

Board of County Commissioners of Lincoln County
Agenda for April 30, 2018

9:00 Call to order and Pledge of Allegiance

9:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report

10:00 Public Hearing on a proposed Hugo Fire Protection District

11:00 Candace Payne, East Central Council of Local Governments Executive Director, to present Community Development Block Grant loan fund request

11:30 Jerry Kelly, Xcel Energy Project Manager, to discuss the Master Road Use Agreement and road fines

1:00 Mark Anderson, Edison Fire Chief, to discuss radio communication issues

1. Approve the minutes from the April 18, 2018 meeting
2. Approve the minutes from the April 27, 2018 meeting
3. Review and act upon proposed Amended Resolution #684; A Resolution defining the rules and regulations for beer gardens within Lincoln County
4. Review and act upon an Application for a Special Events Permit from the Hugo Improvement Partnership for the Colorado Prairie Music Festival
5. Review and Act upon a Retail Liquor/3.2 Beer License Renewal Application for P.J.'s General Store
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old business
10. New business
11. Approve additional payroll and expense vouchers if necessary
- 12.

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 30, 2018. The following attended: Chairman Doug Stone, Commissioner Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Ed Schiffers was absent and excused, and Juliet Lundy with the Eastern Colorado Plainsman and Limon Leader arrived at 9:30 a.m.

Chairman Stone called the meeting to order and led the Pledge of Allegiance.

Human Services Director Patricia Phillips then met with the Board to present the monthly report from her department. She provided the March financial reports, time sheets, and the Income Maintenance, Child Welfare, and Director's reports for April. Ms. Phillips asked if the commissioners had a chance to check out the file storage area. Mr. Stone told her they had and felt the space adequate for their purposes. Mr. Burgess told her that John Mohan was going to put a filter in to help with the dirt. When Ms. Phillips asked if they had tried to move the files, he added that he'd had no problems moving any of them.

Ms. Phillips had staff come to her and discuss the Holiday Basket Program. They felt that another entity might be able to take it over, which would give them more time for essential duties. Not all staff are in favor of the idea, but neither did anyone volunteer to take over the administration of the program. Ms. Phillips reached out to Becky Carter with Colorado East Community Action Agency to see if they would be interested in assuming the responsibility, and Ms. Carter did express interest. Ms. Phillips added that they don't want to lose the Holiday Basket Program and would continue to support it through TANF funds. The Board agreed that it would be okay for Ms. Phillips to see if another entity would take over the Holiday Basket Program.

Mr. Burgess made a motion to approve the minutes of the April 18, 2018, meeting as submitted. Mr. Stone seconded the motion, which carried. Mr. Burgess also made a motion to approve the minutes of the April 27, 2018, meeting as submitted. Mr. Stone seconded the motion, which carried as well.

Mr. Stone wanted to wait and see if the courts excused Mr. Schiffers from jury duty before acting on the next two items on the agenda, so he called for commissioner reports instead.

Mr. Burgess reported going to the landfill after the meeting on April 18. There are now enough hours on the compactor to send in another oil sample. He attended the meeting with Senator Cory Gardner on April 20 and an RPI meeting on the Twenty-second. Raymond Beedy also asked for a "Dead End" sign on County Road 37 and County Road 3M, so he let the road foreman know. He went to the fairgrounds that day as well. On April 24, Mr. Burgess spoke with Lincoln Community Hospital CEO Kevin Stansbury, and he attended the spill prevention training at the county shop on April 25. He also talked to Chris Monks and John Palmer, and they discussed the fairgrounds and having utility line locates done for the new building. Mr. Burgess contacted K.C. Electric Association and they gave him a phone number of who to call.

He went by Eastern Slope Rural Telephone Company to ask them about phone line locations as well. On April 26, Mr. Burgess took a call from Chris Monks regarding FMLA.

Mr. Stone reported receiving a call from Sheriff Nestor on April 18 regarding the fires and potential fuel costs. He also attended the meeting with Senator Gardner on April 20. Afterward, he checked roads and the area burned by the fires on April 17. On April 23, Mr. Stone talked to Rick Ashcraft about turning in the damage done to two road graders during the fires. They had to replace several hoses and two windows. District Three is tearing out a bridge on County Road 109 south of the lake, so he checked on the progress of that project as well. On April 24, a resident contacted him about a rough section of road, so he had the road crew grade it. He also had a phone call from Patrick Leonard who told him they are having problems with the water in Karval. They would like to come in and talk to the commissioners about a grant for a secondary well. Mr. Stone checked on the bridge project again on April 25 and attended the Shield 616 dinner at Oscar's on April 26. Rick Ashcraft called him earlier this morning to let him know that they will put in a cattle guard for a resident, but that party will have to pay for it. He felt it would be around \$600.

Mr. Burgess made a motion to approve the Retail Liquor or 3.2 Beer License Renewal Application for P.J.'s General Store. Mr. Stone seconded the motion, which carried.

At 10:00 a.m., the Board proceeded to conduct a hearing on the proposed Hugo Fire Protection District. Attorney John Justus with Hoskin Farina & Kampf, P.C, the law firm representing the district, as well as several county residents attended the proposed hearing. However, Mr. Kimble addressed the group, stating that back in February a petition was filed and a check submitted to the County Clerk for costs associated with the proposal. One of the items to be done, per state statute, was that the notice of hearing had to be published. The commissioners had waived the \$500 fee at the request of Larry Beckner, another attorney for the firm. It was the Board's understanding that in doing so, Mr. Beckner would handle the hearing publication. Mr. Kimble stated that the hearing did not appear in the paper and must be published twenty days before the hearing date. The firm must file petitions with the district court by July 20, so there is still time to publish notice of the hearing for the required period. The commissioners, Mr. Kimble, and Mr. Justus agreed on a new hearing date of May 31 at 1:00 p.m. The county will handle the publication and bill the law firm for the cost. The group dispersed, and the Board agreed to have the notice published on May 9 and May 16 in the Eastern Colorado Plainsman, which will meet the twenty-day deadline.

East Central Council of Governments Executive Director Candace Payne met with the Board at 10:30 a.m. to present a Community Development Block Grant loan fund request. Ms. Payne said that Lincoln County had been their applicant in the past for the CDBG Business Loan Fund. The contract is due to expire at the end of June, and they would like for the county to agree to be the applicant for the next round of funding. Ms. Payne requested \$290,000, stating that East Central Council of Governments and Prairie Development Corporation will continue as the sub-grantees. They will manage the funds and handle the tracking and paperwork. The CDBG Business Loan Fund covers four counties: Elbert, Lincoln, Cheyenne, and Kit Carson.

Mr. Burgess made a motion to sign the Community Development Block Grant Business Loan Fund contract with East Central Council of Governments to act as a pass-through agent for the loan funds of \$290,000. Mr. Stone seconded the motion, which carried.

Mr. Burgess made a motion to adopt Amended Resolution #684; a resolution defining the rules and regulations for beer gardens within Lincoln County. Mr. Stone seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on April 30, 2018, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Absent and Excused
Steve Burgess, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

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

AMENDED RESOLUTION #684 It was moved by Commissioner Burgess and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County were presented with a request to allow a beer garden on county premises, specifically the Lincoln County Fairgrounds; and

WHEREAS, the County Commissioners determined that rules for beer gardens would need to be established to allow control of the premises and lessen the county's liability and that each application would have to be considered separately;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that each application for a beer garden within the unincorporated limits of Lincoln County will require their approval and that Department of Revenue, Liquor License Division, regulations for such events must be adhered to and a license obtained;

BE IT FURTHER RESOLVED that the following rules will apply to applications for beer gardens and that the Board of County Commissioners of Lincoln County may establish additional rules if deemed necessary for the preservation of the public peace, health and safety:

1. The Commissioners grant permission to the sponsoring entity, which is required to obtain special events insurance. This can be purchased from any insurance company, or the county has a source for it as well.

2. The sponsoring entity will obtain a 24-hour special events liquor license. However, the Commissioners will approve the time frame that the beer garden can be open.
3. The beer garden will be fenced off with only one entrance/exit.
4. Someone from the sponsoring entity will be at the entrance to the beer garden and will give out wristbands after proof of age is provided.
5. No one under 21 is allowed a wristband, and drinking can occur only within the beer garden.
6. A law enforcement officer, or security approved by the Lincoln County Sheriff, will be at the entrance to the beer garden.

BE IT FURTHER RESOLVED that this amended resolution is adopted and effective as of April 30, 2018.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Schiffers, Absent; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

After a brief discussion regarding the paperwork submitted by Hugo Improvement Partnership, HIP provided a check for \$50, but Mrs. Lengel explained that the application was an old state form and the fees were no longer correct. The county fee is \$100 per day. Mrs. Lengel said she'd told Judy Thelen that she would let her know if the commissioners required more money, but reminded them that they had waived the fee the previous year when the Limon Rotary Club applied for the permit. Mr. Burgess made a motion to approve the Application for a Special Events Permit for the Prairie Music Festival, as submitted. Mr. Stone seconded the motion, which carried.

Mr. Stone called for the attorney's report; Mr. Kimble said he'd driven by the Howard mobile home, but nothing was happening regarding clean-up. Mr. Burgess explained that Brad Gilchrist told him he was ready to tear it down, but the wind had been so bad lately that he

hadn't had the chance. The Board agreed to give him until the end of May to remove the trailer.

Mr. Burgess had some pictures from another property in south Limon where someone deposited trash in a big pile. He didn't have the property description, so Mr. Kimble said they would need to research the ownership and go from there.

Mr. Kimble had nothing further, so Mr. Piper reported that he researched GOCO grants and learned there a couple of options. One is for local parks and other recreation for a minimum of \$350,000. There are requirements for a 25% match and 10% cash-up-front. The timeline is similar to the DOLA grant where applications are due in November and grants awarded the following March. Mr. Burgess said he'd rather use grant funds for new pens. Mr. Piper said there is another grant with a minimum of \$60,000 that has the same grant cycle, but he needed to look into it further.

Mr. Piper reported he is learning more about the FMLA process, and that Ray Rowen sent a counter-offer of \$75 per acre for the county-owned minerals he would like to buy. The commissioners agreed they wouldn't take less than \$100 per acre, and Mr. Kimble said that according to 30-11-302, C.R.S., county-owned minerals, oil, or gas could only be sold during an open bidding process. Mr. Stone said it might not be worth it to Mr. Rowen to go through that, nor might the county even want to sell the minerals. Mr. Piper said he would let Mr. Rowen know what statute dictates and that if the commissioners decide to sell, they will have to request bids.

Xcel Energy Project Manager Jerry Kelly failed to keep his 11:30 a.m. appointment, so the Board rescheduled him for May 7, at 10:00 a.m.

Mr. Kimble found an email communication in which Larry Beckner, attorney for the proposed Hugo Fire Protection District, said he would handle the notice of publication for the hearing. Mrs. Lengel said she was sure she had read it but couldn't find the email and thanked him for clarifying it.

The Board approved additional expense vouchers for May.

When the meeting reconvened at 1:00 p.m., Edison Fire Chief Mark Anderson met with the Board to discuss radio communication issues. Sheriff Tom Nestor, Undersheriff Gordon Nall, Jail Captain Michael Yowell, Emergency Manager Ken Stroud, Weed Coordinator Wayne Shade, and all three Road & Bridge foremen attended the discussion.

Mr. Anderson wanted the commissioners to know how much the fire department appreciates it when the county allows road graders and operators to help with grass fires like what occurred the previous week. However, it is difficult to contact the grader operators because the maintainers don't have the same channels on their radios that the firefighters do. He said it

might be difficult to get authorization from the state, but he felt that communication is imperative and must be improved.

Sheriff Nestor said they could add some channels for a short-term fix, but they are also working on a long-term plan where they would move to a digital VHF system. It is expensive and would require five additional repeaters and radios in approximately ninety vehicles, as well as over two hundred handheld pack-set radios. Captain Yowell commented the cost would be close to a quarter of a million dollars. Kit Carson County already has digital VHF, and the sheriff said he is talking with Crowley County about it as well. A new system would allow communication between multiple agencies within or across county lines.

Mr. Anderson said it is a great idea but feels the problem is a safety issue that they should address as soon as possible. Sheriff Nestor said he would look at what kind of radios are in the maintainers and either put 800 MHz radios in them, upgrade to VHF, or see if they could add a channel to the fire district and do a patch. Captain Yowell put in that they might be able to give the fire department access to the county's VHF channels, and Sheriff Nestor said he would give Mr. Anderson a letter releasing those two channels, which should help short-term.

Chris Monks asked if anyone used the Karval repeater or if they could upgrade or move it to higher ground if that would help.

Several of the group left, and Rick Ashcraft asked if the commissioners wanted to try and file a claim on the damaged road graders with the county's insurance company. They replaced some hoses that cost \$779 and two windows that were \$600 each. Since the damage was done to two separate maintainers and each would have a \$500 deductible, the commissioners agreed that filing a claim probably wouldn't be beneficial.

Mr. Ashcraft left, and the sheriff and undersheriff returned. Chris Monks asked if anyone had ever checked with the insurance company to see if using county equipment and off-duty employees to fight fires was an allowable activity. Since no one knew the answer, Mr. Piper placed a call to Patti Lell with CTSI to ask. Ms. Lell told the group that as long as the employees had direction from the sheriff and the commissioners gave permission to use the equipment, there would be no problem. The employees would have to be compensated, either with pay or comp time. If the employees were off the clock and not receiving compensation, it would be a problem, and the county's insurance wouldn't cover them.

Someone asked if the insurance would cover county equipment damaged during a fire. Ms. Lell said that if the unit were caught in the fire and burned it would be a covered peril, but if the grader just quit working for some reason and then burned up in the fire, that would not be a covered peril.

The Board thanked Ms. Lell, and Sheriff Nestor suggested adding a line item to the 2019 budget to cover fuel costs related to fighting fires. Mr. Stone also said that each district needed to set aside a tank for gas since they mainly haul diesel fuel.

Mr. Piper asked the sheriff if HIP came to them to discuss the Prairie Music Festival, as he hadn't signed off on the Public Event Application. He added that the idea of the application is for people planning an event to talk to the particular entities listed so that everything is in order.

The sheriff, undersheriff, and Mr. Monks left, and Mr. Stone called for old business. There was none, and the only item of new business was from Mrs. Lengel, who said her grant with the Secretary of State for a ballot drop box in Limon was approved, and she received \$2,358.14.

With no further business to come before the Board, Mr. Stone adjourned the meeting until 9:00 a.m. on May 7, 2018.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman