

Board of County Commissioners of Lincoln County
Agenda for January 7, 2015

9:00 Call to order and Pledge of Allegiance

9:05 Lisa Nolder, Executive Director of LCEDC, to give her monthly report

9:45 Human Services Director Colette Barksdale to answer questions concerning additional funding statewide for new child welfare caseworkers and how to respond to Colorado Counties, Inc. survey concerning this issue

10:00 James Martin to update the Commissioners on the electronic recycling program and to answer questions concerning his work as the county's IT person

10:30 Luinda Raines to request an exemption from Subdivision Regulations on a 4.85 acre parcel located in the NE1/4 of Section 1-T11S-R55W

1:15 Kipp Parker to request an exemption from Subdivision Regulations on a 9.11 acre parcel located in the NW1/4 of Section 20-T9S-R56W that he wants to divide into two parcels

1. Approve the minutes from the December 30, 2014 meeting
2. Review and sign a letter to Robert Todd with the Office of Economic Development and International Trade requesting an amendment to the existing CDBG Business Loan Fund Contract #14-591
3. Review the Discharge Monitoring reports for the county landfill for the 4th quarter of 2014
4. County Commissioner reports
5. County Administrator's report
6. County Attorney's report
7. Old business
8. New business
9. Approve expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 7, 2015. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon.

Chairman Lyons called the meeting to order and asked Joe Kiely to lead the Pledge of Allegiance. Lisa Nolder, Executive Director of Lincoln County Economic Development Corporation, then asked the commissioners what their goals and benchmarks were for LCEDC for 2015. Mr. Lyons told her that while he understands she has to be careful of the confidentiality issue, constituents who have spoken to him have the same complaint; that she is not visible enough in the local businesses and does not mention contacts by name, but rather by number. Ms. Nolder responded that she handles it the way she has been told to by the LCEDC board. Mr. Kiely put in that if disclosure is required of every business visit it will kill economic development in the county. He commented that SBDC, which is federal funding, requires confidentiality and the only way they would be allowed to report what business was specifically contacted would be if that business owner gave their permission. He added that it has always been an issue with economic development which makes it a very difficult situation, but all economic development has the same rules that they must abide by.

Mr. Lyons said that perhaps they need to change the public perception in that case, and Mr. Kiely agreed, stating that Ms. Nolder is now reporting weekly rather than monthly.

Ms. Devers asked Mr. Lyons if those people who have contacted him read Ms. Nolder's reports, or how they know what she is, or is not, doing, and his response was that since she has not stopped by their business, they don't feel she is doing anything.

Ms. Nolder stated that when SBDC sources are offered to a client, the first thing they do is sign a confidentiality form, which is a requirement. Some business owners even ask for non-disclosure statements.

Mr. Kiely said that they have not had another meeting yet but their plate is currently full and there really is not much time to drop by businesses just to visit. They have several businesses requesting help with financing, as well as many other things happening with a declared need. He added that the LCEDC board acknowledges that some things fell through the cracks, but Ms. Nolder has definitely increased her efforts and done a tremendous job the past couple of months. Another of their ideas is to possibly create a Facebook page for LCEDC and then use it as well as the local media to increase awareness and get further word out about economic development activities. Although it is acceptable to mention how many businesses were visited, it is not okay to name names.

Mr. Stone has heard that since the majority of the LCEDC board members are from Limon, all they are concerned with is their own town. Mr. Kiely responded that there are a couple of board members from other areas in the county; one from Arriba and one from Genoa, but there is certainly room on the board if a business owner wants to make the \$250 contribution

to become a member. He added that they have invited several other businesses to participate, but have been told by business owners that they do not have time to be on a board.

Mr. Schifferns added that another complaint was that the town of Hugo wanted to put in a new motel but no one ever got a response from economic development. Ms. Nolder responded that Ben Orrell told her not to attend the HIP and HEDG meetings but to work exclusively on the motel. He was supposed to get her some information but she never heard back from him. She added that she and Linda Orrell had conversations about a property location for the motel, but Linda told her that they didn't want to commit to finding property until there was a developer. Mr. Kiely put in that the town should have done a feasibility study because there were too many questions without answers. Ms. Nolder added that Dave Dobbs had told her that since the town of Hugo has no building codes, most developers wouldn't want to have anything to do with it. She went on to say that she does still have some active clients in the town of Hugo, but it was difficult to know who to answer to if HIP and HEDG did not want her help.

Ms. Devers asked if she could put a "meet and greet" bit of information in her report that would just provide general information without specifically mentioning what was discussed, and Mr. King stated that with the perception that she isn't visible on the street, she should perhaps make sure that all board members and business owners receive her reports. Ms. Devers asked if HEDG could be a member of LCEDC if they would pay their \$250, and Mr. Kiely responded that he didn't think there was anything in their bylaws that would prohibit it. Ms. Nolder said she would hate to spend all of her time reporting and subsequently answering to what is in her report rather than doing what she really needs to be doing. She added that if people have questions they need only ask. If she can tell them specific details she will; otherwise, she won't. She added that they will discuss it again at the next LCEDC board meeting and she will relay the commissioners' comments to her board.

Mr. Kiely said that it is very frustrating that county residents think that the LCEDC board is only concerned with Limon when development in any community is good for the entire county.

Ms. Nolder left and Mr. Kiely said he had a couple of bits of information about Ports-to-Plains and the Foreign Trade Zone. He sent a letter to the Colorado Transportation Commission giving the historical background for Ports-to-Plains and Heartland Express. He asked them to look at what kind of an alternative Highway 71 would be to putting additional truck traffic on I-25. The Foreign Trade Zone is temporarily on hold because they believe the two magnet sites in Limon to be 94 minutes away from the office at DIA, which is not true. Mr. Kiely said he sent them the map showing Limon is 75 minutes from DIA, and they have requested a meeting and are waiting to hear back.

At 9:45 a.m., Human Services Director Colette Barksdale met with the Board to answer questions concerning additional funding statewide for new child welfare caseworkers and how to respond to the survey from Colorado Counties, Inc. concerning the issue. She stated that the study by the state auditor actually claimed the need for five hundred additional caseworkers, which would result in around one hundred additional supervisors; however, Lincoln County's

department showed that it is staffed and funded correctly. She suggested answering that the county would take advantage of the funding on the CCI survey, but cautioned that they most likely would not get any.

Ms. Barksdale said she had another issue, this one with her employment contract, as it was discovered that she has been overpaid by \$55 per month for the past two years. She revised her employment contract for 2015, decreasing the salary by \$110 per month, which is the cost of living raise granted by the Board. Doing so will get the money paid back to the county. She is also eligible for a step raise in 2015, so she left that \$55 per month increase in the contract.

Mr. Stone made a motion to approve the 2015 revised employment contract with Human Services Director Colette Barksdale, reflecting a decrease in salary of \$110 per month. Mr. King seconded the motion, which carried unanimously.

At 10:00 a.m., James Martin met with the commissioners to update the commissioners on the electronic recycling program and to answer questions concerning his work as the county's IT person. Renita Thelen with the Assessor's office attended the discussion, as did Ms. Barksdale.

Mr. Lyons told James that Mick Jaques informed him the metal container at the landfill is full of electronics to be recycled so he would like to have it emptied. James said he had just not gotten around to it yet but he would do so and would most likely take it to Denver himself rather than wait for the company to come out and collect it from him. As for IT services, Mr. King said there had been mention of Mr. Martin's timeliness in getting things done. James agreed that there have been some issues with time conflicts concerning the Assessor and Treasurer's new computer system, but Ms. Thelen spoke up to say that he had done an excellent job for them the past year, and Ms. Barksdale agreed. Mr. King wanted to know if it would be better to have James work on a time contract basis or simply an as-needed basis, and James said they could look at him spending a certain amount of time in the courthouse each Wednesday if they would rather. Ms. Devers said it would not be beneficial to anyone if there was nothing for him to do in that time frame.

At 10:30 a.m., Rob and Luinda Raines met with the Board to request an exemption from subdivision regulations on a 4.85 acre parcel located in the NE4 of Section 1, Township 11 South, Range 55 West. Ms. Raines submitted the survey and said they would like the exemption in order to sell the place.

Mr. King made a motion to adopt a resolution granting the exemption from subdivision regulations requested by Luinda Raines. 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 January 7, 2015 there were present:

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

WHEREAS, application has been made by Luinda Raines for exemption from the Lincoln County Subdivision Regulations on a tract of land in Lincoln County described as follows:

A tract of land situated in the Northeast Quarter of Section 1, Township 11 South, Range 55 West of the 6th Principal Meridian, Lincoln County, Colorado, being more particularly described as follows:

Beginning at the northeast corner of said Section 1 and considering the north line of said Section 1 to bear north 90° 00' 00" west; thence north 90° 00' 00" west along said north line of said Section 1, a distance of 434.70 feet; thence south 00° 49' 16" west, a distance of 477.94 feet; thence south 89° 14' 19" east, a distance of 444.53 feet to a point on the east line of said Section 1; thence north 00° 20' 55" west, along the east line of said Section 1, a distance of 483.81 feet to the point of beginning. Said parcel contains 4.85 acres, more or less.

Said tract of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption did not include a request for a change of use of the property; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the parcel as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

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 made a motion to approve the minutes from the meeting held on December 30, 2014, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed a letter to Robert Todd with the Office of Economic Development and International Trade requesting an amendment to the existing CDBG Business Loan Fund Contract #14-591. Mr. King made a motion to sign the letter, Mr. Stone seconded the motion, and it carried unanimously.

Also reviewed were the Discharge Monitoring reports for the county landfill for the fourth quarter of 2014. Landfill Manager Mick Jaques reported to Ms. Devers that there was no discharge, and Mr. Lyons signed the reports.

Mr. King reported that the District 2 road crew was out all day on Sunday plowing roads. Mr. Stone reported checking roads on December 31, and again on January 6 with Monty Mattson. They were looking for places that need gravel. They have an old pickup that needs a light replaced, so once the shop fixes it they will bring it to the courthouse for John Mohan to use. Mr. Lyons had nothing to report.

Ms. Devers asked if the commissioners wanted to approve a county credit card for Ed Schifferns with a \$500 limit, and they agreed. She also reported that the sheriff had informed her of some plumbing issues at the jail.

County Coroner Andrew Lorensen also requested a county credit card with a \$1,500 or \$2,000 limit in order for him to pay for hotel rooms and meals for him and his deputies when they attend the Coroner's conference.

Mr. Stone made a motion to approve a county credit card with a \$1,500 limit for County Coroner Andrew Lorensen. Mr. King seconded the motion, which carried unanimously.

Ms. Devers said that Mr. Lorensen would also like a Conoco credit card for fuel purchases as he told her gas is generally cheaper at those locations in Limon than at DJ Petroleum.

After some discussion, Mr. Stone rescinded the motion to approve the county credit card with a \$1,500 limit for Andrew Lorensen. He then made a motion to approve a county credit card with a \$2,000 limit for County Coroner Andrew Lorensen, but to not allow a Conoco credit card for fuel purchases. Mr. King seconded the motion, which carried unanimously.

Mr. Lyons called for old business, commenting that he had spoken with Brad Gilchrist about dismantling the mobile homes owned by the county that were discussed at several previous commissioner meetings. Mr. Gilchrist is interested, but Mr. Lyons said he had some questions for Mr. Kimble about the project.

Mr. Lyons also spoke with Kerry Halde the day before and reminded the other commissioners of the agreement that was made between the county and Mr. Halde regarding the water line crossing his property when the lift station goes in at the fairgrounds. Mr. Halde was told that the county would refund his building permit fee in exchange for allowing the water line to cross his property, and Mr. Lyons wanted to make sure the agreement would be honored.

He again brought up the fact that meals purchased at the commissioner conference by Mr. King, Mr. Schifferns, and Mark McHone were over the county's per diem rate and felt that it was not handled correctly, especially when a meal was already included in their registration fees. Mr. King said his meal was within the \$30 per diem rate. Mr. Stone agreed with Mr. Lyons, stating that he did not attend the conference banquet because his wife had gone with him to the conference. He paid for his own meal when they went out since the county had basically already paid for the banquet dinner. Mr. King said that Mr. McHone had offered to reimburse the county for the overage and Mr. Schifferns said he would as well.

Mr. Stone made a motion that Ed Schifferns and Mark McHone reimburse the county for the \$130.92 charge at Mackenzie's Chop House on December 2, 2014. Mr. Lyons seconded the motion, which carried unanimously.

Mr. Lyons also said that the \$20 monthly payments were not being made for the power pole that was damaged in District 2, and Mr. King said that Mark McHone and Caleb Brent were coming to the Treasurer's office on January 8 to take care of it.

Mr. King commented that they would need to prioritize the expenditures from the Capital Projects fund in 2015, as there were several big projects that would require large amounts of funding coming up, including moving the annex building, fixing the courthouse parking lot, putting the lift station in at the fairgrounds, and now repairs to the plumbing in the jail. Mr. Schifferns commented that moving the annex would cost at least \$100,000 by the time new

utilities were put in, and Ms. Devers stated that the lift station would probably not be completed until 2016.

The Board approved additional expense vouchers for the month of December 2014, and then broke for lunch.

When the meeting reconvened at 1:15 p.m., Kipp Parker with Parker Ag Services and Parker Land Company, LLC met with the Board to request an exemption from subdivision regulations on a 9.11 acre parcel located in the NW4 of Section 20, Township 9 South, Range 56 West. First, Mr. Parker made the Board aware that Parker Ag Services has merged with another company and will now be referred to as Veris Environmental.

As for the subdivision exemption, Mr. Parker has a potential buyer for what he referred to as Parcel 1, which is a little over seven acres. He would like to add a stipulation that would allow the larger parcel to be further subdivided in the event the sale falls through or the new buyer wants to make the larger parcel into smaller parcels. Ms. Devers and Land Use Administrator John DeWitt were concerned that the property could not be further exempted once an exemption has already been done, but Mr. Kimble said he could not find anything that would prevent it. He stated that the commissioners could always require that any further subdivisions or exemptions come before the Board.

Mr. King made a motion to adopt a resolution allowing an exemption from subdivision regulations to Parker Land Company, LLC for two parcels totaling 9.11 acres in the NW4 of Section 20, Township 9 South, Range 56 West. 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 January 7, 2015 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 #899 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, application has been made by Parker Land Company, LLC for exemption from the Lincoln County Subdivision Regulations on two parcels of property in Lincoln County described as follows:

Parcel 1 - A parcel of property located in part of Section 20, Township 9 South, Range 56 West of the 6th Principal Meridian, County of Lincoln, State of Colorado, being more particularly described as follows: Commencing at the northwest corner of said Section 20 and considering the north line of the Northwest Quarter to bear south 88°08'00" east, with all bearings contained herein relative thereto; thence south 88°08'00" east, along said north line, a distance of 1242.37 feet; thence south 00°31'49" west, a distance of 392.18 feet to the point of beginning; thence south 00°31'45" west, a distance of 23.50 feet; thence south 87°50'17" east, a distance of 76.42 feet; thence south 02°06'52" east, a distance of 29.57 feet; thence south 89°10'04" east, a distance of 76.77 feet; thence south 00°27'51" east, a distance of 156.06 feet; thence north 87°36'20" east, a distance of 99.02 feet; thence south 02°46'06" east, a distance of 62.61 feet; thence north 88°44'54" east, a distance of 18.95 feet; thence south 01°36'26" east, a distance of 396.61 feet; thence north 84°43'17" west, a distance of 219.45 feet; thence north 00°27'06" east, a distance of 194.10 feet; thence north 88°59'09" west, a distance of 437.94 feet; thence north 00°46'30" east, a distance of 156.07 feet; thence south 89°13'37" east, a distance of 13.00 feet; thence north 00°46'30" east, a distance of 247.51 feet; thence north 89°13'30" west, a distance of 217.44 feet; thence north 00°44'55" east, a distance of 36.67 feet; thence south 88°40'39" east, a distance of 237.65 feet; thence north 00°12'45" east, a distance of 179.80 feet; thence south 88°25'00" east, a distance of 238.00 feet; thence south 00°39'59" west, a distance of 164.16 feet; thence south 89°20'32" east, a distance of 91.80 feet to the point of beginning. Said parcel contains 7.89 acres, more or less.

Parcel 2 – A parcel of property located in part of Section 20, Township 9 South, Range 56 West of the 6th Principal Meridian, County of Lincoln, State of Colorado, being more particularly described as follows: Commencing at the northwest corner of said Section 20 and considering the north line of the Northwest Quarter to bear south 88°08'00" east, with all bearings contained herein relative thereto; thence south 88°08'00" east, along said north line, a distance of 1242.37 feet; thence south 00°31'49" west, a distance of 392.18 feet; thence north 89°20'32" west, a distance of 91.80 feet; thence north 00°39'59" east, a distance of 164.18 feet; thence north 88°25'00" west, a distance of 238.00 feet; thence south 00°12'45" west, a distance of 179.80 feet; thence north 88°40'39" west, a distance of 237.65 feet; thence south 00°44'55" west, a distance of 36.67 feet to the point of beginning; thence south 00°44'55" west, a distance of 247.51 feet; thence south 89°13'37" east, a distance of 217.33 feet; thence north 00°46'30" east, a distance of 247.51 feet; thence north 89°13'30" west, a distance of 217.44 feet to the point of beginning. Said parcel contains 1.23 acres more or less.

Said parcels of land are subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption did not include a request for a change of use of the property; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of

land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the two parcels as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

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. Parker thanked the Board and left them with a request to consider doing away with the Lincoln County Solid/Liquid Waste Regulations that were adopted several years ago. He stated that the regulations do not match the state or federal regulations or guidelines for bio solids, so Parker Ag cannot do business in Lincoln County. Mr. Lyons told him he could always take the request back to the Land Use Board. Mr. Parker stated that they do not have a driving economic factor one way or the other for Parker Ag; it is just something to consider.

After Mr. Parker left, Mr. Lyons called for the attorney's report. Mr. Kimble provided Purchase Order 2/Maintenance, in the amount of \$1,890, between Harris Systems USA, Inc. and the Lincoln County Treasurer for maintenance services between January 1, 2015, and January 31, 2015. County Treasurer Jim Covington will need the company's services for one more month while he prepares tax notices. Mr. Stone made a motion to sign the Purchase Order with Harris Systems USA, Inc. Mr. King seconded the motion, which carried unanimously.

In regard to the road damage case in District 2, Mr. Kimble said that he would be filing a Summary Judgment Motion this month in an attempt to avoid a hearing.

Mr. Lyons told Mr. Kimble that he'd spoken with Brad Gilchrist about dismantling the mobile homes and that he is interested. However, Mr. Lyons was concerned with obtaining written permission from the landowner, as well as any liability issues. Mr. Kimble agreed it would be best to get permission from the landowner and felt that the county's insurance carrier should be contacted in regard to any liability. He added that Mr. Gilchrist should carry his own Worker's Comp insurance and that the county could enter into an independent contract with him if the insurance carrier says it is okay. Mr. Lyons said he would show Mr. Gilchrist where the trailers are as he may decide he doesn't want to take on the task once he sees them.

Chris Monks stopped in with a bill from Wagner Equipment in the amount of \$12,852.19; the cost to repair the loader in District 3. He told the commissioners and Mr. Schiffers that he could not stress enough how important it is to have the oil and fluid samples taken and sent in throughout the year. Oil samples should be submitted every time the oil is changed, but transmission and hydraulic fluid samples need to be taken and sent in at least annually in order to avoid such costly repairs.

Ms. Devers asked Mr. Kimble if the county should still be paying the electric bill for the tower that was sold to Mauna Towers, Inc., as Chris had brought up that the amount is \$40 or \$50 each month. Mr. Kimble reviewed the agreement and concluded that the county is responsible for all utilities concerning the operation of the communication equipment.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on January 13, 2015.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman