

Board of County Commissioners of Lincoln County

Agenda for May 17, 2012

8:00 Call to order and Pledge of Allegiance

8:05 Interview Travis Nall for the Land Use Administrator/Emergency Manager position

9:00 Interview Kevin Valko for the Land Use Administrator/Emergency Manager position

9:45 Interview Tim Frank for the Land Use Administrator/Emergency Manager position

11:00 Jeremy Bourg with Pine Ridge Oil & Gas, LLC to discuss leasing 80 acres located in the W½SW¼ of Section 33-T10S-R54W

1. Approve the minutes from the May 7, 2012 meeting
2. Review the April reports from the Assessor, Clerk and Sheriff and the January, February, March and April reports from the Veterans Service Officer
3. Review the April reports of revenues and expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge and the individual road districts
4. Review and act on an application for Larry Monks to charge at the county landfill
5. Review and act on a revised fee schedule received from Reptech to do benefit calculations from the county retirement plan
6. Review and approve a voucher to pay Structures Unlimited \$39,178.10 for the Hell Creek structure
7. Adopt a resolution appointing Arapahoe County Commissioner Bill Holen to the 18th Judicial District's Forfeiture Committee to take the position vacated by Arapahoe County Commissioner Weddig
8. County Commissioner reports
9. County Administrator's report
10. County Attorney's report
11. Old business
 - a. Further discuss ownership of the property the Karval Water Users equipment is located on
12. New business

The Board of Lincoln County Commissioners met at 8:00 a.m. on May 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, and then Travis Nall was interviewed for the Land Use Administrator/Emergency Manager position.

After the interview, Mr. Beedy made a motion to approve the minutes from the meeting held on May 7, 2012, as submitted. Mr. Lyons seconded the motion, which carried unanimously.

The Board reviewed the April reports from the Assessor, Clerk, and Sheriff, and the January, February, March, and April reports from the Veterans Service Officer. Also reviewed were the April reports of revenues and expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism and Road & Bridge funds, as well as for the individual road districts.

At 9:00 a.m., Kevin Valko was interviewed for the Land Use Administrator/Emergency Manager position.

Ms. Devers informed the Board that they no longer needed to act on a request from Larry Monks to charge at the county landfill, as he had already completed his project; however, they did review a revised fee schedule received from Reptech to do benefit calculations from the county retirement plan. Ms. Devers said that the original fee schedule with the lower amounts was for defined contributions, not defined benefits, so the new fees will be \$300 for a single distribution and \$225 for multiple distributions. Mr. Beedy made a motion to approve the revised fee schedule from Reptech on the county retirement plan. Mr. Lyons seconded the motion, which carried unanimously.

The commissioners approved a voucher to pay Structures Unlimited \$39,173.10 for the Hell Creek Structure. All agreed the structure is a vast improvement.

Mr. Beedy made a motion to adopt a resolution appointing Arapahoe County Commissioner Bill Holen to the 18th Judicial District's Forfeiture Committee to take the position vacated by Arapahoe County Commissioner Weddig. Mr. Lyons seconded the motion, which carried unanimously.

RESOLUTION NO. 823

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LINCOLN, COLORADO**

A RESOLUTION SELECTING A REPRESENTATIVE, OF THE BOARDS OF COUNTY COMMISSIONERS IN THE 18TH JUDICIAL DISTRICT, TO SERVE ON THE DISTRICT ATTORNEY’S COMMITTEE ON DISPOSITION OF FORFEITED PROPERTY

WHEREAS, the District Attorney’s Office, consistent with C.R.S. § 16-13-702, has established a “Committee on Disposition of Forfeited Property for the Office of the District Attorney – 18th Judicial District, State of Colorado;” and

WHEREAS, C.R.S. § 16-13-702(4) requires that such a committee include a representative of one of the governmental bodies having budgetary authority over the district attorney’s budget, to be selected by the unanimous agreement of all of the governmental bodies in the judicial district that have budgetary authority over the district attorney’s budget; and

WHEREAS, the “governmental bodies” referred to in C.R.S. § 16-13-702(4) are, for the 18th Judicial District, the Boards of County Commissioners of Arapahoe, Douglas, Elbert, and Lincoln Counties; and

WHEREAS, the Boards of County Commissioners of Arapahoe, Douglas, Elbert and Lincoln Counties have agreed that Arapahoe County Commissioner Bill L. Holen should serve as a representative on the committee; and Commissioner Holen has agreed to perform such service;

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of the County of Lincoln, State of Colorado, as follows:

1. Arapahoe County Commissioner Bill L. Holen is selected to serve as a representative of the Boards of County Commissioners of Arapahoe, Douglas, Elbert and Lincoln Counties on the “Committee on Disposition of Forfeited Property for the Office of the District Attorney – 18th Judicial District, State of Colorado.”
2. Commissioner Holen’s service as a representative on that committee shall be effective when the Boards of County Commissioners of Arapahoe, Douglas, Elbert, and Lincoln Counties all pass resolutions selecting him for such service.
3. Former Arapahoe County Commissioner Frank Weddig’s appointment to the Committee is rescinded; Commissioner Holen is taking former Commissioner Weddig’s place on the Committee. The appointments of other representatives of the Boards of County Commissioners remain in effect.

PASSED AND ADOPTED this 17th of May 2012, in Hugo, Lincoln County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN, COLORADO

BY: _____
Steve Burgess, Chairman

BY: _____
Gary Beedy, Vice Chairman

BY: _____
Ted Lyons, Commissioner

ATTEST: _____
Clerk to the Board

Mr. Beedy reported attending the EMS Council meeting in Genoa on May 8, and the State Transportation Advisory Committee meeting on May 11. He also said he has done some work with wind farm stuff.

Mr. Lyons reported attending the fair board meeting on May 8, the county picnic on May 11, and checking out the right-of-way dispute between John Theisen, Scott Ravenkamp, and Wade Hollowell on May 15. He will speak with Mr. Kimble about it later.

At 9:45 a.m., Tim Frank was interviewed for the Land Use Administrator/Emergency Manager position. At its conclusion, Mr. Burgess reported that he took the Outback Express bus to Burlington Ford on May 8, as Keith Caulkins had reported that the back-up alarm and lights didn't work. He attended the fair board meeting that evening. On the Tenth, Mr. Burgess attended the Centennial Mental Health meeting in Burlington and stated that service in small counties is suffering, yet they want to build a new \$4 million facility in Fort Morgan. He also brought the Outback bus back with him. From Thursday throughout the weekend, Mr. Burgess said he dealt with two separate groups of people wanting to board horses at the fairgrounds. On the Eleventh, Mr. Burgess attended the county picnic, and on the Fourteenth, he attended a pre-con meeting for the State Road 71 north project. He also asked Adrian Pickenpaugh to do some welding at the fairgrounds and agreed to pay him \$35 per hour, since he will use his own equipment. Paul Jenkins had also called and said he'd spoken with the oil company people. On May 16, Mr. Burgess and Travis Taylor checked out the speakers and other things at the fairgrounds. Mr. Burgess commented that the one large speaker has a broken spot on it and they also couldn't find the wireless microphones, or any of the small hand tools that were out there. Willy Moreen has been mowing, trimming, and doing other clean-up, as well as helping to take out the fence west of the show barn. Mr. Burgess said he would like the fence and the chute done, and the livestock sale committee will pay for two eight foot gates.

Mr. Lyons said they needed to check the rodeo contract and find out what kind of extra help is needed in the arena or with the livestock, so Ms. Devers pulled the contract and read that the county needs to supply additional manpower at the chute and in the arena, as well as adequate hay and grain. Mr. Burgess said he would speak with one of the fair board members to see if they could recommend someone for that.

At 11:00 a.m., Jeremy Bourg with Pine Ridge Oil & Gas, LLC met with the Board to discuss leasing 80 acres of county-owned property located in the W2SW4 of Section 33-T10S-R54W. Mr. Bourg said he had actually discovered another four smaller tracts of land owned by Lincoln County and wanted to know if the commissioners would be willing to lease them as well, under the same conditions. He added that he had tracked the problem with the draft from the original lease, and had discovered that it was tied up in the Hugo bank for almost a week before being transferred to their bank.

Mr. Lyons made a motion to sign five separate lease agreements with Pine Ridge Oil & Gas, LLC on the following: SE4NW4, SW4NE4 of Section 2-T12S-R54W; NE4SW4 of Section 3-T13S-R54W; All of Section 31-T12S-R52W; E2E2, NW4NE4, NW4 of Section 10-T13S-R52W; and the

W2SW4 of Section 33-T10S-R54W at \$150 an acre, with a fifteen percent royalty, for five years. Mr. Beedy seconded the motion, which carried unanimously.

Toni Crismon arrived at that time and asked about hydraulic fracking, wanting to know if it is, or has been, used in Lincoln County. Mr. Lyons told her that it had been used on some of Dave Hubbard's property southwest of Hugo, and Mr. Beedy told her that locations can be found on the State Oil and Gas Commission website. Ms. Crismon said she is concerned with the safety of the water and didn't believe that enough studies have been done regarding fracking and safety, especially when it isn't clear what chemicals are being used. Jeremy Bourg assured her that Pine Ridge Oil & Gas does not do fracking at all.

When everyone had gone, Mr. Burgess continued with his report, stating that he had met with Dave Stone, Joe Kiely, Pat Vice, and Larry and Marlene Steele regarding the closing of the Lincoln Theatre. It will take from \$125,000 to \$135,000 to upgrade the facility to digital equipment, and the Steeles no longer want to keep it. There is discussion of trying to turn it into an Enterprise Zone. Finally, Mr. Burgess said he received a call from Robert Safranek regarding a bunch of paint that Neatline wanted to give away, and thought it may be useful at the fairgrounds.

Mr. Lyons made a motion to approve a county credit card with a \$1,000 limit for Human Services Department employee Shawn Sprowls. Mr. Beedy seconded the motion, which carried unanimously.

Ms. Devers reported that CAPP will cover the cost of repairs on the loader at the landfill, less the \$500 deductible and the \$1,744.00 for the upgrade to the belly pans. She also said that the post office box rent for the fairgrounds is due in the amount of \$44 and wanted to know if the commissioners wanted to renew it. She receives some bills, a few advertisements and sometimes the Rodeo magazine, but otherwise nothing that couldn't come to a box that is checked on a daily basis. The commissioners agreed to close the post office box and have future mail re-routed to Ms. Devers' post office box.

Lastly, Ms. Devers informed the Board that she and county auditor Ronny Farmer had some difficulty reconciling the 2011 Debt Service and Capital Outlay payments with what was showing in the Road & Bridge reports. They found that the problem occurred when additional funds were paid on a lease, but the amount was charged to Capital Outlay. She requested that, in the future, expenditures be taken from the appropriate line item, even if they exceed the budgeted amount.

Mr. Burgess said he'd contacted Leo Hurtado to install electricity in the handicapped accessible door in the Ellis Allen building since the handles have been changed, adding that the locks need to be changed as well.

Mr. Beedy made a motion to approve Megan Hohl as the Economic Development member on the Council of Governments board. Mr. Lyons seconded the motion, which carried unanimously.

Mr. Lyons reported that Jim Humphrey and Tony Bandy did go ahead and purchase the vending machine in the courthouse lobby.

Mr. Kimble reported that he and Ms. Lengel have been working on a CORA policy and that Cynthia Barnes with CTSI has a good example, but she is on vacation so once she returns, they will put something together. He also reported that the personnel records were returned in the Jackie Hasty case.

At that time, Lincoln Community Hospital Administrator Herman Schreivogel arrived to discuss Plains Medical Center CEO Morgan Honea's promise to send a retraction to the Limon Leader regarding the information he printed in a previous article and which they met with the commissioners about on April 30. Mr. Schreivogel felt that Mr. Honea had insulted the credibility of the commissioners by starting a completely false rumor, and asked if they would mind if he sent a letter to the paper once he meets with the hospital board next Thursday.

Mr. Kimble said that Mr. Honea had sent a letter to him that he forwarded on to Mr. Schreivogel, but Mr. Schreivogel had not accepted it. Mr. Schreivogel said his biggest concern is the dollar figure and the misconception that the county gave a million dollars to the hospital, but he has other concerns as well that he intends to bring up.

Mr. Lyons commented that the statements were false and Mr. Honea knew they were false before he ever submitted them to the paper, as he had asked Ms. Devers, who explained the way supplemental appropriations work.

Mr. Kimble stated that the letter Mr. Honea sent stated that he would retract the misrepresentation concerning the funding, but that he would not be an advocate for Lincoln Community Hospital, nor would he change his opinion about healthcare in the area. He added that it may be beneficial for the commissioners to send a letter to the paper themselves, and Mr. Beedy said he was in support of clarifying to the public that the county did not give such funding to the hospital.

Land Use Administrator Ken Morrison was called in to discuss the 1041 regulations and Mr. Kimble asked if they could set up a meeting for next week. Mr. Morrison commented that most of the land use board members he's spoken with are more in favor of using a less complicated form of regulations that aren't too strict or that kill local initiative. Mr. Kimble again reiterated that the purpose of the regulations is simply to bring parties to the table for discussion. Mr. Morrison added that they also allow the commissioners to decide what a matter of state interest in Lincoln County is, and are basically just another name for a Use by Special Review permit. Mr. Kimble asked Mr. Morrison to set up the meeting and he would give explanations.

Mr. Beedy asked Mr. Morrison if the county has a point of contact for oil and gas exploration, and Mr. Morrison stated that he is that contact.

Ms. Devers told Mr. Kimble that she'd spoken with Larry Nickell about Karval Water Users and learned that they operate as a non-profit, with their own federal ID#; however, they use the county's tax exempt number. They file paperwork with the Secretary of State's office, but Mr. Nickell couldn't tell her if they operate as a 501(c)3 or not. Ms. Devers checked the SOS website, but could not find anything. Mr. Nickell did tell her that KWU really would prefer to continue using the county's tax exempt number, and felt that Patrick Leonard and John Whacker may consider being on the board, as they are taking an interest and volunteering to learn what the board does and how the plant operates. Patrick is also learning about the plant and has taken some classes. The Board of Directors is Larry Nickell, Cindi Leonard, Mark Olson, Connie Stone, and Donna Nickell. Larry does the paperwork and deals with the state, and Mark takes care of the plant. They have thirty active taps, which include the county shop, ESRTA's building, the fire department, the park, the community building, the school, and the café. Larry told Ms. Devers that he doesn't believe that KWU owns the equipment or the building because everything sits on county property.

Mr. Kimble stated that the county could not be forced to take over, but the commissioners may want to in order to help out the residents. He added that it is more of a political question than a legal one, and they could always tell them that the county is willing to operate as a flow-through in the event they apply for funding. Ms. Devers put in that if it were a substantial expense the county would have no choice but to help them since they are not incorporated.

The decision was made to leave the situation as is and allow the Karval Water Users to continue to operate using the county's tax exempt number.

Mr. Lyons brought up the dispute between the property owners and access to CRP property, explaining that the property owner at County Road 27 has closed the access point. Mr. Kimble responded that civil law states that if a trail has been continuously and openly used for eighteen years, then the owner could have a prescriptive easement, adding that it is not a county issue if it is not a county road, and Mr. Lyons said he would tell them that it is a civil matter.

At 1:50 p.m., John "Ben" DeWitt was interviewed for the Fairgrounds Manager position, and at 2:15 p.m., Dale Alley was interviewed for the same position. Between interviews, Mr. Burgess told the others that he had learned that Road & Bridge employees help with the chutes and gates during the fair.

At 2:50 p.m., Julie Joffe was interviewed for the Fairgrounds Manager position. All were told the commissioners hoped to have an answer yet today.

Discussion ensued regarding whom to hire for either position, all commissioners agreeing that the fairground manager position was not a full time position, even though both Mr. DeWitt and

Mr. Alley were under the assumption that it could become such. The commissioners were also concerned with the fact that Travis Nall had said he was mostly interested in the Emergency Manager portion of the Land Use/Emergency Manager job, which Mr. Morrison felt might be a conflict since he is also the Hugo fire chief. Travis had also told them that he would continue to pursue a career as a fire fighter/EMT and if the opportunity arose, he would more than likely take it. Mr. DeWitt had actually been much more suited to the Land Use/Emergency Manager position with his background, but had informed the Board he hadn't applied for it because he wasn't aware of it when he applied for the Fairgrounds Manager position.

Ms. Joffe had definitely been interested in part time work, and had suggested \$1,000 per month as a salary, so after discussing her qualifications further, the Board agreed to hire her if she could start sooner than July 1.

Mr. Beedy made a motion to hire Julie Joffe as the Fairgrounds Manager at \$1,000, starting as soon as possible. Mr. Lyons seconded the motion, which carried unanimously.

A call was placed to Ms. Joffe, asking her to return and discuss a schedule, and while waiting for her, another call was placed to Mr. Kimble, asking if it would be permissible to hire John DeWitt as the Land Use Administrator/Emergency Manager, based on his qualifications. Mr. Kimble felt there was no problem with the proposal, so a call was placed to Mr. DeWitt, who accepted the position.

When Ms. Joffe arrived, Mr. Burgess asked her if she could work the weekend of June 22, 23 and 24, as he would be out of town, to which she agreed. They also agreed that she would retire from her current position at the end of June, as previously requested, but that she will work some evenings and weekends at the fairgrounds for \$12.00/hour until July 1, when she will go on salary.

Mr. Lyons made a motion to hire John DeWitt as the Land Use Administrator/Emergency Manager at \$2,276 per month, beginning June 1, 2012, providing Mr. DeWitt can find a place to live and can leave his current employment in that timeframe. Mr. Beedy seconded the motion, which carried unanimously.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on May 30, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman