on some of the homes in the town of Karval and residents are concerned with the fire hazard. Mr. Stone said he would speak with Sheriff Nestor when he came over. On the Twenty-fifth, Mr. Stone and David Seymour met with Justin Blocker with FEMA.

Mr. Lyons reported checking County Road 26 on November 22, but it is holding up pretty well since the truck traffic has decreased. He also went by the landfill and spoke with Mick Jaques

about the rotomill project. Chris Monks will work with Mark McHone to get it hauled to the landfill. Later that evening, he spoke with Lawn Thompson, who wanted to meet with the commissioners and Mr. Kimble about wind towers. Mr. Lyons told him to contact Ms. Devers and make an appointment. Mr. Lyons said he left a message with Becky Ravenkamp about the positions on the fair board, and also attempted to contact Renee Ewing as well.

Ms. Devers reported making more budget changes; particularly to Human Services. Ms. Barksdale had recalculated her budget since she had moved some staff members into different positions, and Ms. Devers said she'd also made the changes to the Extension Office budget requested by Travis Taylor.

She has been working with Justin Blocker with FEMA on the funding for District Three and he has the paperwork ready to sign for the repair of the roads. He will calculate the figures for man and equipment time based on pay rates that Ms. Devers gave him for Road & Bridge employees. He still needs more information for the detour. The hydrologist with J.R. Engineering is also putting together a quote on the hydrology study and said that typically it runs about \$2,500.

The Board reviewed the October 2013 Assessor's report and a letter from Tom Lee expressing interest in one of the vacancies on the fair board.

At 9:30 a.m., Sheriff Tom Nestor stopped in to let the Board know he will need a new computer server and asked if they prefer he wait until the new budget is in effect. He does have approximately \$10,000 in his Operations line item that he will not use this year, and the server should cost at least half of that. Erie P.D. donated several laptops to his department for use in their patrol cars and the sheriff said it will cost around \$40 per laptop to get them connected to the main computer system, so that will also be an additional expense. The Board agreed he should pay for the computers with funds from the current year's budget.

Mr. King told the sheriff he'd been receiving complaints about the truck traffic not obeying the new sign postings, and Sheriff Nestor responded that they have been in the area; in fact, they've written five tickets and actually seized fictitious license plates from one truck.

Mr. Stone mentioned the tumbleweeds in Karval and asked if there would be a possibility they could put out a truck for trash collecting since many residents are afraid to burn. Sheriff Nestor said he would have Zane Nestor poll the fire chiefs today and see if they feel conditions warrant moving to a Stage 3 fire ban. He added that when he was in Karval recently he did see a resident attempting to burn tumbleweeds in a barrel.

As for the meeting with Gregg Leverett later in the day, Sheriff Nestor said that Undersheriff Nall spoke with Mr. Leverett and told him the sheriff's department has no problem with Human Services employees being on the sheriff's posse, mainly because it is all volunteer, they do it on their own time, and they are not law enforcement. Posse members do things like help man road blocks and assist with searching large areas for evidence, and they must meet certain

requirements and attend training to even become members. The sheriff added that he felt since the employee in question is a Human Services employee, the issue should be between Mr. Leverett and Ms. Barksdale, not the commissioners.

The Board approved the November payroll and several expense vouchers before Human Services Director Colette Barksdale and Bob Kraxberger arrived for the 10:00 a.m. appointment.

While the commissioners reviewed the Human Services time sheets and financial reports, Ms. Barksdale explained the budget changes she had made which reduced her 2014 budget by nearly \$16,000. Ms. Barksdale also gave an update on Connect for Health Colorado, stating that small businesses with two or more employees can take advantage of tax credits if they pay fifty percent of the insurance premiums for their employees. She also explained the old DSS merit system that was eliminated in 1996 and how employees, mainly caseworkers, are paid through levels; the first year for training, the second as an apprentice, and the third as a journeyman. Caseworkers with a Master's degree can move up to a Level IV. Ms. Barksdale said she wanted the commissioners to understand the process in case she ever has turnover in her department and has to hire new caseworkers.

There will be caseworker training in Lamar and La Junta December 16, 17 and 18 and everyone will have to attend, but they will have backup from Elbert County if needed. Ms. Barksdale wasn't sure all caseworkers would attend both trainings since they overlap each other; in fact, she said they may skip one of them and take it later on.

After reviewing the Employment Contract for Administration of Human Services for Colette Barksdale and determining that the only changes were the dates and cost of living increase, Mr. King made a motion to approve the contract. Mr. Stone seconded the motion and it carried unanimously.

Mr. Lyons asked Ms. Barksdale if she had anything she wanted to say about the appointment with Gregg Leverett at 1:15, and she stated that two of her employees are actually on the sheriff's posse, as well as the volunteer fire and ambulance services. One is also a deputy coroner. She added that she does have an office policy that addresses instances where a sheriff's call may take a posse member to a home where there are known, or potential, child welfare issues. In those cases, the DHS posse member is to remain in the vehicle due to a possible conflict of interest.

While waiting for the 11:00 a.m. appointment, the Board continued approving expense vouchers for the month of November.

At 11:00 a.m., Spencer Cooreman with NextEra, and attorney Tony Ryan, met with the commissioners to request an exemption of subdivision regulations on a parcel for the maintenance and operations building and a substation for Limon Wind III. Mr. Ryan said the parcel in question is 11.45 acres owned by Rob Boyd in Section 11, Township 8 South, Range 54

West, and the substation would be just off of County Road 35 in the southwest corner of the section.

Ms. Devers asked when they anticipated that the deed will be signed and Mr. Cooreman said they are considering signing an Option for Purchase at this time, but do not want to actually sign the deed for the property until the project is approved. Ms. Devers suggested the Board could make the exemption contingent upon the actual purchase of the property going through, and she would check with County Attorney Stan Kimble for the proper verbiage in the resolution.

Mr. King made a motion to adopt a resolution granting an exemption from subdivision regulations on an 11.45 acre parcel in Section 11, Township 8 South, Range 54 West, contingent upon the transfer of property from Rob Boyd. 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 November 26, 2013 there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent and 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 #865 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, application has been made by NextEra Energy for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County to be used as a site for an operations and maintenance building and a substation or Limon Wind III, LLC. Said parcel is described as follows:

A parcel of property located in the Southwest Quarter of the Southwest Quarter of Section 11, Township 8 South, Range 54 West of the 6th Principal Meridian, Lincoln County, Colorado, being more particularly described as follows:

Beginning at a set #6 (3/4") rebar with a 3/4" aluminum cap "PLS 38313" monumenting the Southwest corner of said Section 11;

Thence N01°07'57"W along the West line of said Section 11 for a distance of 1050.00 feet to the Northwesterly corner of the subject property;

Thence leaving the West line of said Section 11, N87°59'39"E, passing a set #5 (5/8") rebar with 2" aluminum cap "PLS 38313" at 30.00 feet for a total distance of 475.00 feet to a set #5 (5/8") rebar with 2" aluminum cap "PLS 38313" at the Northeasterly corner of the subject property;

Thence S01°07'57" E for a distance of 1050.00 feet to a set #5 (5/8") rebar with 2" aluminum cap "PLS 38313" in the South line of said Section 11 and the southeasterly corner of the subject property;

Thence along the South Line of said Section 11, also being the South line of the subject property, S87°59'39"W for a distance of 475.00 feet to the point of beginning.

Said tract contains 11.45 acres, more or less.

Said parcel of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the tract as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations contingent upon transfer of ownership of the property from Robert E. Boyd to NextEra Energy;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

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

ATTEST:

Clerk of the Board

The Board approved additional expense vouchers for the month of November before breaking for lunch.

At 1:15 p.m., Gregg Leverett met with the Board to discuss a possible conflict of interest for a Human Services employee who is a member of the sheriff's posse. Mr. Leverett felt that "Colorado has a dismal record regarding child safety and child protection" and Lincoln County could take leadership and set an example for the entire state by standing up for the rights of children. His main concern was that a DHS employee who may work with children would respond to a call as a posse member where those same children may later end up in the care of Human Services. He said it "felt unethical" and he originally intended to take the matter to the state, but decided to come to the county first. Mr. Leverett went on to say that he believes there should be complete separation between law enforcement and Human Services when it comes to child safety.

Mr. Stone asked how many times Mr. Leverett had seen the employee with law enforcement and was told perhaps five or six times in six months.

Mr. King mentioned that there are also employees in Human Services on the volunteer fire department and ambulance, and the commissioners certainly can't dictate what employees do on their time off. He added that he has complete faith and confidence in Lincoln County Human Services and the employees.

Mr. Lyons asked Mr. Leverett if he knew of a law dictating that Human Services employees cannot be on the sheriff's posse, but Mr. Leverett said he did not know of one, although he felt sure there probably was one. Mr. Lyons told him to write a letter to Ms. Barksdale or take the issue to the state, but as commissioners he felt they were not going to make any decision on the matter. Mr. King and Mr. Stone both agreed and Mr. Leverett thanked them for their time.

Mr. King said he'd spoken with Zane Nestor who contacted the fire chiefs about a Stage 3 fire ban and all agreed it should be put into place until the county gets some moisture. Mr. Lyons said they would have to put trucks out for collection of household trash, and Ms. Devers said she would ask James Martin to put the information on the county's website. Ms. Devers placed a call to Sheriff Nestor and asked him to come back over to the meeting so they could discuss it with him, and after a lengthy discussion about when to advertise and when to enact the ban, the sheriff said he would contact the fire chiefs again and they could meet with the commissioners and discuss it in further detail on December 6.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on December 6, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman