

# Board of County Commissioners of Lincoln County

Agenda for April 17, 2012

9:00 Call to order and Pledge of Allegiance

9:00 Road Foremen Chris Monks and David Seymour to give an update on road and bridge projects in their respective districts and to discuss repairs to the courthouse parking lot

1:00 Chris Paulson with HCB Ventures and Carl and Cherry Stogsdill to discuss the proposed 1041 regulations

1. Approve the minutes from the April 6, 2012 meeting
2. Review the March reports from the Clerk and the Treasurer
3. Review and approve a request for a one time transfer of \$30,000 from Lincoln County's Colorado Works Allocation to Gilpin County
4. Review and approve a rental agreement with Carson & Barnes Circus for use of the fairgrounds parking lot on Wednesday, May 23, 2012
5. County Commissioners' reports
6. County Administrator's report
7. County Attorney's report
8. Old business
  - a. Make a decision about purchasing a vending machine to replace one that will be removed from the courthouse
  - b. Adopt a resolution dissolving Weed Districts formed in the 1950's or 1960's
  - c. Discuss two oil and gas leases with Pine Ridge Oil & Gas, LLC approved at an earlier meeting that payment has not been received for
9. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 17, 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, after which the group, including Road Foremen Chris Monks and David Seymour, went outside to survey the courthouse parking lot to determine which repairs needed to be made. The decision was made to concentrate on the south end of the parking lot for now and replace some areas with concrete, particularly around the sally port at the sheriff's office. They will put the job out for bid and will patch the other problem areas.

Mr. Burgess also mentioned the traffic counters and the commissioners took some time deciding on which of the county roads each of the nine counters would be placed; three per road district. Mr. Burgess said he would like to have them put out for at least three weeks, so they will be placed on Monday, April 23 and will be picked up on May 14, and will be checked twice a week.

Mr. Burgess commented that he had looked at County Road 63 after the last meeting and talked to all the residents that he could about it. He admitted that it had been in bad shape, due to the rain and snow immediately following the road crews putting the material on it, adding that it has since been fixed. In District Two, they have also poured the concrete footers for the bridge up north and will pour the walls tomorrow. Mr. Beedy asked if they were hauling gravel from the Higgins pit yet. Mr. Burgess said they are, and they are monitoring County Roads 28 and 3N, and have also put up stop signs to help with the wind farm traffic. He added that wind farm crews are maintaining the roads, as requested.

Mr. Beedy made a suggestion that NextEra move one of their access roads on County Road 109 either 500 or 1,000 feet closer to the crest of the hill to provide better visibility. He commented that the hill is pretty steep and is afraid that residents may not see trucks turning onto the access road.

David Seymour stated that they have been crack-sealing in District Three, and are getting ready to chip-seal as well. They also finished the concrete pad for the new shop.

Before the road foremen left, it was determined that they would begin working on the courthouse parking lot either at the end of June or first part of July.

Jeremy Bourg and Carl Boecher with Pine Ridge Oil & Gas arrived to discuss two oil and gas leases approved at an earlier meeting that payment has not been received for. Mr. Boecher explained how the draft works; that it is paid thirty days after their bank receives it, which is why payment had not yet been received by the county. Ms. Devers informed them that the draft was incorrect; not only was it not signed, but the written amount did not agree with the numerical amount, and it was made out to the City of Lincoln, rather than to Lincoln County.

She added that Chris had come in to get the leases, but she had not given them to him because of the inconsistencies in the draft. He had told her he would get it fixed and return, but that had been two weeks ago. Another problem was that the notary sections of the leases themselves were made out with the wrong names. Mr. Burgess told them that the commissioners want the issue resolved today or they will break the leases, and Mr. Bourg asked if the first draft was okay, which it was. Ms. Devers said the draft for the lease dated March 12 should be in the amount of \$3,639, and Mr. Bourg assured her it would be corrected and he would return with it later in the afternoon. Mr. Beedy put in that it is important to have a written record of the amount in case the lease ends up being fewer acres than what is originally agreed upon.

When the gentlemen from Pine Ridge had gone, Mr. Burgess brought up an issue with the fairgrounds again, commenting that Randy Monks had double-booked a wedding for the events building over the Memorial Day weekend. He told one party that they had booked first so there wasn't a problem, but then neglected to contact the other party to let them know that they would not be able to have the building. When Ms. Devers asked him why he had never called the second party, she was told that he had tried once, but then had gotten busy and forgot about it. Mr. Burgess stated that he and Ms. Devers had discussed it and came to the conclusion that the only fair thing to do would be to allow both parties to use the facility that weekend free of charge. Ms. Devers added that, unfortunately, they will also have to pay someone to come in and clean the building after the first wedding reception, and before the second one on Sunday. The commissioners felt that Randy's behavior was unacceptable, Mr. Lyons adding that he also had still not turned in a time sheet for March, as he had been told to do on numerous occasions. Ms. Devers then let the Board know that she had also received a call from the rodeo organization, stating that they could not put Lincoln County's rodeo on their website until Randy gave them the added purse amounts. Apparently, he had been sent the information more than once, but had not responded. Ms. Devers asked the woman she spoke with to send the information to her instead, but she hadn't gotten anything yet.

After further discussion, a call was placed to Randy asking him to come in and meet with the Board at 2:00 p.m.

Mr. Beedy made a motion to approve the minutes from the meeting held on April 6, 2012, as submitted. Mr. Lyons seconded the motion, which carried.

The Board reviewed the March reports from the Clerk and the Treasurer, as well as a request for a one-time transfer of \$30,000 from Lincoln County's Colorado Works Allocation to Gilpin County. Clarifying that the county has done so on several different occasions, and that it is better to transfer the unused portion of the funds to another county rather than reverting it back to the state, Mr. Beedy made a motion to approve the transfer. Mr. Lyons seconded the motion, and it carried unanimously.

Also reviewed was a rental agreement with Carson & Barnes Circus for use of the fairgrounds parking lot on Wednesday, May 23, 2012. Ms. Devers made the comment that the agreement

does mention that the county will not rent the grounds to any other circus, carnival, or other related activity for 45 days before and 30 days after their event, which she thought the Board might want to cross out. The commissioners decided to have Mr. Kimble review the document before approving the agreement.

Mr. Beedy reported attending an Eastern TPR meeting on April 9, as did Mr. Burgess, and the STAC and TRAC meetings on April 13. He added that there will be nothing on federal transportation regulations until after the elections. There was also some discussion about grant funding being available for safe routes to schools, such as bicycle routes and sidewalk improvement, as well as discussion of highway tiering. Mr. Beedy felt that State Road 71 south and State Road 94 are most at risk and they should try to stay vocal about protecting the state highways. He also received a phone call from Paul Jenkins regarding cattle on the road.

Mr. Lyons reported speaking with Merlyn Stum on April 12 about trucks associated with the oil activity traveling on the section line of another resident's property and that party not being happy about it. Mr. Lyons told him that section lines are open access. On the Thirteenth, Mr. Lyons looked at the area and also went to the ground-breaking ceremony for the new clinic in Limon.

Mr. Burgess reported checking on County Road 63 after the commissioner meeting on April 6, as well as looking at other roads. On the Ninth, he attended the Eastern TPR meeting and stated that CDOT will most likely close the Ladybird Park rest area, as they only have about 45 cars a day use it. Since the state health department will force them to spend millions of dollars on water and sewer for rest areas, they may close the one at Bennett as well. Later that afternoon, Mr. Burgess attended the meeting with Pam Shaddock of Senator Udall's office. On April 10, Mr. Burgess attended the Child Welfare Allocation meeting and reported that the model he saw showed Lincoln County losing around \$1,500. He also picked up some parts for Chris Monks while he was in Denver. On April 11, he looked at roads and took the bookmobile to Flagler to see about having it painted. On April 12, he briefly attended a meeting in Cheyenne Wells before being called away, on the Thirteenth he attended the ground-breaking for the new clinic, checked on the progress for the new bridge up north, and received a phone call from Paul Jenkins who had caught people on his property who are wanting to put in a gas pipeline. He called Mr. Burgess back again this morning to let him know that someone had put some kind of marker on his property and wanted to know if it was legal that they do so. He did say that he had also called the sheriff about it. Mr. Burgess had received a call from Robert Safranek, asking if the county would be willing to pay for the materials for a lay-down fence for the property they lease near the landfill if he would provide the labor. Apparently, the snow gets to be a problem there and Mr. Safranek felt the difference in fencing may help. It would cost the county around \$500 or \$600. Mr. Burgess said he'd also stopped at the landfill to speak with Mick Jaques and learned that the heater had gone out of their old pressure washer. He wanted to know what the other commissioners felt about asking Chris Monks to look for another one, possibly even used, and the others agreed. On April 16, Mr. Burgess attended an RPI meeting with Ms. Devers where they spoke about fundraisers.

Ms. Devers asked the Board if it would be permissible for Rancho la Escondida to not have an ambulance on site when they have horse races at the fairgrounds in the future. Mr. Beedy felt that simply putting the hospital on notice might be sufficient. When asked if there were any problems with the races on April 7, Ms. Devers said that the security had done an excellent job and had confiscated some alcohol, drugs, and even a firearm, but otherwise, there had been no major issues.

After a brief discussion on the topic, Mr. Lyons made a motion to amend the Designated Medical Services Providers list for Lincoln County to include Limon Family Practice Clinic. Mr. Beedy seconded the motion, which carried unanimously.

Ms. Devers had received a request regarding allowing sick and vacation time to be given to an employee who is off work for medical reasons involving a family member rather than the employee themselves. Ms. Devers said that it may not be too much of an issue, as employees are not donating time as they have in the past, simply because they have donated before and no longer have that much to spare. The Board agreed to allow the employee to receive donated time to be off with a family member, at the discretion of the employee's department head or elected official.

Ms. Devers reported receiving a call from a gentleman with an oil company who wanted clarification on ownership of minerals under county roads, as well as another asking about adverse possession of mineral interests and whether or not the county defaults to state laws.

At 1:00 p.m., Chris Paulson with HCB Ventures, and Carl and Cherry Stogsdill, met with the Board to discuss the proposed 1041 regulations. Travis Taylor was also in attendance. Mr. Paulson explained that the Horse Creek Basin can be used for either fracking or municipal purposes in El Paso County, and they are polling members of the Horse Creek Water Users, which operates like a homeowners' association with a six-member board of directors, to see if there is more of a demand for one option above the other. He stated that once they go through water court to get the change of use approved, they could use it for fracking if the oil exploration continues. The basin has been designated as a closed basin; thus is run by the twenty-four landowners who are from Lincoln, Elbert and El Paso counties, the largest portion of which comes from Lincoln County. Mr. Paulson explained that before they aggregate the resource, they wanted to introduce the program to those counties that have the largest percentage of involved landowners. When Mr. Kimble asked what their timeline is, he responded that they hope to aggregate the resource, poll the landowners, and then take it to water court, where they will have the burden of proof with the state engineers. He did comment that all the wells have meters and a good historical background of usage.

Mr. Lyons wanted to know if it was the same basin that Rodney Preisser is in, to which Mr. Paulson stated that it is, and Mr. Beedy asked if they intend to put in a pipeline. Mr. Paulson answered that they do not anticipate doing so, but if there is a great amount of municipal usage, then they may have to do something else. The Horse Creek Water Users are charged with protecting the aquifer of the basin and making sure that it remains at the proper water

levels and, according to Mr. Paulson, those levels have not declined perceptively in the monitoring wells. He added that the annual average recharge is 23,000 acre feet.

Mr. Lyons asked if the Brett Grey Ranch is in the basin and Mr. Paulson responded that the State Land Board is actually a member of the Horse Creek Water Users. He went on to say that he simply wanted to inform the commissioners of what is happening and to let them know that they are still in the development stages, and added that Horse Creek Basin Ventures' desire is to aggregate with partners where they would pay an option and then take the risk of going through the water court. He asked about the county 1041 regulations and Mr. Kimble let him know that they have not yet been adopted, but are with the Land Use Board at this time for review. Mr. Kimble referred him to Chapter 3 of the regulations, as well as letting him know that their project may fall under "Areas Having Significant Impacts on Natural Resources." Mr. Paulson wanted to know if he should be interacting with Mr. Kimble, as there shouldn't be much of an impact if they are trucking the water, but if they have to put in a pipeline, things may be much different. Mr. Paulson gave his contact information and Mr. Kimble said he would e-mail him a copy of the 1041 regs.

All but Travis Taylor left at that time, and then Jeremy Bourg with Pine Ridge Oil & Gas returned with the corrected oil and gas leases. The commissioners took a few minutes to sign the leases, once they reviewed the corrections.

Mr. Burgess then asked Travis several questions about upcoming events he has scheduled at the fairgrounds. Travis also asked if there had been any word from CDOT on the finalization of the R2C2 study, as Don Hunt had promised a letter. Ms. Devers said she hadn't gotten anything yet and would send an e-mail reminder.

Once Travis had gone, Mr. Kimble addressed the question regarding having to pay ASCAP an annual fee for a license to have music on county property, stating that the concern is not so much who's playing the music as it is the venue in which it is being played. His opinion was that it would be less worrisome to pay the \$320 annual fee than it would be to risk a lawsuit. Mr. Beedy stated he would be inclined to hold off until the county received a more threatening letter.

Randy Monks arrived at that time, and Mr. Burgess told him that the commissioners were very upset about the way the situation with double-booking the wedding receptions at the Ellis Allen building was handled; therefore, that issue, combined with all of the other problems that had recently occurred, left them no choice but to terminate his employment. Randy asked if they wanted him to just drop what he'd been doing and Mr. Burgess told him it was up to him if he wanted to finish it; otherwise, he needed to come back and turn in his keys.

Ms. Devers asked Mr. Kimble to look over the agreement with Carson & Barnes Circus, and he agreed that the stipulation to allow other like events seemed a bit odd. The Board chose to cross out that portion of the agreement, and Ms. Devers said she would send them a letter and see if the change was acceptable to them. If not, she will return their \$100.

Mr. Kimble reported receiving the last title commitment on the third Dyer property purchase, stating that if the commissioners would sign it, he would send it on to the Dyers for their signature. Once they do so and send payment, he will send them the Deed. Ms. Devers asked if they owed Hedlund Abstract more money for the title work, and Mr. Kimble said she could take them another \$325.

Mr. Kimble had spent the previous day in Elbert County court as the town of Limon and the Lincoln County Sheriff were served subpoenas to produce personnel records for the officers involved in the Jackie Hasty case in which Limon Police Officer Jay Sheridan was killed. He added that he had filed a motion for protective orders.

The Board briefly discussed the purchase of the vending machine in the courthouse, Mr. Beedy stating that he really didn't know who would take care of stocking it, or where the supplies would be kept. Mr. Burgess said he would stop by Osborne's Supermarket and ask Lucas Hohl if he would be interested in purchasing the machine and taking over stocking it.

Mr. Beedy made a motion to adopt a resolution dissolving Weed Districts formed in the 1950's or 1960's. Mr. Lyons seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on April 17, 2012 there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

**RESOLUTION #820** It was moved by Commissioner Beedy and seconded by Commissioner Lyons to adopt the following resolution:

**WHEREAS**, the Lincoln County Assessor reported to the Board of County Commissioners that there are three assessments in the Assessor's Office records for weed districts; and

**WHEREAS**, these districts are inactive, with paperwork not having been submitted in an undetermined number of years to provide the Assessor's Office with the boundaries of the districts or a budget or a mill levy needed to support the activities of the districts, thus preventing the establishment of a valuation of assessment; and

**WHEREAS**, an exhaustive search was made of the Board of County Commissioners records to determine if information could be found on the establishment and dissolution of these districts; and

**WHEREAS**, the only information found was on one district, (see attached resolution signed and dated April 4, 1967) which expired on its own terms; and

**WHEREAS**, C.R.S. 35-5.5-101, et.seq., the Colorado Noxious Weed Act, allows, among other powers, the Board of County Commissioners to adopt any resolution, rules and other regulations as may be necessary and proper to provide for the management of noxious weeds within the county;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the Lincoln County Assessor is hereby authorized to remove from the records of the Lincoln County Assessor the three assessments by the county and any others by the county that may be found on inactive weed districts.

Upon roll call the vote was:

Commissioner Lyons, Yes; Commissioner Beedy, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Sheree Miller was asked to come in and discuss the possibility of cleaning the buildings and bathrooms at the fairgrounds after events are held there until a decision is made on a new fair manager. Ms. Miller said she would be interested and was told to submit a separate time sheet for those hours so that they could keep track of how much time it actually takes.

Mr. Burgess called for new business, submitting the quote from NAPA in Flagler in the amount of \$3,200 for single-stage painting of the bookmobile. Double-stage paint would be \$4,100. It



was agreed that Mr. Burgess would tell the board to continue pursuing the funding through Cooper-Clark.

Discussion ensued regarding whether or not the county was going to act as had been previously discussed and allow vehicles with high mileage to be traded in while they still have a decent value. The sheriff has a 2008 Chevy pick-up with 88,000 miles on it that Anderson Motors could possibly get around \$20,000 for with a \$500 consignment fee. The Board agreed to allow the sheriff to proceed with looking for a replacement vehicle.

The Board reviewed March 2012 reports from the E911, Conservation Trust, Lodging/Tourism, and Landfill funds and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on April 27, 2012.

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Corinne M. Lengel, Clerk to the Board

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Steve Burgess, Chairman