

Board of County Commissioners of Lincoln County
Agenda for March 18, 2015

9:00 Call to order and Pledge of Allegiance

9:00 Fairgrounds Manager Julie Joffe to discuss the water damage in the Ellis Allen building and whether or not to allow horse racing at the fairgrounds by an out-of-county group

10:00 Tom McClernan and Dave Fritsch with GMS, Inc. Consulting Engineers to review the preliminary engineering report for the lift station at the fairgrounds

11:00 Public Health Director Sue Kelly to give her monthly report

1. Approve the minutes from the March 6, 2015 meeting
2. Review the February reports from the Assessor, Clerk and Treasurer
3. Review the February 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 notice from the Division of Reclamation, Mining and Safety concerning a request from Simon Contractors for full reclamation responsibility from Covington #5 Pit, Permit No. M-2012-005, located in Section 5-T6S-R55W
5. County Commissioner reports
6. County Administrator's report
7. County Attorney's report
8. Old business
9. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 18, 2015. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schiffers, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon.

Chairman King called the meeting to order and asked Mr. Schiffers to lead the Pledge of Allegiance.

Fairgrounds Manager Julie Joffe then met with the Board to discuss the recent water damage to the Ellis Allen building from a broken pipe, and whether or not to allow horseracing at the fairgrounds by an out-of-county group. The group is currently holding their races at Deer Trail, so Ms. Joffe wasn't sure why they want to come to Lincoln County, but she checked her calendar for availability. She can find one weekend each in the months June through September that are not currently booked. The group only requires one day for the races, and Ms. Joffe said they have used the facility twice before and have not caused any problems. They do have the required insurance and have paid in advance both times. Mr. Schiffers felt it would be okay as long as they don't interfere with any other activities going on at the fairgrounds, and Mr. Stone made a motion to approve horseracing at the fairgrounds for one day each month from June through September when the grounds are available. Mr. King asked for further discussion, and Ms. Devers asked that Ms. Joffe not schedule too far out in advance in case a local resident wants to use the fairgrounds on one of those available weekends. The motion carried unanimously.

Extensive water damage occurred in the Ellis Allen building around March 9 when a copper pipe burst above the women's restroom. Ms. Joffe felt the pipe had likely frozen and thawed several times by the evident bulging it showed. She contacted Shawn Mendoza with Maria Mendoza Construction, LLC, and he came out and looked at the building on Monday. He has agreed to complete all of the work listed by the insurance adjuster for \$34,861.10, but did ask that the county complete all paperwork to the insurance company. Mr. Mendoza requested 30% down and 70% upon completion, and indicated he can have the job finished in three weeks or less. He will provide all materials, match existing paint where necessary, and remove all trash from the jobsite. If there is undiscovered damage that is not included in the original insurance claim, he will notify Ms. Joffe prior to making the repairs in order for the county to request that the claim be adjusted. Ms. Joffe would like the contract signed no later than Friday, March 20, to ensure the job is completed by April 10. She will also have Travis Taylor help her take down the 4-H banners so they don't get damaged by paint, and she has removed anything from the kitchen as well. Since insurance would not cover the cost for the pipe, Ms. Joffe had Nick Stewart with Flatland Services, LLC, replace it and move it farther into the building in an attempt to avoid the same problem in the future. She does keep the heat set at 60 degrees when the building is not in use, but apparently the pipe was just too close to the outside wall. Ms. Joffe said the county would be receiving a bill from Mr. Stewart for those repairs. According to Mr. Mendoza, the insurance will require he remove two feet of dry wall in several areas, even though the water had soaked up the walls less than one foot in some places. Ms. Joffe and John Mohan took two of the toilets out of the women's restroom. Mr. Schiffers said

he thought the men's restroom wasn't damaged, but Ms. Joffe said the concern was that black mold may grow if there is moisture that goes undetected.

Mr. King thanked Mr. Stone and Mr. Schiffers for taking care of the problem as he was unable to come to Hugo that day, and Ms. Joffe added that she would like to thank Travis Taylor, John Mohan, and the town of Hugo for their help, as well. Mr. King asked if the construction debris could be hauled to the landfill free of charge, which it can be, and Ms. Joffe said she also wants to make sure they haul everything away and don't fill up the dumpsters at the fairgrounds.

Mr. Schiffers made a motion to sign an agreement with Maria Mendoza Construction, LLC, to complete repair work in the Ellis Allen building at the fairgrounds for \$34,861.10; the amount of the insurance claim. Mr. Stone seconded the motion, which carried unanimously.

Ms. Joffe left and Mr. King asked the others if they had reviewed the preliminary engineering report with GMS, Inc. Consulting Engineers, but neither of the other commissioners had. He said that one of the main things he had noticed was that the report stated the soil at the fairgrounds was "not conducive to leech fields."

Mr. Stone made a motion to approve the minutes from the meeting held on March 6, 2015, as submitted. Mr. Schiffers seconded the motion, which carried unanimously.

The Board reviewed the February reports from the Assessor, Clerk, and Treasurer, and the February 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 the individual road districts.

Ms. Joffe stopped back in to inform the Board that she had spoken with Shawn Mendoza, who will come by the courthouse to sign the agreement on March 19.

The Board reviewed a notice from the Division of Reclamation, Mining and Safety concerning a request from Simon Contractors for full reclamation responsibility from Covington #5 Pit, Permit Number M-2012-005, located in Section 5-T6S-R55W.

At 10:00 a.m., Tom McClernan and Dave Fritsch with GMS, Inc. Consulting Engineers met with the Board to review the preliminary engineering report for the lift station at the fairgrounds. Wayne Nestor with the town of Hugo also attended the discussion. Mr. Fritsch explained that population projections show a surprising growth of thirty percent for the county, which may or may not be a factor in the building of the lift station. Since there would be a potential for greater attendance at events held at the fairgrounds, he said the projections are a defensible way to project facility use and may help with future funding if the county is inclined to go after grant funds.

Wayne Nestor was asked what he thought of the report and he said it looked good to him, especially since the plans include a grinder. He said the new grinder at the jail has cut his

workload almost in half. Mr. McClernan stated that their design does have a chipper in the pump, adding that a grinder should be used with any discharge pipe less than four inches in diameter. He went on to say that they tried to reconstruct the flow rates the fairgrounds would produce but even though Mr. Nestor had provided the meter readings, they were not very helpful since the county shop is included on the meter. In addition, it would be difficult to tell during the fair how much water is going down the sewer versus what may be used to wash or water livestock. They based their numbers on 3.5 gallons per visitor, per day, and estimated 5,360 gallons per day using the potential 30% increase in population.

The group discussed overflow and emergency backup options, possible locations of utility lines, and easements from the property owners. Mr. McClernan asked if they would need to prepare the easements or if the county would do so, and Ms. Devers said the county attorney will do it. Mr. Fritsch said the easements need to be in place before they can do anything. Ms. Devers said she would try and locate the easements that were done when the county looked into building the lift station the first time.

Mr. McClernan said they had also included an estimate for a new phone line since lift stations tend to be ignored if there is not continuous live flow. As long as they are working properly, people often forget they are there, so they suggest an automated dialing system programmed to call members on the dial-down list until someone acknowledges the call. If it hasn't been pumped for a certain period of time, it will notify someone that it needs to be flushed. Mr. King said there would be live flow all the time if the extension office is moved out to the fairgrounds, so it may eventually be a moot point.

Mr. McClernan addressed the fixture count, explaining that the toilets in the Ellis Allen building are the older style, low-flow toilets that were originally required to comply with the 1992 Energy Policy Act. Unfortunately, those units often require multiple flushes. The estimate given by GMS includes \$6,650 for nineteen new toilet fixtures. Mr. King said that made each unit \$350 and he found them for less than \$100 at Lowe's. Mr. McClernan said they had figured \$150 for the toilet and \$200 for installation. Mr. Fritsch said it could be removed from the bid if the commissioners prefer, and Ms. Devers said that Hugo Lumber may be able to give the county a deal if they were buying a large quantity. She added that it may be a good idea to replace the toilets in the Ellis Allen building with the newer version now since they would have to be removed anyway in order to fix the drywall.

Mr. Fritsch stated there are DOLA grants available to help with funding, but Ms. Devers explained that Greg Etl had said that with the current property tax credit and high fund balance, the county is not eligible for those grants. Mr. Fritsch offered to contact Mr. Etl to see if there would be any possibility that they could use water conservation as a selling factor.

Mr. McClernan commented that the cost estimates are likely on the high end but they wanted to ensure that they would not have to come back part way through the project and ask for more funding. There are also several costs that may not be necessary, or much cheaper, than what is stated in the estimate. The county will not be charged if items such as construction

observation come in lower than the amount stated in the contract. The department of health will have to review the design and site application prior to any construction beginning, and Ms. Devers asked if GMS will write the bid. Mr. Fritsch responded that they do all bid writing, plus the contract writing for the county, as well as the advertising and notifications to sub-contractors. They require no down payment, the operation and maintenance training of the lift station is included in the contract, and the equipment has a two-year warranty.

The question was asked if they were still planning that the project would not be completed until 2016. Mr. Fritsch said they would like to post a sign at the fairgrounds as soon as possible so that they can notify the health department to begin their approval of the site application. If they can get the site application submitted yet this month, they will start design preparation in April. It may be June before the site application is approved and the next step is to submit the design plans. Those are inspected and then the bid is prepared, which may be around August or September. They must then wait for approval again for the plans and can then request bids once that occurs. Mr. McClernan put in that it may be optimistic to think the site application will be reviewed in eight weeks, as two or three months is a more accurate estimate. Mr. Fritsch added that project completion is driven by how quickly the department of health gives their approval. Assuming everything stays on schedule, the project could conceivably be complete by January of 2016. Ms. Devers asked if she needed to pay the \$1,200 site application fee and the \$1,935 design review fee now and Mr. Fritsch said he would get back to her.

Mr. Stone made a motion to use GMS, Inc. Consulting Engineers to proceed with the lift station project at the Lincoln County fairgrounds. Mr. Schifferns seconded the motion, which carried unanimously.

Public Health Director Sue Kelly then met with the Board to give her monthly report for February. She commented that Kevin Stansbury seems to be doing a good job and has some great ideas for the community. They are starting a community garden, similar to the one in Limon, as a basis for nutrition and are very excited about it. They intend to start with nine plots and see how it goes.

Ms. Kelly had listened to a portion of the discussion with Mr. McClernan and Mr. Fritsch and stated that she really does not want Public Health to be out at the fairgrounds, for a number of reasons. She is mainly concerned with security since they now house vital records. Ms. Kelly said she is looking into alternatives, and Ms. Devers commented that it may be easiest to move the annex near the courthouse rather than out to the fairgrounds. Ms. Kelly reported on various health-related topics and meetings that she and her staff attended and then the Board broke for lunch.

When the meeting reconvened at 1:00 p.m., Mr. King called for commissioner reports. Mr. Schifferns reported helping with the water damage at the Ellis Allen building on March 10, as well as attending the fair board meeting that evening. On March 11, he stopped by the landfill and spoke with Mick Jaques, who is having problems receiving mixed loads of wood and metal, mostly from the Limon school reconstruction. Mr. Schifferns also checked on the road crew

that was working on County Road 109 that day. On March 14, he checked roads around Arriba, Genoa and Hugo. The mail route has changed and the mail carrier had said that County Road 22 was not plowed when the weather was bad. He checked on it and it had, in fact, been graded, so he asked Chris Monks to make sure the road is added to their list. The crack-sealing project on the courthouse parking lot was completed on March 17.

Mr. Stone reported checking roads and talking with Monty Mattson on March 9, and helping at the Ellis Allen building on March 10. He also attended the fair board meeting that night. There was a fire at the Forder Ranch on March 15 due to tumbleweeds piled as high as the power lines. His district provided three road graders to help contain the fire to the creek bed, which was full of tumbleweeds and dead trees. He asked Mr. Kimble if a nuisance ordinance would cover potential fire hazards and Mr. Kimble said that it could. On March 16, Mr. Stone checked roads and reported that Pat Durham has quit so he will be looking for another employee. The chipping rock is supposed to be in at Limon next week so they hope to get it directly off the train before it is contaminated again. On March 18, Mr. Stone called Ted Weissman with NextEra about the building at the fairgrounds, but he was unavailable.

Mr. King reported checking roads around Arriba on March 9. Larry Higgins contacted him to ask about building some type of shelter at the fairgrounds for patrons of their buffalo burger stand. Mr. King asked Land Use Administrator John DeWitt on March 11 what would be required and Mr. Higgins will need to obtain a building permit. Mr. King attended the Centennial Mental Health meeting via conference call on March 12. They are beginning the permitting process for the new facility in Fort Morgan, and they have selected Net Smart for their electronic health records. He had received an email from Senator Bennett's office regarding the relic from the *U.S.S. Arizona*, and they were waiting to ship the item until they received the postage. The check was sent so the item should be here soon. Mr. King checked on the fairgrounds on March 13, and received a phone call from Linda Orrell regarding LCEDC and the roundhouse. He attended an economic development meeting on March 16 and they are working on the sliding fee scale for membership. On March 17, he attended the Resources Unlimited meeting.

Ms. Devers reported that Limon Fire Protection District has moved to a Stage 3 fire ban, according to Sheriff Tom Nestor. Jason Brent, who picks up the scrap metal at the landfill and has been paying the county \$100 per ton for it, contacted her to let her know that the price has decreased significantly. He will only be able to pay \$30 per ton for it now and wanted to know if the county still wanted him to pick it up. Mr. King said they certainly don't want a huge pile of scrap iron out there so he may as well continue to haul it off. Ms. Devers sent the letter to Spectrum General Contractors regarding the Board's decision to not hire Kim Dugan with Anthony & Associates to do a warranty study, and Spectrum will go ahead and pay for the study.

Ms. Devers asked the Board to complete the signature page of the agreement with Maria Mendoza Construction, LLC, and Mr. Schiffers asked if they needed to amend the contract to have him install new toilets. Ms. Devers said she would contact Ms. Joffe and ask her to see if Hugo Lumber can order them.

Ms. Devers had the Board review the Planned and Proposed Economic/Community Development Projects responses from the prior commissioner meeting, and then had the commissioners sign a thank-you letter to Dolle Lehrkamp for serving on the hospital board.

Mr. Kimble reported that he didn't believe there would be a settlement in the Johnson case and it will most likely go to trial on Monday, March 23. Michael Yowell, Mark McHone, and Ms. Devers will need to testify. Mr. Kimble felt that if the judge believes they were responsible for plowing up a portion of County Road 3X, the county may recover the damages of \$11,182 that Ms. Devers worked up based on the FEMA schedule.

As for the nuisance ordinance, Mr. Kimble produced a definition of junk from John DeWitt. The commissioners will look over the ordinance more in relation to Mr. DeWitt's definitions and they will discuss it again on March 31. Mr. Schiffers said he would definitely like to do something, but he doesn't want the ordinance so strict that it causes more problems than it solves. Mr. Kimble responded that perhaps what they need to decide is what issues they really want the ordinance to catch.

Mr. Kimble said he received the regulations from CDPHE regarding smoke from town burning drifting into the county and bothering county residents. He is considering sending a notice to the towns and they may need to meet with them.

Ms. Devers asked him about the easements for the lift station and after some discussion said she will figure out what the county owes each of the two property owners for them.

There was no old business, but Mr. Stone said they had brought up an MOU with the extension office at the fair board meeting and showed it to Ms. Devers. He wasn't sure if they were supposed to do something with it or if the extension office would bring it in for discussion. Ms. Devers said she would check on it. Mr. Stone also wanted to know if the Assessor or Treasurer had saved one of their old computers to give to Monty Mattson, as his quit working. Renita Thelen with the Assessor's office came over and said she was saving one for District 3, but that it wasn't cleaned off yet. Lastly, Mr. Stone said they may need to consider increasing wages, as he has had a few people apply for a job in his district and as soon as they find out how much it pays, they change their minds. Since they lack housing down south, most people don't want to drive down to their area to work. Mr. Schiffers asked if they need to do a job survey with surrounding counties and Ms. Devers said there is generally a study done every two years.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 30, 2015.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman