

Board of County Commissioners of Lincoln County
Agenda for July 31, 2019

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Roxie Devers to present a memorandum of understanding between Lincoln County and Roundhouse Preservation Inc.
- 9:30 Public Hearing to act upon Colorado Prairie Arts & Music Council's special event permit for the concert taking place on August 10, 2019 at the Lincoln County Fairgrounds
- 10:00 Ken Stroud, Office of Emergency Management Director, to discuss the Genoa repeater site
- 11:00 Jake Schuch with the Colorado Department of Transportation to discuss passing lanes on US 287
1. Approve the minutes from the July 30, 2019 meeting
 2. Review and act upon a public event application for the Colorado Prairie Arts & Music Council
 3. Review and act upon a road use agreement between Lincoln County and Bronco Plains Wind LLC
 4. County Commissioner reports
 5. County Attorney's report
 6. County Administrator's report
 7. Old business
 8. New business
 9. Approve additional payroll and expense vouchers if necessary
- 1:30 Reconvene as the Lincoln County Board of Equalization in the case of the Lincoln County Assessor's Office vs. Gary Lewman

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 31, 2019. The following attended: Chairman Ed E. Schifferns (until 11:25 a.m.), 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 from 9:00 a.m. until 11:30 a.m. and from 1:30 p.m. 2:00 p.m. Gillian Laycock with CPAM also attended until 10:30 a.m.

Chairman Schifferns called the meeting to order and asked Mr. Burgess to lead the Pledge of Allegiance.

Mr. Stone made a motion to approve the minutes from the meeting held on July 30, 2019, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Piper said that all appropriate agencies signed off on the public event application for the Colorado Prairie Arts and Music Council concert at the fair. Mr. Burgess made a motion to approve the application, Mr. Stone seconded the motion, and it carried unanimously.

After reviewing the document, Mr. Stone made a motion to approve the Master Road Use Agreement between Lincoln County and Bronco Plains Wind, LLC. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Schifferns called for commissioner reports. Mr. Burgess said he and Weed Coordinator Wayne Shade sprayed at the courthouse and around the racetrack at the fairgrounds on July 21. He picked Bruce Walters up at Volvo on July 22 (where they took their Mack truck for warranty work), and they looked at Utility, Brazos, and Bruckner trailers. On July 23, Mr. Burgess spoke with a resident who had water coming off of County Road 3G onto her driveway. He also attended Vista Volunteer James Dingwall's going-away party, looked at roads, and got some prices for new belly dump trailers. Mr. Burgess attended the Economic Development meeting on July 24. He also met with Mike from Utility Trailers to get a price for the district's trade-ins. On July 25, Mr. Burgess found a bunch of empty butane cans in a ditch at County Road 3G and County Road 24. He took two of them to Limon Police Chief Lynn Yowell who said they are used for making drugs. Mr. Burgess also reported that the asphalt plant was running very slowly. Ralph Bell called on July 26 and asked to install a three-inch line across County Road 43 in Arriba, using the same cut the county approved previously. Mr. Burgess told him to go ahead but then contacted Mr. Schifferns and Fred Lundy to let them know he'd approved it. He got prices on Ranco, CPS, and Brazos trailers as well as the trade-in values. On July 27, Mr. Burgess received a call from a resident who had concerns about the county pushing in the material at one of the gravel pits. The party felt he should be able to get gravel whenever he wanted, but Mr. Burgess told him he wasn't even supposed to be in the pit. Mr. Burgess also reported checking roads north of Genoa, which he did again on July 28. He also went to the fairgrounds and visited with John Palmer. On July 29, Mr. Burgess picked up three bags of the butane cans on County Roads 3G and 24, and let the sheriff know what he'd found. He also attended the Make Colorado Better meeting in Limon. Chris Monks called to let him know the Mack truck was ready at Volvo. Mr. Burgess picked up two gallons of fly and mosquito spray for

the fairgrounds on July 30 and dropped it off with Carlos Leonard. Earlier this morning, he stopped at the Limon town hall and asked about splitting the sponsorship for Ports-to-Plains. They agreed to each write a separate check and send them together.

Mr. Stone reported participating in a conference call about the CSU Extension Agent position on July 22. The District 3 road crew overlaid three-tenths of a mile two miles east of Karval on July 23, and another three-tenths of a mile on County Road 109 south of Highway 94 on July 29. Rick Ashcraft ordered a new truck, and they should get \$25,000 for the trade-in on their old Mack. Mr. Stone stopped by the fairgrounds earlier this morning.

Mr. Schifferns reported receiving a call from former commissioner Greg King on July 19. Mr. King told him the county should not change insurance companies but stay in the County Health Pool. Mr. Schifferns checked roads on July 23 and talked with Ken Stroud about the OEM plans on July 24. Mr. Burgess told him about his conversation with Ralph Bell on July 26, and on July 29, Mr. Schifferns checked roads and stopped by the fairgrounds and the county shop.

