

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

9:00 Call to order and Pledge of Allegiance

9:00 Kenneth Book to request an exemption from the provisions of the Lincoln County Subdivision Regulations

10:00 Trey James, Lincoln County Land Use Administrator, to discuss various land use matters

11:00 John Palmer, Lincoln County Fair/Fairgrounds Manager, to discuss an issue arising from the recently completed county fair

1. Approve the minutes from the August 7, 2017, meeting
2. Review the July, 2017, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Review a letter from the Colorado Department of Public Health & Environment regarding a July 11, 2017, routine inspection at the Lincoln County Landfill
4. Discuss attendance at the County Health Pool Annual Board and Membership Renewal Meeting to be held on September 14, 2017
5. Discuss a draft version of the proposed Waste Characterization and Acceptance Plan for the Lincoln County Landfill
6. Discuss the current Lincoln County Landfill use rates
7. Review applications received for the Administrative Assistant to the County Administrator's open position
8. County Commissioners' reports
9. County Attorney's report
10. County Administrator's report
11. Old business
12. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 17, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schifferns and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, Clerk to the Board Corinne M. Lengel, and Will Bublitz with the Limon Leader and Eastern Colorado Plainsman.

Chairman Stone called the meeting to order and asked Ms. Lengel to lead the Pledge of Allegiance.

Kenny Book was running late, so Mr. Schifferns made a motion to approve the minutes from the meeting held on August 7, 2017, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the July 2017 reports from the Assessor, Clerk, Sheriff, and Treasurer.

Land Use Administrator Trey James was in attendance when Kenneth Book arrived to request an exemption from the provisions of the Lincoln County subdivision regulations. Mr. Book said that they own a total of 320 acres, but they only need five acres for the house. With the exemption from subdivision regulations, their mortgage rates will be much cheaper. Mr. Schifferns made a motion to adopt a resolution allowing an exemption from subdivision regulations to Kenneth Book for a parcel of property located in the east half of Section 17, Township 15 South, Range 55 West of the 6<sup>th</sup> P.M. Mr. Burgess 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 August 17, 2017, there were present:

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| Douglas D. Stone, Chairman         | Present |
| Ed E. Schifferns, 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 #954** It was moved by Commissioner Schifferns and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, application has been made by Kenneth Book 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 east half of Section 17, Township 15 South, Range 55 West of the 6<sup>th</sup>. Principal Meridian, County of Lincoln, Colorado, being more particularly described as follows:

Commencing at the southeast corner of said Section 17, and considering the east line of said Section 17 to bear N02°52'15"E with all bearings contained herein relative thereto; thence N02°52'15"E along said east line, a distance of 1555.79 feet to the point of beginning; thence continuing along said east line N02°52'15"E, a distance of 401.53 feet; thence N87°02'12"W, a distance of 492.93 feet; thence S00°40'19"E, a distance of 180.49 feet; thence S89°43'24"W, a distance of 116.41 feet; thence S02°52'50"W, a distance of 213.45 feet; thence S86°54'18"E, a distance of 598.06 feet to a point on the east line of said Section 17 and the point of beginning; said parcel containing 5.04 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

The Board reviewed a letter from the Colorado Department of Public Health & Environment regarding a July 11, 2017, routine inspection at the Lincoln County Landfill. Mr. Ensign commented that no violations were observed at the time of the inspection.

Landfill Manager Mick Jaques called Mr. Burgess to report an equipment breakdown, so Mr. Burgess called him back on the commissioner line. Mick said he had been working on building a road in the new section when the back end of the trash compactor blew out. He could move it to the east fence, so that they could continue to use the loader and dump trash, but he was afraid it wouldn't go much further. The compactor is fifteen years old, and Mick said it was used when they bought it. Mr. Ensign asked him how long they could go without it; Mick said no more than a week and a half. Mr. Burgess asked if they could use a dozer but Mick said they could not, as the trash gets wrapped up in the tracks. He added that a loader would be best until they can get the compactor repaired. He will contact CAT and ask someone to come out as soon as possible to see if it is fixable.

The Board discussed attendance at the County Health Pool annual board and membership renewal meeting on September 14. Mr. Burgess had a prior commitment but Mr. Stone and Mr. Schiffers both plan to attend.

Mr. Ensign provided a draft Waste Characterization and Acceptance Plan for the Lincoln County Landfill prepared by Mark McMullen with American Environmental Consulting, LLC. The Board will take some time to review the document and will discuss it at a later meeting.

The Board discussed the rates at the landfill, Mr. Ensign stating that the intergovernmental agreements with the municipalities require a 60-day notice if they intend to make changes or increase the rates. He stated that if they would raise the rates by \$1 per yard, it would generate approximately \$7,800 in additional revenue, which would be a little over a fifteen percent increase. Since it doesn't generate a lot of revenue anyway, Mr. Ensign said they may want to consider raising the entire rate scale. Mr. Schiffers commented that it's basically a service to county residents, and Mr. Ensign added that municipalities simply pass the increase on to their consumers. No decision was made regarding the landfill rates, but the group agreed to keep it in mind as they work on the 2018 budgets.

Mr. Ensign had received twelve applications for the Administrator Assistant position. He stated that he felt the commissioners should be involved in the hiring process if the intention is for that person to take over the Administrator position when Mr. Ensign retires at the end of the year. The Board reviewed the applications and agreed to interview the three applicants with a Bachelor's degree, since it was one of the requirements of the position. Interviews will be scheduled for Thursday, August 24.

At 10:00 a.m., Land Use Administrator Trey James stated that he'd received an email from the Colorado State Land Board regarding the quarterly oil and gas lease auctions on state land. He asked if the commissioners had any comments but they didn't. He also received a letter regarding the gravel pit inspections taking place next week on the C & D Farms, Jamaco, Hoffman, Ravenkamp, Lofdahl and Mosher pits. Mr. Burgess asked him to see if they could close the Fisher pit in District Two, as there is no gravel left there to mine. He added that all they really need is a road easement through it.

Mr. James said he will meet with NEREO representatives next Tuesday to discuss the Arriba wind farm. Apparently they have some new potential partners and would like to discuss the permitting process, since it will need to be completed again, due to expiration.

Mr. Stone reported checking roads with foreman Rick Ashcraft on August 8. They had gotten anywhere from one-to-four inches of rain in the district that had washed out some areas on several roads. He attended the fair on August 9 and 10, and District Three got another inch and a half of rain and hail on the Tenth. He got a call from Rick Ashcraft on August 11 and they both checked roads. He also attended the fair and sale that evening and stated that the sale had gone very well. Mr. Burgess interjected that he'd spoken with Amy Solomon at the Extension Office earlier this morning, and she told him that the sale had made \$165,000. Mr. Stone finished his report by saying he'd attended the fair on August 12, and that Rick Ashcraft had gone with Chris Monks this morning to pick up the truck and trailer.

Mr. Schifferns reported attending the fair all week and the Arriba town board meeting the evening of August 14. There has been some flooding on County Road 2W and State Road 71, and Chris Monks and the road crew have been fixing the washed out areas.

Mr. Burgess reported receiving a report of weeds on County Road 32 on August 9, so Bruce Walters did some mowing. Mr. Burgess attended the fair all week and reported receiving a call from Ruth McMillan on August 10. She would like to put in an access road to her property and wanted to know who she could call with CDOT. Mr. Burgess reported that they started tearing out the bridge on 109 on August 14, and added that his district also had several washouts from the rain. They continued working on the bridge on August 15, and he also received a phone call from Paul Martin about weeds on County Roads 3L and 3M from County Road 33 to County Road 34. He asked Wayne Shade to spray them. They also rented a skid steer from Structures Unlimited to help put the new tubes in. He attended the Economic Development meeting the morning of August 16 and provided their preliminary budget for 2018.

Mr. Kimble reported speaking with Bob Safranek about the 21.8 acres in the S2SE4 and the SE4SW4; 36-8-56 that he would like to purchase. Mr. Kimble will write up some language for the deed.

Mauna Towers never recorded a deed for the radio tower south of Hugo; however, they did record a bill of sale and reassignment. Mr. Kimble said he would need to think about how to proceed.

As for the Patel nuisance case, Mr. Kimble said they have until August 25 to respond. If they do not hear from Mr. Patel, Mr. Kimble said he can move for default and get an Order of Abatement from the courts.

Mr. Burgess asked Mr. Kimble if the county has the right to revoke an ambulance license. Mr. Kimble said the county can do so, but only if the ambulance no longer carries the proper equipment, not for medical practice reasons.

Mr. Ensign provided a notice from the Division of Reclamation, Mining & Safety regarding reclamation of the Mosher gravel pit, and an email response from Apryl Huelskamp with the Lincoln County Tourism Board regarding two separate issues. First, Ms. Huelskamp said that Tourism Board meetings are now being posted on their website, their Facebook page, and on the courthouse door. Secondly, Mr. Ensign had asked where the proceeds from the Tourism Board-sponsored Turnpike Troubadours concert event were, as no money had been deposited with the county treasurer since the event. He also asked for a written report outlining all revenues and expenditures with respect to the concert. Ms. Huelskamp responded that the money was still being held in the ticket account and they needed to know where it should be wired. Her email stated that they thought they had all the final bills, and the board would review them at their next tourism board meeting on August 17. They will prepare a written report for the commissioners.

Mr. Stone called for old business and Mr. Burgess said the commissioners need to sit down with their road foreman and decide what signs need to be ordered so that they put up proper signage when a project is being done. Mr. Stone commented that he thought the road crew all took an annual class regarding proper sign placement.

At 11:00 a.m., Fairgrounds Manager John Palmer met with the Board to discuss issues at the recent county fair. He explained that Dan Merewether had brought twelve 4'x 8' bales of hay to one of the buildings, and all of the twine on the bales were cut on Saturday night sometime before Mr. Merewether could remove the hay. Mr. Palmer contacted Sheriff Nestor about the vandalism and told Mr. Merewether he would buy the hay for \$900. Perry White will help Mr. Palmer remove the hay from the barn and will try to resell it or buy it back. He stated they had narrowed the vandalism down to a couple of possible suspects but couldn't prove anything. The issue did bring up the question of who is responsible for damaged or stolen property during such an event. Mr. Palmer said each vendor does fill out an application, but there is nothing on the form that designates who is responsible for the property. Mr. Kimble stated he would work on some language and then have the Board and Mr. Palmer review it.

Mr. Stone stated that due to the high volume of use, the toilets in the Ellis Allen building were clogged, so he spoke with Mr. Palmer about getting some different ones. John Mohan will check to see if there is enough pressure for direct flush toilets, which would be the best.

Mr. Palmer would like to purchase a golf cart from Mike Mosher for \$1,400 to be used at the fairgrounds. The Extension Office has agreed to pay \$700 if Mr. Palmer can pay for the other \$700 from the fair budget. The Board agreed to the purchase.

Mr. Burgess said the commissioners definitely need to decide on what type of building to construct at the fairgrounds, and Mr. Palmer asked that they weigh all their options and really think about what they might want before they do anything. If the walls are too high, they will do nothing to protect against wind, rain, or even sun, so he stated they should build something that can be used all year, not just during the fair.

Mr. Stone asked Mr. Palmer what he thought of the stock contractor but Mr. Palmer said he honestly didn't have much interaction with him. Mr. Schiffers said he'd heard from fair-goers that the county needs to increase the prize money for rodeo contestants as there is too much slack. Mr. Palmer disagreed, stating that most events were pretty well covered for both rodeos. He added that they could certainly change the way they do things, but it would most likely mean the loss of the rodeo. Mr. Ensign said the county already added \$4,500 this year to the prize money.

Mr. Palmer left, and the commissioners briefly discussed the administrative assistant position again. Then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on August 24, when interviews for the administrative assistant will be conducted.

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Corinne M. Lengel, Clerk to the Board

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Doug Stone, Chairman