

Board of County Commissioners of Lincoln County
Agenda for November 26, 2014

9:00 Call to order and Pledge of Allegiance

9:00 Lisa Nolder, Executive Director of the Lincoln County Economic Development Corporation, to give her monthly report

9:30 Dan Cochran with Cochran Motors to thank the Commissioners for their business

9:45 Land Use Director John DeWitt to give the Land Use Board's decision on Nereo GC Lincoln's application for a development permit/use by special review, #14-02, for a wind farm

10:00 Human Services Director Colette Barksdale to give her monthly report

11:00 Chris Monks, Shop Foreman, to provide information on leases for road graders in 2015

1. Approve the minutes from the November 17, 2014 meeting
2. Review the October report from the Assessor
3. Review the October report of revenues and expenditures for County General
4. County Commissioner reports
5. County Administrator's report
6. County Attorney's report
7. Old business
8. New business
9. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 26, 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-elect Ed Schifferns. County Attorney Stan Kimble attended in the afternoon.

Chairman Lyons called the meeting to order and asked Lisa Nolder, Executive Director of the Economic Development Corporation, to lead the Pledge of Allegiance. Ms. Nolder then gave the monthly update for LCEDC, stating that they will be doing some strategic planning to define the mission and goals of economic development versus community development. Although community development is essential, the primary goal of economic development is to offer business assistance and create jobs. She discussed the possibility of the child care center within Lincoln Community Hospital and said that her main role would be to assist with the business plan if the project succeeds. The need for a child care center is definitely there in the community, but her question was whether or not the money would be available to sustain it in the event grant money would run out. Ms. Nolder will attend a meeting on December 1 with a company interested in locating a clean energy alternative fueling station on I-70, either in Limon or Burlington. There would be no opportunity for jobs, other than some operations and maintenance jobs, and Mr. King suggested that either Arriba or Genoa would also be good option for the location of the business. Mr. Lyons said that many people stopping may also be interested in a meal or other amenities that those towns do not have to offer.

Ms. Nolder confirmed the rumor that Ms. Devers had heard regarding the closing of the Alco store in Limon, adding that they filed bankruptcy and will close all stores across the nation. Mr. Schifferns had spoken with the wife of one of the Kit Carson County commissioners who told him that ShopKo is very interested in locating in Burlington and may be interested in Limon as well, since they would need the approximate space that Alco has. Ms. Nolder will follow up with ShopKo.

The group discussed the decision of the Hugo town board to pull their funding of LCEDC for 2015, Ms. Nolder stating that she had given the same report at the last Hugo town board meeting that she had given to the commissioners. She did not attend the November 17 commissioner meeting at which the town board members explained their reasoning because she wanted to give them the time and space to voice their concerns without her presence. Ms. Nolder commented that she had been asked by Brenda Dutro why she does not list the names of the businesses she has contacted on her reports, but it is LCEDC board policy and a breach of confidentiality to do so, especially if certain businesses are in need of financial assistance. She added that Dave Dobbs had suggested she speak about a skills training program in the schools as an alternative to college, but when she asked him to come with her to discuss it, he told her he didn't have the time. Ms. Nolder added that it seemed to be the normal response when someone expresses discontent about something. She invites them to the table to help her find a solution because she feels she cannot do it alone and needs suggestions, but no one ever accepts her offer. She added that she feels Hugo plays an integral role in economic development in Lincoln County, but felt the board member's minds were already made up when she attended their last meeting. Ms. Nolder informed the commissioners that she had,

indeed, attended five HIP and HEDG meetings in seven months, and even though Ms. Dutro had said she was not there, the minutes should reflect her attendance.

Mr. Lyons said the Hugo town board suggested the county take over the control of director but since he had no idea what her contract depicts her duties to be, he didn't see how that could be possible. Ms. Nolder responded that she is not considered a contract employee and although some counties do manage EDC and it seems to work, it has also back-fired in other instances. Mr. Lyons also asked the other commissioners for input since his term will be over in a month and a half. Mr. Stone looked up what the county's contribution to LCEDC was in 2014 and when he said it was \$43,632, Mr. Lyons noted that \$5,840 of that came from the town of Hugo. He questioned where that funding would come from in 2015 and Mr. Stone said he assumed the county would have to cover it.

Ms. Nolder said she currently reports to the county commissioners and felt that she could only say exactly what her board allows her to. Mr. Stone commented that it would be better if she could name businesses rather than just project numbers, but again Ms. Nolder stated it is Lincoln County Economic Development Corporation policy that she cannot divulge names. She asked if the commissioners would feel better if she met with them in an executive session every two or three months, but Ms. Lyons said he is not in favor of executive sessions, and Mr. King agreed. Ms. Devers said that if she were a business owner requesting assistance from LCEDC, she would not especially like for it all to be public knowledge either. Ms. Nolder offered to take the suggestion back to the LCEDC board, but Mr. King added that people don't want their names in the paper providing fodder for the gossip mill. Ms. Devers said they could speak with County Attorney Stan Kimble about the legality of executive sessions, but Mr. Stone then added that perhaps the information should be between Ms. Nolder and her board until the business owner wants it to become public knowledge. Ms. Nolder does sign non-disclosure agreements with business owners for their protection.

Ms. Devers said she thought perhaps the Hugo town board members just wanted assurance that Ms. Nolder was actually meeting with business owners and completing her job duties, and Mr. King said that he had spoken with a couple of Hugo residents who disagreed with the way their town board handled the situation. He added that the Lincoln County contribution is based on the population of the entire county. Just because the Hugo board members do not want to partner with LCEDC does not mean that the rest of the residents should be abandoned.

Ms. Nolder said she was not sure where the rift started but she has made sure not to retaliate against attacks, either on a personal or professional level. She answers to her board and to those who make contributions to the corporation.

Mr. King stated it is critical that she not miss any of the town board meetings and Ms. Nolder said they would probably need to revise her job description as it states that she must attend two town board meetings annually. Mr. King asked that she not give up on Hugo and suggested she attend some of their meetings and keep them apprised of LCEDC activities.

Mr. Schifferns put in that she needs to make sure and call someone to let them know if she is not going to be able to attend a meeting and then should reschedule it. Ms. Nolder responded that the reason she missed the Arriba town board meeting was because she spent too long at the Hugo town board meeting. Mr. Schifferns suggested she not schedule herself quite so tightly, adding that she could attend one town board meeting one month and a different town board meeting the next. Ms. Devers commented that Ms. Nolder has always called to let her know if she will not be able to make a meeting with the commissioners that she has been scheduled for.

Mr. Lyons asked Dan Cochran with Cochran Motors to come up and Mr. Cochran said he wanted to thank the commissioners for the county's business, especially the orders for the trucks purchased by the sheriff's department. He added that they sell vehicles to the county at their cost, plus an additional \$300 or \$400 for administrative costs. It is a benefit to them because they are then helping keep the business and money in the county, as well as the fact that it is good advertising for them. He then left some information regarding trucks, asking for the opportunity to be allowed to bid the next time the county purchases vehicles. He went on to say that they also have a warranty program and felt it would be more cost effective for the county for repairs, rather than a county employee having to take the vehicle outside of the county. Cochran Motors offers a pick-up and delivery option where they will pick up the vehicle in need of repair and then return it once those repairs have been made. Mr. Cochran added that they also have maintenance programs available which are pre-paid Chrysler service contracts. For instance, the county could purchase a contract that covers a certain amount of oil changes per vehicle. Mr. Lyons asked about state bid and Mr. Cochran responded that he applies the same discounts that the state does and, in most cases, has actually beaten the state bid several times. He again asked for the opportunity to bid the next time the county needs to purchase vehicles, and the Board told him they would keep him in mind.

At 10:20 a.m., Land Use Administrator John DeWitt met with the Board to give the Land Use Board's decision on Nereo GC Lincoln's application for development permit/use by special review #14-02 for a wind farm. The board passed the application on a 7-0 vote, with the conditions that there would be a road use agreement and Nereo would have a water well permit for the O & M building prior to the building permit being issued. Shawn Smith also felt that the wind farm and the mineral owners need to be in agreement before the building permit is issued. Mr. King said he thought that was the "good faith effort" written into the last contract and Mr. DeWitt said the Land Use Board merely wants to be sure it happens. He added that Cascade wants to reserve the right to drill in the future, so they are not happy with that stipulation, and Mr. DeWitt said he feared that Cascade will hamstring the entire operation because of that. With landowners signing fifty-year leases on the wind towers, the money is going directly to them and he is concerned with what Cascade wants to do. Mr. DeWitt said they will meet with the commissioners on December 8 and will discuss it in further detail.

At 10:30 a.m., Human Services Director Colette Barksdale and Robert Kraxberger met with the Board to give the monthly report for the department. She provided financial reports and employee time sheets and stated that the C-Stat report for the month would also include a

“Dashboard,” which is a compilation of all of the C-Stat reports. She pointed out that small counties are not statistically able to meet many of the goals, which is why they have been deemed “failing” in some of the categories.

Ms. Barksdale provided thank-you notes from the Flagler school for some of the school supplies and the additional supplies that DHS gave their preschool and kindergarten through TANF grant money.

Mr. Stone asked what the department has coming up at CCI and was told that they want to restructure the way DHS operates nationwide. They will also have some media training sessions and new legislation regarding the Child Welfare audit.

Ms. Barksdale asked the commissioners to re-sign the Centennial Mental Health Core contract even though it had already been signed, simply because they have changed some of the language regarding billing, state reimbursement, and treatment accountability through TRAILS. Mr. King made a motion to sign the Centennial Mental Health Core contract to reflect the necessary changes. Mr. Stone seconded the motion, which carried unanimously.

Ms. Barksdale also updated the Board on the Holiday Basket program and then asked the commissioners to review her 2015 employment contract. Mr. King made a motion to approve Colette Barksdale’s employment contract for 2015, Mr. Stone seconded the motion, and it carried unanimously.

Lastly, Ms. Barksdale shared the poverty levels chart with the Board.

Mr. King asked if Andy Lorensen will be required to use annual leave when he becomes coroner if he takes a coroner call while working for Human Services and Ms. Barksdale said he would. She added that he will also have to call in a deputy coroner if he is in the middle of casework or something else that cannot be interrupted. Mr. Lorensen will also be on the Lincoln County Fatality Review Team as the coroner, so they will need to appoint someone else from DHS to take his place in that capacity.

At 11:00 a.m., County Shop Foreman Chris Monks met with the commissioners to provide information on leases for road graders in 2015. He provided quotes from Wagner Equipment on a CAT 140M3 for \$269,620 with a seven-year, 7,000 hour total machine warranty, or \$262,231 without the accugrade and cross slope options. In comparison, the CAT 12M3 motor grader was \$247,567 or \$240,748 without the accugrade and cross slope. Mr. Stone wanted to know if Chris felt the accugrade option was necessary and was told that, with the right grader operator, it would probably be quite beneficial for laying gravel. If ordered now, or sometime in December, the county would most likely take possession of the graders in March or April.

Mr. Lyons asked Chris about a car for the landfill and Chris thought the sheriff’s office or Human Services may be getting rid of some of their old ones.

The group discussed fuel prices and the commissioners finally agreed that Chris should order six loads, two per district, if he can find it for under \$3.00 per gallon.

Mr. Stone made a motion to approve the minutes from the meeting held on November 17, 2014, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed the October report from the Assessor and the October report of revenues and expenditures for the County General fund.

Mr. Stone reported checking roads on November 18, and then checking on the tumbleweeds on County Road J on the Nineteenth. They did get the weeds taken care of for the time being so that the intersection is no longer dangerous. On November 23, he checked roads south of Karval and also stopped by the county shop to speak with Monty Mattson about the 12M3 CAT. The following day he came to Hugo to look at the grader.

Mr. King reported stopping by the county shop on November 17 after the commissioner meeting. He also checked roads north of Genoa. On November 18, he attended the Resources Unlimited meeting in Limon, and on the Twentieth he checked the wind tower roads north of Arriba and Genoa. The roads were rebuilt to his satisfaction, but it will take quite a bit of work to get them smoothed out and back to his expectations. On November 24, Mr. King took lunch to his road crew and also attended the Lincoln County Economic Development Corporation meeting. The report from the Oil and Gas Commission showed that 731,807 barrels of crude oil were produced in Lincoln County in 2013.

Mr. Lyons had nothing to report so Ms. Devers gave an update on the roundhouse situation, commenting that she spoke with Greg Connor who told her he believes the Spectrum attorney may have a solution. He was to email her that information but she has not yet received anything. If Spectrum does not perform 80% of the work, which is what the signed contract calls for, there is a possibility that \$398,000 in State Transportation Enhancement funds, as well as the state historical fund money, will be in jeopardy. Ms. Devers stated she had explained that to Mr. Connor and also told him that the county may have reason for litigation if Spectrum does not honor the contract.

Ms. Devers also reported that the county is supposed to receive the soil report from the annex building the first week of December. She added that she will not be attending next week's winter conference due to personal reasons.

The Board approved the November payroll and several expense vouchers while eating lunch, and at 1:00 p.m., County Attorney Stan Kimble reported that he had attended the county attorneys' conference last week, except for Thursday when he had to attend the Nereo Land Use Board hearing. He did gather information on open meetings and open records, as well as the issuance of same sex marriage licenses. He updated the Board on the Land Use hearing, repeating what John DeWitt had mentioned earlier, adding that he had suggested to Nereo and

Polly Jessup that matters with Cascade need to be settled before it is brought before the county commissioners for final approval.

Mr. Kimble asked Ms. Devers if there was anything he could do to help the roundhouse situation and she explained she is waiting for the email from Greg Connor. She also informed the Board that there is a leak on the roundhouse roof near one of the smoke jacks, but she has no idea how they will fix it.

Mr. Kimble asked if the project is under any time constraints and Ms. Devers responded that they have extended the time period for the state project in order to allow the wood to dry and they may need to file another extension due to the issue with Spectrum. Mr. Kimble asked that she forward the email from Spectrum's attorney when she receives it.

Mr. King asked Mr. Kimble about the commissioners holding executive sessions in order to receive confidential information from LCEDC. Mr. Kimble responded that there are five reasons why a board can go into executive session, one of which is to consider negotiations. He felt that the LCEDC issue may fall under that stipulation. He added that he could understand why a municipality may not want to back the organization if they felt they were getting nothing out of it.

Mr. Lyons asked Mr. Kimble if he had any further information about the mobile homes that County Treasurer Jim Covington had spoken of. Mr. Kimble had talked to the gentleman in Limon who would be willing to work with the county to get rid of the one there. Mr. Kimble told him that the county may consider forgiving the fees for the certificate of taxes paid and other permits if he could help remove the trailer. He added that Brad Gilchrist had also done some mobile home removal and they may consider asking him if he could take care of the others. Since two of the trailers in question are inside city limits, Mr. Kimble felt that those municipalities would be more than willing to work with the county to get rid of them.

Mr. Lyons also wanted to know if there was a way to lower the liability insurance requirement if the county hires a contractor to perform work and they do not have the million dollar limit that the insurance pool requires, possibly by signing a waiver. Ms. Devers said that the insurance pool will not allow anything less than one million, even if the county enters into an independent contractor agreement.

Lastly, Mr. King asked about the case in which the county road was plowed up in District Two, and Mr. Kimble said he filed a Motion for Default with a Notice that runs out today. He added that if they could get a default judgment against the other family member, they may be able to avoid the trial if that person has property. Mr. Schiffers said he saw the parties coming into the courthouse earlier and Mr. Kimble felt perhaps they were coming to file the paperwork with the courts.

The commissioners finished approving 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 December 8, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman