

# Board of County Commissioners of Lincoln County

Agenda for February 29, 2012

9:00 Call to order and Pledge of Allegiance

10:00 Human Services Director Colette Barksdale to give her monthly report

11:00 Becky Carter, Executive Director of Colorado East Community Action Agency, to discuss a request for matching funds on a Community Development Block Grant to purchase a property in Limon to house their facility

11:30 Conduct a conference call with North American Salt on road stabilization projects. Also in attendance will be Road Foremen Chris Monks and David Seymour

1:00 Road Foremen Chris Monks and David Seymour to discuss proposed bridge maintenance projects

1. Approve the minutes from the February 28, 2012 meeting
2. Review a letter from Peakview Energy Company concerning oil and gas interests owned by the county that the company wishes to lease
3. Review and act on the Service Agreement and Fee Schedule with Reptech to comply with 408(b)(2) concerning disclosure of services provided to retirement plans and associated fees
4. Review and sign a letter to Representative Jon Becker and Senator Greg Brophy requesting they support a supplemental request of \$17 million in general fund support for CBMS upgrades and modernization
5. County Commissioners' reports
6. County Administrator's report
7. County Attorney's report
8. Old business
  - a. Discuss issues with the drainage at the county annex
9. New business
10. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 29, 2012. The following attended: Chairman Steve Burgess, Commissioners Gary Beedy and Ted Lyons, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble attended in the afternoon.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance, and wanted the record to reflect that Doug Stone was in attendance. Also in attendance at the beginning of the meeting were Weed Control Coordinator Wayne Shade and Land Use Administrator Ken Morrison.

A letter from Stan Kimble regarding the issue County Assessor Jeremiah Higgins had brought up concerning several weed districts in the county was briefly discussed before a call was placed to Mr. Higgins, asking him to come and join the meeting.

Meanwhile, Mr. Morrison said he wanted to inform the Board that he had spoken with Edison Fire Protection District Chief Mark Anderson, who told him that the district wants to build a fire station in Lincoln County. Mr. Morrison told him the county would not require a development permit and would waive the fee for the building permit in order to help their cause. Mr. Anderson said the land had been donated and the wells were drilled and he appreciated the county's cooperation.

When Jeremiah Higgins arrived, the Board again asked him to explain the situation with the weed districts. He stated that DOLA shows no contact information for anyone involved in the districts, but since the districts show up when the assessor's office completes the certification to the taxing entities, DOLA's requirement is to have the contact information for those involved with the district. Mr. Higgins felt the best thing was to do away with the districts since they would never levy taxes against them again in their current capacity, if they were even still in existence. Ms. Devers had done some research and obtained a document recorded in 1967, showing that Pest Control District No. 2 was actually set to be dissolved after ten years of being formed. Mr. Higgins commented that he assumed the others had followed suit. He went on to say that his predecessor and her chief deputy had never really known where the districts had come from. Ms. Devers said she would continue to check old records and see if she could find any further information, and Mr. Higgins stated that the best solution would be for the Board to pass a resolution dissolving the districts.

The commissioners reviewed several other expense vouchers for February, and then Mr. Lyons made a motion to approve the minutes from the meeting held on February 28, 2012, as submitted. Mr. Beedy seconded the motion, which carried unanimously.

The Board reviewed a letter from Peakview Energy Company concerning oil and gas interests owned by the county that the company wishes to lease. Also reviewed was a letter to Representative Jon Becker and Senator Greg Brophy requesting they support a supplemental request of \$17 million in general fund support for CBMS upgrades and modernization. Mr.

Beedy made a motion to sign the letter, Mr. Lyons seconded the motion, and it carried unanimously.

Mr. Beedy then reported working several different days on bids for the new shop in Karval, receiving a call regarding opening of roads during the recent snowstorm, and speaking on occasion with District Three Foreman David Seymour.

Mr. Lyons reported receiving a complaint on February 21 about the crushed cement on Hwy 63 that Castle Rock Construction was supposed to push off while they were working here last fall. He did check on it and admitted that it could be a danger, adding that he would speak with Chris Monks about it. On February 23, he attended the hospital board meeting, and the CARR meeting on the Twenty-seventh.

Mr. Burgess reported receiving a call from Bill Head on February 20 regarding whether or not the county intended to plow the road up there. Mr. Burgess told him it was still too windy, and then added to the rest of the Board that he and Chris had talked about putting in a living snow fence in the area to avoid some of the blowing across the road. On February 22, Mr. Burgess reported meeting with representatives from Blattner Energy, Inc. about the batch plant they will build for the NextEra wind farm. They intend to put it on County Road 3P east of State Road 71, which is not a developed county road, so they will need to speak with private landowners. He added that they had given them the county specifications and the group assured them the project will be completed in 2012. On February 24, Mr. Burgess picked up the old weed spraying truck in Seibert, and also spoke with Greg from Gregory G's Sandblasting and Insulation, who told him they will be out the week of March 4 to begin insulating the rest of the courthouse. He attended the CARR meeting on February 27, and after the commissioner meeting on the Twenty-eighth, he spoke with Bart O'Dwyer about the Genoa shop. He had assessed Mr. O'Dwyer a forty-day, non-fulfillment of contract penalty and took off \$1,100 from the bill for materials that the county had actually provided. He had also received a phone call from an emergency responder who was concerned about the condition of County Road 109 from Genoa to Hugo during the recent snowstorms. Since it is a major route for emergency vehicles getting to the hospital, Mr. Burgess felt the concern was a legitimate one. He said he would speak with Chris about it later today when he comes in. Earlier this morning, he spoke with Chris Monks about bridges.

Ms. Devers reported that CTSI had sent their annual CHP contact form for the County Workers' Compensation Pool and Colorado Counties Casualty and Property Pool, which designates her, Mr. Beedy, and Mr. Burgess as contacts. Mr. Beedy made a motion to approve the CHP contacts for CTSI, Mr. Lyons seconded the motion, and it carried unanimously.

After reviewing an Incentivized Retiree program through the County Health Pool, which would basically provide incentive to employees between the ages of 62 and 65 to take early retirement, Mr. Beedy made a motion that Lincoln County would not participate in the program at this time. Mr. Lyons seconded the motion, which carried unanimously.

At 10:00 a.m., Human Services Director Colette Barksdale met with the Board to give her monthly report. Robert Kraxberger also attended. While the Board reviewed the time sheets and reports, Ms. Barksdale updated them on the Child Welfare Allocation issue, stating that she and Mr. Burgess had attended a meeting which had basically just upset them more. Afterward, she made it a point to do an analysis and send it to the data committee. She said they had, in turn, contacted her and asked her to attend the meetings, which she will, adding that at least if something happens, she can tell them she submitted her analysis and they refused to use it.

Ms. Barksdale also informed the Board that Cheyenne County will join the CKLECC, and they are currently finishing up the grant application. If the \$35,000 grant is approved, they will need to have Mr. Kimble draw up a fiscal agreement.

Finally, Ms. Barksdale provided a job description for the department's Account Clerk position. Since the current employee's retirement will be effective as of August 1, 2012, they hope to offer someone the position by April 15 so that they can begin working on May 1.

The commissioners briefly discussed the drainage issues at the annex again, finally determining that it needs to be taken care of this summer. They decided to ask Travis Nall if he had any ideas of how to fix it.

At 11:00 a.m., Becky Carter with Colorado East Community Action Agency met with the Board to discuss a request for matching funds on a Community Development Block Grant for the purchase of property in Limon to house their facility. She explained that they have many goals and objectives; the greatest is which to be proactive in helping people rise from poverty. They hope to teach people how to obtain jobs and get back on their feet in a positive way, without incurring more debt, as well as how to learn a healthier lifestyle. The location in Limon is ideal, according to Ms. Carter, and she informed the Board that the town of Limon is helping out by paying for the engineering inspection. Her request of the county was either for monetary support, in-kind support, or both, although she stated that Greg Etl with DOLA had indicated that the grant application was lacking more in the in-kind area.

Mr. Burgess told her that the county would definitely sign a letter supporting the grant application and project, but added that they may also be able to help with the in-kind when Ms. Carter mentioned wanting to build a raised gardening area where participants could grow their own vegetables. He asked her to make a list of what might be needed.

Ms. Carter explained that the application had already been submitted, so they may need to wait for the next round, and Ms. Devers said she would contact Greg Etl to see if there was anything else the county could do at this time.

At 11:30 a.m., Road Foremen Chris Monks and David Seymour arrived for the conference call with North American Salt on road stabilization projects. Before the call, Mr. Burgess spoke to Chris about County Road 109 and the request he'd gotten from the emergency responder to make sure the road stays in good shape during blizzard conditions so that they have a safe

route to the hospital in Hugo. He suggested a new product he'd heard of called "ice slicer," but Chris said the problem is that anything they put on just sticks to the road and causes more problems as then the snow just piles up. He had spoken with Chris Seymour at one time and was told that there really wasn't anything they could do in the line of a product.

The group listened to the conference call for a while, but upon realizing it wasn't really what he had expected the call to be about, Mr. Burgess disconnected, and discussion turned to bridge projects. Chris said that Aaron Mills with TLM was coming out the following day to look at the bridge on County Road 109 just south of the courthouse, and he wanted to know if there were other bridges he should look at as well. Chris asked the others if they wanted to confine the maintenance to just the bridge structures or if they wanted to include guardrail as well, since that would be another item that might need to be fixed.

Mr. Lyons was more concerned with vegetation, trees, brush and undergrowth being cleared, and would prefer to spend the money on that rather than addressing guardrail that seemed to be perfectly functional. Mr. Beedy agreed that maintaining just the actual structures at this time would be fine, unless a large problem is discovered that needs to be taken care of.

David Seymour would like Mr. Mills to look at the bridge just north of Hall Station on County Road 11, and Mr. Burgess also would like for him to inspect the one on County Road 43 over the Arikaree.

Mr. Burgess also felt that the bridge on County Road T at Walks Camp should possibly be replaced with a different type of structure, as it sees quite a bit of traffic, but for now they will concentrate on the three mentioned, and he may look at doing something with that one later next fall.

Mr. Burgess stated that something will have to be done with the courthouse parking lot this year as well, since there are actually areas where dirt is starting to show through. He said he assumed they will have to patch it.

Chris Monks commented on the problem with the grader blades again—saying that they had broken several more since he last spoke with the commissioners. David Seymour put in that his crew had found several of the batch that were actually warped and wouldn't fit anything. Mr. Beedy thought it might be worth seeing if they could return the rest of the batch, and Chris said he'd told the company that the county wouldn't be ordering anything else from them if they didn't take care of the problem.

The Board reviewed an estimate from Gene Amann to re-paint the gas and diesel tanks at the county shop. Mr. Lyons made a motion to accept the proposal in the amount of \$2,180 to have Mr. Amann complete the work. Mr. Beedy seconded the motion, which carried unanimously.

Before the foremen left, Mr. Burgess told Chris that County Road 109 is definitely a priority and to do what he could to make sure it stays open and passable during bad weather.

Mr. Kimble asked if the commissioners had approved the contract to the Dyers for the county-owned property that they wish to purchase, and when they confirmed that it was fine, Mr. Kimble reported that he had sent the contract to Mrs. Dyer for her to review as well, but hadn't heard back from her.

Mr. Kimble hadn't seen any problems with the Service Agreement and Fee Schedule with Reptech to comply with 408 (b) (2) concerning disclosure of services provided to retirement plans and associated fees, so Mr. Beedy made a motion to sign the agreement, Mr. Lyons seconded the motion, and it carried unanimously.

Addressing the 1041 regs, Mr. Kimble asked if the commissioners felt a letter of intent might be a good idea to send with the regulations when they are given out to citizens and the Land Use board, outlining the reasons the regs are being considered. The Board agreed, although the Land Use board members have already received copies of the regulations.

Mr. Kimble shared a letter from Union Pacific Railroad Assistant Attorney Madeline Roebke, stating that using the Hugo roundhouse as an event center would be acceptable and would not violate the use restrictions in the Donation Quitclaim Deed.

Mr. Kimble had spoken with Ken Morrison about the exhibits from NextEra and asked if the commissioners were satisfied with the documentation, which they were. They agreed that the only stipulation at this point would be to have the funds in hand prior to issuing the permits.

A short discussion was held regarding the weed districts that Assessor Jeremiah Higgins would like to have dissolved to clear up his records, and after Ms. Devers showed him the documents she'd found and said she would continue to do further research, he said that it would probably just be best for the Board to pass a resolution dissolving the districts.

Mr. Kimble also had information from Martin & Martin Consulting Engineers referring to them limiting liability to \$50,000 for work on the Hugo Union Pacific Railroad Roundhouse. Mr. Kimble said that basically what it meant was that they could not be held liable for more than \$50,000 if they were to make a mistake, which bothered him considerably. Ms. Devers said that the same group is doing work on the dome at the state capitol and said she may try to find out if they had issued the same type of document in that project, and whether or not anyone had signed it.

When Mr. Burgess called for new business, Ms. Devers stated that she felt the commissioners needed to call the rodeo contractor for the 2012 rodeo themselves, as they still had not heard anything from Randy Monks about it, nor had the contract ever been received in the mail. She went on to say that the 2011 contract was received in November of 2010 and signed in January 2011, and it would be unfortunate to find out that they could no longer have a rodeo at the fair because the contracts weren't signed. A call was placed to Southwick Rodeo, Inc. and the commissioners spoke with Lori, who told them that the contract had been sent to Randy Monks

several months ago. The Board asked that she send another contract to Ms. Devers so that the commissioners could review it and get it signed and sent back. She said she would put one in the mail and informed them that it was actually a two-year contract this time.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 7, 2012.

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Corinne M. Lengel, Clerk to the Board

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Steve Burgess, Chairman