

Board of County Commissioners of Lincoln County  
Agenda for November 30, 2017

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

9:30 Trey James, Land Use Administrator, to discuss various land use matters

10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report

11:00 Dan Merewether, representing the Lincoln County Tourism Board, to discuss Tourism Board matters

1. Approve the minutes from the November 15, 2017, meeting
2. Review the monthly management report from the First National Bank Omaha
3. Review the October, 2017, report from the County Workers' Compensation Pool
4. Review and act upon proposed Resolution Number 957 authorizing the Chairman of the Board to execute a contract with the Colorado Department of Transportation to receive federal funds for the restoration of doors and windows in the Hugo Union Pacific Railroad Roundhouse
5. Review and act upon a written change of contact request with the Colorado Department of Public Health and Environment with regard to the DMR Cognizant Official for the Lincoln County Landfill
6. Review and act upon a memorandum from GMS, Inc., Consulting Engineers, regarding the proposed parking lot improvements at the courthouse
7. Discuss the vacancy in the Lincoln County Public Health Director's position
8. Distribute for consideration the current list of annual Board appointments
9. Continue discussion of potential facility improvements at the Lincoln County Fairgrounds
10. Discuss the December, 2017, Board meeting dates
11. County Commissioners' reports
12. County Attorney's report
13. County Administrator's report
14. Old business
15. New business
16. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 30, 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. County Attorney Stan Kimble attended until 1:40 p.m., and Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended until noon.

Chairman Stone called the meeting to order and asked Troy McCue to lead the Pledge of Allegiance. Mr. McCue and James Russell then gave the November Lincoln County Economic Development report. The interim director and Arriba town board are making progress on compliance issues at Leisure Pines, application will be made to two local foundations in December for the Arriba firehouse/equipment expansion once the building bid is received, and business retention visits were made to three businesses in Arriba. Recent communication attempts to the Sustrich Group, LLC, at Rocky Mountain Crane Service in Genoa have gone unanswered. The hotel RFP has been drafted, and Mr. McCue is participating in the planning process for anticipated growth in Hugo. He made several business retention visits in Hugo in November and reported that the Hugo town board will schedule a meeting in January to discuss building codes. As for Limon, he has attended two meetings recently in regard to the Grand Plan, and there are five active SBDC clients. He is also working to locate a 64,000 square foot warehouse/distribution center in Limon but stated he cannot divulge further information other than he is doing background work on street development, water, sewer, electricity, and gas. Since it would be all wholesale the business wouldn't generate any sales tax; job creation and property tax base increase would be the benefits.

James Russell stated that the Strategic Plan will be ready in mid-January and things are going very well. He is coordinating with University Technical Assistance to help with the final draft.

The group was discussing the conflict over building codes in the town of Hugo when Land Use Administrator Trey James arrived for his 9:30 appointment. He confirmed that the county uses the 2006 building code and the 2012 residential code. Before he and Mr. McCue left, Mr. Russell commented that adopting a code in the town of Hugo could help with liability, safety, and stabilizing the real estate market.

Mr. James provided copies of a complaint letter that was received in April for a trailer house located at 175 ½ Indiana Avenue in Limon, and a letter sent to the landowner by then Land Use Administrator John DeWitt. The owner, Eric Howard, had responded in May and said he would get it cleaned up but never did it. Mr. James took more photos and will send them and a Notice of Violation of Nuisance Ordinance and Order to Bring Property into Compliance to Mr. Howard who will have thirty days to comply or appeal the findings.

Mr. Kimble had sent a letter to Sustrich Group, LLC, on November 2 regarding the fact that the company is operating a commercial enterprise in Genoa that is not allowed by the county's zoning resolution. Mr. Kimble said he is asking the court to order that the rubbish (trailer) be removed in the Howard case and that the equipment be removed from the Rocky Mountain Crane Service operation in Genoa until a permit is obtained. The Sustrich Group can apply for

the permit online, but the process will take up to two months to complete according to Mr. James. Mr. Kimble suggested that Mr. James also send a letter to the Sustrich Group outlining the requirements of the permit.

At 10:00 a.m., Department of Human Services Director Patricia Phillips met with the Board to give her monthly report. The Board reviewed the financial report, timesheets, and the Income Maintenance, Child Welfare, and director's reports for November. Ms. Phillips stated that the State of Colorado has been doing a big push in regard to the need for foster homes, and although that may not be related, it seems that Lincoln County has had a significant increase in home studies lately. There are currently three employees who can do safe home studies, which are very time consuming, but they have just trained another caseworker to do them. Lastly, Ms. Phillips asked that the Board approve the 2018 County Merit System Certification, which certifies that the county follows the merit system in regard to its employees. Mr. Burgess made a motion to approve the CDHS Certification of Compliance – Year 2018 – County Personnel and Merit System. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess made a motion to approve the minutes from the meeting held on November 15, 2017. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the monthly management report from the First National Bank of Omaha and the October 2017 report from the County Workers' Compensation Pool.

After reviewing proposed resolution #957, Mr. Burgess made a motion to adopt a resolution authorizing the chairman of the board of county commissioners to execute a contract with the Colorado Department of Transportation to receive federal funds for the restoration of doors and windows in the Hugo Union Pacific Railroad Roundhouse. Mr. Schifferns 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 November 30, 2017, there were present:

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:

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE A CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL FUNDS FOR THE RESTORATION OF DOORS AND WINDOWS IN THE HUGO UNION PACIFIC RAILROAD ROUNDHOUSE.

**RESOLUTION #957** It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, Lincoln County had applied for grant funds from the Colorado Department of Transportation for restoration of doors and windows in the Hugo Union Pacific Railroad roundhouse; and

**WHEREAS**, the Colorado Department of Transportation approved the grant application and offered funding for the project; and

**WHEREAS**, the Lincoln County Commissioners have agreed to accept the grant and complete the restoration of doors and windows in the roundhouse;

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Lincoln County hereby authorizes the Chairman of the Board to execute the grant contract between Lincoln County and the Colorado Department of Transportation; and

**BE IT FURTHER RESOLVED** that, upon execution of this grant contract by the Colorado Department of Transportation, the company whose bid has been accepted is authorized to proceed with and complete the project in accordance with the terms and conditions of the grant contract.

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

At 11:00 a.m., members of the Lincoln County Tourism Board Dan Merewether and Linda Orrell met with the Board to discuss the money taken in at the concert event last summer. Mr. Merewether said the Tourism Board would like to ask that the commissioners split the money that was raised and subsequently deposited into the General Fund five ways and distribute it to the various communities in the county. He suggested that Karval is in need of funding for the handicap-accessible restroom they want to install in the Karval Community Building, and they have heard that the town of Hugo needs a new heater in the swimming pool. Ms. Orrell stated that if that were not possible, perhaps the money could be used for the fairgrounds building or be put toward the roundhouse, which would also fit the tourism outline. Mr. Burgess said that

the commissioners did approve the grant for the roundhouse, plus it will need to be painted, which may cost around \$25,000. He added that county funds will most likely be used for the painting.

Mr. Kimble stated that Title 29 dictates the money go back into the General Fund, but the commissioners can determine at budget time where funds are to go. Revenue from lodging tax must be used to advertise and market tourism, but he was unsure of whether or not the funds could be earmarked for something specific. He added that he would put the question on the County List Serve and see if any other counties have had experience with the issue.

Mr. Ensign stated that the amount in question is \$19,360, unless there are additional receipts that have not been submitted. Mr. Merewether said he knew of no additional receipts, and the Tourism Board simply wants to have input as to where the funds go if they raise money outside of the lodging tax.

Once Mr. Merewether and Ms. Orrell had gone, Mr. Kimble commented that it may set a precedence with other entities if the commissioners divided the money as requested. He was bothered by the fact that those funds would not then be used to promote tourism. Mr. Burgess said they could use the money to paint the roundhouse, which should qualify.

While the Board reviewed a written change of contact request, Mr. Ensign explained that CDPHE no longer accepts paper landfill monitoring discharge reports and they must now be filed online. Mr. James will need to be designated as the DMR Cognizant Official in order to file the reports. Mr. Schifferns made a motion to allow the chairman to sign a letter authorizing Trey James as the Colorado Department of Public Health and Environment DMR Cognizant Official in regard to the Lincoln County Landfill. Mr. Burgess seconded the motion, which carried unanimously.

A memorandum from GMS, Inc., Consulting Engineers, regarding the proposed courthouse parking lot improvements was reviewed. Since the geotechnical engineer does not recommend that reinforcing bar be used, Mr. Stone asked if rebar is necessary when they will be putting in six inches of concrete, particularly since Mr. Frisch commented that it would be pretty costly to do so. Mr. Burgess said they had put rebar in the south parking lot by the jail because of heavy delivery trucks and snow removal. Rebar keeps the concrete from heaving or moving. He added that four inches of concrete is not enough for heavy truck traffic. Mr. Ensign said that Mr. Frisch plans to bid it two ways so that they will know the difference in cost. Mr. Burgess asked about the downspouts and drainage, and Mr. Ensign said it is all part of the proposal and that GMS is doing the design. Mr. Burgess didn't think it would be necessary to use the same contractor for both projects, and Mr. Schifferns said he felt it should be split into two separate projects. Mr. Ensign commented it would be more economical to do it as one.

Mr. Kimble reported attending County Attorney conference the previous week. He learned of a couple of cases, one out of Boulder County and one out of Pueblo County, regarding county roads. Since the public hearing regarding the road policy was held and the policy adopted more

than two years ago, the policy can no longer be challenged. He added the issue may still pop up now and then, but no one can make the commissioners declare a road a county road.

They had already discussed the Howard and Sustrich issues with Mr. James, and Mr. Kimble said that they are similar to the Patel case in that the landowners have to be given the allotted time to clean things up. He asked if anyone had been by the area in Limon where the landowner had pushed trash into the Big Sandy creek bed and was told that nothing has changed. The landowner had said they would burn the rubbish in the fall, but that didn't happen. Now there is a stage three burn ban in effect, which means that no open burning is allowed.

Mr. Kimble had nothing else to report, so Mr. Ensign handed out copies of the 2017 Board Appointments and asked the commissioners to begin thinking about how they want to handle reappointments for 2018. There had been some discussion in earlier meetings about soliciting participation, so Mr. Ensign said they may want to change the way the appointments have been made in the past.

At 1:00 p.m., Jerry Kelly with Xcel Energy and District 1 Road Foreman Chris Monks met with the Board to discuss issues on the Xcel/Vestas/Mortenson haul route for the Rush Creek II wind farm. Mr. Monks said he'd logged thirty-five additional fines the previous day from trucks that were using County Road 2W when they weren't supposed to. Mr. Kelly said that it wasn't an excuse, but the explanation he'd been given was that the truck drivers who knew they weren't supposed to use the route were all re-assigned after the Thanksgiving holiday. The new drivers apparently don't know the route. Mr. Monks said he gave them the last warning this morning. He and Sheriff Nestor will go out on Monday to look at the road, and if it hasn't been repaired, they will shut the project down until it is. Mr. Kelly said he'd driven the route himself and had called Sean Buczek and told him to get it fixed. Mr. Monks said that almost seven miles of the road has a bad sub-base, and now that it is so dry on top, it just keeps getting worse. Traffic actually has to slow down or stop in order to let someone they are meeting pass. In order to fix it, they need to dig out the bad spots and refill them with better material. If there is an accident or anything happens over the weekend, they will shut the project down before Monday. Mr. Kelly said to do what he needed to do as they have a contract in place and they will honor that contract. He was told that they would do exactly what Mr. Monks indicated: take out the soft spots and refill them, but that's not what they've done. Apparently they thought the rotomill would compact better than it has.

Mr. Kelly said he'd read the changes to the amended agreement and asked for some clarifications that would better help it coincide with the Road Use Agreement. He asked for a definition of "heavy vehicle" traffic and who would determine "unsafe" conditions. Mr. Kimble said that Mr. Monks, Mr. Schiffers, and Sheriff Nestor would be the ones to determine unsafe conditions. Mr. Kelly responded that if Mortenson decides something is unsafe, they will shut the project down themselves. He asked if Vestas could use Hwy 63 for empty turbine delivery trucks, and after further discussion, the group amended the agreement to allow it. Mr. Kimble asked if anything needed to be added regarding road repairs. Mr. Kelly stated that the Road Use Agreement already says the company must repair the roads to the county's satisfaction, so

he didn't believe any additions were necessary. They discussed the \$2,500 per occurrence fine, and Mr. Kelly explained where he thought the figure had come from. The group agreed to reduce the fine from \$2,500, which is an increase from the original \$250, to \$500 per occurrence. Mr. Kimble said that the commissioners would like the fines to be put toward the Enterprise Zone at the fairgrounds, which will make them appear as donations. He added that Xcel has been fair and honest and the county appreciates that. Mr. Ensign commented that the amount owed in fines is currently \$35,000.

Mr. Monks stated that there are about half a dozen potholes in the oil on County Road 2W. He felt the Mortenson trucks were a contributing factor to those as well. Mr. Kelly said he and Sean would look at them. They will be finished hauling aggregate toward the end of January, so the only heavy trucks on the road after that will be tower components brought in by Vestas. Mr. Kelly said they can inspect and patch the spots now, or they can inspect and document it, and then patch the road when they are finished hauling the heavy stuff. Mr. Schifferns and Mr. Monks both agreed they should fix the road now. Mr. Kelly asked if the county wanted to do it and bill Xcel, but Mr. Monks said he would show Sean what needed to be done and let them fix it.

Mr. Kimble will make the necessary corrections to the amended road use agreement and send it out later today.

Mr. Kelly left, and Mr. Burgess said that District 1 also needs a truck, so they will purchase two; one for District 1 and one for District 2, which will save them \$500 on each truck. The trucks will cost around \$98,000 and will not be delivered until February or March. Mr. Burgess said he also needs a mower. By the time he pays the grader payments and buys the truck and mower next year, his 2018 capital improvements budget will be completely expended.

Mr. Monks asked what the plan for the buildings at the fairground was, as John Palmer wants to get the one building torn down, and he didn't know how the commissioners wanted to handle the demolition. Mr. Burgess said the materials will all need to be hauled to the landfill, and Mr. Stone said that he'd told Rick Ashcraft to help if need be. Mr. Monks felt they probably wouldn't start on it until after Christmas.

Richard Johnson attended the discussion regarding the vacancy in the Public Health Director's position. Mr. Ensign had provided three application packets to the board members and said he was looking for further direction on how to proceed. The group agreed to hold interviews at the meeting on December 13. Mr. Burgess said he would like them to be closed interviews in order to respect the applicants' privacy, and Mr. Kimble will look into whether or not the Board can legally hold interviews without being open to the public. The Board will hold the 2018 budget hearings that morning and interviews in the afternoon.

Mr. Johnson informed the Board that Cheyenne County does want to team up with Lincoln County for the CodeRED IPAWS feature, which will decrease the county's cost to \$250. Since the process will take about six months, it would be ready right around the start of tornado

season. Mr. Johnson asked if the commissioners wanted him to proceed with drafting an MOU between the two counties, and the Board agreed.

Discussion of potential facility improvements at the fairgrounds ensued. Cheyenne County Administrator Marcy Brossman had sent the invitation for bid for the Cheyenne County Fairgrounds Pavilion, which was reviewed. Mr. Burgess said that DOLA won't consider funding a building unless it has four walls and added that if they plan to ask for funding from any entity outside of county funds, it will not happen before next August. Of course, if the building has walls, it will then need to have heat and air conditioning as well. Mr. Burgess felt they need to consider adding a thirty-five foot wing on one side, and Mr. Schifferns said he thought they needed to take care of the electrical issues first. Mr. Burgess said it might be a good idea to have the DU students put together a concept design and asked Mr. Ensign to contact them.

Mr. Burgess reported attending a roundhouse meeting on November 20. He still has not gotten in touch with Carlos Gutierrez regarding the fence at the landfill, but he did get a call from L. J. Dickens regarding the bridge report. They discussed the bridge on Hwy 63, and the problem is that it was made with twelve inch girders. He didn't know what it would cost to replace the girders, but it may be an alternative to replacing the entire bridge. The state won't condemn a bridge until the load limit gets down to three ton. Mr. Burgess also reported attending the CCI winter conference from November 27 through November 29.

Mr. Schifferns reported checking roads on November 20 and attending CCI conference. There may be possible legislation next year to increase the price of housing an inmate out-of-county. He also clarified that the report of bed bugs at Leisure Pines was a mistake; it was actually fleas.

Mr. Stone reported checking roads with Rick Ashcraft east of Karval on November 17. He received a call from a resident who reported a break-in to the sheriff's office and wanted to file a complaint in regard to how long it took the SO to respond. Mr. Stone told the party they would have to contact the sheriff if they wanted to complain about his department. He later contacted the party and said that they had worked it out with the sheriff. On November 22, Mr. Stone checked the Eikermann pit to see if there was still water in it and also checked roads. He attended CCI conference the Twenty-seventh through the Twenty-ninth and also took a dump truck to the Karval shop when the fire ban reached stage three.

Mr. Ensign reported that he'd received a call from Bill Noyce with the county's investment firm. He spoke with someone from Rep-Tech, which was the company the county used for retirement several years ago. Mr. Ensign spoke with her and she is familiar with the plan and talked about possibly taking it over from the current company. She did tell him that defined benefit plans are becoming a thing of the past and the county may need to look at transitioning into something else. Mr. Ensign also felt that the Board should look at a third party administrator who could direct deposit the retiree's checks each month and complete the annual federal forms.

The group set several meeting dates for 2018 and then the commissioners approved the November 2017 payroll and expense vouchers.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on December 7, 2017, at which time the commissioners will approve the remaining expense vouchers for the month of November 2017.

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Corinne M. Lengel, Clerk to the Board

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Doug Stone, Chairman