

Board of County Commissioners of Lincoln County
Agenda for July 31, 2015

9:00 Call to order and Pledge of Allegiance

9:00 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report

10:00 Colette Barksdale, Human Services Director, to present the Department of Human Services monthly report

1:00 John DeWitt, Land Use Administrator, to discuss land use matters

1:30 David Frisch, GMS, Inc., Consulting Engineers, to discuss a proposed agreement for professional services relative to proposed Lincoln County Fairgrounds Sanitary Sewer System Improvements

1. Approve the minutes from the July 30, 2015 meeting
2. Review and sign Lincoln County's 2014 Cost Allocation Plan
3. Discuss waivers for participants using Gravity Play Events attractions at county fair
4. County Commissioner reports
5. County Administrator's report
6. County Attorney's report
7. Old business
8. New business
9. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 31, 2015. The following attended: Chairman Greg King, Commissioner Ed Schifferns, County Administrators Gary Ensign and Roxie Devers, and Clerk to the Board Corinne M. Lengel. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended until noon, and County Attorney Stan Kimble attended in the afternoon. Commissioner Doug Stone was absent and excused.

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

Lincoln County Economic Development Corporation Executive Director Troy McCue then presented his monthly report, mainly discussing the pitch for holding the 2016 Rural Philanthropy Days in Lincoln County. They would anticipate the three-day event bringing in approximately 250 people and would hold the general and break-out sessions at the new Limon school, as it would be large enough and also close to lodging. There are two evening events, one of which is a barbeque, so Mr. McCue asked if holding it at the Ellis Allen building would be an option. Ms. Devers told him that June is a difficult time to plan on using the fairgrounds, due to the Rodeo Bible Camp and Ranch Rodeo. Mr. McCue said that Phillips and Logan counties will also make a pitch to host the event and asked for a letter of support from the Board, which the commissioners agreed to. Mr. McCue touched on some difficulties he is having with a prospective business starting up, and then commented that LCEDC has ten business sponsorships as of March 1, including the town of Hugo. They have come back in for the remainder of 2015 and have pledged the full amount for 2016. Mr. King commended Mr. McCue for his work and said he is doing an exceptional job. Mr. McCue finished his report by asking if the Aerospace Industry event being held at the fairgrounds on August 21 would be charged the \$100 fee. Mr. King said that since it is not a county-sponsored event, the organization would have to pay the required fees.

Once Mr. McCue had gone, Mr. Schifferns made a motion to approve the minutes from the meeting held on July 30, 2015, as submitted. Mr. King seconded the motion, which carried.

Mr. Schifferns also made a motion to sign the Lincoln County 2014 Cost Allocation Plan. Mr. King seconded the motion, which carried.

Ms. Devers asked that the Board wait for Mr. Kimble before discussing waivers for participants using Gravity Play Events attractions at the county fair, so Mr. King said he had received a text from Fairgrounds Manager Julie Joffe earlier in the day concerning debris from the previous year's demolition derby. Apparently, members of the Little Britches Rodeo picked up a five gallon bucket full of metal parts from the derby during their event the previous summer. Ms. Joffe asked that a vehicle with a magnet be used after the derby this year in order to avoid the problem next year. She told Mr. King that the landfill no longer has a vehicle that they can attach the magnet to. After some discussion, Ms. Devers stated that they would need to speak with Chris Monks about it. Mr. King also reported meeting with District Two Foreman Mark McHone the previous day and discussing the Fisher pit and the Hoffman pit. He spoke with Mr. Hoffman in order to find a more logical access point from the north, and said that they would

have to cross a half mile of Hoffman's and a half mile of Floyd Ewing's land to make it work. However, it will be approximately a year before the Fisher pit is closed out.

At 10:00 a.m., Human Services Director Colette Barksdale and Bob Kraxberger met with the Board to give the monthly report for the department. The commissioners approved the July time sheets and reviewed the C-Stat and financial reports and then Ms. Barksdale presented the CORE Regional Contract for Substance Abuse with Signal Behavioral. She stated that they renegotiated the contract because they haven't used the full amount, which is currently \$14,616, but there now seems to be a higher need than in the past, particularly for those who come back from rehab and need some type of support system. Signal Behavioral gets \$20,282 AFS dollars and the contract covers Cheyenne, Elbert, Lincoln, and Kit Carson counties. The plan is to hire someone in the region to travel around and help set up groups for aftercare. The contract will allocate \$28,000 for a highly skilled individual who is CAC certified, which will probably come to a \$50,000 position. Ms. Barksdale said that CMH will backfill the remainder and they will most likely overspend and then be bailed out by the state, which is currently \$2 million underspent in this specific line item.

Mr. Schifferns made a motion to approve the CORE Regional Contract for Substance Abuse with Signal Behavioral in the amount of \$14,616. Mr. King seconded the motion, which carried.

Mr. Schifferns also made a motion to approve the CORE Regional Contract for Mental Health with Centennial Mental Health in the amount of \$43,670. Mr. King seconded the motion, which carried.

Ms. Barksdale presented the MOU for Colorado Works and Child Care Assistance Program, pursuant to 26-2-715 C.R.S., stating that there is no money attached to it. Mr. Schifferns made a motion to sign the MOU, Mr. King seconded the motion, and it carried. As for the Maintenance of Effort, Ms. Barksdale asked that the Board accept the relief and Mr. Schifferns made a motion to accept the Colorado Works MOE relief in the amount of \$23,316. Mr. King seconded the motion, which carried.

DHS will receive \$5,782 for meeting all their goals in regard to HCPF County Incentive Program, \$749 of which was for providing Medicaid information for inmates in the county jail. Jail staff is required to have eligible inmates fill out the paperwork to be put on Medicaid when they are released, so Ms. Barksdale suggested doing something special, such as a pizza party, for the jail or sheriff's office staff with the money, as it can be used for anything.

Ms. Barksdale said that DHS is allowed to expend retained funds for certain Child Welfare and Juvenile Retention services pursuant to 26-5-104 (2) C.R.S. Foster Care Parental Fees in the amount of \$32,294.89 will be received this year. The funds can be used for early intervention, family prevention, and other child welfare activities. They recently purchased bunk beds, but have also used the funds for student activity fees, letter jackets, and room and board at community colleges.

Due to an increase in Child Welfare activity, Ms. Barksdale would like to extend the hours of one of her interns to fifteen hours per week until the end of the year. Cases are on the rise and they have recently had several issues with meth users which causes placement issues, as well as visitation and transportation problems. Having the intern work more hours will help to alleviate some of those difficulties. She and Pat Phillips will need to meet with the commissioners in mid-August to present a proposal for changing the way they handle visitation and schedules. Ms. Barksdale said their current practices are not working, nor are they meeting the requirements.

Ms. Barksdale informed the Board that they would receive communication from Gini Pingnot with CCI concerning the fact that the state made a \$7.2 million accounting error and will be working on how to get that money back from the counties. Apparently, the state has failed to collect the county share on certain funds for the past four or five years. Ms. Barksdale had seen a figure of \$9,667 for 2013 alone, so had no idea how much Lincoln County would owe back. She added that they were told there would be several different options for counties to repay the money; such as, a monthly allocation, reduction of DHS allocation, or to pay it all back in one lump sum.

Lastly, Ms. Barksdale stated that as of July 1, 2016, eligibility and workforce practices will be completely different, due to a new federal law in Colorado Works. It requires the department to develop a local board to work with labor and employment, OEDIT, community colleges, Colorado Workforce Council, and the Office of Higher Education, to name a few. They will need to offer all program information relating to Colorado Works in one location and Ms. Barksdale said she had no idea how that can be done. She stated that the feds don't want to pay for things that don't have an outcome, so if they can't prove that the programs they offer actually produce workers in the required fields, they will not allow it to continue. She went on to say that it may not affect them as much as they think it will, as she is hoping Lincoln County will be exempt from some of the requirements. She recently received an exemption letter from the state from the Employment First program, due to the fact that the unemployment rate in Lincoln County is so low. Mr. Ensign asked what would happen if she were to refuse and Ms. Barksdale said they would most likely sanction the county and bill for it, or could possibly withhold federal funds in any number of areas.

The Board had a couple of questions concerning Ms. Barksdale's May time sheets, and Mr. King asked if she is attending more teleconferences rather than driving to so many meetings. She stated that she does when she can, but there are some meetings that she feels she needs to attend in person. Other meetings don't offer teleconference capabilities.

Ms. Barksdale mentioned possibly attending a fundraiser in Sterling hosted by Rural Solutions in October. Ms. Devers stated that it appears from the budget that one of Ms. Barksdale's employees is due a promotion on August 1, yet she cannot find the justification sheet that is presented to the commissioners each budget year when a department head asks to promote an employee. Ms. Barksdale stated it's an "up or out" position because employees can't be kept in

the training position. She added that she lost all documents in her “drop box” so she may not be able to access it and may have to re-create the document.

Ms. Barksdale and Mr. Kraxberger left and Ms. Devers said she’d received an email from Joe Kiely asking the Board if they would be interested in co-sponsoring one of the breaks at the Ports-to-Plains annual conference with the town of Limon, as has been done in the past. The cost would be \$250. The commissioners agreed. Mr. Kiely also said that the town of Limon has agreed to contribute up to \$1,000 annually for the Ports-to-Plains representative’s travel costs, and requested that the county do the same. He also wanted to know if the commissioners felt that Gary Beedy should continue on as the representative. Mr. King asked that they wait until August 6 to make a decision since Mr. Stone will be back for that meeting.

Ms. Devers reported that a group in the town of Hugo is trying to revive the car show that used to be held in town and wanted to know if it would be possible for patrons attending the show to park their motor homes at the county fairgrounds. They would not need hookups for anything; just a parking area, so wanted to know if there would be a charge. Mr. King said the county would certainly charge since it is not a county-sponsored event, but suggested they use Phythian’s camping area in town instead of the fairgrounds. Mr. Schifferns asked about overflow parking since there is only enough space at Phythian’s for roughly six motor homes. Mr. King said he preferred they go there first.

Ms. Barksdale had requested a county credit card for her newest employee, so Mr. Schifferns made a motion to allow Amy Seymour to have a county credit card with a \$1,000 limit. Mr. King seconded the motion, which carried.

Ms. Devers asked the Board if they wanted her to continue on with the roundhouse project when she is finished with her training of the new administrator. Both Mr. King and Mr. Schifferns agreed that they did not want someone else taking over the project. Rhianna Poss told Ms. Devers recently that CDOT will not extend the project and they will most likely go after liquidated damages after September 9. Ms. Devers is still having issues with Spectrum over billing and the materials. They sent a bill for \$30,000 for the doors and over \$10,000 for the windows that made it look like they had completed quite a bit of work, but Ms. Devers said nothing has been done that she can see. She assumed they wanted the money first as she wasn’t even sure they had purchased the wood yet.

Mr. King called for old business and Mr. Schifferns asked if the landfill would be getting the Charger that Sheriff Nestor had spoken of at the last meeting. Ms. Devers had called Allen Chubbuck and found out that he was driving the old pickup home and Mick was taking the car to and from work each day. She informed them the practice would need to cease and added that the commissioners had agreed to give them the sheriff’s Charger.

Mr. Ensign had looked into the National Health Center week and the commissioners agreed that, based on his findings, they would not respond to the request.

Mr. Schifferns made a motion to cancel several outstanding checks from 2014 that were recently reissued at the county auditor's request: General Fund check #26621, issued to Muzzle Unlimited, Inc. on September 8, 2014, in the amount of \$125.00; General Fund check #26381, issued to Linda Olsen on August 6, 2014, in the amount of \$65.20; Road & Bridge Fund check #26667, issued to Carey Ashcraft on September 8, 2014, in the amount of \$122.95; and Lodging/Tourism check #27007, issued to Limon Heritage Society on October 31, 2014, in the amount of \$3,500.00. Mr. King seconded the motion, which carried.

Mr. King reported that a member of his road crew quit so he will be looking for someone in District 2.

The Board approved a few more expense vouchers for July 2015, and then broke for lunch.

At 1:00 p.m., Land Use Administrator John DeWitt met with the Board to discuss land use matters. He reported briefly on the efforts to close the Fisher pit, stating that they did an acreage reduction down to 7.6 acres that will absolve the county from some of the costs, but not the discharge fees. Nighthawk permitted another oil well and has said they will be doing several more, and although CDPHE deliberated for four months on the Kotrba property, they basically decided it was the county's problem. County Attorney Stan Kimble drafted a letter to Mr. Kotrba letting him know he is in violation of several county regulations. Mr. Kimble put in that he will file a Notice of Violation and Order and informed Mr. Kotrba what he was in violation of and how to bring the property into compliance in thirty days. If he does not respond, Mr. Kimble said he would file a Complaint in county court. Even though the letter was sent via certified mail, Mr. Kimble felt it wouldn't hurt to have the sheriff's office serve the papers if they could find someone to serve. He added that the only job the Board has is to determine if they should allow an extension of the thirty days.

Mr. DeWitt also had an issue with a resident who built an addition onto a mobile home, which is against regulations according to HUD. A mobile home can't be set in the county if it's a 1976 or older model, so Mr. DeWitt spoke with the owner who said he would get rid of the mobile home or destroy the shed he added on. Mr. DeWitt told him it would not be necessary to destroy the shed if it were of use to him; it just couldn't be attached to the mobile home.

Yet another land use complaint concerned Davyeskumar (Davyes) Patel, who permitted a mobile home off of County Road R just west of County Road 2 last year. On July 21, his neighbor complained that trash from the Patel property was blowing over onto his property, which is directly to the south of Mr. Patel's. The neighbor further stated that Mr. Patel has dogs in a kennel there and that they go without food or water for as much as two days at a time. Mr. DeWitt reported the dog issue to Sheriff Nestor. He also investigated the complaint later that morning, did an initial inspection, and took several photos that he shared with the commissioners. He called Mr. Patel about the trash issue and was told that he would have it picked up by next week. Mr. DeWitt was also informed that the roof of the mobile home was torn away during a storm so he had some concern about how the gentleman expected to repair a roof on a 1977 mobile home and if it will become a nuisance issue. The insulation from the

home is also contributing to the trash/debris issue. Mr. DeWitt did do an initial inspection and will give Mr. Patel some time to clean up the place and then will go back and do a follow-up inspection. The gentleman has been difficult to contact because even though he has a working cell phone, he seldom answers it, nor does the voice mail allow messages. Mr. DeWitt does have an email address for Mr. Patel, which is the means by which he was able to ask him to call in reference to the original complaint; however, he has not responded to subsequent emails any better than he has answered his cell phone.

Mr. DeWitt reported meeting with the advisory council and head engineer with the group putting in the wind towers north of Arriba, stating that they can't seem to get a power purchase agreement with Tri-State or Excel for the power. They may try and sign contracts with two smaller power companies and then try and negotiate with the larger power companies while they are completing their first phase. Tricia Hale with NextEra also called and told him that they have not yet given up on Limon Wind IV and they are still pursuing leases with landowners. Mr. DeWitt wanted to know if the Lincoln County Wind Farm regulations would take the place of the Special Use Review or if they would be in addition to, stating that the regulations were supposed to be updated over a year and a half ago.

At 1:30 p.m., Dave Frisch with GMS, Inc., Consulting Engineers, met with the Board to discuss a proposed agreement for professional services relative to the fairgrounds sanitary sewer system improvements. Mr. Frisch informed the Board that the \$190,000 Impact Energy grant application went in earlier in the day, and added that he felt really good about it. The cost to the county for GMS to perform the whole funding package, including managing the grant funding if it is received, is \$12,000. Ms. Devers asked how much it had cost to write the grant and Mr. Frisch said he thought it was \$4,000, but it may have been less. Mr. Ensign asked about unforeseen expenses and was told that they do geotechnical test bores when they do the design phase, so if they find groundwater the construction price may go up some. He did say that the commissioners are welcome onsite when the project construction begins. Mr. Frisch added that they will definitely reseed the property when they are finished. Mr. Ensign asked how much of a role CDPHE plays and Mr. Frisch said that GMS submits the site application and submits the plans, and then they typically don't hear from them again. He added that if they use revolving fund monies they may send someone out, but that wouldn't be an issue for this project. Ms. Devers asked if the commissioners did want to go ahead and pay the \$8,000 for GMS to handle the draw requests, and Mr. Kimble commented that it may be best to have one entity handle it all. Mr. King asked when the grant award announcement would be made and Ms. Devers said the committee meets in mid-September and then the comment period begins. Greg Etl told her that once the second committee makes their comments, DOLA will send the applications to their director, so it could possibly be mid-to-late October. She added that Mr. Etl also cautioned that Lincoln County may still not be awarded the grant money if DOLA comes down to the final amount of their funding and there are other, more financially deprived counties with projects to consider, as those will get top priority.

Mr. Kimble said that the agreement makes reference to an Exhibit G concerning mediation, but that Exhibit G doesn't exist anywhere in the document. He asked if the commissioners would

like to request that Exhibit G be added, but then determined the verbiage could simply be added into the page where mediation was discussed. Mr. King felt Mr. Stone should be in attendance when the Board made the final decision and asked Mr. Frisch if they could wait until August 6 to sign the agreement. Mr. Frisch said he would need to correct a typo on page B concerning an amount and add the verbiage concerning mediation anyway, so he would do that and resubmit that particular portion of the agreement via email. Mr. King added that the reseeding of the properties are critical, especially since Kraxbergers have horses on their property, and asked that they make sure and use smooth wire rather than barbed wire and capped steel T-posts when rebuilding any fences. Mr. Frisch said it will be included in the information for the contractor, who will put up the fence.

Once Mr. Frisch had gone, Ms. Devers asked about the waivers for participants of the Gravity Play events at the fair on Friday and Saturday, and even though the company didn't seem to care if the county used them or not, Mr. Kimble said he felt the waivers should be signed by each participant. The questions were raised of who would be in charge of the waivers, who would keep them and how long they would have to be kept, whether or not participants would have to sign a waiver each time they got on the equipment, and if the contract the Board signed had included the information concerning waivers.

Mr. Kimble reported that he'd received some information on executive sessions concerning personnel issues that look very favorable to government. He will read it more closely and report back with more detail.

Ms. Devers let Mr. Kimble know what was happening with CDOT and the roundhouse extension and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on August 6, 2015.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman