

Board of County Commissioners of Lincoln County
Agenda for February 17, 2016

9:00 Call to order and Pledge of Allegiance

11:00 Joe Kiely, Vice President of Operations, Ports-to-Plains Alliance, to present an update on the Ports-to-Plains Alliance and an update on the Foreign Trade Zone

1:00 Dave Stone, Limon Town Manager, to discuss a Cooperative Planning Agreement between the Town of Limon and Lincoln County for a Three Mile Plan for land use

1. Approve the minutes from the February 5, 2016, meeting
2. Review the January, 2016, report from the Lincoln County Sheriff
3. Review Notice of Construction Materials Reclamation Permit Release Request for Andrews #2, Permit No. M-1995-022
4. Review the fire alarm inspection agreement with Nebraska Safety & Fire Equipment, Inc.
5. Review the Colorado Counties Casualty and Property report for January, 2016
6. Review the January, 2016, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
7. County Commissioners' reports
8. County Administrator's report
9. County Attorney's report
10. Old business
11. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 17, 2016. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schifferns (until noon), County Administrator Gary Ensign, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon.

Chairman King called the meeting to order and led the Pledge of Allegiance, and then stated that Joe Kiely would not be meeting with the Board at 11:00 a.m., due to illness.

Mr. Stone made a motion to approve the minutes from the meeting held on February 5, 2016, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the January 2016 reports from the County Sheriff and County Clerk, as well as a Notice of Construction Materials Reclamation Permit Release Request Consideration for Andrews #2, Permit M-1995-022. Mr. Ensign said the pit is located at County Road 3T and County Road 27.

The annual fire alarm inspection agreement with Nebraska Safety and Fire Equipment, Inc. was reviewed; Mr. Ensign stating that he had called and asked if the inspection is necessary since they will be replacing the sprinkler heads. He was told that during the inspection they will look at various other components of the system; such as, pressure, plumbing, pipes, and the control panels, in order to meet code. Mr. Stone made a motion to sign the annual fire alarm inspection agreement with Nebraska Safety and Fire Equipment, Inc. Mr. Schifferns seconded the motion, which carried unanimously. He asked if they would have to be inspected again once the sprinkler heads were replaced but Mr. Ensign said that inspection is part of the first contract the Board signed with the company.

The Board reviewed the Colorado Counties Casualty and Property report for January 2016, and January Statement of Revenues and Expenditures reports for the County General, Public Health, and Road & Bridge funds, as well as the individual road districts. Mr. Ensign said the Clerk's office would have the remainder of the reports finished later in the day.

Mr. Stone reported checking roads with Rick Ashcraft on February 9. The next day, he and Rick looked at a couple of areas that Vernon Stone would like the county to put some gravel on. Mr. Stone stopped at the Karval shop on February 12 where the road crew was rebuilding some mowers. He talked to Rick, who had called John Rowe with CAT and they will be getting some bids on a new maintainer. He also checked roads later that day. On February 16, Mr. Stone attended the Colorado Livestock meeting and then checked roads on his way home.

Mr. Schifferns reported attending the Arriba town board meeting on February 8, where they voted to turn the temporary marijuana moratorium into a permanent town ordinance prohibiting the commercial and business sale and use of medical marijuana within the limits of the municipality. What they are calling the People's Ordinance, an initiative regarding the creation and management of ordinances, will be voted on during the April election. Mr. Schifferns checked roads on February 12, stating District One is gravelling County Road 2W and

a couple of other roads while the weather is nice. The screen on the crusher broke so they are fixing it. He received a phone call from a resident on February 14, concerned with the marijuana ordinance. The caller stated she does not support the retail sales of marijuana.

Mr. King reported stopping by the Extension and Public Health offices on February 10 to meet the new 4-H Program Assistant, Christine Schinzel. He also looked at the refrigerator in the nurse's office and Rich Johnson told him he thought they had found a replacement for \$1,500. Mr. King also visited the Genoa shop and the landfill that day. On February 16, he attended the Resources Unlimited meeting and reported that Lincoln Community Hospital is considering building an ambulance garage south of the new helipad and that the new Fast Track is working quite well. They are thinking about expanding the idea to the Limon clinic also. Morgan Community College is offering GEDs again, including an IV class for EMTs. Earlier this morning, Mr. King attended the Economic Development Corporation meeting and reported that Jonathan Hart from Arriba has agreed to be on the board. They also adopted the budget, which is the same as last year; \$87,364.

Mr. Ensign provided some information for the 1:00 meeting with Dave Stone. Mr. King asked if other municipalities are required to have a Three Mile Plan and was told that they are strongly encouraged to do so by DOLA as part of their Master Plan. Of course, if the municipality doesn't yet have a Master Plan then it may not be an issue. Mr. Schifferns didn't particularly like the idea of being part of setting a town's rules and regulations but Mr. Ensign said it is due to the three mile radius around Limon's boundaries.

Mr. Ensign reported that the locks were changed at the annex building and that Dave Dobbs looked at the counters and cabinets on the court side of the courthouse the previous day. He will work up a bid for the job.

Mr. King asked for an update on the roundhouse and Mr. Ensign said the last he heard was that they are trying to put together a plan to get the brick fixed above the window; however, it may need to wait until spring.

Mr. Ensign also reported speaking with John Palmer who will be meeting with Terry Graham and Sam Emmerling later this week to find out what it will take to fix the issue at the fair building.

As for old business, Mr. King asked how long it would take to hear from CDPHE on the fairgrounds lift station project and Mr. Ensign said it would most likely be at least a month.

Mr. Schifferns said he'd spoken with Undersheriff Gordon Nall about the rocket launch subject and was told it would violate air space. Mr. King responded that Troy McCue did say the group would have to obtain FAA approval.

Mr. King asked Mr. Ensign if Lincoln County gets a severance tax and Mr. Ensign affirmed that it is generally an annual payment and goes into the County General fund.

There was no new business to discuss so Mr. King adjourned the meeting until 1:00 p.m.

When the meeting re-convened at 1:00 p.m., the Board approved the January 2016 Statements of Revenues and Expenditures for the Capital Projects, Conservation Trust, E911, Landfill, Library and Lodging/Tourism funds.

Limon Town Manager Dave Stone then met with the Board to discuss a Cooperative Planning Agreement between the Town of Limon and Lincoln County for a Three Mile Plan for land use. Land Use Administrator John DeWitt and Land Use Board Chairman Chris Monks were also in attendance.

Mr. Stone said that for the past fourteen months, the town of Limon has been working on their Comprehensive Plan. As part of the funding requirement by DOLA, they must have an Intergovernmental Agreement in place with adjoining counties for development within a three mile radius of the town boundaries. The IGA simply says the groups agree to exchange information on what development will occur in that three mile radius. He added that he did not expect the Board to take any immediate action; he simply wanted to know if the commissioners had any questions.

Mr. King said the county does not want to enter into anything that will interfere with agriculture use and Mr. Stone responded that the agreement is basically a process for notification and does not apply to use by right. Mr. King asked when the town intended to act on it and Mr. Stone said they could act on it first and then bring it back to the county, or the other way around; whichever the Board felt comfortable with. He added that the town would act on it at their March 3 meeting if the commissioners were in agreement.

Mr. Kimble spoke up to say that he personally liked the agreement as it doesn't take away sovereignty from either party, it simply makes both sides come together to discuss development.

Mr. King asked if all municipalities needed to be approving the three mile plan and was told that even though they are supposed to, many haven't because it's connected to DOLA funding.

The Board agreed that the town should approve the plan first and Mr. Stone said he would make sure the commissioners got copies once the IGA is approved on March 3.

After Dave Stone had gone, Chris Monks stated he had some concerns with the zoning regulations and the recent discussions regarding single family dwellings on 35-acre tracts. He stated that it has already been addressed in the Permitted Uses section of the zoning regulations, as well as non-conforming lots. The way he reads the regulations, residents can still have multi-family dwellings on anything less than 160 acres, they simply have to follow the required development and building permit process. He added that the consensus of the Land Use board was that part of their job is to help landowners by ensuring that their neighbors

aren't allowed to build numerous homes on small parcels of land without going through the proper channels. The board didn't want to limit anyone or make it so that people can't have more than one home on forty acres; they just want them to be held accountable. Both Mr. King and Mr. Stone stated that they don't disagree with the Land Use Board, and Mr. Kimble said they need to clarify some of the land use regulations; such as, what auxiliary units are.

Mr. DeWitt was asked about other wind towers and oil wells and said that he will know by the end of the week where the new company, Invenergy, intends to put their wind towers. He added that Tricia Hale said that NextEra wants to put Limon Wind IV south of the interstate but there are a couple of landowners that don't want it there. Mr. DeWitt also said that two more oil wells were permitted in the northern part of the county by Duncan Oil.

Once Mr. Monks and Mr. DeWitt had gone, Mr. King called for the attorney's report. Mr. Kimble asked if the commissioners still planned to adopt the wind regulations on February 29, adding that Nereo and NextEra had no problems with them, and the Board agreed.

Having found some old files, Mr. Kimble told the Board that Hansen Ranch Company owns the road that Faith Carlson/Hansen wanted the county to vacate.

Mr. Kimble asked if the commissioners had looked at the proposed resolution he sent regarding the sales tax exemption on farm equipment but Mr. Ensign said the email did not include the attachment. Mr. King wanted to know if the exemption included parts and repairs but Mr. Kimble said that statute only specifically refers to tractors and implements of husbandry.

Lastly, Mr. Kimble said that he had learned that the county court cannot accept an action filed pursuant to a county ordinance, so the Patel complaint will need to be filed in district court. He redid the paperwork and it will be done as an injunction but there will eventually be an order to move the mobile home.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on February 26, 2016.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman