

Board of County Commissioners of Lincoln County
Agenda for December 17, 2013

9:00 Call to order and Pledge of Allegiance

1. Approve the minutes from the December 6, 2013 meeting
2. Review the November reports from the Assessor and the Treasurer
3. Review the November reports of revenues and expenditures for Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge and the individual road districts
4. Review and act on the 2014 voting proxies for Colorado Counties, Inc. meetings
5. Appoint two individuals to serve on the 18th Judicial District Juvenile Services Board
6. Review information on an application filed with the Public Utilities Commission by Mountain View Electric Association, Inc. and K.C. Electric Association, Inc. for approval of exchange of portions of their service territories in the vicinity of Arriba, Boyero and Hugo
7. Discuss and act on a revised Personnel Manual for all county employees
8. County Commissioners' reports
9. County Administrator's report
10. County Attorney's report
11. Old business
12. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on December 17, 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 from 10:10 a.m. until 11:45 a.m.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance.

Mr. King made a motion to approve the minutes from the meeting held on December 6, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the November reports from the Assessor and Treasurer and the November reports of revenues and expenditures from the County General, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Public Health, and Road & Bridge funds, as well as the individual road districts.

County Treasurer Jim Covington stopped in to request that the county offices be allowed to close at noon instead of 12:30 p.m. on December 20 for the employee Christmas party/luncheon, as several employees will be attending a funeral at 2:00 p.m. The commissioners agreed to allow the change in closure time.

4-H Extension Agent Travis Taylor called in to discuss the 4-H shooting sports, stating he had spoken with Mr. Lyons the day before who suggested he call during the meeting. They hold 4-H shooting sports training for 4-H leaders the first weekend of January each year, and in the past they have done about three hours of classroom training and then go out to the shooting range in Limon for a couple of hours to finish up the course. They would like to restructure the class to allow classroom instruction followed by actual hands-on techniques throughout the day, rather than splitting it up to all classroom work for a few hours and then going out to shoot at the range. Travis said they are hoping to train the leaders in the same manner that they teach the kids, and he was currently looking for a location that it could be accomplished. He had decided the fairgrounds would be the best place and asked if the commissioners would allow it.

Ms. Devers checked the schedule and said there is a wedding reception scheduled for that first Saturday in January, so the fairgrounds would be unavailable. She added that she would contact the county's insurance carrier also to see if there would be any rules against it as far as they are concerned. Depending on what she finds out, Travis asked if they may be able to schedule the training for future years at that time.

Mr. Stone made a motion to appoint Colette Barksdale as the voting proxy for 2014 Colorado Counties, Inc. meetings. Mr. King seconded the motion, which carried unanimously.

Mr. King made a motion to approve Theresa Jensen and Andy Lorensen to serve on the 18th Judicial District Juvenile Services Board. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed information on an application filed with the Public Utilities Commission by Mountain View Electric Association, Inc. and K.C. Electric Association, Inc. for approval of exchange of portions of their service territories in the vicinity of Arriba, Boyero, and Hugo.

Mr. King reported attending the Economic Development meeting the previous day and provided the report of activities through December 16. They worked mainly on the director position and determined they would interview three of the six applicants. He and his wife also took lunch to the District 2 road crew.

Mr. King also commented on the church in Limon that burned due to an explosion recently, asking if the courthouse had the same type of drop in the gas line where condensation collects. Apparently, Joe Kiely told him that CBI believed the cold weather froze the line and then broke, allowing the gas to escape. Ms. Devers suggested they call Travis Nall to ask him.

Mr. Stone reported attending the Soil Conservation meeting in Karval on December 9. On December 11 he received a call from Lawn Thompson about the newest wind farm, but explained to him that he could not discuss it due to the fact that the commissioners sit as the final authority on the decision. On December 12 he went by the county shop, and on the Thirteenth he checked on roads and a bridge.

Mr. Lyons reported going north on County Road 63 where they are digging oil wells on December 12, and learned from Jeff Wiekking that they hit a dry hole north of Genoa. Wiekking also thanked Mr. Lyons for the letter the commissioners wrote on the company's behalf to the EPA, as they have since dropped the amount of their fine for being in violation of several AQCC regulations. Earlier this morning, Mr. Lyons spoke with Chris Monks about fixing the rails on some bridges. He also asked him to come in and provide the quotes he received for grader blades.

Travis Nall arrived at that time and Mr. King mentioned what he had learned about the fire in Limon, asking if the courthouse had similar drops on the natural gas lines. Travis said that he feels it won't be an issue as long as it doesn't get cold enough to freeze in the furnace rooms. Mr. King asked if they should contact Tony Bandy with Black Hills Energy and Travis agreed that it wouldn't hurt to check. Mr. Stone asked if the lines are inspected on an annual basis, but Travis told him they are not.

When asked if the roofers had finished up with the courthouse roof and how it looked, Travis said he'd been up there and it looks good so far. He will do a full inspection once they are finished.

Chris Monks stopped by with the bids for grader blades; \$81.87 from CAT and \$85.44 from J&S. Chris said they are eight foot sections and use two per machine. If he orders 280 it should come to close to the \$24,000 that was budgeted.

Chris also asked about fuel for 2014, asking the commissioners if they wanted to continue the practice of buying six loads; two for each district. He will need to contact Flagler Co-op soon to order the summer fuel so that they can lock in the price for next year. It has been around \$3.30 a gallon the past couple of years but he is hoping to see it drop down to \$3.15 or \$3.20. Mr. Lyons told him to order the same number of loads as he did in 2013 at the best price he can get.

Travis Nall returned stating that he'd spoken with Tony Bandy who told him that the systems/gas lines have safety devices on them that will stop the flames and shut the gas off, so there should be nothing to worry about.

County Attorney Stan Kimble arrived at that time so Ms. Devers asked Land Use Administrator John DeWitt to come over and discuss the legalities of the land use hearing on December 19 for Limon Wind III. Mr. Kimble said that he couldn't go into details or the facts of the hearing, but he wanted to discuss 24-65-5 C.R. S. concerning notification of surface development. He commented that if mineral owners do not object they may lose some of their negotiation rights, although they would never lose their mineral rights. He also informed Mr. King that if he is going to act on anything that will affect him financially he should not attend the hearing as an owner of mineral rights. If the development were a qualified service development, the agreement would have to be in place prior to any towers being put up but as it is, all that is required between the oil developers and the wind developers is a good faith effort; however, both companies seem to be satisfied with the current agreements. If the permit is violated the county can take action through 1-330b and can withdraw the permit.

Mr. DeWitt asked what constitutes a good faith effort and how anyone can determine if they are in violation of something if there are no guidelines to follow. Mr. Kimble responded that the county has the conditions for use and must go by them, adding that he believes NextEra knows they "dropped the ball" the last time and will work diligently to ensure everything runs smoothly this time.

Mr. King asked if he can be part of the negotiations at all during the land use hearing, but Mr. Kimble said that anyone who objects either before or during the hearing will be in the negotiation room at the hearing where they will try to work things out. If he makes any formal statement or objections at the hearing, he will not be able to act as a commissioner on the issue, and Mr. Kimble suggested he let the co-owner handle any negotiations at the land use hearing.

Discussion turned to the flood plain mapping and adoption of the ordinance; Mr. DeWitt stating that he was told it is FEMA's responsibility, not the county's, to provide the flood plain maps or have them in place. He added that as Emergency Manager, he feels it is his duty to warn residents if they may possibly have a structure that is located in a flood plain, and if he knew he could at least send letters suggesting structure modifications or the purchase of flood insurance. Jamie Prochno with the Colorado Water Conservation Board told him that if there is no data, they do not have to do anything, but Mr. Kimble said that was not the way he

understood her emails. Mr. DeWitt obtained Ms. Prochno's phone number and a call was placed to her to discuss it.

Mr. Kimble explained that the county is trying to determine if the flood plain ordinance needs to be enacted before the maps are obtained and Ms. Prochno responded that it can be done either way, but her recommendation is to pass the resolution for the ordinance and then worry about the mapping, as it may take up to three years to have it done if there is no information to be found. She went on to say that the county should then enroll in the NFIP, as the CWCB helps counties with the mapping if they are members. If the county chooses not to enroll, each development that is proposed would be required to have drainage plans in place. According to Ms. Prochno, requirements are fairly minimal if there is no flood plain mapping available and in the unincorporated areas of Lincoln County, there is no evidence of FEMA maps existing. Some other agency, such as the Army Corps of Engineers may have some, but there are none that are regulatory. She added that if the search with other agencies produces no data, there is certainly no requirement to do the mapping; it simply is a benefit to residents to buy flood insurance.

Mr. Lyons asked how people would know if they needed the flood insurance if there is no mapping, and Ms. Prochno replied that it is personal choice; some people just feel better purchasing the insurance if they are in an area that may possibly be located in a flood plain.

Mr. DeWitt asked what the procedure is for initiating the mapping with FEMA and was told that the county gets put on a list and prioritized, but will not have priority if it is not enrolled in the NFIP. Ms. Prochno concluded that the first step is adoption of the ordinance, the second step is to enroll in the National Flood Insurance Program, and the third, optional, step is to map for flood plains, adding that if the mapping is done it would be for the entire county, including the municipalities. If the county does choose to map, CWCB can help with updates and amendments to the ordinance later on.

Mr. DeWitt asked who pays for the mapping to be done and Ms. Prochno stated that if the county has a match it helps with the prioritization; however, a match can be data, which is one of the biggest benefits.

Ms. Devers will look through the ordinance and Mr. Kimble stated that, if necessary, they can adopt it as an emergency measure if it comes to that, since the requirement is that it is in place by January 14, 2014.

Before Mr. Kimble left, Ms. Devers asked if he had any issues with the county's personnel policy, but he said it was fine. Mr. King made a motion to approve the changes made to the county's personnel policy, effective January 2, 2014. Mr. Stone seconded the motion, which carried unanimously.

Ms. Devers had also received the contract with ECCOG and since nothing had changed as far as the wording of the contract, Mr. Stone made a motion to sign the Transit Grant Agreement with

East Central Council of Governments. Mr. King seconded the motion, which carried unanimously.

Ms. Devers reported that K & K Carpet Cleaning has done some cleaning in the courthouse lately and Kelvin Wetzel and Susie Monks thought the county may want to get on a quarterly schedule with them, since they have been here two Saturdays already and are still not finished. Ms. Devers asked the Board if they wanted to consider such a proposal or just continue to have carpets cleaned as needed. Mr. Stone said he believed it should be done as needed, and the others agreed.

The time sheets, load sheets and other information for the work on the detour in District Three was turned in to Ms. Devers for her to send to FEMA for the reimbursement, but she said she was having problems making everything work out. She does not feel comfortable signing off on the information, especially if there would be an audit and she would have to testify to the fact. She sent the information to Justin Blocker with FEMA and asked him what to do with it, but had not heard back yet. Mr. Stone told her it would be best to forget about reimbursement for the detour to avoid problems with a possible audit.

Since the county still had not received rodeo stock contracts for the 2014 rodeo at the fair, Mr. Lyons asked whose responsibility it was to obtain one. He assumed that the fair board would be expecting to review contracts at the January 12, 2014, meeting, but since Julie Joffe had not been able to meet with contractors at either of the conferences she had attended, he wasn't sure what should be done. Fair board chairman LaRay Patton was asked to come over from the Treasurer's office to discuss it and said that she would try to contact Eads and Deer Trail to see who they use for stock contractors. She added that they should probably try to get a contract from Southwick again as well, and Ms. Devers said she would call them.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on December 30, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman