

Board of County Commissioners of Lincoln County
Agenda for May 31, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Robert Kraxberger, Assistance Payments Supervisor, to present the Department of Human Services monthly report

9:30 Richard Johnson, Public Health Emergency Preparedness and Response Coordinator, to discuss expenditure of surplus funds in the Emergency Preparedness and Response budget

10:00 Jon Wagner, Senior Loss Prevention Specialist, County Technical Services, Incorporated, to present an insurance pool update and loss analysis

11:00 Public Hearing on a Petition for Vacation of a Minor Secondary County Road submitted by Wilbur Schreiber and Shirley Schreiber, 62486 County Road 39, Arriba, Colorado 80804

11:30 Kevin Stansbury, Chief Executive Officer, Lincoln Community Hospital, to discuss various matters with regard to the county hospital and care center

1. Approve the minutes from the May 30, 2017, meeting
2. Review and act upon the Annual Report for Stormwater Discharges Associated with Non-Extractive Industrial Activity at the county landfill
3. Review and act upon a letter to the Lincoln County Tourism Board
4. County Commissioner reports
5. County Attorney's report
6. County Administrator's report
7. Old business
8. New business
9. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 31, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schifferns 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 asked Robert Kraxberger with Human Services to lead the Pledge of Allegiance. Mr. Kraxberger then provided employee time sheets and financial reports for the department.

At 9:30 a.m., Public Health EPR Coordinator Richard Johnson met with the Board to discuss expenditure of surplus funds in the EPR budget. The overage is approximately \$22,500 and is 100% reimbursable. Mr. Johnson intends to purchase a 7' x 14' enclosed tandem trailer to store decontamination equipment, which is currently stored in a Conex container at the hospital. He would also like to share the funds and replace a few items for the coroner, as well as purchase some amateur radio equipment and replace as many 800 MHz radios as he can. The Board agreed to allow Mr. Johnson to spend the surplus funds, which are already covered in the EPR budget.

At 10:00 a.m., CTSI Senior Loss Prevention Specialist Jon Wagner met with the Board to present an insurance pool update and loss analysis. He introduced Marilyn Wagner and provided the 2016 report regarding the Casualty and Property Pool and Workers' Compensation Pool. He also answered several questions regarding county policies; such as, the placing of signs and wearing of hard hats and reflective vests on county road projects, allowing various activities at the fairgrounds without requiring additional insurance or waivers, and the county's responsibility when an employee drives a personal vehicle for county business. He suggested having a county policy regarding vests and hard hats, and stated that as long as horses are involved at the fairgrounds, the equine inherent risk postings are coverage enough. In other events, most people have individual insurance coverage and the county would not be liable. As for employees that drive their own vehicles while on county business, CTSI coverage is in place as long as the employee is considered to be actively on duty. As soon as the employee shifts to personal activities, they are on their own and no longer covered under the county's policy. Mr. Wagner reminded the commissioners that it is always good to provide training for employees, particularly the defensive driving classes, and suggested contacting him with any other training that department heads may want to provide.

The Board conducted a public hearing on a Petition for Vacation of a Minor Secondary County Road submitted by Wilbur Schreiber and Shirley Schreiber, 62486 County Road 39, Arriba, Colorado, 80804, at 11:00 a.m. Members of the public attending the hearing were Wilbur Schreiber, Stu McFarland, and Ralph, Dawn, and Matthew Brent. Mr. Kimble opened the hearing by stating that the commissioners had received the petition, and in accordance with Title 42 of the Colorado Revised Statutes, he had sent a letter notifying adjacent landowners of the hearing.

Mr. Schreiber and Mr. McFarland spoke in favor of the county vacating the road, stating that delivery trucks, wind tower traffic, lost travelers, and hunters often find themselves on the roads that dead end. Mr. McFarland said that GPS tends to direct people down the unmaintained roads, which may cause damage to their low-carriage vehicles. Hunters often trespass on the property as well, and they feel having the roads open causes more problems than it serves public interest. He added that all adjacent landowners seem to have at least one better way to access their property, and when Mr. Stone asked if there were any landlocked property owners, he was told there are not.

Mr. Schiffers stated that he had called Jim Collie who said he would be okay with vacating the road. Mr. Burgess said he had heard from Kimel Brent who is opposed to it.

Mr. McFarland commented that if the county wants to maintain the road a tube should be put in at what they call Dugout Creek, as Mr. Schreiber has put a lot of work into keeping it from washing out.

Mr. Burgess said it may take years to change GPS and asked if putting up signs such as "Dead End," "No Outlet," or "Unmaintained Road" would help, but Mr. McFarland said they hadn't discussed it.

Mr. Kimble asked if there appeared to be any future potential for use, such as a new neighbor moving in, but Mr. McFarland felt there wasn't much chance of that. He stated that they certainly understand that emergency vehicles may need to use the trails and gain access to various properties, which is fine.

Mr. Stone asked for other comments, and Ralph Brent spoke up to say that he opposes the county vacating the roads for several reasons. He stated that they do use the north end along the field, and he was concerned that if some of their cattle get out and the road is no longer a county road, they won't be able to get their cows without trespassing. He added that if cattle get out in a storm, using those trails may be the only way to get them back. Mr. McFarland said that they certainly wouldn't keep them from getting their cows back in. Mr. Brent also commented that he would much rather have a hunter follow the fence than cross their fields. He added that they also have crop or insurance adjusters come out at times, so they need to use those trails. He also wondered how a farmer would fix a flat tire on his combine if he cannot use the trail. Mr. Stone commented that the signs should help, and Mr. Burgess said he would put up signs regardless of what the outcome of the hearing was.

Mr. Kimble stated that until the county adopted the road policy, most of its policy was based on Colorado Revised Statutes, which states that county roads are not to be vacated except in extraordinary circumstances. The petitioner must present evidence and testimony that it is in the best interest of the public to vacate the road. Future uses must also be considered. He went on to say that, historically, it has been very difficult to reopen a road once it has been vacated. Due to the 1887 Order, the county can declare section lines as county roads, and the

roads in question are on section lines. However, simply being on a section line doesn't make it a county road—the county relies on a logical road map for that.

Mr. Schifferns proposed closing the roads as long as the neighbors were allowed to use them, and to put up signs, but Mr. Kimble told him the county has the right to vacate or not vacate a road, but they cannot put conditions on it.

Matthew Brent spoke up to say that since it is an easement, they shouldn't have to ask permission to use it when it's on a section line. When Mr. Kimble informed him that it is not an easement, Ralph Brent asked if it would then be up to Mr. Schreiber to grant permission, or if they would have to get permission from all the landowners along the trail if they wanted to use it. He also asked what would happen if the land changes ownership. Mr. Kimble responded that if it is no longer a county road they would have to work it out with their neighbors. He added that the commissioners can also vacate a road but reserve the utility easements.

Mr. Stone asked for final comments but there were none. Mr. Burgess said he would put a "No Outlet" sign at County Road 39 and County Road 3S, as well as other signs at each end of the roads in question, as he is not in favor of closing county roads. He suggested using the signs for six months or so to see if it helped, but Mr. McFarland said that isn't what they had filed the petition for.

Mr. Schifferns made a motion to propose a resolution granting a petition for vacation of minor secondary county roads for two portions of County Road 39. Mr. Burgess seconded the motion, which carried with Mr. Schifferns and Mr. Stone voting in favor and Mr. Burgess voting against. Mr. Kimble will draft a resolution to be adopted and signed at the next meeting.

After Mr. Schreiber and Mr. McFarland had gone, Ralph Brent asked what they would have to do legally. Mr. Kimble suggested they use the trail as they have in the past but added that it may open up some civil considerations. Mr. Brent asked if they could fence the trail down the middle since they own half of it, and Mr. Schifferns said it would be best if they could all just get along.

At 11:45 a.m., Lincoln Community Hospital Chief Executive Officer Kevin Stansbury met with the Board to discuss various matters with regard to the county hospital and care center. He suggested the group go into executive session, and Mr. Burgess made a motion to go into executive session, per 24-6-402 (4) (e) (1) C.R.S., to discuss positions relative to negotiations. Mr. Schifferns seconded the motion, which carried unanimously. Those remaining for the session were Mr. Stansbury, Mr. Stone, Mr. Schifferns, Mr. Burgess, Mr. Kimble, Mr. Ensign, and Ms. Lengel. The session was recorded and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

After coming out of executive session, Mr. Stansbury left, and Mr. Burgess made a motion to approve the minutes from the meeting held on May 31, 2017, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

After reviewing the Annual Report for Stormwater Discharges Associated with Non-Extractive Industrial Activity at the county landfill, Mr. Schifferns made a motion to approve the report. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess made a motion to sign a letter to the Lincoln County Tourism Board. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns reported that District 1 road crews were paving on County Road 109 the week of May 22. He checked roads on May 23 and attended the USDA Housing Authority presentation at the courthouse on May 24. He stopped by the landfill on May 25 where they were digging test holes.

Mr. Stone reported checking roads and coming to Hugo on May 22 with Rick Ashcraft. They found the stakes where the transmission lines are going in for the Rush Creek II wind project. He also spoke with Chris Monks about pricing some trailers. He went to the Karval shop on May 23 where they interviewed an applicant for the job opening. They offered the party a job but it was turned down. He also attended the meeting with Charles Townsend with USDA on May 24, and called John Forristall about selling the topsoil they are moving from his fence line. John told him he would like to have the same amount as the county pays for gravel. He attended another interview on May 25 and that person also turned down the job. He helped with the Karval six-mile run on May 29 and interviewed and offered the job to yet another party on May 30. They have not heard back from him yet. Earlier this morning, he received calls from Kimel and Ralph Brent regarding vacating the roads requested by Schreibers.

Mr. Burgess reported speaking with Bruce Walters about the budget on May 18. He said they would really have to watch their expenditures. He spoke with Linda Olsen with the Limon Chamber of Commerce on May 19. Ms. Olsen is upset with the Tourism Board for turning down their request for tourism funds to help pay for flyers put out by the Chamber. Mr. Burgess spoke with Bruce Walters again on May 23. He also received a call from Mr. Ensign requesting that a backhoe be available at the landfill on the Twenty-fifth, and he spoke with Julie Coonts about the Turnpike Troubadour concert. So far they have only sold around 170 tickets. He received a call from Ralph Brent on May 22 regarding some muddy spots in a county road, and on May 23 he took Bruce Walters with him to look at County Road 35 and County Road 38. He also received a call from NextEra that day. County Road 23 had not been graded and they wanted to put down some crushed concrete to help the surface. Even though it has the designation of County Road 23, Mr. Burgess said it is an access road that area farmers have given the wind tower people permission to use. He signed an agreement allowing NextEra to fix the road. On May 24, Mr. Burgess attended the USDA presentation, and he went to the landfill on May 25. He spoke with Joe Linnebur at the Liggett sale on May 27 and was told that although he is trying to clean it out, Mr. Linnebur cannot get all the big logs out of the creek. They need to be burned but he is afraid to do so because of the dryness. Mr. Linnebur asked if he could have an extension to remove the big logs until it snows again. Mr. Burgess said his concern is if a flash flood were to occur because it would wash everything downstream. He asked if there would be a way to grant the extension but make Mr. Linnebur responsible for

other damage if there is a flash flood. Mr. Kimble said he was going to notify the Colorado Water Quality Control Division if Mr. Linnebur didn't meet the deadline. He offered to draft a letter and will send it to the Board for approval. Mr. Burgess reported receiving a call from Ralph Brent on May 30 and a call from Kimel Brent earlier this morning. He also called Allen Chubbuck about posting some signs at the landfill regarding the new hours of operation beginning July 1.

Mr. Kimble reported that the attorney's conference starts on June 8, so he will not be at the commissioner meeting that day. He sent a letter to Mauna Towers regarding their refusal to record the deed, and since accepting a deed is part of the process, Mr. Kimble told them that if he didn't respond within ten days, the county would consider the tower to be county property and reclaim it. As for the Patel complaint, Mr. Kimble said he would ask Land Use Administrator Trey James to take some fresh photographs before he files anything. He asked what the others thought of the Alamosa presentation and then stated that the commissioners do still have two full months on the moratorium if they want to wait to see what happens once the Land Use Board meets again. He commented that they can certainly continue the moratorium in July if it comes to that. Mr. Burgess said he didn't want to exclude the land board in any decision-making, and Mr. Ensign said he thought Mr. James was putting together a meeting. A call was placed to Mr. James who said he had scheduled a meeting for June 13 to review solar and transmission line regulations.

Mr. Ensign handed out copies of the county pay schedules and the group discussed the Public Health Director salary. They finally decided to start the person at Level 6, Step 3, which is \$3,578 per month.

There was no old business, but Mr. Schifferns said he wanted to make sure that Mr. Burgess gets the signs ordered for the vacated roads. Mr. Burgess said he would do so. Mr. Burgess also asked if they needed to create a safety vest policy for road crewmen, and Mr. Stone said he would make sure District 3 employees are wearing them.

The commissioners approved a few additional expense vouchers for the month of May and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 8, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman