

Board of County Commissioners of Lincoln County  
Agenda for March 17, 2017

9:00 Call to order and Pledge of Allegiance

9:00 John C. Olesen to request an exemption from the Lincoln County Subdivision Regulations for a parcel of property at 56252 County Road 27, Genoa, Colorado

9:30 Richard Johnson, Director of the Office of Emergency Management, and Wes Horn, CenturyLink Public Safety, to discuss the Lincoln County 911 System

10:30 Sue Kelly, Public Health Director, to discuss a pending retirement

11:00 Jeffrey Coonts, Land Use Administrator, to discuss a pending resignation

11:30 John LaBorde to discuss matters related to the historic Smoky Hill Trail

1. Approve the minutes from the March 7, 2017, meeting
2. Review the February, 2017, 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
3. Review the February, 2017, report from the County Clerk & Recorder
4. Review the February, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. Discuss and act upon recommending Michelle Shaw, Lincoln County Victim Advocate, for appointment, for calendar year 2017, to the 18<sup>th</sup> Judicial District Juvenile Services Planning Committee
6. Review and act upon applications for a county credit card for Road and Bridge District-2 Foreman Bruce Walters and Landfill Manager Mickey Jaques
7. County Commissioner reports
8. County Attorney's Report
9. County Administrator's Report
10. Old business
11. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 17, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and led the Pledge of Allegiance, and then John C. Olesen requested an exemption from subdivision regulations on a parcel of property at 56252 County Rd 27, Genoa. Mr. Olesen stated he did not intend to build anything or sell any portion of the property; his request was purely to refinance 9.75 acres to fulfill banking regulations.

Mr. Burgess made a motion to adopt a resolution granting an exemption from subdivision regulations to John C. Olesen on a parcel in the southwest quarter of Section Twenty-eight, Township 8 South, Range 55 West, for the purpose of refinancing 9.75 acres. Mr. Schiffers 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 March 17, 2017, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schiffers, Vice Chairman	Present
Steve Burgess, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Gary Ensign, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #941** It was moved by Commissioner Burgess and seconded by Commissioner Schiffers to adopt the following resolution:

**WHEREAS**, application has been made by John C. Olesen for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

A parcel of property located in the Southwest Quarter of Section 28, Township 8 South, Range 55 West of the 6<sup>th</sup>. Principal Meridian, County of Lincoln, State of Colorado, being more particularly described as follows:

Commencing at the southwest corner of said Section 28 and considering the west line of the southwest quarter of said section 28 to bear N00°01'08"E with all bearings contained herein relative thereto; thence N00°01'08"E along said west line, a distance of 704.96 feet to the point of beginning; thence continuing along said west line N00°01'08"E, a distance of 635.68 feet; thence S88°13'55"E, a distance of 427.18 feet; thence S18°10'28"W, a distance of 325.72 feet; thence S38°00'40"E, a distance of 895.47 feet; thence N89°59'53"W, a distance of 550.00 feet; thence N00°00'16"E, a distance of 166.23 feet; thence N15°53'35"W, a distance of

221.63 feet; thence N87°08'11"W, a distance of 267.49 feet to the point of beginning, said parcel containing 9.75 acres more or less, County of Lincoln, State of Colorado.

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 Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Schifferns made a motion to approve the minutes from the meeting held on March 7, 2017, with a minor correction. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the February 2017 Statements 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.

Also reviewed were the February 2017 reports from the County Clerk & Recorder, the Colorado Counties Casualty and Property Pool, and the County Workers' Compensation Pool.

OEM Director Richard Johnson and Wes Horn with CenturyLink Public Safety met with the Board at 9:30 a.m. to discuss the Lincoln County 911 system. Pat White with Eastern Slope Rural Telephone Association, members of the E911 Authority Board Jack Cross and Mark McHone, and Sheriff Tom Nestor and Captain Michael Yowell also attended the discussion. Mr. Horn said that what had prompted his attendance was a service call on the existing Viper 911 system that was installed roughly seven years ago. He reiterated previous information regarding the need for a new system, due to the fact that current equipment runs on an obsolete OS that Microsoft no longer supports. If something breaks, they have no way to fix it. The system is already down one PC that cannot be repaired, and if the county were to lose another operators would run the risk of not answering 911 calls, which would be a huge hazard and liability. Mr. Horn provided quotes from the two systems he recommended, stating that both are very similar in price and functionality. He added that there was some good news in that both estimates came back almost \$20,000 less than he originally expected. The quote for the V-VIPER system, very similar to what the county has now, was a bit higher at \$108,898.13. The Vesta Essentials system, or Airbus, quote was \$108,778.88. Neither system has the mapping functionality, which would be quite expensive to add, but both are upgraded versions of the current system and would have Windows 10 instead of the outdated Windows 7. The benefit of the VIPER system is that the county currently has a VIPER system, so it would be much less difficult for county personnel to learn. Another feature that could be added to either system is the integrated texting feature, which would be much cheaper with the VIPER system. Mr. Horn said it would run about \$4,000 where the Airbus would be closer to \$20,000 or \$30,000. The advantage of adding the feature is that a text call would be treated with the same integrity as a voice call in court. It could be added at a later date if the county decided not to do it with the initial system installation. Mr. Horn also wanted the Board to understand that both systems would provide NextGen capability, so the county would be protected from obsolescence. It would be good to continue on with a stable company that the county is familiar with and that can handle the upgrades over the next several years.

Mr. Ensign wanted to know why it is necessary to have three positions and Captain Yowell stated that it is for rollover purposes when one line is busy. Mr. Ensign asked how the sheriff's office staffs three 911 call lines, and the sheriff responded that it isn't easy and they often have to call in extra help. There is also no certainty that the calls will all be answered, even though the excess calls rollover to Cheyenne and Kit Carson counties. If they are also busy, the call again rolls to another county. Mr. Ensign also asked what the expected life span of the new

system would be and was told it should last another seven years like the current system. However, it will be easier to upgrade.

Mr. Johnson said that Captain Yowell is interested in the mapping portion and wanted to know what the additional cost would be. Mr. Horn said it would drive the cost up considerably and that it would be cheaper on the Airbus system. The captain stated that many of the county's 911 calls are from motorists passing through the county and they often have no idea where they are. Sometimes it takes unnecessary time to find them, as well as dispatch the proper fire or ambulance crew, based on their geographic location. The mapping portion would alleviate those instances when it may be critical to reach a person. Mr. Horn said they could do a webcast for both mapping systems if they wanted to table any further discussion so they could see it. Sheriff Nestor asked if the mapping feature could be added at another time and was told it could be. Mr. Ensign asked how much it would be and was told either system would add roughly another \$25,000. Mr. Horn said he may be able to get the cost down some but that was a good estimate.

Sheriff Nestor said that he would advocate for the VIPER system as the current system has been very good to them, and he liked the advantage of not having to retrain staff on a completely new system.

Mr. Horn also addressed the onsite maintenance and support costs for software and hardware, stating that the annual fee would be \$4,100 the first year with an annual 2% increase. Mr. Ensign wanted to know why CenturyLink is called when there is a problem with the PSAP, and Mr. Horn responded that it is because CenturyLink owns the statewide 911 network. If something goes wrong in the 911 network it is CenturyLink's responsibility to fix it. The sheriff asked if there was anything salvageable on the current system but was told that there really isn't, unless it would be a UPS unit.

Since CenturyLink is out with projects until early August Mr. Cross wanted to know if the county would be moved up on the list if the current system went completely down. Mr. Horn said it would depend on the needs of other counties on the list, but they might be able to prioritize if there were an emergency.

Mr. Stone suggested the 911 board members that were there step out and discuss it among themselves, adding that since they didn't have a quorum they couldn't officially make a recommendation to the commissioners. Once they had gone, along with the sheriff and captain, Mr. Ensign stated he didn't really understand what the rush was since the current system is functioning just fine with two lines. Mr. Horn said the biggest issue would be that they cannot fix additional problems with the system if anything else goes down. Mr. Kimble commented that the 911 board may have to meet and then make a recommendation to the commissioners.

Before the 911 members came back, Public Health Director Sue Kelly arrived to discuss her impending retirement. First, she said the healthcare coalitions are changing the regional outlook in regard to EPR, and they will go back to having one person do the work for the three

counties in the region. She said what it really meant was that there will be less funding but that there will also be less work. Still, there would be enough to continue to support Richard Johnson's EPR salary.

Ms. Kelly said she would like to retire on July 1, unless the person they hire doesn't want to start until July 1. If that is the case, she will stay on for another month until they are trained. She added that she would also like to continue to do some of the tobacco work if it would be acceptable, as there is always money returned to the state that is unused. She added that after all the work she has done getting the office to where it is, she isn't willing to let it slide backwards if they don't find someone to fill the position. The state will put out a bulletin advertising the vacancy, and Mr. Ensign and Ms. Kelly will look at the job description. Mr. Schiffers told her he would like for her to screen the applicants since she knows what to look for, and Mr. Burgess asked how many hours a week she felt the person should work. Ms. Kelly said it could be 35 or 40, depending on the individual and what they wanted to do. The group agreed the person would be a county employee and not a contract employee.

Ms. Kelly left and the others returned. Mr. Cross said that even though there weren't enough 911 board members in attendance to make a recommendation, he felt that the other members would agree with him and Mr. McHone. He said they felt that the VIPER system would be best and had agreed that adding the texting and mapping features right away would be the better option, since it seemed they would be needed eventually anyway. He asked Mr. Horn if they would need to sign a five-year contract for the hardware maintenance, but Mr. Horn said he felt they should save their money, as there was no discount for signing up for more than one year at a time. He added that they would need to pay the annual fee for software support, but the hardware maintenance with CenturyLink may not be necessary.

Mr. Burgess asked Mr. Cross if he wanted the commissioners to table the subject until they could meet with the other E911 board members, but Mr. Cross again said he thought they would agree. Mr. Kimble said that it is ultimately a commissioner decision anyway. Mr. Cross added that if something were to happen to the current system and the county was at least on the replacement list, they may be better off. Mr. Ensign asked how long it would take Mr. Horn to get a formal agreement to the Board for Mr. Kimble to review and was told it would be about a week and a half. Mr. Burgess made a motion to table further discussion regarding replacement of the county 911 system until formal proposals are received for the county attorney's review. Mr. Schiffers seconded the motion, which carried unanimously.

Once the group had left, Mr. Ensign said that Mr. Horn had told him that he believed the county could increase the \$.70 fee that is set each January, due to rising equipment and replacement costs. Mr. Horn will send him the information.

Mr. Burgess made a motion to recommend Lincoln County Victim Advocate Michelle Shaw to the 18<sup>th</sup> Judicial District Juvenile Services Planning Committee for 2017. Mr. Schiffers seconded the motion, which carried unanimously.

Land Use Administrator Jeff Coonts was unable to make his 11:00 appointment due to illness, but the Board reviewed his resignation letter, effective March 31, 2017. With the new wind farm coming in, as well as the current discussions regarding solar energy regulations, the commissioners decided to ask previous Land Use Administrator John DeWitt if he could return to help out until someone else is hired. A call was placed to Mr. DeWitt who said he would be happy to help as long as working part time would not interfere with his Medicaid insurance. Mr. Ensign said he would check into it and let him know.

At 11:15 a.m., John LaBorde arrived for his meeting with the Board. He stated that he's been working with the Tourism board regarding the promotion of Lincoln County and has written about area ghost towns. He proposed to turn the old Lady Bird rest area into an historical marker that might prompt people to travel a path that would also show them parts of the Smoky Hill Trail. He showed the commissioners a proposed route that would take a visitor from 40/287 to County Rd 2R and down Hwy 63 back to 40/287, with several interesting historical spots along the way. They could visit the ghost town at Boyero and the Gold Belt Route that parallels the railroad and promoted the gold fields in the 1870's, as well as the Clifford school house and the old stage station. He stated that he needed the county's help to contact the state highway department and ask about the rest area, adding that the state historical society may be willing to put up the markers. Mr. Schifferns asked if Lodging/Tourism would contribute to the project, and Mr. LaBorde said they would most likely print the maps and brochures. Mr. Schifferns asked if he had a dollar figure for the county contribution, and Mr. LaBorde said he felt the leverage with CDOT was all that was really necessary. Mr. Burgess said he would speak with Travis Miller. Mr. LaBorde commented that U.S. 40, a Blue Star Memorial Highway (a WWII memorial highway), is actually known as American's Highway, which could be promoted as well. He added that he is just searching for a way to slow travelers down and get them to spend some time in Lincoln County.

Mr. LaBorde left and two representatives from Congressman Ken Buck's office stopped in to say hello. They would like to meet with the commissioners quarterly to see if there is anything the congressman's office can do. Dusty Johnson introduced herself as the area representative for the northeast region and asked the Board to contact her with any concerns.

Mr. Burgess made a motion to approve county credit cards, each with a \$1,000 limit, for Road District 2 Foreman Bruce Walters and Landfill Manager Mickey Jaques. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns reported attending the meeting with the 911 sales rep after the March 7 commissioner meeting. He attended the Arriba town board meeting on March 13. They hope to have a clean-up day and coordinate it with the county's free landfill day. There was concern with the new cell phone tower coming into Arriba and the fact that the town has no zoning regulations. They are discussing it now, however. He attended the fair board meeting where they discussed the replacement of the hot water heater in the Ellis Allen building and the removal of several dead trees. The trees will cost \$50 each to remove. They discussed what Mr. Burgess had said about two of the members not wanting to build a new extension building but no one admitted making that statement. Mr. Stone put in that if there is no longer a push

that DHS needs the space in the annex, Travis Taylor and the fair board tended to agree that the condition of the current animal barns are in pretty bad shape and they would prefer to replace them than move the extension office. Mr. Schifferns said they had discussed that it would cost roughly \$250,000 to \$380,000 to replace those buildings. Mr. Stone told the fair board members that they need to submit a plan with square footage and prices to the commissioners before anything would be done. John Palmer was also concerned with the area where the animals are washed if they tore everything down. Mr. Burgess asked if that type of waste could be put in the sewer system. Mr. Kimble responded that it would cause problems with the town and they would need to keep the washout out of the town sewer system. Mr. Stone said they would leave the wash rack if they tore other buildings down. Mr. Ensign asked if he should advise Dave Frisch with GMS that they were on hold regarding the project, and Mr. Stone said he didn't feel they would need to spend the money on an engineer if they were only going to put up animal buildings. Mr. Schifferns went on to report that the fair board agreed they need to keep the fair parade under thirty minutes, as they cannot tie up traffic for longer than that.

Mr. Stone reported that District 3 was hauling dirt at Jeff Thornton's on March 8, so he checked on that and also checked roads south of Karval. On March 9, they hauled chipping rock from Greeley and he also learned that the new truck broke down on the way back. They thought it was the throttle sensor, which has since been fixed. Donnie Harris also called him to ask if he could take gravel from the Smith Pit for the Forder Ranch. Mr. Stone called Jeff Coonts, who told him the pit is still in reclamation until 2018, so he advised Mr. Harris that he could not take gravel from there. He stopped by the shop and checked roads on March 10 and attended the fair board meeting on March 14. On March 16, he attended the Colorado East Community Action Agency meeting and reported that 410 families and 985 individuals receive commodities from TEFAP. He added that they are running out of space at the old 7-11 store and may need to look for something bigger.

Mr. Burgess reported attending the 911 presentation on March 7 after the commissioner meeting. He attended the CDOT scoping meeting for the Arriba Project on March 13 and the EDC annual meeting on March 14. Xcel project engineer Jerry Kelly was there and stated that the county would receive \$2.5 million in sales tax this year, yet the permit hasn't been issued, nor do they intend to put up towers until 2018. They also elected officers; EDC now has sixteen board members. Mr. Burgess attended the Prairie Development Corporation meeting on March 15. He also looked at gravel pits with his road foreman. He received a phone call on March 16 from David Churchwell with K.C. Electric. Mr. Churchwell had read the minutes and said that Rocky Mountain Institute might be able to help the county with solar regulations. There is a solar farm going in north of Cheyenne Wells and into Kit Carson County that reportedly spans 100,000 acres. Mr. Burgess also had a call from Ruth McMillan asking what to do about a piece of landlocked property that she would like to sell. The eighty acres of CRP ground is one and a half miles off of Highway 71. She had asked Mr. Burgess whose responsibility it is to put in a road and if the adjoining landowner, Doug Blackwelder, has to grant her access. Mr. Kimble stated that there is an easement by necessity but the landowner would have to pay for the access road. If she wanted the county to put in a road, she would

have to petition the county with reasons that it would serve the public. It would also mean that once it became a county road, the public would be able to use it. Mr. Burgess reported attending CCI on March 16 where he spoke with Eric Bergman about the land surveyor bill again. Mr. Bergman told him there was another proposed bill to have voters decide but it hadn't dropped yet. There is also another proposal to increase sales tax that would supposedly generate \$700 million to be divided among the state, counties, cities, and towns. Tier 1 projects would be funded first. He attended the hospital board meeting that evening.

Mr. Kimble reported meeting with Chris Monks and Jeff Coonts to discuss the Road Agreement for Invenergy and Xcel and provided a copy to the Board. They are also working on the development agreement. He would also like to set up a meeting concerning the solar regulations while Mr. Coonts is still employed with the county. As for the Smoky Hill Trail, Mr. Coonts and Krista Mann have discussed that it would not be feasible for the wind project to build parallel roads to avoid the trail. They have offered to put up a marker and cross the trail only once but it would not be cost effective to Invenergy to build parallel roads.

There has been more contact with Channel 7 in regard to the Lockett case, and Mr. Kimble still believes the federal case filed by the inmate will be dismissed. A case has been filed in federal district court against Human Services, Head Start, and the Limon school and has been passed on to the CCI attorney. The claimant does not want monetary compensation; rather the termination of certain employees.

There has been some discussion about personal email being discoverable for CORA requests and Mr. Kimble advised that the commissioners may want to separate their business email from their personal email. The commissioners agreed to look into obtaining different email addresses.

As for the dog in the courthouse, Mr. Kimble stated that he believes the commissioners have the authority to ban animals that are not service animals, since the building belongs to the county. Mr. Ensign said he would put together a resolution for the Board to look at.

Mr. Ensign reported that John Palmer's son will no longer be the fairgrounds manager, but that Mr. Palmer has agreed to take over the job.

Mr. Burgess asked Mr. Ensign if had come up with a job description for the part time landfill/part time administrator assistant position, but Mr. Ensign admitted he had not. Mr. Burgess also asked the other commissioners to go by the old sale barn where the Tourism group will now hold the Turnpike Troubadour concert. He is concerned with security and parking space. He also said he doesn't understand why the sheriff's office is driving vehicles with 160,000 or 170,000 miles on them and giving away vehicles with less than 120,000 miles on them.

Mr. Ensign said that the landfill employees have registered for their classes in Gunnison in April, and the commissioners discussed how they would cover the landfill and keep it open while they are gone.

Mr. Burgess is still concerned with the fact that the town of Limon takes their trash to the landfill at 3:30 in the afternoon each day. Mr. Stone asked when the landfill closes and was told it closes at 4:00. Mr. Burgess recommended not accepting trash after 2:00 p.m. so that the employees would have adequate time to work it and apply the required daily cover. Mr. Kimble put in that he could speak with Dave Stone and let him know that state regulations were becoming stricter and the county is concerned with future fines. He added that everyone has to adjust to what the commissioners feel is best for the county and that the Board has always worked diligently to keep tipping fees down. Mr. Ensign suggested they talk it over with the landfill employees on Monday.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 30, 2017.

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Corinne M. Lengel, Clerk to the Board

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Doug Stone, Chairman