

Board of County Commissioners of Lincoln County
Agenda for October 31, 2018

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Chris Monks, District One Road Foreman, to discuss potential repairs to the county shop located in Hugo
- 9:30 Roxie Devers to present an amendment allowing for an extension of time regarding the Lincoln County Roundhouse for the State Historical Fund
- 10:00 Timothy Taconi to petition the Board of County Commissioners to allow an access road to be built and maintained, allowing ingress and egress to and from his land locked property which is described as follows: "North Half of the Northeast Quarter (N ½ NE 1/4) of Section Eighteen (18). Township Six (6) South. Range Fifty-Five (55) West of the 6th P.M. Lincoln County, Colorado."
- 10:30 Tom Nestor, Lincoln County Sheriff to discuss the Black and Grey Market grant program
- 11:00 LaRay Patton to discuss the Ranch Rodeo
- 11:30 Mike Vaughn to discuss matters concerning the LC – Derby Club
- 12:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report.
1. Approve the minutes from the October 30, 2018 meeting
 2. Discuss a letter of support for the Eastern Plains Healthcare Consortium for their application for grant funding through the Health Resources and Services Administration
 3. County Commissioner reports
 4. County Attorney's report
 5. County Administrator's report
 6. Old business
 7. New business
 8. Approve additional payroll and expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 31, 2018. The following attended: Chairman Doug Stone, Commissioner Ed Schifferns, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Steve Burgess was absent and excused.

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

District 1 Road Foreman Chris Monks met with the Board to discuss potential repairs to the Hugo shop, stating that the skylights have started to leak from the summer's hail storm. He asked Structures Unlimited for an estimate, and Bart O'Dwyer quoted him \$500 per window, plus \$500 freight for a total of \$8,500. The skylights are ten or twelve feet long, and Mr. Monks commented that they hadn't been replaced since they put up the building. Mr. Schifferns asked if the damage occurred during the August hailstorm, and when Mr. Monks told him that it was that particular storm that most likely caused the holes, Mr. Schifferns told Mr. Piper to contact the county's insurance carrier and ask them to send an adjuster out.

Mr. Schifferns made a motion to approve the minutes from the meeting held on October 30, 2018, as submitted. Mr. Stone seconded the motion, which carried.

Mr. Schifferns also made a motion to approve a letter of support for the Eastern Plains Healthcare Consortium's application for grant funding through the Health Resources and Services Administration. Mr. Stone seconded the motion, which carried.

Mr. Schifferns reported talking to Chris Monks on October 22. Since Mrs. Lengel asked Ken Stroud to use the portable electronic sign purchased by OEM, Ryan Bush, Mr. Monks, and Mr. Stroud all met with her at the shop that morning and programmed the board for ballot drop-off. Mr. Monks took the sign to Limon and set it up. Mr. Monks also told Mr. Schifferns that they'd had problems with the furnace at the county shop and that they would have a flagging class that week. They had an inspection with Xcel Energy on the roads, and they will have to put some gravel on County Road 22. They had truck inspections on October 25, and Mr. Schifferns reported checking roads on October 26. That evening, he learned that someone broke into one of his neighbors' garages and stole all of his tools. Mr. Stone commented that there had been several break-ins down in his area as well.

Mr. Stone reported checking roads by Blue Cliff on October 19 and north and northeast of Karval on the Twenty-second. He went by the Karval shop on the Twenty-fourth and also reported District 3 received about an inch and a half of rain. They also had truck inspections on October 25, and he checked roads again on October 26 after getting more rain.

Mr. Kimble reported that he's been trying to have a conversation with the hospital attorney, but they keep missing each other. He received an email yesterday which indicated that they couldn't find any basis to hold the county liable for unsecured indebtedness where the hospital is concerned. The attorney also agreed that the problem with county hospitals is that the commissioners feel a moral obligation to maintain the facility's solvency. Moffat and Montrose

counties also have county hospitals, so Mr. Kimble said he'd try and speak with those county attorneys at his conference in a few weeks.

Roxie Devers arrived for her appointment with the Board and commented that she'd read where the hospital purchased their new mobile unit through grant funding. She added that there would still be expenses regarding its upkeep and operation, as well as the personnel required to run it. Mr. Piper stated that the unit was already taken to the county shop for tire repairs and remarked that he wasn't sure Chris Monks wanted to take on its maintenance.

Mrs. Devers presented an amendment to the contract between the State of Colorado, Colorado Historical Society, Roundhouse Preservation, Inc., and Lincoln County regarding the Hugo Union Pacific Railroad Roundhouse, informing the Board that the chairman would need to approve the amendment since the county owns the property. The current contract expires on December 13, 2018, and the amendment would extend it to December 13, 2019. Mr. Kimble said he saw no problems with it, so Mr. Schifferns made a motion to sign Contract Amendment #2017-01-028 A, granting an extension of time on the roundhouse project. Mr. Stone seconded the motion, which carried unanimously.

When Mrs. Devers left, Mr. Piper provided a Notice of Claim concerning the Lincoln Community Hospital to Mr. Kimble to review. He said it came in the previous day's mail. Mr. Kimble suggested Mr. Piper forward it to the county's insurance carrier and said he would follow up with Kevin Stansbury to see if he responded in any way.

Prior to the appointment at 10:00 a.m., Mr. Stone asked Mr. Kimble if there were anything they should be aware of regarding the gentleman's petition to the Board. Mr. Kimble responded that the county's road policy states that a road would have to be on a section line if the county built one. However, if the property is truly landlocked and Mr. Taconi got no cooperation from his neighbors, he could go to court and pay for an easement.

County Assessor Jeremiah Higgins arrived for Mr. Kimble's last statement and asked if it would be possible for the county to put in a road between county roads, which would give neighboring landowners access to their pastureland or farm ground. Mr. Kimble wanted to know when it became landlocked, but Mr. Higgins wasn't sure. He estimated possibly two transactions prior to Mr. Taconi's purchase and said he would have to do some research. After checking the map, Mr. Higgins added that the county would probably have to put in a four-mile stretch of road on a section line to connect the two county roads in that area. Mr. Kimble asked if he thought the landowners would agree to that and not require compensation. Mr. Higgins thought if the commissioners would send a letter to the property owners and explained the benefits, they might be okay with it. Mr. Kimble said that Mr. Taconi might have to obtain an Easement by Necessity if the Board didn't believe building a road had a public purpose.

Tim Taconi met with the Board at 10:00 a.m. to petition the commissioners to build and maintain an access road allowing ingress and egress to and from his landlocked property in the North half of the Northeast Quarter of Section Eighteen, Township Six South, Range Fifty-Five

West of the 6th P.M. Mr. Higgins stayed for the discussion, and Mr. Stone told Mr. Taconi that the Board would not make a decision without their third commissioner since the property is in his district.

Mr. Kimble provided a copy of the county road policy adopted on October 30, 2014, and suggested Mr. Taconi pay particular attention to page 8, which are the requirements for putting in a county road. He informed Mr. Taconi that he might have to obtain an Easement of Necessity, or he might have to pay the landowner who grants him access a one-time fee for the easement and acquire a Quiet Title. He also explained that the commissioners would need to believe that the road served a public purpose if they opened one, and the surrounding landowners would also have to approve it. Mr. Taconi would have to file a petition with the commissioners, and the Board would then determine if opening a road would benefit the traveling public. The petitioner would have to pay for the cost to build the road and then the county would be responsible for its maintenance. If the county does not decide to open a public road, Mr. Taconi could take the case to civil court where the judge would most likely agree to the least obtrusive path and grant the Easement by Necessity. Mr. Taconi would then pay the one-time fee and future maintenance of the road.

Mr. Taconi said he couldn't get a development permit until he can prove he has access to the property. Mr. Higgins asked if he would sell anything to the public or get any customers at his place, and the answer was that he is a blue label manufacturer who sells gear, guns, and uniforms to law enforcement and the military. He will have employees, students, and product coming onto his property. He also hopes to enter into military contracts and create a shooting range. Mr. Higgins commented that the access route might not benefit the public, but his business could undoubtedly help the community and county tax base.

Mr. Kimble said that if Mr. Taconi has a business, he will need a hearing and a permit if the land is zoned commercial rather than agricultural, but it would be best to have the access lined out before going through that process. He recommended seeing if he could enter into agreements with the surrounding property owners, which would be easier than having the county build a road.

At 10:30 a.m., Sheriff Tom Nestor, Undersheriff Gordon Nall, and Jail Captain Michael Yowell met with the Board to discuss the Black and Grey Market marijuana grant program. Sheriff Nestor said that he'd met with the state and D.A.'s office about it and learned that this particular funding is not a reimbursement grant, which he is usually opposed to because the money always goes back into the General Fund. There is \$6 million available to agencies depending on their number of cases specifically related to marijuana. Any funding received would be used explicitly for marijuana enforcement, and whatever they didn't use would go back to the state at the end of the year. The sheriff added that they could apply for the grant again the following year, but wanted to know if the commissioners would like for him to pursue it this year as well. It sounded like the county could qualify for \$50,000 to \$130,000, and the department would want to use the money, if received, for a trailer, more storage, and personnel and training.

Undersheriff Nall put in that the application is due at the end of November and that the D.A.'s office would get a portion of the money for prosecution. The commissioners agreed they should apply this year.

Sheriff Nestor also addressed overcrowding in the jail, stating that officers arrested fifteen additional parties over the weekend. They've had close to four hundred inmates so far this year, and with the holidays approaching, they expect it to get worse. The sheriff said they're looking at converting G-pod to overflow cells, but overcrowding also leads to more use of force issues when tension is high. They currently have several inmates housed in other locations that aren't charging for them, but that could change.

At 11:00 a.m., LaRay Patton and Tina Waite with the Ranch Rodeo met with the Board to discuss the fee for the 2019 event, which is the weekend of June 21. Mrs. Patton said the Tourism Board came to them and asked to hold their Prairie Music Festival on Saturday night, June 22, and the Ranch Rodeo group agreed to move their dance to Friday instead of Saturday to accommodate the request. The festival would occur in the area where the new building is to go, and if it's not up yet, they will bring in tents. Mrs. Patton went on to say that they could set up their stage throughout the day and not be in the way of the rodeo events since they would not use the track or arena. She added that the Tourism Board would be responsible for the concert as the rodeo group doesn't have the manpower to help in any way. If the commissioners feel that they should pay more than the reduced rate of \$700 that the Board usually grants them, they could ask the Tourism Board to pay for the remainder. Mrs. Patton said that Ranch Rodeo also pays a \$1,000 damage deposit as well as the \$700 for all three days.

Mr. Piper asked if Hugo Improvement Partnership (HIP) had anything to do with the Prairie Music Festival next year, but Mrs. Patton answered that the way they understood it, the Tourism Board is creating a non-profit organization as basically a spin-off of the Tourism Board, so HIP would not be involved.

Tina Waite put in that they informed Tim Andersen and Apryl Huelskamp, who spoke to them about it, that the festival area would have to be fenced off and they would be entirely responsible for anything having to do with the concert because Ranch Rodeo could not be part of it.

Mr. Schifferns made a motion to allow the Ranch Rodeo to pay a reduced rate of \$700 and a \$1,000 deposit to rent the fairgrounds from June 21 through June 23, 2019, as done in the past. Mr. Stone seconded the motion, which carried.

At 11:30 a.m., Mike Vaughn with LC Derby Club met with the Board to discuss the annual demolition derby at the county fair. Mr. Vaughn told the commissioners that although the derby has brought families and a better crowd to the fair on Saturday night for the past ten years, he and his wife have decided they no longer want to be in charge of it. He added that they hadn't told anyone else yet and wanted the commissioners to be the first to know. The liability has gotten to be more than what they feel they want to be responsible for, and they

have too many other things going on to want to continue with the hard work and stress of the derby. Mr. Stone asked if he knew of someone else who might want to take it over, as it would be a significant loss to the fair if not. Mr. Vaughn said that he could talk to Ryan Britten to see if he would be willing to take it on, but he couldn't think of anyone else. He added that at one time, Tourism Board member Tim Andersen expressed interest in holding a concert after the derby, but he personally felt it might be a little too late once the derby gets over to have a concert.

Mr. Schifferns asked if Mr. Vaughn thought a tractor pull would be an option, but Mr. Vaughn said the infrastructure of the track and arena aren't safe enough for the large tractors, which would probably draw the biggest crowd. He felt there has to be an event on Saturday night to keep the families coming.

Mr. Stone commented that it wasn't something the county would want to take over, and Mr. Kimble said that even if the commissioners might want to, the county's insurance carrier would probably strongly object.

The group agreed the derby had been an integral part of the fair for the past ten years, and it would be a shame to see it discontinued.

When Mr. Vaughn left, Mr. Piper asked Mr. Kimble if the commissioners could approve the Limon Area Fire Protection District ambulance license before December 7 if they felt everything were in order. Mr. Kimble said that if the Board decides the entity has adequate personnel to fulfill the requirement, there would not be a problem of adopting the resolution before December 7. Mr. Piper said he'd talked to Emergency Manager Ken Stroud about it, and Mr. Stroud said that the EMT class participants would still have to pass their certification test once they completed the class. Mr. Stroud also noted that it could take several months to get their Medicare billing straightened out, but they would have to have a license to do that, so he could understand why they wanted to start that process as soon as possible.

The commissioner approved additional expense vouchers for October before Robert Kraxberger met with them at noon to give the monthly report for the Department of Human Services. He provided employee time sheets and the financial, Income Maintenance, Child Welfare, and Monthly Director's reports for the Board's review.

There was no old or new business to discuss, so Mr. Stone adjourned the meeting until 9:00 a.m. on November 8, 2018.

Corinne M. Lengel, Clerk to the Board

Douglas D. Stone, Chairman