

Board of County Commissioners of Lincoln County
Agenda for January 31, 2014

9:00 Call to order and Pledge of Allegiance

9:00 Shop Foreman Chris Monks to discuss the purchase of a small tractor for the fairgrounds

10:00 Gregg Leverett to discuss issues with Human Services

10:30 Emergency Manager John DeWitt to present for approval and signature the Annual Operating Plan

1. Approve the minutes from the January 30, 2014 meeting
2. Review an Amended Final Determination received from the Division of Property Taxation on property located at 104 5th Street, Hugo, and owned by the Great Commission Partnership Baptist Association
3. Review a letter from the Rocky Mountain Farmers Union Foundation requesting comments on a rural Business Enterprise Grant for the High Plains Food Co-op
4. Review the Quarterly Financial Status and the Employment reports for the 4th quarter of 2013 for the Community Development Block Grant
5. Review and sign the Colorado Parks & Wildlife Impact Assistance grant application for \$847.02 for state wildlife areas in the county
6. Review and update the 2014 Contact Form for the County Workers' Compensation Pool and the Colorado Counties Casualty and Property Pool
7. County Commissioners' reports
8. County Administrator's report
9. County Attorney's report
10. Old business
11. New business
12. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 31, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, and commissioner candidate Gene Vick. County Attorney Stan Kimble attended in the afternoon.

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

Shop Foreman Chris Monks and Fairgrounds Manager Julie Joffe met with the Board to discuss the purchase of a small tractor for the fairgrounds. Ms. Joffe wants a mower strong enough to cut the weeds and Chris said he had found an X710 Signature Series John Deere tractor from 21st Century. They use them to pull carts inside the factory and are getting rid of several that have anywhere from five-to-two hundred hours on them. The one Chris provided information on is a 2013 with a full warranty - 800 hours/2 years – for \$5,000 to \$5,500. They will have to purchase the 54" mower deck separately, which will cost an additional \$1,600, but were told they could trade in the old tractor for \$1,000. Chris said that a new tractor would run \$7,800 at least.

Ms. Joffe said Mike Vaughn thought they should go out for bid on it and wanted a Grasshopper, but Chris said that he felt that was more of a lawnmower and wouldn't do the job they want it to on the weeds.

Chris said he would recommend buying one with lower hours on it even if they did have to pay a little more, and Mr. King told him to try and find something with approximately twenty-to-fifty hours on it but to try and spend no more than \$6,000.

While Ms. Joffe was there, Ms. Devers said she'd been contacted by a gentleman who wants to hold horseracing events at the fairgrounds every three weeks beginning on February 8, and asked the commissioners if they wanted to tie up the facilities like that in the event the horseracing didn't work out. Ms. Joffe thought they could possibly schedule the first event and then see how it goes before agreeing to allow more, but Mr. King said he felt the Board's first responsibility is to the residents of Lincoln County. Ms. Joffe said she would have to open the restrooms in the Ellis Allen building since the ones under the grandstands have been winterized, and Mr. King asked what the group would pay to use the facilities and was told \$300 for the day. Chris said that if the county has to work the track when the ground is frozen there will most likely be broken equipment and that would take care of the \$300. Mr. Lyons suggested the gentleman call back in May once things have thawed out and the commissioners could discuss it then. Mr. King and Mr. Stone both said they preferred horse racing not be allowed at all at the fairgrounds, so Ms. Devers will contact the gentleman and let him know what was decided.

Ms. Joffe left and Chris said he'd had no better luck with fuel prices; they are still hovering a little over \$3.50 per gallon through the Flagler Co-op. He asked what the Board wanted to do and it was decided that he would order one load for each district now at the current price. He had also spoken with Tony at Tri-County who seemed to be interested in the scraper at the

landfill and said he would come out and look at it. Chris felt that if they would offer \$10,000 it would be a good deal, especially if he would come and pick it up.

Mick Jaques is excited about getting a mower at the landfill since he has been using the one from the fairgrounds or occasionally from District Two and Chris said the tractor is worth approximately \$25,000 that they would sell to them. Mr. Lyons said if they can get the \$10,000 for the scraper the landfill would only have to come up with \$15,000 for the tractor.

Mr. Lyons brought up replacing more of the courthouse parking lot this year, asking Chris when he felt they should do it if they are going to. Chris said they could do two sections back-to-back as long as the first section is given enough time to cure, but added that they shouldn't start before May.

Mr. Stone made a motion to approve the minutes from the meeting held on January 30, 2014, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed an Amended Final Determination received from the Division of Property Taxation on property located at 104 5th Street, Hugo, and owned by the Great Commission Partnership Baptist Association, and a letter from the Rocky Mountain Farmers Union Foundation requesting comments on a rural Business Enterprise Grant for the High Plains Food Co-op. The Board chose not to respond. Also reviewed were the Quarterly Financial Status and Employment reports for the 4th quarter of 2013 for the Community Development Block Grant, and the Colorado Parks & Wildlife Impact Assistance grant application for \$847.02 for the state wildlife areas in the county.

Mr. King made a motion to sign the Colorado Parks & Wildlife Impact Assistance grant application, Mr. Stone seconded the motion, and it carried unanimously.

After reviewing the 2014 Contact Form for the County Workers' Compensation Pool and the Colorado Counties Casualty and Property Pool, the group decided to make no changes.

At 10:00 a.m., Gregg Leverett met with the Board to discuss issues with Human Services. He stated he was going to drop the matter until he spoke with Senator Greg Brophy. He then spoke with Human Services Director Colette Barksdale about what he sees as problems with the Human Services system, adding that his ultimate goal is to abolish the entire Department of Human Services in the state of Colorado. Mr. Leverett mentioned CCI and the impact it has on what counties do, as well as the fact that counties have input at CCI and should be able to state their displeasure with the fact that Human Services employees are being paid to get no results. From there, Mr. Leverett brought up the Jesse Weaver case from 2007, stating that he'd obtained a copy of the Child Fatality Review Committee report and he questions the fact that it was put out by Human Services. He felt the report should be reviewed by the commissioners because there was no time frame indicated as to when the changes that were outlined in the report should be completed by.

Mr. Lyons asked what Mr. Leverett's solution was and was told that he had asked for a Memorandum of Understanding with Lincoln County to find out if it was a conflict of interest for Andy Lorensen to be involved with the Lincoln County Sheriff's Posse, commenting that only Governor Hickenlooper could abolish Human Services. Mr. Lyons told him he should take his complaint to the governor in that case, and Mr. King asked what the death of Jesse Weaver had to do with Andy Lorensen being a posse member.

Mr. Leverett's response was, "Who knows?" He stated he wants to see Human Services' policies to find out if they now have monthly meetings; if the changes were made that were indicated in the report, adding that it is the responsibility of the county commissioners to control Ms. Barksdale and her department. He went on to say that the Board should communicate with CCI because the commissioners have as much power as any other county with the legislators and counties can have an effect at the state level through CCI. When Mr. Leverett asked if the county has RFAs, Ms. Devers told him no.

Mr. Lyons asked what Senator Brophy had told him, and Mr. Leverett said that the senator "has a problem with Andy representing himself as law enforcement."

Mr. King said that he personally does not have a problem with Mr. Lorensen serving on the sheriff's posse, especially since they are mainly used to search for missing persons or in other capacities as the sheriff sees fit. In a small community, Mr. King added, it is inevitable that people will be involved in more than one thing, and he doesn't see an issue with it, particularly since there is certain protocol in place. When Mr. Leverett said there was nothing in writing, Ms. Devers corrected him and explained that she had sent him a copy of the Advisory Practices, and gave him a copy of the Human Services Conflict of Interest Policy.

Mr. Leverett felt that there should be a policy before the fact, not after the fact, and wanted to know if Mr. Lorensen identifies himself as a member of DHS if he goes on a call where there are children involved.

Mr. Stone commented that he has a hard time believing the children of Colorado would be better off without the Department of Human Services, and Mr. Leverett responded that he believes there is a management problem within the system and they can do a better job if they address the problems when they come in; meaning they should set policies before something happens.

Shawn Smith and Emergency Manager John DeWitt had both arrived at the meeting, and Mr. Lyons informed Mr. Leverett that the commissioners had other business to attend to. Ms. Devers asked the Board if they want her to schedule another meeting with Mr. Leverett should he contact her again to discuss the same issues with the commissioners. All three voiced their opinion that they had discussed the issues enough.

Shawn Smith had been asked to stop by to discuss how he is handling his tumbleweed problems and explained that he attached a hydraulically-driven Brush Hog to his Skid Steer.

Shawn said it mulches the tumbleweeds when they are mowed and felt they could potentially be raked up and baled if someone was worried about leaving the seeds on the ground. Mr. King asked if it wouldn't kill the grass if they lay on it all winter, but Shawn said that the grass is actually green underneath, so it might even be good to leave the mulch since it holds quite a bit of moisture.

Mr. King asked if he is doing it as a private enterprise, and Shawn said that he is at this time and figured it would cost him about \$100 per machine hour; or \$400 per mile if he were to do it for hire. When Mr. Stone told him they have been trying to mow the tumbleweeds down in his district, Shawn told him that this is easier as he can raise the mower up two feet off the ground and never has to drive on the tumbleweeds, which also reduces the risk of fire as well. He added that he built it so that he could take care of his own fences, as he needs to fix fence but can't get to it in many places because of the tumbleweeds. He added that he could possibly do some of the high fire risk areas, or tree rows, in the county if someone wanted to hire him, but he didn't feel like he could take care of the whole county.

Once Shawn had gone, Mr. King made a motion to approve and sign the Annual Operating Plan. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone then reported checking roads on January 16. On the Seventeenth, he met with Road Foreman Monty Mattson and they took the map given to him by Chris Monks and checked roads in the district against the map. On January 21, he went by where they were putting the tubes in and where they were doing the hydrology study, but they had already gone. He received a phone call from a resident wanting to know when County Road 63 was going to be open again where they were putting the new culverts in, and a call from Paul Jenkins who felt that one of the road grader operators was working too quickly and not doing a very good job on the roads. On January 27, Mr. Stone attended the Karval Alliance supper in Karval, on the Twenty-eighth he found out that everything had been turned in to FEMA regarding the hydrology study, and on the Twenty-ninth he attended the Colorado Blueprint and broadband meetings and had lunch with the governor.

Mr. King reported attending the Economic Development meeting on January 15 and they decided to reject all applications and re-advertise for the director's position. On the Sixteenth he went to Centennial to the District Attorney Forfeiture Board meeting. With over \$300,000 in federal funds, Mr. King said the plan is to pull \$26,000 from those funds and purchase audio/visual equipment for courtrooms, so Lincoln County's District Court will most likely get one of the units. On January 20, he attended the Eastern TPR meeting and said they are prioritizing roads and he is hoping that Highway 71 north will be one of them. Mr. King said that he noticed on his way back from the meeting that blowing dirt and tumbleweeds are an issue all over up north, and he checked several roads on his way home. On January 21, he attended the Resources Unlimited meeting and the RETAC meeting that afternoon. On the Twenty-ninth, he attended the Colorado Blueprint and broadband meetings also.

Mr. Lyons reported attending the Southeast Recycling meeting on January 15, stating that they lost \$150,000 last year due to the purchase of the semi and all the repair work they had done to the trailer. He added that it is their hope to break even this year. On January 16, he had a message from Curtis Hamstra letting him know that DV classes will begin at the Limon community building the first Wednesday in March, and also received a phone call from Secretary of State Scott Gessler requesting support for his campaign for governor. On January 21, he called Weed Board members Scott Ravenkamp, Shelby Britten, and Tom LeValley to see if they wanted to continue to serve on the board, which they agreed to, and on the Twenty-second he called Gary Withington who told him he would not serve another term. He also went by the landfill to talk to Mick Jaques about the scraper and mower. On January 24, he met with Chris Monks and also attended the hospital board meeting, reporting that it is the third month in a row that they have not gotten a financial statement to review, due to computer conversion. He also spoke with Dolle Lehrkamp about serving on the Hospital Board and attended the meeting in Limon on January 29 with the others.

Mr. Stone made a motion to appoint Dolle Lehrkamp to the Lincoln Community Hospital Board. Mr. King seconded the motion, which carried unanimously.

Two calls had come into the commissioner meeting room regarding the horseracing event, and Ms. Devers informed the Board that the gentleman planning the event was upset because they had purchased starting gates for approximately \$6,000 and felt the county should maybe compensate him since they had canceled the event after he was told horseracing was allowed at the fairgrounds. Ms. Devers suggested he hold the races somewhere else, but was told most areas that are available have already been taken. Gene Vick said that Deer Trail has a jockey club and suggested she have him contact John Jolly about it.

Ms. Devers asked if the commissioners had an issue with the changes in the agreement with the Outback Express bus, but they did not.

As for the hydrology study, Ms. Devers said that Steve Rossoll sent the results to her and Justin Blocker, and once it is approved by FEMA, Mr. Stone will be able to get the culverts put in. She also asked Mr. Stone if he had spoken with Jamie Clark about serving on the Weed Board and he said he would. Mr. Stone made a motion to appoint Jamie Clark to the Lincoln County Weed Board. Mr. King seconded the motion, which carried unanimously.

Dorain Pryor, the COG bus driver, had turned in some additional hours on her December pay voucher while she was waiting for someone who had been taken for a home visit rather than actually spending those extra hours driving. The reason she had stayed in Hugo rather than return to Limon was because she would then have to pay for her own gas to come back to Hugo again to pick up the bus. Ms. Devers said she had told her she would discuss it with the Board and perhaps they would pay her mileage in the event this should happen again.

Mr. Stone made a motion to pay Dorain Pryor mileage at \$.40 per mile on the occasion she will not be reimbursed for time spent waiting for a transport. Mr. King seconded the motion, which

carried unanimously. They also agreed to go ahead and pay her mileage for the recent trip since they had denied her the hours on her pay voucher.

Ms. Devers reported that the Federal Highway Works Administration had approved the construction for the doors and windows at the roundhouse, so that project will be moving forward.

Chris Monks had given Ms. Devers an e-mail informing him that beginning in May all CDL physicals must be completed by a physician whose name appears in a registry. She will contact the local physicians and see if they will be in the registry.

Ms. Devers asked the commissioners if they wanted her to pursue video-conferencing for DOC inmates and Mr. Lyons felt they should. He said it may take quite some time to accomplish the goal, but believes it will be beneficial. Ms. Devers said she'd spoken with Tony Lyons and George Moats at Eastern Slope Rural Telephone, and they told her ESRTA does have the connectivity; the problem is with Century Link.

A call was placed to Sheriff Tom Nestor to discuss it, but he was out of the office. Undersheriff Gordon Nall came over in his place and Mr. Lyons asked if he had any thoughts on how to pursue classes for inmates, possibly through Morgan Community College. The undersheriff said he would contact Mary Anderson to see if she could submit a proposal, adding that the biggest issue would be tuition and books, but cautioned that they avoid internet-based classes due to the nature of inmate curiosity and the fact that they are not inclined to take care of computer equipment. He added that MCC may have a limited curriculum, but it might be possible that some of the instructors would even consider coming to the jail and teaching in the library.

Ms. Devers said the commissioners wish to have ESRTA tie something into the court system for video-conferencing rather than having to transport DOC inmates to the jail for certain programs or classes.

When asked what classes inmates can take while they are incarcerated, the undersheriff said they are offered domestic violence classes but it takes a special counselor to teach them and they have had problems trying to find someone who wants to take the certification classes to become an instructor, mainly because the certification is too costly. Ms. Devers asked if there was any possibility of teaching DV classes via video-conferencing, and Undersheriff Nall commented that the main cost would be for the camera system in their facilities. He added that they may even be able to tie MCC classes into video-conferencing, and should the project work out, the sheriff might want to go a step further and implement video visitation, as well as many other possibilities.

Mr. Lyons asked if they wanted to try and set up a meeting with all involved parties and everyone agreed it would be a good idea. Undersheriff Nall put in that they have had problems in the past with Century Link and ESRTA being compatible in the E911 system. Another question he brought up was how to track inmates to see whether or not they finish the classes

they take while incarcerated if they are released prior to the course being completed. He added that he would contact Mary Anderson at Morgan Community College and ask for a proposal.

Land Use Administrator John DeWitt brought the Board a list of all oil wells currently producing in the county, and then Mr. Lyons called for the attorney's report.

Mr. Kimble reported doing further research on what is required with the abandonment of a county road and stated that it requires vacating the road. Courts tend to side with the county when a resident files suit, so abandonment is an affirmative tool of the county commissioners. He added that even if a county road is not maintained, it is still a county road and remains on the official county road map. He went on to say that municipalities often think they can vacate alleys or streets and use the property for something else, but that doesn't generally work because each half belongs to the property owners on either side. He advised that it not be done lightly because it cannot be *undone* once the action is taken unless the Commissioners condemn the property and pay for it. If the Board chooses to vacate a county road, they must provide notice of intent to vacate to the landowners, as title to the vacated roadway vests in the abutting landowners.

Mr. Kimble then commented on the case where a landowner plowed up sections of County Road 3X and County Road 31 in District Two last July, and again in September, causing extensive damage to the county roads. He added that the county does have a sixty foot easement on both roads and that the entire shoulder, including six-to-eight feet of county road, was plowed up, ruining the road base. Road District Two Foreman Mark McHone felt the incident in July was much worse than the one in September, and Mr. Kimble said it was a misdemeanor, so there would not be much restitution; however, statute does allow the county to take civil action. Mr. McHone had figured it cost approximately \$15,000 to fix the roads based on thirty-nine hours of maintainer work at \$100 an hour, loader time at \$50 per hour, and ninety-two man hours using county trucks at \$100 an hour. Mr. Kimble said total cost was \$15,779. He went on to say that it appears the second incident in September was totally intentional and added that the judge can award the county punitive damages—at the very least should cover attorney fees. Mr. Kimble asked the Board's permission to have Mark McHone sign the complaint, and the commissioners agreed.

Mr. Kimble said he is working on the Development Agreement with Limon Wind III along with Land Use Administrator John DeWitt, and then Ms. Devers asked him if the county would need to hold a hearing regarding the changes County Assessor Jeremiah Higgins had made to the county road map, or what the procedure would be.

Mr. Kimble responded that it isn't required, but he felt that a notice should be placed asking for public input. He asked if the county has a resolution that sets the standards of construction for county roads, but Ms. Devers said she didn't believe so. He added that the notice of intention to adopt the map should be published for two weeks and then a hearing held prior to the Board adopting it as the official county road map. Since Mr. Higgins has the maps, Ms. Devers asked if it would be okay to have him gather comments. Once he receives them they can advertise for a

hearing, and Mr. Kimble said that would be fine. He also said that the county should consider adopting a road policy which would help to avoid problems in the future each time someone brings up an issue with a road. Ms. Devers said she would wait for the road foremen to approve the maps and then she will talk to Mr. Higgins and develop a public comment form. Gene Vick asked if there is a possibility of putting in a cement slab or low water crossing instead of a bridge across the creek at Clifford, and then commented that there is a road running through his property that used to be a county road but it is not showing on the map. Mr. Stone felt that it would be good to keep the old roads that haven't been used for a long time in case an oil company needs to use them for well access, and Mr. Kimble said that the roads are there, if needed, and they would remain county roads, meaning the public can use them.

Lastly, Mr. Kimble said that he was made aware of proposed CORA legislation that would be particularly onerous for county clerks this year and he will keep an eye on it.

The group set several meeting dates through the month of May and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on February 6, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman