

Board of County Commissioners of Lincoln County
Agenda for September 18, 2017

9:00 Call to order and Pledge of Allegiance

10:00 James Covington, Lincoln County Treasurer and Public Trustee, to discuss a matter in his office

11:00 Cleta Hiner-Felzien to discuss replacement of the Lincoln County Bookmobile and to discuss starting a county animal shelter

1. Approve the minutes from the September 6, 2017, meeting
2. Review the August, 2017, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Review the August, 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
4. Review the August, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. Review the 2017 Lincoln County Property Assessment Study prepared by Wildrose Appraisal, Incorporated - Audit Division
6. Discuss the East Central EZ Contribution Project meeting scheduled for October 12, 2017
7. Review and sign an offer from W-F Production, LLC, to lease certain Lincoln County Minerals in Section 22 and Section 35, Township 07 South, Range 55 West of the 6th. P.M., Lincoln County, Colorado
8. Reschedule the 2018 preliminary budget meeting to a later date
9. County Commissioners' reports
10. County Attorney's report
11. County Administrator's report
12. Old business
13. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 18, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schifferns and Steve Burgess, County Administrator Gary Ensign, Administrative Assistant Jacob Piper, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and asked Mr. Piper to lead the Pledge of Allegiance.

A phone call was placed to County Attorney Stan Kimble for his report. Mr. Kimble said he would be meeting the following day with representatives from Xcel, Chris Monks, Sheriff Tom Nestor, and Commissioner Schifferns to discuss the Road Use Agreement. The county is having problems with Mortensen aggregate truck drivers not staying on the designated haul routes. Mr. Kimble said the sheriff cannot do anything in that regard as the drivers aren't violating the Model Traffic Code—unless they are caught speeding. In that instance, they would be issued a summons into court, but this situation has nothing to do with the Model Traffic Code. He added that they have considered instituting a civil penalty of some type, such as a fine, or even requiring that the drivers be fired if they cannot follow instructions and stay on the designated routes. Mr. Kimble went on to say that the sheriff suggested adopting an ordinance, but the county cannot do so if it is not covered under state statute, and this event doesn't qualify. He hopes that they can come up with some type of administrative agreement.

Mr. Schifferns commented that Xcel has failed to put up the road signs they agreed to put up, nor have they paid the bill for the culvert that Chris Monks ordered and District One put in. The agreement was that they would pay for the culvert if the county would complete the work.

Mr. Stone wanted to know how long they would be hauling over those roads. Mr. Kimble said he didn't know but it was a question he would be sure to ask. Mr. Burgess said they had talked about getting water from Vicks, which would be another road they might use, so they should address that the following day as well.

Mr. Kimble had nothing else to report, but Mr. Stone asked if he had looked into whether or not the county could rehire a previous employee who voluntarily terminated employment with the county as a result of a substantiated violation of the county's Alcohol and Drug Abuse Policy. Mr. Kimble said that although it is not prohibited by law, the commissioners should make sure it wasn't covered under the county's personnel policy. He added that it is definitely a judgement call, and while granting second chances and rehabilitation should be encouraged, it is a fine line. Mr. Ensign put in that he had received an email from Patti Lell with CTSI, which stated that they had no issues and also encouraged rehabilitation. Mr. Burgess stated that if they decided to rehire the person, they should monitor him closely for six months.

Mr. Burgess made a motion to approve the minutes from the meeting held on September 6, 2017, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the August 2017 reports from the Assessor, Clerk, Sheriff, and Treasurer. Also reviewed were the August 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.

Chris Monks stopped in to discuss the Xcel Road Agreement, stating that he had received a past due statement from Ace Irrigation for the pipe the county put in. He said the bill came in May and he gave it to someone with Xcel who said he would send it on to Jerry Kelly who handles finances. He later told Chris that they had sent the bill to Denver and it was lost. Chris felt they were just giving one excuse after another and said he'd told them the county wouldn't do anything further for them until things improve. He added that now they are not planning to get water at Vick's, at least that was what he'd been told, and they have also ruined the road at Winkelman's corner. Mr. Stone said he hoped they could figure some things out at tomorrow's meeting, and Mr. Burgess commented that Xcel needs to do a better job of making sure their contractors follow the county's rules. Mr. Ensign said it sounded like they need to give them a specific time frame to get things done in, and if they don't do it, the county can do the work and send Xcel the bill.

Chris also stated that they would like to buy some "overburden" from the Eikermann Pit but he didn't know if the county's contract specified that it couldn't be done. Mr. Ensign said that he would need to make sure how the county permit is worded so that it didn't expose the county to any liability.

At 10:00 a.m., County Treasurer Jim Covington met with the Board to discuss a matter in his office. All three commissioners had received phone calls from a disgruntled party who was unable to conduct Public Trustee business in the office when Mr. Covington wasn't in. Mr. Covington explained that he does not have a Deputy Public Trustee to perform his duties in his absence, citing state statute that it is not mandatory that he have one. He added that he had asked one of his employees in the past and she was not interested in taking on the extra job duties. He will check with his other employee when she returns to see if she would be interested. However, he would need to promote her to a Deputy in order to do so, which would mean an increase in his budget.

Once Mr. Covington had gone, the Board reviewed the August 2017 reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool, and the 2017 Lincoln County Property Assessment Study prepared by Wildrose Appraisal, Inc. – Audit Division.

There is a meeting in Limon on October 12 to discuss the East Central EZ Contribution Project, and Mr. Ensign asked if any of the commissioners planned to attend. They will want to discuss the county's designation and whether or not the commissioners want it to continue. In order to keep the designation of an Enterprise Zone at the county fairgrounds, there must be a minimum annual contribution of \$5,000 or five total contributions. After a brief discussion, the group had come to no conclusions about whether or not to recertify the project.

The Board reviewed an offer from W-F Production, LLC, to lease certain Lincoln County minerals in Sections 22 and 35, Township 7 South, Range 55 West of the 6th P.M. Since they had already agreed to the request at an earlier meeting, Mr. Burgess made a motion to sign the lease agreement. Mr. Schiffers seconded the motion, which carried unanimously.

The group rescheduled the preliminary budget meeting for October 4, 2017, at 9:00 a.m. Mr. Ensign asked Mr. Stone if he had attended the County Health Pool meeting, to which Mr. Stone responded that he had. There will be a three percent increase in the insurance premiums for the plan the county currently has. Mr. Burgess made a motion to continue providing county employees with the County Health Pool Plan A; health/vision/dental insurance benefit. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Burgess reported attending the Prairie Development Corporation and COG meetings on September 6. He also checked the bridge on County Road 30. On September 7, he spoke with Ron Peterson, the manager of the rock company in Lamar that is providing the rock for Mortensen Concrete. Mr. Peterson had contacted all three commissioners and wanted to enter into a special agreement with the county. Mr. Burgess told him they were not interested. He attended a Baby Bear Hugs conference call on September 11 and then went to the Ports-to-Plains meeting in Texas. On September 13, he received the call regarding the Public Trustee, and on his way home on September 14, he stopped in Lamar and picked up a tarp. He received a call from Bruce Walters regarding another rotting pylon in the bridge on County Road 30, so they made the decision to close the bridge. He also had a call from a resident about an access trail being farmed up north. He will check it out. Since the county did not get the bid on the 1996 Chevy truck, he asked Chris Monks to fix the old one. Lastly, he attended the Eastern TPR meeting on September 15.

At 11:00 a.m., Cleta Hiner-Felzien met with the Board to discuss the replacement of the Lincoln County Bookmobile and starting a county animal shelter. Ms. Hiner-Felzien apologized for not having more information on the bookmobile, as she had not been in touch with Katie Zipperer as she had hoped to be prior to the meeting. However, she did want to discuss the need for an animal shelter, stating that she felt the county needs one, due to the fact that so many animals are dumped here. She did admit that further research led her to complicated findings, so she spoke with someone in Lamar who told her that they have about twenty-five volunteers who take animals into their homes. That way they did not have to purchase and maintain a separate building. Ms. Hiner-Felzien added that she had underestimated the regulations but will continue to do further research. She simply wanted the commissioners to be aware that there is a problem and that she won't give up. Mr. Stone asked what she would expect of the county, and Ms. Hiner-Felzien responded that it will take money to keep up with food and vet bills. She asked the commissioners to consider possible funding or a financial contribution and added that if anyone knew of a building that could be used, that would help as well.

Once Ms. Hiner-Felzien had gone, the commissioners agreed that there is a need for some type of animal shelter but weren't sure how involved the county should be in the process.

Mr. Schifferns reported attending the hospital board meeting on September 7 and the Eastern TPR meeting on September 11. He stated that CDOT is planning on moving the state shop from Limon to just west of Limon. They plan to close the shops in Matheson and Agate and combine them into one that will sit partially in Lincoln County and partially in Elbert County. The town of Limon may annex part, or all, of that property. Mr. Stone added that CDOT is also trying to come up with new ways to generate revenue, and there has been some discussion of instituting a User Fee. Mr. Schifferns also attended the fair board meeting on September 12 where they addressed the comments they had received regarding the rough stock rodeo prizes being too low. They will consider increasing them from \$500 to \$750 next year. He attended the Eastern Region CCI meeting in Akron on September 15 where they discussed broadband and landfills. Lastly, he reported District One did some road work on County Road 2W due to damage caused by the wind farm traffic.

Mr. Stone stated that they shared the thoughts on the new fair building at the fair board meeting, and John Palmer said he can put an 80' x 100' building to many uses. He would like to begin tearing down the old buildings since he has time. Mr. Burgess said he didn't think they should start demolition until they are absolutely certain they are going to build something before next August. He said they have not decided on plans or contracts, and asked if the county could apply for a GOCO grant. Mr. Ensign said they could, but it would likely require an engineer's stamp, as the grant application necessitates specifications regarding electricity, water, and many other aspects of the design. He added that a project of this magnitude will have to be put out for bids.

Mr. Burgess placed a call to Bart O'Dwyer with Structures Unlimited to ask him some questions regarding building design. Mr. O'Dwyer said it would be similar to the county shop buildings; the county would provide a design or general idea of what they want and he would put together a price. He added that the county would need an engineer for the electrical portion but that he knows a very reasonable engineer out of Denver.

When the phone conversation was over, Mr. Ensign stated that the only way he saw they could put it out to bid was to have a set of specs for everyone to follow. Mr. Burgess said he would contact Cheyenne County to see if he could get a copy of their plans, and Mr. Stone will contact Building by Design out of Brush. Mr. Burgess added that they have to get something going if they plan on having it done for the fair next year.

Mr. Stone reported stopping by the Karval shop on September 7. He also checked roads. He attended the Eastern TPR meeting on the Eleventh and the Colorado East Community Action Agency meeting on September 12. He attended the fair board meeting that evening. He checked on some oil overlay on September 13, attended the County Health Pool meeting on September 14, and went to the Eastern Region CCI meeting in Akron on September 15.

Mr. Ensign had nothing to report and the group discussed the fair building again. Mr. Burgess stated again that if they start tearing buildings down they need to be in agreement that

something will be up before next August. The others agreed and Mr. Stone will let John Palmer know he can begin the demolition.

With no other business to come before the Board, the meeting was adjourned until 9:00 a.m. on September 28, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman