

Board of County Commissioners of Lincoln County  
Agenda for October 30, 2014

9:00 Call to order and Pledge of Allegiance

9:30 The Board will conduct a hearing on adoption of the County Road Standards and Road Policy and an updated official county road map

10:30 The Road Foremen will meet with the Board to discuss the 2015 Road & Bridge budget

1:00 Rob Handley, Director of Limon Ambulance Service, to discuss emergency medical service issues in Lincoln County

1. Approve the minutes from the October 20, 2014 meeting
2. Review the September reports of revenues and expenditures for Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge, and the individual road districts
3. County Attorney's report
4. Old business
5. New business
6. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 30, 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 County Attorney Stan Kimble, until 10:40 a.m. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman, County Assessor Jeremiah Higgins, and Road & Bridge foremen Mark McHone were present when the meeting was called to order at 9:05 a.m. Chairman Lyons asked Mr. Higgins to lead the Pledge of Allegiance.

The group spent several minutes discussing the procedures for the hearing at 9:30 a.m., and then adjourned to the jury assembly room where the hearing was scheduled to take place. The hearing was recorded and the tape will remain on file in the County Clerk's vault.

At 9:30 a.m., Chairman Lyons stated that the commissioners were conducting a hearing on adoption of an updated official county road map and the County Road Standards and Road Policy. Those present for the hearing were Jay Jolly, John Theisen, Greg and Linda Ashmore, Dale Bode, Raymond Enderson, Land Use Administrator John DeWitt, County Assessor Jeremiah Higgins, and District Two Road Foreman Mark McHone. District One Foreman Chris Monks and District Three Foreman Monty Mattson arrived later during the hearing.

Mr. Kimble informed the group that the commissioners had chosen to update the road map and create the road policy due to the fact that it had not been done for twenty-two years. The first map that had been found when looking through county records was done in 1963. It was updated in 1979 and again in 1992. The 1992 map, adopted by the commissioners in June of this year as the official county road map, was the same as the 1979 map. The Standards and Policy will provide a specified procedure that must be followed when the county creates a new road or closes an existing county road. According to Colorado Revised Statute, county commissioners must cause a map to be prepared and adopted as an official county map, which is done after a notice of intention has been published and a hearing held. Mr. Kimble went on to say that the 2014 map is essentially the same as the 1992 map. Primary roads are designated with the color green and are the main arterial roads of the county; County Road 109, County Road 63, and County Road 2W. Secondary roads, designated with the color red, may have a letter or number, but not always, and are regularly maintained along with primary roads. Some minor secondary roads, designated with a goldenrod color on the map, are minimally maintained. Mr. Kimble added that the county has the authority to alter, create, or remove county roads. The proposed policy that the commissioners intend to adopt along with the official road map also gives the public procedures to use when addressing whether or not they feel that a road should, or should not, be a county road, or if they simply have issues with the way a county road is constructed or maintained.

Mr. Kimble also advised the group that the county commissioners may get questions about roads at times that may actually be private issues, but if the road in question is not a county road, then the county really has no authority to handle the matter. The county commissioners cannot put in a new road, or vacate a road, unless there is a clear public reason for them to do

so. However, if a court should make the determination, the Board would have to follow that order.

Jay Jolly asked if a person could petition to abandon a road, or simply ask the county to maintain certain roads, and Mr. Kimble responded that a party could file the petition, but the outcome would depend on a combination of available funds and how much the road is used. The party seeking the changes would need to submit valid reasons. Mr. Jolly also asked if there would be a hearing if someone asked the county to abandon a road that is not maintained and Mr. Kimble said that the county will not abandon a road without vacating it, and vacating a road requires the petition and notice/hearing process.

Land Use Administrator John DeWitt asked Mr. Kimble if there is anything in the Road Policy that addresses reclamation of vacated roads but Mr. Kimble said the county has no obligation to return roads back to original standards. He added that if the road is actually vacated it probably would not be in very good condition anyway.

Mr. DeWitt also asked about roads in subdivisions, stating that developers should make an agreement with the county to maintain roads within their development if they are not going to be able to take care of them.

Jay Jolly asked about roads that farmers plant on or put a gate across, and Mr. Kimble responded that those would be considered obstructions and there are laws against obstructing a county road. Mr. Higgins said that gates may become an issue in several parts of the county, and Mr. Kimble quoted 43.5.301 C.R.S. that it is a misdemeanor to place or erect houses, fences, or other structures on county roads, or to dig holes in or plow them.

Mr. DeWitt stated that there is a road in the southern portion of the county that is an REA access route, but someone has put a gate up on it. The county declared it an unmaintained county road. Mr. Kimble said if it is not on the county road map, the commissioners have no jurisdiction; however, the sheriff may have to do something in order to get fire and ambulance services to the residents there. Mr. DeWitt asked if the residents could petition to make it a county road and Mr. Kimble said they could, but they must keep in mind that it would then become a public road that anyone could use. He added that the county has no protection in place for the homeowners in a subdivision, and Mr. DeWitt stated that as part of the subdivision regulations, the county is actually supposed to make sure the developers do what is required as far as roads.

Dale Bode spoke up to ask if the county will support non-county roads that are not on the map, as there have been several people from the new wind tower company driving on the section lines in his area. Mr. Kimble stated that section lines are not county roads so the sheriff would have to either write tickets for trespassing or deem it a civil matter. If they are crossing Mr. Bode's property and do not have a lease agreement with him, it is a legal matter and therefore up to the sheriff to enforce.

Mr. King asked if it would be possible to put the stipulation in the master agreement with the wind company since they have not signed anything yet, and Mr. Bode stated he felt the county should give them a map when they get their permit and tell them they can't drive on the section lines unless they have an agreement with the landowners. Mr. DeWitt put in that he has scheduled a meeting with their project manager and will let them know about driving on the section lines. He added that they are not yet used to American ways and will need to be trained on what is acceptable.

Raymond Enderson stated that there are three roads on his property that are on the county road map but are not, and have never been, actual roads: one on County Road 3U between County Roads 48 and 49; one on County Road 3W and County Road 47, and County Road 3V from County Road 63 to County Road 41. Mr. Stone responded that there are some in District Three as well, but the Board agreed to leave them on the county road map in case they are ever needed for anything. Jeremiah Higgins put in that simply because a road appears on the county map does not mean it is actually a road. He explained that the county wants to leave those roads available simply in case there is ever a need for them in the future. If they are vacated, it is much more difficult to ever re-declare them as a county road.

Hearing no further questions, Mr. King made a motion to adopt a resolution designating the proposed 2014 Lincoln County Road map as the official county road map. Mr. Stone 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 October 30, 2014, there were present:

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

**WHEREAS**, C.R.S. 30-11-107(1)(h) states that the Board of County Commissioners has the authority to lay out, alter, or discontinue any road running into or through the County, and also to perform such other duties respecting roads as may be required by law. Further, under Title 43, Article 2, Parts 1 and 2, the County has the authority to create and administer the county roadway system; and

**WHEREAS**, with the number of road issues and questions brought before the County Commissioners the adoption of an official county road map became necessary; and

**WHEREAS**, the County Commissioners and their respective road foremen studied the 1992 version of the county's road map, identified existing roads and their conditions, and updated it to delineate the current primary and secondary road system throughout the County; and

**WHEREAS**, a public hearing was held, with notice duly given, to allow comments on the proposed official county road map;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the attached map is the Official Road Map of Lincoln County, Colorado; and

**BE IT FURTHER RESOLVED** that the map may be amended in the future if and when necessary.

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

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ATTEST:

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Clerk of the Board

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Mr. Stone then made a motion approving a resolution to adopt the Lincoln County Road Standards and Policy. 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 October 30, 2014, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
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 #892**

It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

**WHEREAS**, there is statutory authority for the Board of County Commissioners to regulate, control, establish, and vacate County roads. C.R.S. 30-11-107(1)(h) states that the Board of County Commissioners has the authority to lay out, alter, or discontinue any road running into or through the County, and also to perform such other duties respecting roads as may be required by law; under Title 43, Article 2, Parts 1 and 2, the County has the authority to create and administer the county roadway system; C.R.S. 43-2-112 allows for the condemnation of property for roadway purposes; C.R.S. 43-2-301, et. seq., the vacating of County roadways; and C.R.S. 43-2-203 the maintenance of the roadway system by imposition of a mill levy; and

**WHEREAS**, the Board of County Commissioners of Lincoln County did adopt an official county road map, but Road Standards and Road Policies need to be adopted as well to provide the public with information on the designation and maintenance of roads by classification, construction standards, the procedures to petition the County Commissioners for changes to the official road map, and other relevant issues concerning county roads; and

**WHEREAS**, a public hearing was held, with notice duly given, to allow comments on the proposed County Road Standards and Road Policy;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the attached Lincoln County Road Standards and Road Policy is hereby adopted.

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

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ATTEST:

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Clerk of the Board

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Mr. Jolly wished Mr. Lyons well with his retirement, commenting that he was very disappointed in the fact that commissioner-elect Ed Schiffers had not attended the hearing, which was a very important discussion.

When the group returned to the commissioners' meeting room, Ms. Devers said that Linda Ashmore had asked if there would be an amendment to the policy to include the map with the colored roads, but Mr. Kimble said that Mr. Higgins had actually given him one that he included in the policy, so there would be no need for an amendment.

Before discussing the 2015 budget with the road foremen, Mr. Lyons asked Mr. Kimble if he had anything else to report so that he didn't have to stay through the rest of the meeting. Mr. Kimble reported that a suit had been filed by an inmate of the Lincoln County Jail against the jail and one of the detention officers for not having an adequate law library and for not giving him sufficient dental attention for a toothache. A judge released the county from the suit, but the detention officer has not been. Mr. Kimble said he would forward it to Ms. Devers to turn over to the county's insurance carrier. Along that same line, Ms. Devers said the county had received a letter from an inmate complaining about inadequate medical care, and she had forwarded that to the county's insurance as well.

Mr. Kimble also reported speaking with the El Paso County Attorney regarding the county fee placed on driver's license documents issued to out-of-county residents. El Paso, Arapahoe and Douglas counties met with the Department of Revenue to discuss it, feeling that since the fee is being charged under "General Powers" of a county and not Title 42, which is the traffic, licensing and registrations statute, they have every right to continue charging the fees. The El Paso County Attorney told Mr. Kimble that the subject is most likely not over, especially since there will be a new Attorney General after the election next week.

Mr. Kimble left the meeting and District One Road Foreman Chris Monks reported that one of the district's pick-up trucks was stolen earlier in the day, ensuing in a high-speed chase with law enforcement that ended up with the truck being rolled and totaled.

Discussion turned to the 2015 budget; Ms. Devers stating that since the county could not get the Energy Impact Assistance grant, she had recalculated the figures and moved additional mills around. The result was 3.05 mills, or \$524,733, that could be moved to whatever fund the commissioners wanted to put it in. She again reminded the Board that it would be good to put some money aside for the new cell at the landfill, but that if they wanted to put the Maintenance of Oiled Roads amount back to the \$900,000 they had budgeted originally, they would still have \$300,000 to work with.

Mr. Lyons brought up the problems at the Extension office again, stating that John Mohan and Terry Graham had taken measurements with a laser level and found that the west side looked fine, but the east side was off by quite a bit. Ms. Devers said she still had not heard back from the soil engineer, who was going to speak with Mike Gaines with MGA Structural. Mr. Lyons also said that John Mohan had told him the gas pipe is rusting through and presenting another concern. Mr. King said the pipes should be checked as soon as possible and Ms. Devers placed a call to John Mohan to ask him to come by the meeting.

Monika Wilkins, current CEO of Lincoln Community Hospital, brought the new CEO of the facility, Kevin Stansbury, by to meet the group. He said he would meet with the commissioners again in a couple of weeks.

The commissioners agreed to increase the Maintenance of Oiled Roads line item in the Road & Bridge budget to \$900,000, and then Mr. King said he would like to put the .05 mills (\$8,600) back into the Library budget. It was also agreed to set \$75,000 aside for the new cell at the landfill and to put the remaining funds in the Capital Projects Fund for annex repairs and other expenses that may arise throughout the year.

Mr. Lyons asked Chris Monks what was in the mixture that was put on County Road 25 and was told it was a Dura-blend that included magnesium chloride. Chris also informed the group that the train brought in the load of chip-seal rock but the person who unloaded it contaminated it and did not prep the site at all. The guy asked if they could rescreen it and Chris told him that would be fine but the county wouldn't buy it the way it was.

Ms. Devers asked a question about the Deputies line item in the Coroner's budget and the commissioners agreed to reduce it to \$1,950.

John Mohan stopped by to discuss the annex building, stating that when he and Terry Graham measured it, the west is all level but the east side is an inch and a half lower on the southeast corner. He also said that he found moisture on the south end again when he was turning off the sprinkler system for the winter, even though the sump pump is still operating. There was also quite a bit of moisture on the black gas line pipe, which is rusting and crumbling off. Ms. Devers asked John to contact Tony Bandy with Black Hills Energy to go up and look at it, and then report back to the commissioners after Mr. Bandy has done so.

John also stated that Terry felt that jacking up the building and pumping more concrete underneath it may be a problem, and Chris asked if they could move the annex so that they could get in and excavate, backfill it, and pour a new foundation. Mr. Lyons said it would be difficult since there is a shed and a tree right next to the building.

Mr. Lyons asked John if there were any other issues and he said he'd called Leo Hurtado the previous day because the Human Services department kept blowing breakers. Leo suggested adding two more outlets in their kitchen area and two in the offices where floor heaters are generally used. New outlets would cost \$250 each. The commissioners agreed to have two outlets put in the kitchen, but not in the offices. He also asked about the lights in the courthouse parking lot, stating that none of them are currently working. In order to save electricity, prior commissioners had asked that only some of the lights be utilized, but no one realized that none of them are working. Mr. Lyons asked John to make sure that at least some of them work. Lastly, John asked if the commissioners wanted to go ahead and spend the \$7,000 to insulate the floor and pipes at the annex and put the vents in but the Board agreed to wait until they decide what to do with the building.



Discussion turned to Road & Bridge equipment needed in 2015, and the decision was made to allow each road district \$200,000.

At 1:00 p.m. Limon Ambulance Service Director Rob Handley met with the Board to discuss emergency medical service issues in Lincoln County. Hugo mayor Patsie Smith also attended the discussion. Mr. Handley said it was his understanding that the Board wanted to discuss a recent unattended ambulance call in Hugo and why a back-up agency had not been called to respond. Although it is rare, Mr. Handley said that it does happen on occasion that a volunteer service cannot make a call. All agencies in the county do have a mutual aid agreement to assist if one particular agency cannot respond, but unfortunately, there are often territorial issues among the volunteers.

Mr. King asked who makes the call requesting mutual aid and was told that it depends on whether or not the agency actually hears the call, but is up to the service where the call came in to ask for assistance. Mr. Handley added that it would be beneficial to have a policy with the sheriff's department dispatchers to request mutual aid if no one responds to the original call-out within five minutes. He added that even five minutes is sometimes too long, and there have been times when the Limon ambulance will roll on a call even without the request for mutual aid, simply due to the distance involved across the county. He also mentioned that if dispatch stands them down, it is not a problem, as they would rather have someone show up as not.

Mr. King said they just need to make sure the people are taken care of, and Mr. Handley agreed, stating that they need to develop a higher level of care for the county and region. He added that moving toward paid positions rather than volunteers may be part of the answer, although he commended the volunteers the county does have. Mr. Handley also said they should update their 2007 resolution, adding that he would like to work on a compact license that could be used across county lines.

Ms. Smith asked if EMS and the volunteer fire departments fall under the control of the county commissioners, but Mr. Handley said he knew nothing about the fire departments; however, the county is responsible for EMS licensure, inspection of the ambulances, and general oversight for meeting state requirements. Ms. Devers added that there is a formal complaint procedure for someone to file, but no one has ever done so.

Mr. Handley said it may be time to train dispatchers again due to turnover in the sheriff's department and asked what he can do to implement a higher quality of EMS for the county. Mr. King said he just wants to see better coordination among the services. Mr. Handley said he would like to discuss it with the directors rather than the entire EMS Council.

Ms. Smith asked if there is a schedule for the responders, as it must be difficult to know how to plan leisure time if they are always on call. She added that a past member of the Hugo department had wanted to implement a schedule, but it was never done. She added that sometimes five or six responders will show up for a call.

Mr. Handley said that it is the hazards of the agency and he would rather have several responders rather than none. He added that he is a big proponent of a paid service and when Ms. Smith said that she thought they all charged for their services he responded that they only collect about 45% of what they bill for, based on who many of their patients are. He added that they do have enough grant funds and enterprise money to keep their agency afloat.

Mr. Handley asked the commissioners if they wanted him to work with Eric Schmidt, the Retac coordinator, on updating the resolution, and the Board agreed it would be a good idea. Mr. Handley said he would meet with them again soon.

Mr. Stone made a motion to approve the minutes from the meeting held on October 20, 2014. Mr. Lyons seconded the motion, which carried.

The Board reviewed the September reports of revenues and expenditures for the Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, and the individual road districts.

There was no old business, but Ms. Devers passed around copies of the District Attorney's 2015 budget request, and then Mr. Stone said he'd finally gotten in touch with Tricia Hale from NextEra about the fair building. She told him she is working with RES to see if they can also put up some money for the building, and has also contacted a local contractor. Mr. Stone said he wasn't sure what she meant by that when he thought the county would have say in what type of building is erected, but she requested that the county waive the sales and use tax, which would be approximately \$43,000. Ms. Devers said it would be a county building; therefore, no sales or use tax would be collected since the county is exempt. Mr. Lyons said perhaps they were thinking it would cost them to obtain the building permit, but Ms. Devers said the permit should be in the county's name as well, so again no tax would apply. She stated she would contact Ms. Hale and speak with her about it.

The commissioners approved the October payroll and expense vouchers for the month and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on October 31, 2014.

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Corinne M. Lengel, Clerk to the Board

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Ted Lyons, Chairman