

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

9:00 Call to order and Pledge of Allegiance

9:05 Heike Adams, Public Health Nurse, to give a power point presentation on the availability and accessibility of mental health services in the county

10:00 Sheriff Tom Nestor to discuss plumbing issues in the jail

10:30 Jerry Sauer, Farm Manager for Prosper Farms, the operator of the Furniture Row property, to discuss the notice received on dirt blowing from a portion of their land

11:00 James Martin with Evergreen Systems & Technology, LLC to discuss renewal of his agreement with the county for IT, Web Design and Recycling Services and volume licensing for the county

11:30 Members of the Ranch Rodeo Committee to discuss rent on the fairgrounds facilities for the June 2014 Ranch Rodeo

1:00 Treasurer Jim Covington to discuss tax lien sale issues

1. Approve the minutes from the April 7, 2014 meeting
2. Review the March reports from the County Clerk and the Sheriff and the reports of revenues and expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge and the individual road districts
3. Review a letter from Cheryl Thompson concerning the condition of County Highway 109 from Genoa to the county line
4. Discuss having a free day at the landfill and set a date if the decision is made to have one
5. County Commissioners' reports
6. County Attorney's report
7. Old business
8. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 18, 2014. The following attended: Chairman Ted Lyons, Commissioner Doug Stone, Clerk to the Board Corinne M. Lengel, and commissioner candidates Ed Schiffers and Gene Vick. County Attorney Stan Kimble attended in the afternoon, and Commissioner Greg King and County Administrator Roxie Devers were absent and excused.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance, after which Public Health Nurse Heike Adams gave a Power Point presentation on the availability and accessibility of mental health services in the county. Public Health Director Sue Kelly and Land Use Administrator John DeWitt also attended the presentation. Mr. Lyons asked if using interactive video would help since response time from Centennial Mental Health providers who live outside of Lincoln County is generally right around two hours. Ms. Adams said she would check into it. Mr. Schiffers asked about the availability of services for veterans and was told that the VA is aware that rural and frontier counties have a more difficult time, and although there are no plans to specifically address Lincoln County, they are building more VA facilities. Mr. Stone wanted to know what role the public health staff plays if someone comes in for mental health services, but Ms. Adams said they are not qualified to treat mental health and generally give the patient a referral or, in some cases, make appointments for them. Mr. DeWitt suggested giving a basic presentation to school groups, town councils and others to increase awareness, and Ms. Adams told him she would be happy to do so.

After the group had gone, the commissioners signed a letter thanking Gregory Ruegsegger with UHINV, LLC for the prompt action in responding to the recent blowing dirt complaint on Sections 14 and 15 in T10S-R52.

Mr. Stone then made a motion to approve the minutes from the meeting held on April 7, 2014, as submitted. Mr. Lyons seconded the motion, which carried.

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

At 10:00 a.m., Sheriff Tom Nestor met with the Board to discuss plumbing issues in the jail. Bill Crossman also attended the discussion. Although he has made several attempts to obtain quotes from other plumbers, the sheriff said he can only find one willing to take on the project; Flatland Services, Inc. He added that since the discussions first began about a year ago, the cost has now increased by almost \$10,000, and he feels that something needs to be sooner rather than later. The quote from Flatland Services, Inc. was for \$108,875.75 and includes the purchase of a Muffin Monster grinder from JWC Environmental, a 20kw generator, permit fees, a manhole and a building to cover the grinder, and all labor costs. Sheriff Nestor said that installing the grinder will take care of anything coming from the jail, but he knows for a fact that several of the objects ending up in the sewer are not strictly from the inmates.

Mr. Lyons asked Mr. Crossman if he and Carol Garrison would consider putting in a backflow preventer if the county decides to install the grinder, just for additional insurance. Although he felt that it wasn't their responsibility, but perhaps that of the town of Hugo, Mr. Crossman said they would consider it.

Mr. Lyons said he didn't want to make a decision without Ms. Devers, who is the budget officer, but Sheriff Nestor told him that Ms. Devers had told him the funds would come from Capital Projects if the commissioners approved the project. Mr. Stone made a motion to accept the quote from Flatland Services, LLC, in the amount of \$108,875.75, to install a grinder at the jail. Mr. Lyons seconded the motion, which carried.

Mr. Lyons told the sheriff he has been bombarded with questions and comments regarding a restraining order placed on a Hugo resident recently. The sheriff told Mr. Lyons it is a Hugo Marshal's case and the comments would need to be taken to the town.

County Assessor Jeremiah Higgins and Undersheriff Gordon Nall had stepped in, and after Mr. Lyons read a letter from Cheryl Thompson concerning the condition of County Highway 109 from Genoa to the county line, the sheriff said he'd been up in the area the day before and the road has been torn up by truck traffic. However, it does look like road crews have been working to alleviate the problems, as several loads of dirt have been put on it and they have done some grading. Sheriff Nestor agreed that the worst part of the road is near Ms. Thompson's residence, adding that the truck route is in very good shape. He went on to say that the road may be dangerous, but he couldn't guarantee that it was due only to the condition it is in, and stated that he'd spoken with District Two foreman Mark McHone, who told him they just can't keep up with it. Mr. Stone said that the solution is a good, solid road base. Sheriff Nestor also said his department has written a few tickets to truck drivers, but feels that the intersection at County Road 109 and County Road 3H is a huge risk and he would like to have a stop sign put in there on the east/west road.

Mr. Higgins spoke up to say that they appreciated the dirt that was put on the road, but when they did get some moisture it became very slick. He added that residents have come into his office wanting to know why more of the wind farm and oil tax money cannot be used on the county roads.

Sheriff Nestor felt that Commissioner King and Mark McHone need to discuss the situation and see what they can do to fix it. Ed Schiffers asked him if the trucks are getting overload permits, and the sheriff responded that there has been some discussion of putting weight scales up on the old highway, but the idea has been met with some resistance. He added that the Blattner Construction trucks hauling gravel are probably the heaviest, and Gene Vick put in that the oil trucks are generally not overweight, as they have to travel on the highways and it would be a risk not worth their while. Undersheriff Nall commented that many of the grain trucks and other farm trucks are also often over the weight limit. Sheriff Nestor said he would like to be part of the discussion with Mr. King and Mr. McHone, and Mr. Lyons said the commissioners meet again on April 29 and 30.

At 10:30 a.m., Jerry Sauer, farm manager for Prosper Farms, the operator of the Furniture Row property, met with the Board to discuss the notice received on dirt blowing from a portion of their land. After introducing himself, Mr. Sauer said that they fully admit that they had a blowing dirt problem but he feels it is under control at this point. He added that they do not want blowing soil; they want cover on the ground, and their goal is to have crop residue on every square foot of land so the problem does not occur again in the future. Mr. Sauer did ask if it is common county practice for the blade operators to plow up so much of the ditch that the dirt reaches forty-five feet into a landowner's field, which then also blows when the wind comes up. He said he did try to speak with the blade operator but felt he didn't want to talk to him, so simply asked who he should discuss the issue with. Mr. Lyons gave him Chris Monks' phone number and told Mr. Sauer that he and Chris would meet with him when it is convenient for Chris.

At 11:00 a.m., James Martin with Evergreen Systems & Technology, LLC met with the Board to discuss the renewal of his agreement with the county for IT, Web Design, and Recycling Services, and volume licensing for the county. Mr. Martin said that the only additions to the agreement were the recycling terms and services, the addition of mileage reimbursement, and an increase to his hourly rate from \$40 to \$60.

Mr. Lyons said that Landfill Manager Mick Jaques had an issue with the \$20 bill he'd gotten from Mr. Martin and felt that since someone from the landfill comes down to the courthouse at least once a week, they can empty the electronics recycling container at that time to avoid further costs.

Mr. Stone made a motion to approve the agreement with James Martin, dba Evergreen Systems & Technology, LLC for IT Services, Website Design, and Recycling Services. Mr. Lyons seconded the motion, which carried.

Mr. Martin then discussed volume licensing, including upgrades to Windows 8.1 and Microsoft Office 2013. He obtained two quotes; one from SHI and one from Dell and fifty Windows 8.1 license upgrades and seventy-five Microsoft Office 2013 licenses would cost a total of \$24,450 with SHI, where the same would cost \$27,153.75 through Dell. There are roughly sixty-five computers in the courthouse with old operating systems, many of which still run Windows XP, which Microsoft no longer supports. Although the systems may run a few more months, Mr. Martin felt security on them for any longer would be quite a risk. Mr. Martin's recommendation was to buy at least all of the Windows 8.1 updates, but said that they could either cut the number of Microsoft Office licenses to fifty, or even twenty-five. Mr. Lyons asked Ms. Lengel's opinion and she suggested getting an exact count of computers that will require the upgrades before deciding on the number of Microsoft Office 2013 licenses to purchase. Mr. Martin said he would do so and will meet with the commissioners again once he finds out.

At 11:30 a.m., Ranch Rodeo Committee members LaRay Patton and Tina Waite met with the Board to discuss rent on the fairgrounds facilities for the June 2014 Ranch Rodeo. Ms. Waite said they are requesting the same fees they have paid in the past; \$700, and Mr. Stone made a

motion to charge the Ranch Rodeo Committee \$700 for the use of the fairgrounds for the 2014 Ranch Rodeo. Mr. Lyons seconded the motion, which carried.

The commissioners discussed whether or not to have a free day at the landfill, so Mr. Lyons placed a call to Mick Jaques to see what may be the best time for them. Mick suggested May 10, with an alternate date of May 17, so Ms. Lengel said she would make sure that Ms. Devers knows so that it gets in the newspaper.

Mr. Stone reported checking roads on April 11 where they want to do some chip sealing. On the Fourteenth, he attended the Eastern TPR meeting in Limon, stating that there will be a meeting, possibly in July, to discuss any issues related to roads, transportation, and safety. He added that TAP (Transportation Alternative Programs) was also discussed and there has been five million dollars set aside in historical transportation funds. Mr. Stone obtained the information for Ms. Devers, stating that it may be possible to get more funding for the roundhouse. Also on April 14, Mr. Stone stopped by the county shop and checked on a bridge south of Karval Lake that is eroding into the channel, as well as talked with Tony Sorensen and Wayne Wolfe about the blowing dirt from Sorensen's. Mr. Sorensen has since taken care of it. On April 17, Mr. Stone checked roads south of Karval, and his last comment was that the turbo went out of one of their road graders, but it was still covered under warranty so CAT came out and replaced it.

Mr. Lyons reported that on April 11 and 12, he checked on the roads in question in his district before the commissioners adopt the official county road map, and believes that they are basically the same issue as he has had in the past; the same landowners and same roads. He read each of the complaint sheets submitted to the Assessor and commented that it seems to raise even more questions as far as he is concerned, adding that he would like to speak with County Attorney Stan Kimble again, and possibly County Assessor Jeremiah Higgins.

At 1:00 p.m., County Treasurer Jim Covington met with the Board to discuss tax lien sale issues, stating that he would like to clean up the outstanding records prior to their new computer conversion. The Board agreed to allow him to extinguish the certificate issued on the Limon Elevator, which was destroyed in the tornado in June of 1990, and after discussing several mobile home certificates and how best to handle them, Mr. Stone made a motion to allow County Treasurer Jim Covington to do whatever is necessary to clean up any old county-held tax lien sale certificates. Mr. Lyons seconded the motion, which carried.

Mr. Covington also asked about Lot 9, Block D, Original Town of Hugo, which he would like to have taken off the tax rolls, as no taxes have been paid on it for years. He said that the town of Hugo says there is a lot there, and the county says there isn't, so it may be possible for the county to obtain a deed to the property and in turn deed it over to the town, thus getting the parcel off the tax rolls. He also reminded the Board that any mineral rights the county obtains by deed will have to be sold within a year's time, as the county cannot hold property if it is not used for county purposes.

Mr. Schiffers said he'd been asked why residents cannot get relief from personal and business taxes since the county has gotten so much tax revenue from the wind farms and oil business. Mr. Covington responded that the residents do receive a 12 mill tax credit on their taxes, which the commissioners have implemented for several years. It began in 2004 with an 8 mill property tax credit, was raised to 14 mills in 2012, and was decreased again to 12 mills with the adoption of the 2014 budget. He added that, in essence, residents are receiving a great benefit because if the commissioners find that the county needs more money to operate later down the road, that credit can be decreased or taken away completely. Mr. Covington also said that people need to keep in mind that the assessed value on wind towers and oil wells is taking the place of some of the other assessments that are no longer there. Mr. Lyons put in that the property tax credit was reduced this year due to excessive costs to the courthouse parking lot and other projected items of high cost.

After Mr. Covington left, Mr. Lyons called for the attorney's report, and he stated that the sheriff had received a complaint filed by an inmate, citing negligence on the part of the sheriff's office, but Mr. Kimble was not sure if the inmate had done everything properly in filing his complaint. He added that the county's insurance company was contacted, and Gordon Vaughn has been assigned to the case to represent the county, but Mr. Kimble is hoping he will get the case dismissed.

Mr. Lyons asked Ms. Lengel to see if Jeremiah Higgins could come back to the meeting, and then brought forth the topic of the official county road map again, telling Mr. Kimble that he had looked at all but one road in his district, and explained what he had earlier during his commissioner report. Mr. Kimble said that if the county chooses to take a road off the map they would have to follow statute to abandon that road. Mr. Lyons wanted to know if they were setting themselves up for a lawsuit, but Mr. Kimble told him that counties are not liable for the condition of a county road under the Governmental Immunity Act. He added that they would need to develop a procedure establishing some ground rules; making sure that the public knows ahead of time that abandoning a road will involve far more than simply leaving them on the map would. The viewpoint is whether or not the road is going to stay on the county road map, and if not, then the party would need to file a petition for abandonment. He went on to say that they may be trying to put too much into the hearing; it should be left for updating the map, and abandoning roads or converting some roads from maintained roads to unmaintained roads should be looked at another time. Mr. Kimble said he would read through the issues and put together a memo, adding that if the commissioners want to create or identify an unmaintained road it may cause even more issues.

Mr. Higgins commented that they also need to develop definitions, and Mr. Kimble agreed that they may need to take some time before setting a hearing date, as many residents are not as concerned with the road map as they are road policy. Mr. Lyons said he didn't feel comfortable at this time setting a hearing to adopt the official county map and Mr. Kimble said he would work on road policy first.

Once the discussion ended, Mr. Lyons called for old and new business. Ms. Lengel said that Ms. Devers had left a revised agreement between Lincoln Community Nursing Home and Lincoln County for the use of the county's mini-bus for the period of January 1, 2014, through December 31, 2014, as there was some confusion regarding scheduling and Terry Baylie with COG had clarified it. Mr. Lyons signed the revised agreement.

Ms. Devers had also received a letter from Kiowa County requesting that one of the Lincoln County commissioners testify in Denver regarding their pursuit of a limited stakes gaming casino in Kiowa County, but both commissioners said they felt that the letter they had sent should be sufficient.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on April 29, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman