

Board of County Commissioners of Lincoln County
Agenda for February 18, 2014

9:00 Call to order and Pledge of Allegiance

9:15 Meet with Lincoln County Combined Courts staff to view their video conferencing system

11:00 Public Health Director Sue Kelly to present the January monthly report and present for signature an amendment to the Master contract with the state

1. Approve the minutes from the February 6, 2014 meeting
2. Review the January 2014 report from the County Clerk's Office
3. Review the January 2014 reports of revenues and expenditures for County General and Public Health
4. Review a letter from the U.S. Fish and Wildlife Service concerning the development of a regional, multi-state stakeholder conservation strategy to provide conservation benefits to the lesser prairie-chicken
5. Review and sign the grant application for the 2014 Community Development Block Grant
6. County Commissioners' reports
7. County Administrator's report
8. County Attorney's report
9. Old business
10. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 18, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Acting Clerk to the Board Lisa M. Crawford, and commissioner candidate Gene Vick. Clerk to the Board Corinne M. Lengel was absent and excused.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance. Sheriff Tom Nestor then joined the meeting to discuss **inform the commissioners of** a dispute between a land owner in the county and Wiepking-Fullerton Energy LLC. **His office has been notified by the land owner, who is denying access to Weipking-Fullerton Energy LLC for seismographing. There is an active oil and gas lease on the property with the mineral rights owner, who is separate from the land/surface owner.** Sheriff Nestor had visited with the DA to find out the specific laws pertaining to this kind of dispute. The DA suggested that Sheriff Nestor inquire with the commissioners or the county attorney to find specific documentation supporting either side. After some discussion, a conference call was placed to both Attorney Stan Kimble and Jeff Wiepking of Wiepking-Fullerton Energy LLC. Jeff Wiepking stated that they had their final offer on the table for the landowner, but if he did not agree with it they would have no other option but to enter the property without his permission. Mr. Kimble stated he would have to look into the matter and would call the commissioners back. It was decided that the Board would alert the Sheriff as soon as they received the call.

Sheriff Nestor then advised the Board of the results his office has received from a talk with Morgan Community College concerning a previous discussion regarding the possibility of inmates receiving their GED while in the county jail. He advised them that the costs of an interactive video would be \$26,000 and that Morgan Community College would require the inmates to meet all the standard requirements that other students have to meet, and have at least 8 students to provide a class. It was decided it was not a feasible option for the county at this time. He then brought the Board up to date on the matter of installing a grinder where the plumbing exists, which has been a matter of discussion with a town resident, who has felt that it causes problems at their residence. He stated that he has had no luck in finding a plumber willing to tackle the job to this date, but is still looking.

Once Sheriff Nestor left, the Board went to the Lincoln County Combined Courts to view their video conferencing system. Court Clerk Kim Graham showed them the system, how they use it, and how it works.

At 10:00 a.m., Chris Monks arrived at the meeting and presented the HUTF report form his department completed and asked for the commissioners' signatures. Mr. Lyons advised Mr. Monks of a discussion with Mike Vaughn, with Case IH, in which he told him about a lease program that other counties are involved in. The counties lease the mowing tractors. Mr. Monks stated he had not heard about this and that it would be up to the commissioners if they wanted to look into it. After discussing the subject all commissioners agreed they would not be interested in pursuing this.

Before Mr. Monks left, he and Ms. Devers brought to the attention of the commissioners a problem with the Outback Express Van. Mr. Monks wanted them to know that the van has not been returned to the shop grounds in a timely manner. He stated he had noticed it was gone for more than a few days recently, and had notified Ms. Devers. Ms. Devers then made some calls and there was some question as to exactly when the driver had the van in use and when she did not. Apparently the driver, Dorain Brown, had been keeping it at her residence when she returned home late from trips, but in actuality she was keeping it at her home for longer periods of time than needed. When she did return the van, she alerted Mr. Monks that there was some damage to the passenger side fender and gave him a piece of the fender that she stated she was responsible for. When Mr. Monks checked the van he did find that there was a part of the fender missing, and may have had some damage to the sidewalls of the tires also. It was decided that Ms. Devers should do a report for the county and make a complaint to COG as Ms. Brown was hired by that agency.

Mr. Kimble returned the call from earlier in the meeting; he advised the Board that he had found case law that states that easement rights will be implied to allow the mineral owner (or its lessee) to use the surface to the extent reasonable and necessary for the exploration and production of minerals. Because the mineral rights owner has a lease with Wiepking-Fullerton Energy, LLC, the landowner must allow the company access to the property. Mr. Kimble sent legal documentation citing his findings and a call was placed to Sheriff Nestor to inform him of the documentation.

Mr. Stone made a motion to approve the February 6, 2014, minutes as submitted. Mr. King seconded the motion and it carried unanimously.

Next, the Board reviewed monthly reports from the County Clerk's Office and the January 2014 reports of revenues and expenditures for County General and Public Health. The Board then reviewed a letter from the U.S. Fish and Wildlife Service concerning the development of regional, multi-state stakeholder conservation strategy to provide conservation benefits to the lesser prairie-chicken.

Ms. Devers then presented the 2014 Community Development Block Grant Application for review. She summarized that it would be \$355,000 for the 2-year contract. Mr. King made a motion to approve the grant, Mr. Stone seconded the motion, and it carried unanimously.

Mr. Lyons then called for county commissioner reports. Mr. Stone reported that on February 10 he visited the Karval Shop and on the Thirteenth he attended a Transit meeting. He found out that the county share for the new Outback Express van would be \$12,000. On February 14, he visited the Karval Shop, in which one of the topics of discussion was the selling of two county pickups. He inquired what the process would be and Ms. Devers informed him of the open bid process.

Mr. King then reported that he also attended the Transit meeting with Mr. Stone on February 13. He advised the Board he had received word that there have been four new applications for

the Lincoln County Economic Development Executive Director position. He had received a letter in support of fracking in which he asked for signatures from anyone interested in supporting the cause. On February 14, he visited the Genoa shop and checked roads.

Mr. Lyons reported that on February 7 he received a call from Julie Joffe who had fallen on the ice at the hospital and also a call from Linda Orrell with questions pertaining to the county's procedures of ice and snow removal. He stated that he advised her of the county's procedures and that it would also be discussed at the next hospital board meeting. On February 8, he received a call from Rayleene Thompson asking that sand be spread on the curve at 2W. On February 13, he received a call from Bert Clay regarding oil and gas leases from Wiepking-Fullerton Energy, LLC and then visited the landfill.

In the County Administrator's report, Ms. Devers stated that she has had two inquiries asking about having a fire pit at the fairgrounds for several different events. After a discussion, all commissioners agreed it would not be feasible to build this at the fairgrounds. Next, she presented an evaluation that needed to be completed for Landfill Manager Mick Jaques. After completing the evaluation, it was unanimous that he be given a step raise at this time. Ms. Devers then presented a completed evaluation for part-time janitor Susie Monks for the Board's review. The commissioners approved a step raise for her at this time.

Ms. Devers then informed the Board that she had a visit from State FFA Executive Committee member Ashley Higgins and State FFA Sentinel Clay Patton to request that they be given a waiver on the damage deposit and fee for the use of the events building. They will be going to Vietnam and will be giving a presentation to the community on their trip to explain what a State FFA Officer does in their year of service. The Board agreed unanimously that the fees should be waived.

Lastly, Ms. Devers updated the Board that the money from U Pull and Pay was received for the Chevrolet Impala and they have the title. She stated that the county has not received any funds from CAPP as of today, and that Colette Barksdale and Robert Kraxberger of the Human Services Department had gotten their items out of the trunk.

At 11:00 a.m., Public Health Director Sue Kelly arrived to present the January report for her office. She started by presenting an amendment to the Master contract with the state which needed to be approved and signed by the commissioners. Mr. King motioned to sign the amended contract, Mr. Stone seconded the motion, which was approved and signed.

Ms. Kelly then updated the Board with the activities that her staff has been involved in, including training for the new VFC vaccine ordering process through CIIS, attending training for the Baby & Me Tobacco Free program in Denver, and completing a Youth Tobacco survey with Limon School, which has been offered to the Karval School. She expressed that funds have been received from Medicare for some of the flu shots given this fall, and that the billing for the rest has been completed. She was happy to inform the Board that her office has been approved to bill Medicaid for immunizations, which she has been working on for some time. Ms. Kelly also

wanted the Board to know that she has updated her LCPH Policy and Procedure Manual and that the Connect for Health Colorado activity has been slow, with only one phone inquiry.

Mr. Lyons then called for old business in which Ms. Devers asked the Board if they had made a decision whether to pursue video conferencing at the jail. All commissioners felt it was not feasible at this time. Next, she informed the Board that she had heard again from Gregg Leverett regarding the issues he had previously brought to the Board, and the next time she hears from him she will explain that she can take the discussion no further. The commissioners were in support of her decision.

Mr. Lyons told the Board that he had checked the courthouse parking lot pavement and water drainage while there were no cars in the parking lot and he had some concerns that he felt they would need to address as the weather gets warmer.

With no new business to discuss the meeting was adjourned until 9:00 a.m. on February 27, 2014.

Lisa M. Crawford, Acting Clerk to the Board

Ted Lyons, Chairman