

Board of County Commissioners of Lincoln County
Agenda for May 19, 2014

9:00 Call to order and Pledge of Allegiance

9:05 James Martin, dba Evergreen Systems & Technology LLC, to discuss enterprise licensing for county computers

10:00 Open bids for the doors and windows project on the Hugo Union Pacific Railroad Roundhouse

11:00 Joe Kiely to give an update on the Foreign Trade Zone application

1:15 The Road Foremen, Assessor Jeremiah Higgins, Land Use Administrator John DeWitt and Attorney Stan Kimble to continue work on proposed road policies

1. Approve the minutes from the May 7, 2014 meeting
2. Review reports from the County Clerk and the Sheriff
3. Review the April 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
4. Review a thank you letter from the Kiowa County Commissioners for your support in their efforts to put an issue on the ballot for limited gaming in their county
5. Discuss putting additional funds into the county's retirement plan
6. Review and approve a liquor license for PJ's General Store
7. Review the paperwork submitted by Community Ambulance Service, Inc. to provide basic life support ambulance service in Lincoln County
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 May 19, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, commissioner candidates Ed Schifferns and Gene Vick, and Will Bublitz with The Limon Leader and Eastern Colorado Plainsman until noon. County Attorney Stan Kimble attended in the afternoon.

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

At 9:10 a.m., James Martin, dba Evergreen Systems & Technology, LLC, met with the Board to discuss enterprise licensing for county computers. Mr. Martin said that he and Ms. Devers had a phone conference with SHI the previous week and the quote for enterprise licensing that they discussed came back much more expensive than what he imagined. Since he had inventoried the number of county-owned computers that will require operating system upgrades and licenses, Mr. Martin said that his original figures came back extremely close, with possibly a few left over. His recommendation was to accept the quote from SHI in the amount of \$24,450 for 50 operating system upgrades and 75 license upgrades. Mr. King made a motion to accept the quote from SHI, Mr. Stone seconded the motion, and it carried unanimously.

After Mr. Martin left, Mr. Stone made a motion to approve the minutes from the meeting held on May 7, 2014, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed reports from the County Clerk and the Sheriff, and then Landfill Manager Mick Jaques stopped by at Mr. Lyons' request to discuss building some movable trash windbreaks, similar to a baseball field backstop, to stop trash from blowing onto neighboring properties from the landfill. Mr. Jaques showed the drawing he had made, stating that he would like to build either ten, ten-foot panels or five, twenty-foot panels, although he was concerned that the latter may be too difficult to handle. He will be able to use the loader to move them as long as they are of adequate size.

Mr. Lyons commented that they could see if the welder at the county shop would be able to do the work, but the money is not in the budget either to pay him or to purchase any materials. However, additional revenue of approximately \$3,000 has come into the landfill from the sale of the iron the past couple of years, so perhaps they could offset any costs with that.

Mr. Stone said he knew where there might be some used chain link material and said he would check to see if the owner would donate it. He then made a motion to approve building at least one trash windbreak for the landfill to see how much it will cost and whether or not they feel it will work to build more. Mr. King seconded the motion, which carried unanimously.

Mr. Lyons asked Mr. Jaques if he had any other issues to discuss and Mick said that he would like to know how much trash he wants to continue to accept since there is so much activity from wind farms, oil and gas, and now the building of the new Limon school. He also gets numerous loads from Rob's Septic Service now. He did inform those working on the school that he would not accept the brick from them, but other than that, he is unsure how much he

should decline. Ms. Devers asked if they should consider starting the process of a new pit and Mick said he believes there should be another two years of availability in the current one; however, it is not known how long the process may take to build a new cell.

The Board reviewed the April reports of revenues and expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts. Also reviewed was a thank-you letter from the Kiowa County commissioners for Lincoln County's support in their efforts to put an issue on the ballot for limited gaming in Kiowa County.

At 10:00 a.m., Ms. Devers placed a call to Greg Connor with Spectrum General Contractors, Inc. and Byron McGough with Wattle & Daub Contractors for the opening of the bids for the doors and windows project on the Hugo Union Pacific Railroad Roundhouse. Travis Nall was also in attendance. Mr. Lyons opened the bids, claiming that Spectrum Contractors appeared to have the lower bid of \$521,340; whereas, the bid from Wattle & Daub was in the amount of \$523,339. He let the bidders know that the commissioners would check over the bids to make sure that everything was included and would be in touch.

After the bidders hung up, Ms. Devers said that she would check to see how the alternates were bid and would do so very carefully since the bids were so close. She also explained that the project would still be about \$7,000 short and asked the commissioners if the county would consider putting in the additional funds, as she didn't want to lose the \$450,000 in grant funds. Mr. Lyons said that he felt it wouldn't be a problem.

Mr. King made a motion to accept the bid in the amount of \$521,340 from Spectrum General Contractors, Inc. for the doors and windows project at the Hugo Union Pacific Railroad Roundhouse, contingent upon Ms. Devers determining the bid satisfactory, and to use county funds to cover the difference of what it will cost to complete the project. Mr. Stone seconded the motion, which carried unanimously.

The Board then discussed putting additional funds into the county's retirement plan; Ms. Devers stating that when the report was done it claimed that the plan is underfunded by \$403,000. However, it's mainly due to the fact that some employees choose to take their funds on a monthly basis instead of as a lump sum, so when the numbers are all added together it can appear quite high even though it is a monthly expenditure.

Mr. Stone asked how long it had been since money was put into the plan and was told approximately four years, and Mr. King said he would like to wait to see what happens with the DOLA grant, since the county may need to match some of that. Mr. Lyons felt the county needs to take care of the employees first, and the Board finally settled on putting a portion of the total into the retirement account. Mr. King made a motion to move \$200,000 into the county's retirement account. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed information regarding the renewal for the 3.2 Percent Beer Retail License (Off Premise) for PJ's General Store. Ms. Lengel said that the sheriff told her there have been no issues with the establishment. Mr. King made a motion to approve the liquor license renewal for PJ's General Store. Mr. Stone seconded the motion, which carried unanimously.

After reviewing the paperwork submitted by Community Ambulance Service, Inc. to provide basic life support ambulance service in Lincoln County, Mr. Stone made a motion to adopt a resolution to approve the license. Mr. King 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 May 19, 2014 there were present:

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| Ted Lyons, Chairman | Present |
| Greg King, Vice Chairman | Present |
| Douglas D. Stone, Commissioner | Present |
| Stan Kimble, County Attorney | Absent & 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 #879 It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

WHEREAS, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

WHEREAS, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

WHEREAS, Community Ambulance Service, with ambulances based in Flagler and Seibert in Kit Carson County and Arriba in Lincoln County, has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic life support vehicles; and

WHEREAS, upon review, the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Community Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

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

Mr. Stone reported receiving a call from Carl Stogsdill on May 8 regarding dirt blowing from Scot Oliver's property, commenting that road crews made a pass so Mr. Oliver could get his fence out. They will wait to see if any moisture is received before proceeding. On the Twelfth, he checked roads west of State Road 71, commenting that everything looks terrible due to the drought. He attended the county picnic on May 14 and stopped by the shop on May 15.

Mr. King reported attending the COG meeting in the evening of May 7 where he learned that it may be mid-June before they get the new bus, due to a change in companies. On May 8, he attended the Centennial Mental Health meeting in Burlington where employee incentives were discussed, to include the fact that they will start paying fifty percent of the employees' dependent health insurance benefit. Mr. King also had a call from Shawn Boyd with High Plains Soil Conservation District regarding living snow fences and a possibility of asking the county for grant funding support. He added that they may ask the county for additional help if they do not get enough grant funding for their project, but they will meet with the Board to discuss it. Mark McHone and Mr. King have been talking with Wayne Brown about the pile of rotomill at Arriba, and apparently some other entity that got some of it sold it and now the state will no longer allow the county to have any. Mr. King sent a letter to the governor requesting help with the issue but has not received a response back yet. He asked Mr. Lyons if District Two could have some of their rotomill and Mr. Lyons said they would discuss it later in the afternoon when the road foremen come in.

Mr. Lyons reported going by the landfill and speaking with Mick Jaques on May 8, as well as checking roads and making a pass through the oil fields. On May 9, he received a call from Fairgrounds Manager Julie Joffe who wanted to bid on some tables that the Hugo school was selling. She wanted to know if she could bid \$50 and Mr. Lyons told her she could go up that high with her bid, if necessary. Jay Jolly stopped by his house on May 11 and suggested that if the commissioners resolve the road issue, many other things may settle down as well. On May 13, Mr. Lyons attended the fair board meeting and the issue of pumping the septic came up

again. He told the group he would speak with Public Health Specialist Kelly Alvarez again about doing some perk tests because he believes there may be a way to remedy having to pump so often during the week of fair. If they were to put in another holding tank and divert liquids out beyond the barbeque pit where patrons don't park anyway, they may be able to solve the problem without a large cost. Mr. Schifferns asked how much it costs to have Rob's Septic Service pump at the fair each year and Mr. Lyons said it generally runs between \$4,000 and \$5,000, but Mr. King put in that it is the awkwardness of when it has to be done that is normally the issue. Mr. Schifferns asked if putting in the lift station would be more cost effective so that they would never have to pump it, but Mr. King said it would take many years for a lift station to pay for itself. Mr. Lyons added that they would also have to obtain right-of-way permission from Robert Kraxberger and Kerry Halde who own property adjacent to the grounds. Mr. Lyons also said that they discussed having a dance for the kids one night of fair and wanted to know if there would be any liability to the county to do so. Ms. Devers said since the facility is county-owned and the fair is a county activity, they would be covered. Mr. Lyons also reported attending the county picnic on May 14, and checking roads and meeting with Mick Jaques on May 15.

At 11:00 a.m., Joe Kiely met with the Board to give an update on the Foreign Trade Zone. Economic Development Director Lisa Nolder also sat in to listen. First, Mr. Kiely asked if the county is still considering adopting 1041 regulations since it is still listed on the county's website. Mr. Lyons said he has no interest in them, but he would not speak for the others or a new commissioner.

The application for the Foreign Trade Zone was submitted to the Washington, D.C. FTZ board and Mr. Kiely said that although they liked the application, he was told that it most likely would not be approved by the CBP based on the fact that the service area must be within ninety minutes of the city limits of Denver. Mr. Kiely provided a map with boundaries redrawn to fit the criteria, adding that all municipalities in Lincoln County would still be included in the zone. Hopefully, they will resubmit the application by the end of the week and, if accepted, it will go to the ninety day comment period in the public register and then on to the federal review period, which could take up to an additional ten months. Mr. Kiely said they are looking at possibly another fifteen months or more to obtain final approval.

Mr. Lyons asked Mr. Kiely about the possible new business considering locating in Limon but he only commented that the town has a conditional purchase agreement with the company and is considering applying for grant funding for infrastructure.

Mr. Kiely also informed the Board that Gary Beedy has expressed an interest in becoming a member of the Ports-to-Plains board, but would like the town of Limon and/or Lincoln County to pay his expenses. Since most members have an agency of some sort representing them, Mr. Kiely told Mr. Beedy that he would speak with the commissioners and see how they felt. The Board agreed that Mr. Beedy would be an excellent asset to the Ports-to-Plains board and felt it would not be a problem to split the cost with the town of Limon. Ms. Devers asked how much the annual cost would be and Mr. Kiely said it would most likely be around \$4,000 total. If the

commissioners agree, Mr. Kiely said he and Mr. Beedy will come back and meet with them once he clears it with Limon Town Administrator Dave Stone.

Lastly, Mr. Kiely discussed transportation in general, stating that the federal highway trust funds will run out in August and USDOT will change how the money will be distributed, possibly meaning that there will be no projects federally funded in 2015.

Mr. Kiely left and the Board asked Ms. Nolder if she had anything she would like to add. She stated that she had been busy attending town board meetings, as well as the Lodging/Tourism board meeting. She believes tourism boards are necessary and told them she would do what she could to help them. She will be attending an industry sector summit put on by Colorado Work Force for the next couple of days, and hopes to participate in the regional booth at the energy coalition coming up at the end of the month in Denver.

Ms. Devers reported speaking with Julie Joffe about the Mexican horse races the previous Saturday and all had gone very smoothly. They were very polite and cleaned everything up, but felt they had adequate, if not too much, security since there was only a crowd of about seventy people. The Board agreed that they had never specified how much security they should have, so if the group felt they needed less, that would be fine.

Land Use Administrator John DeWitt had returned from some leave time to discover that the quarterly report on the FEMA grant was due the following day. Ms. Devers said she worked diligently that day and evening, as well as early the next morning, but told him there was no way she could get everything finished to submit and asked him to see if they could have an extension. They did finally speak with someone who said they could send a letter stating the county is still compiling the information.

Ms. Devers had received several calls from food vendors who would like to rent space at the fairgrounds for the fair; one of them who has a 30' trailer with a 20' smoker. Ms. Devers asked the Board if they wanted her to try and accommodate other vendors, but the commissioners agreed that there are currently enough food vendors and they do not want to cut into the locals' business.

There was no old business, but Ms. Lengel said she wanted to let the Board know that she intends to close her office to all other business except election business on June 24 for the primary election, due to the fact that people are now allowed to register to vote, receive a ballot, and vote on Election Day. She added that there was excessive traffic in her office on Election Day the previous November and she feels that in order to better serve the voters, she would prefer to conduct only election business that day, as many other counties do.

The Board reviewed that April Assessor's report and then broke for lunch.

When the meeting reconvened at 1:00 p.m., County Attorney Stan Kimble reported that Ms. Devers had re-calculated the cost to repair the road damages in District Two using FEMA

standards, and came up with a total of \$11,182.55, which was less than originally estimated. Mr. King said he had no problems with the new figures, but still believes the responsible party will not pay. Mr. Kimble said he will set depositions, which is the beginning of the process.

He had also spoken with the two parties concerning the road issue he had brought up at the last meeting, stating that he had suggested to the new landowner that he contact the other party so they work out their accessibility issues amicably.

As for the case of the inmate bringing suit against the sheriff, Mr. Kimble said that Mr. Vaughn let him know the court accepted the amended complaint but there has been no order issued to have it served. Once it is served, Mr. Vaughn is still hopeful that he can get the case dismissed.

Ms. Lengel asked Mr. Kimble if he had heard anything back from the Department of Revenue regarding the \$20 surcharge on out-of-county driver license documents, but he had not. She asked if they should continue not to charge the \$20 when Mr. Holmstedt returns from vacation, and Mr. Kimble suggested they continue to wait at least until the end of the month to see if he hears anything. He added that he will give them a call.

Finally, Mr. Kimble said he had contacted Penny Wilkins with Hedlund Abstract Company to see if there has ever been a resolution done regarding 90' easements, but he has not heard back from her yet. He added that if there is no recorded easement the county should be able to adopt a resolution to clear things up, as the commissioners have that authority.

The group went over the remainder of the road policies and Mr. Kimble said he would make the necessary changes and email the document out to everyone again. The Board will then need to set a hearing to adopt the road policy and then discuss adopting the official Lincoln County road map.

Mr. Lyons informed the road foremen of the discussions earlier in the day; particularly the need to set out traffic counters in order to get numbers for the Energy Impact grant the county wants to apply for. They will need to set them out as soon as possible in order to have adequate counts before Ms. Devers needs to begin working on the grant application, which is due August 1. The group discussed where to place the counters for each district.

Mr. King asked Chris Monks if District One has any extra rotomill that District Two could use on County Road 35, but Chris said he actually has plans for everything they have stockpiled. Mr. Vick asked if brick could be ground like concrete since the Limon school will have so much brick to dispose of once the school is torn down, but Chris said bricks don't work for rotomill because it simply turns to dust when crushed. Mr. Lyons said he would speak with Travis Miller to see if he might know where the county could get rotomill, as they have spent quite a bit of time stockpiling it for District One purposes and he hates to get rid of any of it.

Discussion turned to the trash windbreaks that Mick Jaques would like to build for the landfill; Mr. Lyons asking Chris if the welder at the shop would have time to make one or two as a template. Chris said to send Mick down to talk to him about it.

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

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman