

Board of County Commissioners of Lincoln County
Agenda for April 17, 2019

9:00 Call to order and Pledge of Allegiance

9:30 Lincoln County Road Foremen to discuss an upcoming project

10:30 Fred Lundy, Land Use Administrator, to discuss the April 11, 2019 Land Use Board meeting

11:00 Mick Jaques, Landfill Manager, to discuss the new scales at the Lincoln County Landfill

1. Approve the minutes from the April 8, 2019 meeting
2. Review the March, 2019, 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
3. Review the March, 2019, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
4. Review the March, 2019, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. Discuss a request from Karval Water Users, Inc.
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old Business
10. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 17, 2019. The following attended: Chairman Ed E. Schifferns, Commissioners Steve Burgess and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Juliet Lundy with the Eastern Colorado Plainsman/Limon Leader attended until noon.

Chairman Schifferns called the meeting to order and asked Mrs. Lengel to lead the Pledge of Allegiance.

Mr. Stone made a motion to approve the minutes from the meeting held on April 8, 2019, as submitted. Mr. Schifferns seconded the motion, which carried.

Emergency Manager Ken Stroud arrived to listen in on the discussion regarding the request from the Karval Water Users while the Board reviewed the March 2019 Statements of Revenues and Expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging & Tourism, and Road & Bridge funds.

The Board reviewed a letter from Karval Water Users, Inc. board president Patrick Leonard regarding the nitrate issues in the Karval water. Although they included replacement of the current nitrate-reducing media in their grant application, it was not a system upgrade but a maintenance item, which possibly wouldn't qualify for the funding. Because the media is no longer adequate to remove the proper amount of nitrates, they are violating the code of the Colorado Department of Public Health Water Quality Division. Mr. Leonard searched for other sources of funding and found a grant program through CDPHE that will fund fifty percent of the \$8,773.00 project. He asked if the county would be willing to provide the other half and allow KWU to make payments in return. To recoup those costs, Mr. Leonard said they'd proposed a monthly rate increase to users.

Mr. Stroud sent a text message to Patrick Leonard who called the commissioners to discuss the situation further. The annual payments are about \$1,200, so the additional \$4,387 would mean they would reimburse the county for another three-and-a-half-to-four years, not counting the rest of the system upgrade project.

Mr. Burgess made a motion to loan Karval Water Users, Inc. half of the cost to replace the current nitrate-reducing media in their water system. Mr. Stone seconded the motion, which carried unanimously. Mr. Leonard said he'd send the contract to Mr. Piper for payment when he gets it.

Mr. Schifferns had a few questions for Mr. Stroud regarding purchasing more radios for the Arriba Fire Department, and then the Road & Bridge foremen arrived for their 9:30 a.m. appointment with the Board. Mr. Kimble asked to address the tower purchased by Tony Hagans, stating that Mr. Hagans wants \$300 a month to lease space to the county for equipment. Chris Monks commented that the county pays the monthly electric bill, which sometimes runs between \$40 and \$50. Mr. Stroud asked whose responsibility the propane and generator were, but no one knew. Mr. Monks said he didn't think the county put the generator

in, but he wasn't sure of that. The group agreed that Mr. Kimble should ask Mr. Hagans if he would take \$300 per month for the lease but pay all of the utilities.

Mr. Stroud left, and Mr. Burgess said he'd talked with Bob Johnson who asked for a simple contract between Castle Rock Construction and the county regarding the road millings from the I-70 project. The county would be responsible for removing all millings but would get to keep them in return and would have a year to remove them from the stockpile site. The proposed start date of the project is May 6, and the commissioners and foremen discussed several details of the job. Mr. Monks said it would cost \$10,000 to rent a 950 loader for the month, which was something they'd considered doing. He asked how they would split up the millings if they were dividing the cost. Rick Ashcraft remarked that he didn't think it would be fair for District 3 to get a third if they didn't haul a third and was concerned with the amount of hours employees would have to put in if they planned to work twelve-hour days.

Mr. Burgess commented that they'd hoped to have the fair building complete before they started the I-70 project, but that the electric company wasn't moving as quickly as expected.

Mr. Kimble shared a Special Transport Permit for loads exceeding limits fixed in Colorado state statutes, which he'd drafted based on previous discussions, and the foremen reviewed it. Mr. Monks said that Xcel Energy plans to haul 1,650 loads over County Road 2W to their new substation, although the new group wasn't aware of the prior Xcel project. Since Mortensen Construction is supposed to be fixing the road issues from the transmission line job, Mr. Monks felt they would never get it back in its original condition. Mr. Kimble added that the idea was to have County Road 2W fixed before they started the substation.

Land Use Administrator Fred Lundy arrived to report on the April 11 Land Use Board meeting as the road foremen were finishing their conversation. He stated that the board approved a simple pit permit for McCormick Paving and then discussed Development Permit #19-03 for Bronco Plains Energy Transmission Project. The Land Use Board approved the permit with the conditions of a mutually agreeable Road Use Agreement, supporting documents for the cost of construction materials, a stormwater management plan, and an emergency response plan. Mr. Lundy said the board also agreed that a letter of credit or a cash deposit was preferable to a bond and felt that the road use agreement should include a date of expiration as well as strong language regarding penalties. Lastly, Mr. Lundy said the definition of "repaired" need addressing, as the agreement should explicitly state what the county expects.

Mr. Piper asked if the commissioners planned to adopt the Special Transport Permit Mr. Kimble submitted for their review. Mr. Lundy felt it wasn't an issue since the county has no weight limits other than on bridges. Mr. Kimble said he'd created the document because of a phone call from a party who said they couldn't get into the state without a permit. When he fields phone calls, Mr. Lundy said he tells the caller that the county doesn't have any requirements, and they usually work it out with the state. The commissioners agreed to keep the document on file for instances when someone needed it.

At 11:00 a.m., Landfill Manager Mick Jaques and office assistant Brenda Howe met with the Board to discuss the new scales at the landfill. Ms. Howe said they'd like to make some changes for better operation, including a window in the office, red and green lights, and several signs, as well as a revised ticket form. They would also like a catwalk for patron safety, concrete to finish out the pad, a concrete rail or barrier to protect the propane tank, and some new floor mats and stools. The group also discussed the new rates, when they would go into effect, and dates for the free landfill day. Mr. Burgess said he and Chris Monks would get together and order signs for the scales, they would order a catwalk, and check with John Mohan to see if he could find time to put a window in the office building. Mr. Stone asked if the scales were causing them more work. Mr. Jaques said they do now, but believed the new tickets would help once they got them.

Public Health Director Jobeth Mills stopped in to ask the commissioners if it would be acceptable to purchase shirts for her staff since they would begin immunizations in the schools. Mrs. Lengel said she planned to ask the Board the same question, as her employees have several conferences and training coming up, and it was nice to look like a group in certain places. Mr. Burgess said that it is a representation of the county, and the commissioners had no problems with allowing the purchase of shirts as long as departments didn't abuse the privilege.

Before breaking for lunch, Mr. Schifferns asked Mr. Kimble to give the attorney's report. Mr. Kimble said he created a canine policy for the sheriff, the Board still needed to approve the surveyor's job description, which would probably require a resolution, and he would attend a mediation conference in a land dispute matter to protect the county's policies. Mr. Kimble also briefly discussed collecting use tax on substation equipment.

When the meeting reconvened at 2:00 p.m., Sheriff Tom Nestor, Undersheriff Gordon Nall, and Jail Captain Michael Yowell met with the Board to discuss prisoner transport vehicles. They've put over 6,000 miles on their cars in the past month. Sheriff Nestor said that it would cost about \$1,600 to fix the transport car that quit on them a couple of weeks ago, and it would be his opinion not to put the money into it if all they planned to do was sell it. They've priced vans through Limon Auto Solutions and Vince's Chevrolet in Burlington, and also found a 2018 Chevy Express for \$24,495 at Transwest in Limon. Sheriff Nestor said they need a cargo van as opposed to a passenger van, because it would be an additional cost to have everything taken out of a passenger van so that the cage would fit. Installation of the cage alone will run between \$15,000 and \$17,000, so he didn't find it logical to pay even more to have items removed from a passenger van. A new van would cost between \$35,000 and \$37,000.

Mr. Burgess made a motion to allow the sheriff to spend up to \$25,000 to purchase a transport vehicle, not including the cage retrofit. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess asked if they had checked the state bid on vehicles, and after further discussion in which the commissioners decided a new van might be a better option, Mr. Burgess amended

his motion from \$25,000 to \$35,000. Mr. Stone seconded the motion, which carried unanimously.

Mr. Schifferns asked if they'd found a place to store the command vehicle yet, and the sheriff said he was still working on a couple of options. Mr. Stone asked if they'd hired a nurse for the jail, and Sheriff Nestor said that Lacie Leithead took the job.

The law enforcement officers left, and Mr. Schifferns called for commissioner reports.

Mr. Burgess spoke with Bruce Walters on April 1 regarding Power Motive coming out to work on their dozer the previous month. They had a recall that Komatsu wouldn't honor, and the bill was \$4,900 to fix it, so Mr. Burgess called Tim with Power Motive to discuss it. He talked to Bob Johnson with CDOT about where the county should stockpile the roto-millings from the I-70 project when they start it, and he and Mr. Walters looked at the site. They also met with Charlie from Castle Rock Construction and agreed to meet again at a later date to determine the procedures they would put in place when the project started. Mr. Piper called him about a personnel problem, and he also learned that the sheriff's 2012 Ford Expedition would require a new motor to fix it. The estimate was \$5,000, and they decided not to spend the money. Steve Daniels with Daniel Electric planned to start on the show barn the week of April 8, so Mr. Burgess let John Palmer know that Mr. Daniels wanted to meet with him. On April 2, Tim with Power Motive called to tell Mr. Burgess that Komatsu would look into the warranty on the dozer and get back to them. Mr. Burgess also attended the Ports-to-Plains conference in Washington, D.C., talked with Chris Monks, and had a call from Structures Unlimited about the wash racks at the fairgrounds that week. The district's MACK truck was acting up again, so they hauled it back to Denver the week of April 8. Landfill Manager Mick Jaques called with a problem on April 16; he informed the other commissioners and the sheriff. He got information from Tom Anderson regarding trade-in value on several vehicles and spoke with Steve Daniels again this morning regarding his progress at the fairgrounds. Lastly, Mr. Burgess said the commissioners went out to the fairgrounds after lunch to check out the new show barn.

Mr. Stone reported attending the Rocky Mountain Farmer's Union meeting on April 9, where he met the new commissioner of agriculture. His meetings were canceled on April 10 and 11 because of the weather, so he checked roads in the afternoon of April 11. He and Rick Ashcraft went to Colorado Springs on April 15 for filters, and he also got an email from CSU that he would be on the interview board for Travis Taylor's replacement.

Mr. Schifferns reported also having meetings canceled on April 10 and 11 due to bad weather. He called Chris Monks about County Road 2W on April 12, and Mr. Monks talked with Jerry Kelly. Mr. Schifferns called John Lupo on April 15 to discuss how counterproductive it was for Mortensen to be fixing the road while Xcel was planning to make another 1,650 trips over it. Mr. Lupo told him he'd check into it, and Mr. Schifferns said that the county would shut down the road if necessary.

The Board reviewed the March 2019 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer, as well as from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool.

As for old business, Mr. Piper said that the janitor would be on short-term leave. The Board discussed hiring someone to perform janitorial duties in the courthouse during her absence and decided to ask the part-time janitor at the jail if she would be interested in taking over in the interim. Mr. Piper said he would contact her.

There was no other old or new business to discuss, so Mr. Schifferns adjourned the meeting at 3:05 p.m.

Corinne M. Lengel, Clerk to the Board

Ed E. Schifferns, Chairman