The commissioners had asked Roxie Devers to change her appointment time to 9:30, so Mr. Schifferns called for the attorney's report. Mr. Kimble said he needed to wait for Mrs. Devers regarding the RPI agreement and Mr. Stroud regarding the OEM plans and other things, so he had nothing to discuss at that time.

At 9:25 a.m., Roxie Devers met with the Board to present an agreement between Lincoln County and Roundhouse Preservation, Inc. Mrs. Devers said the State Historical Fund told her that RPI had to have a contract with Spectrum. She told them that the county actually has the contract, not RPI. They then requested the agreement, which she forwarded to the county attorney for his input. Mr. Kimble said he disagreed with a couple of items; such as the Termination for Convenience of Grant Recipient in Article V, Section 5.02. He also didn't like the language in Article VII concerning Indemnification. He commented that the state constitution dictates that counties and municipalities cannot indemnify anyone, nor can they pay attorney fees for someone else. He added that they usually add, "...to the extent the law allows" or similar wording. Mr. Kimble didn't believe the changes were critical. Even if the Board signed the document and they discovered a problem later on, the law clearly defends their actions. Mr. Burgess asked Mrs. Devers if they were withholding payment until the commissioners signed the agreement. She responded that they would send some money when they received it. She added that she planned to use CDOT's money first anyway and that RPI already paid the engineer's fees.

Mr. Stone made a motion to sign an Agreement between Lincoln County and Roundhouse Preservation, Inc. regarding the Union Pacific Railroad Roundhouse building. Mr. Burgess seconded the motion, which carried unanimously.

Mrs. Devers also presented an Easement Action Form required by the State Historical Fund. Mr. Burgess made a motion to sign the form, Mr. Stone seconded the motion, and it carried unanimously.

Mrs. Devers said that the next step was to start on grant applications for the utilities. Mr. Schifferns asked her if she would continue to work on the roundhouse when she moved. Mrs. Devers told him she would still take care of the grants, but Mr. Piper would have to do some of the onsite work.

At 9:45 a.m., the Board conducted a public hearing to act on Colorado Prairie Arts & Music Council's special event permit for the concert taking place on August 10, 2019, at the Lincoln County Fairgrounds. Gillian Laycock and Amy Vice attended the hearing, but there were no other members of the public present. After several questions regarding concert ticket sales and a brief discussion about the new show barn, Mr. Burgess made a motion to approve the Colorado Prairie Arts & Music Council Special Event Permit for the concert at the Lincoln County Fairgrounds on August 10, 2019. Mr. Stone seconded the motion, which carried unanimously.

The Board discussed the situation with the courthouse janitor and the fact that she hadn't checked in with Mr. Piper or the department heads like she was instructed to do on July 18. Mr. Burgess asked Mrs. Lengel if Mrs. Mohan cleaned the Clerk's vault in the past two weeks, which she was also directed to do on the Eighteenth. Mrs. Lengel said she had not. Mr. Kimble reviewed a Report of Supervisor Contact filled out by Mr. Piper and said it detailed everything adequately. After discussing if Mrs. Mohan had been meeting her requirements set by the commissioners regarding her probationary period, the Board deemed to terminate Jodi Mohan's employment with Lincoln County. Mr. Kimble asked the commissioners if they wanted him to contact her on their behalf, which he did.

The Board discussed having another county employee clean the courthouse until Mr. Piper could advertise the position and they could conduct interviews. Mr. Piper said he'd send an email to the department heads and see if anyone were interested.

At 11:00 a.m., Jake Schuch, Project Manager with the Colorado Department of Transportation, met with the Board to discuss passing lanes on US Highway 287. He said CDOT assigned him instead of Travis' team since it was a traffic project. While the schedule is still up in the air, Mr. Schuch explained that they'd put aside \$4.5 million and applied for a \$6 million grant, but they wouldn't hear about the award until October. Each mile would cost approximately \$1.1 million. CDOT looked at the entire corridor, including possible environmental issues and crash history for the past five years. Mr. Schuch said the biggest setback and cost would be the rumble strips. He added that if they needed the right-of-way, it would be spring of 2021 before they got to the Priority 1 & 2 passing lanes, which were south of Kit Carson. The Priority 3 passing lane was necessary because of the location (east of Wild Horse and County Road R), and areas 8 and 9 were priorities because they were already passing lanes. Mr. Schuch said they would only work on those if they had leftover materials from another project. As for #7, Mr. Schuch asked for the commissioners' thoughts on converting the existing acceleration/deceleration lane to another passing lane. CDOT engaged Muller Engineering Company to analyze the east side of US 40/287 from south of County Road 39 to north of County Road 2R. Since the old Lady Bird rest area closed and they didn't plan to re-open it, CDOT wanted to repurpose the

auxiliary lane as a passing lane for westbound traffic. They conducted traffic counts and reviewed access requirements and determined that the estimated design volumes were substantially less than the criteria requiring auxiliary lanes at both intersections. He went on to say that the study by Muller Engineering found that motorists would benefit from additional passing lanes mainly because of the high volume of commercial truck traffic. Mr. Schuch noted that if they converted, they would prefer to close the access to County Road 39 north. He also told the Board that surveyors would be out this week, so they could do that area as well unless the commissioners wanted to think about it. The Board felt CDOT should go ahead as planned. Since it would be a low-dollar project, Mr. Schuch said they might even be able to get it done this summer.

At 11:35 a.m., Emergency Manager Ken Stroud met with the commissioners to discuss the Genoa repeater. He provided a Radio Site Agreement and a Radio Container Building Ownership Letter for the Board's review and signatures. Len Stone agreed to donate the container where the county stores its radio equipment but did not want any compensation for the building. He will continue handling the maintenance and repairs. The county shares the storage container at the base of the Genoa water tower with the Genoa-Hugo School, and the school agreed to take over the existing power service and pay all associated costs with the electrical service. Mr. Stroud commented that the repeater works well.

Mr. Stone made a motion to approve the Radio Site Agreement and Radio Container Building Ownership letter regarding the county's radio equipment in Genoa. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Kimble asked about the tower south of Hugo. Mr. Stroud said he'd never heard anything further from Tony Hagans, even though he'd tried contacting him several times. Mr. Kimble said that Mr. Hagans was going to send the county an agreement but never did. He added that he would try and get in touch with him again.

Mr. Stroud left, and John Mohan brought in Jodi Mohan's ID badge, keycard, and keys for the courthouse. The Board approved several other expense vouchers and then broke for lunch at 12:05 p.m.

At 1:30 p.m., the commissioners re-convened for a public hearing as the Lincoln County Board of Equalization in the case of the Lincoln County Assessor's office vs. Gary Lewman. Mrs. Lengel recorded the hearing, and the recording will remain on file in the County Clerk's vault. Attendees were Mr. Burgess, Mr. Stone, Mr. Kimble, Mr. Piper, Mrs. Lengel, Gary Lewman, County Assessor Jeremiah Higgins, appraiser Renita Thelen, assessor's office staff members Casey Love and Amy Vice, and Juliet Lundy. No other members of the public attended the hearing. Mr. Kimble informed the Board that since they sat as quasi-judges, they would have to disregard whatever they might know about the property. The valuation was presumed to be correct, but the taxpayer had the right to present evidence supporting its inaccuracy.

Each side presented their cases, and Mr. Lewman requested a reduction in value from \$162,684 to \$133,574. When the arguments concluded, Mr. Higgins and his staff left the meeting. Mr. Stone commented that he wished that Mr. Lewman had allowed Assessor's office staff members to go inside his home. Mr. Burgess agreed that since he denied them access, they really couldn't perform a complete assessment.

Mr. Stone made a motion in favor of the Lincoln County Assessor's property appraisal for the 2019 tax year regarding 1008 4th Street, Limon, Colorado. Mr. Burgess seconded the motion, which carried.

The Board reconvened as the Board of County Commissioners. Mr. Stone made a motion to adopt a resolution denying the petition appeal made by Gary Lewman on his residence at 1008 4th Street, Limon, Colorado, reducing the valuation from \$162,684 to \$133,574. Mr. Burgess seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on June 31 2019, there were present:

Ed Schifferns, Chairman	Absent & Excused
Steve Burgess, Vice Chairman	Present
Douglas D. Stone, 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:

RESOLUTION #990 It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

WHEREAS, pursuant to C.R.S. 39-8-106 (1), the Board of County Commissioners will act as the Board of Equalization and hear appeals filed by taxpayers who disagree with the property value established from the determination of the County Assessor: and

WHEREAS, a petition for a change of value was received from Gary Lewman, for the property at Lot 8, S82' OF E2 LOT 9; BLK 10; MEEHANS ADDITION TO THE TOWN OF LIMON, CO.

WHEREAS, the petitioner used available data and analyzed it using the Consumer Price Index plus a 3 percent annual increase, to support changing the 2019 value for the subject property from \$162,684 to \$133,514; and

WHEREAS, the Assessor presented evidence through use of the mass appraisal technique that the value of \$162,684 placed on the subject property is fair and equitable when compared to that of three sales which occurred during the statutory sales period;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County, acting as the Board of Equalization that the petition from Gary Lewman, requesting a change of value on the subject property from \$162,684 to \$133,514 is denied for the following reasons:

1. The petitioner denied access for the assessors to truly assess the property
2. The Consumer Price Index was used which is based off of rent
3. The mass appraisal technique is required to be used statutorily by law

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 2:09 p.m. The next regular meeting will be at 9:00 a.m. on August 6, 2019.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Vice-Chairman