

Board of County Commissioners of Lincoln County

Agenda for September 17, 2012

8:00 Call to order and Pledge of Allegiance

9:00 Cindy Ferree, Director of Limon Child Development Center, to give an update

10:00 Teresa O'Dwyer to discuss the price the county pays for gravel

1. Approve the minutes from the September 7, 2012 meeting
2. Review information from the Upper Big Sandy Ground Water Management District concerning changes to their rules and regulations
3. Review a proposal from Plains Heating & Air Conditioning for replacement of hail damaged air conditioning units
4. Review the August reports of revenues and expenditures for Public Health and County General
5. Review and sign the Early Childhood Council contract for \$25,000 for the period of July 1, 2012 through June 30, 2013
6. County Commissioner reports
7. County Administrator's report
8. County Attorney's report
9. Old business
 - a. Appoint an individual to serve on the Board of Directors of the Republican River Water Conservation District
10. New business

The Board of Lincoln County Commissioners met at 8:00 a.m. on September 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 until 8:45 a.m.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance. The Board had chosen to meet early in order to discuss the amendments to the 1041 regulations submitted by several entities, since Mr. Kimble was scheduled for court the remainder of the day. He said he had received another suggestion for an addition from Chris Paulson with HCB Ventures, which was rather concerning, as it requested exemption of any municipal or industrial water project in an area that has as its primary source of water groundwater a non-tributary to the Arkansas River. He had also received further questions regarding potential timeframes, as well as concerns with the applicability of the proposed regulations to independent power producers and/or independent transmission companies whose impacts are essentially the same as similar public utility proposed projects from Tri-State. It was agreed that Mr. Kimble would speak with Land Use Administrator John DeWitt and then make one more revision to the regulations and e-mail them out again.

The only other thing Mr. Kimble had to report was a question involving monitoring wells and an agreement wherein Winterbergs were required to have an annual test conducted to ensure that nothing from their towing company was damaging groundwater. Mr. Kimble said it would have been around eight years ago, and Winterbergs now would like to know if the practice needs to continue. He instructed the Land Use Administrator to obtain an expert opinion so that they would have further information.

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

The Board reviewed information from the Upper Big Sandy Ground Water Management District concerning changes to their rules and regulations, and a proposal from Plains Heating and Air Conditioning for replacement of hail damaged air conditioning units. Ms. Devers contacted Travis Nall, who came in and said he would look to see which units the proposal was referring to. Also reviewed was the August report of revenues and expenditures for the Public Health department.

At 9:00 a.m., Cindy Ferree, Director of the Limon Child Development Center met with the Board to give an update on the facility. She passed around the annual report, which included general information as well as a financial update, and was proud to report that LCDC has been awarded accreditation through The National Association for the Education of Young Children. Ms. Ferree answered several questions regarding criteria, busing, and meals, and then thanked the Board for their time.

The Board reviewed the Early Childhood Council contract for \$25,000 for the period of July 1, 2012, through June 30, 2013, and Mr. Beedy made a motion to sign the contract. Mr. Lyons seconded the motion, which carried unanimously.

Mr. Beedy reported that on September 11 he attended the Colorado East Community Action board meeting, and on the Thirteenth, he attended the Cheyenne/Kiowa/Lincoln Early Childhood Development Council meeting. On September 14, he attended both the State Transportation Advisory Committee and Transit and Rail Advisory Committee meetings. The state has allocated \$30 million for I-76 and another \$37 million to be spread out on other roads across the state. As for the Transit and Rail meeting, he suggested to the commissioners that they try and find someone from eastern Colorado to continue attending those meetings once he is no longer a commissioner.

Mr. Lyons reported being contacted on September 7 regarding lack of gravel around a resident's mailbox, so he looked at it on September 10, and said he will speak with Chris Monks about having a little gravel spread there. On September 11, he attended the fair board meeting and listed several of the board's wishes when it comes to priorities at the fairgrounds. Among them were fencing, speakers, the announcer's booth/crow's nest, painting of the grandstands, and outlets, to name a few.

Travis Nall came back and said that he had determined which units Plains Heating and Air Conditioning felt needed to be replaced, one of which was just outside the courtroom. Mr. Beedy said he'd received information from a juror that they could not hear when in the jury box because of a loud humming noise. Travis verified that the unit is just outside the courtroom and does make noise when it kicks on, but stated that it is one that is on the list to be replaced. The total on the proposal from Plains was in the amount of \$47,842 for nine units.

After Travis left, Mr. Lyons continued with his report, stating that he had checked on the oil production again, and the seismograph crew is now working to the north. On the Thirteenth, he received a call from Kerry Halde about delivering pipe on Friday, but since the road crews don't work on Fridays, it will have to wait. He also checked on County Roads 35 and 36, where some areas are in need of gravel; however, they can't put it down now as the seismograph crews have cables across the roads. He spoke with Bill Bledsoe about one of his sons serving on the Republican River Water Conservation District Board of Directors, and also talked to James Bledsoe about it this morning. James said he would speak with Raymond Enderson to see what all is involved before making a decision. Mr. Lyons also spoke with Kerry Halde again this morning, as well as Chris Monks. Lastly, he said that someone from Stand-by Power called him back and wanted to know what kind of usage the courthouse has.

Mr. Burgess said he was on site of the bridge replacement project on County Road 3T on September 10 and 11, as well as in attendance at the fair board meeting on the Eleventh. On the Twelfth, the Vision Committee met and Gene Vick, one of the members, made several suggestions of what money should be spent on. Mr. Burgess felt that other community members need to be involved on the committee, not just people from the Hugo area, and

added that he didn't think the commissioners should be signing letters or getting involved with obtaining funding, and both Mr. Beedy and Mr. Lyons agreed. On September 13, Mr. Burgess received a complaint about County Road 3P, so he checked it out the following day. It appeared that Blattner Energy and the wind farm groups are destroying the road.

At 10:00 a.m., Teresa O'Dwyer met with the Board to discuss the price the county pays for gravel. She commented that she simply wants her lease to read the way other lessor leases read, even though she now understands that each lessor receives the same amount for gravel, even if it is not specified in their individual lease. She provided a chart she had put together showing what surrounding counties pay for gravel and stated that Lincoln County really does underpay. Deputy Assessor Renita Thelen arrived at that time, and shortly after that Scott Ravenkamp. Ms. O'Dwyer said she was concerned that once the county got all the gravel they needed, they would close down her pit, but Mr. Burgess assured her that was not the case.

Mr. Burgess explained that there are over twenty-five gravel pits in the county and agreed that the issue needs to be addressed, explaining his idea of having them all come due around the same time of year so that they don't get missed when they are due to expire, as happened with both Ms. O'Dwyer's lease and Mr. Ravenkamp's lease. He added that they hope to increase the rates today.

Ms. O'Dwyer asked if they would also change the tax base, but Ms. Thelen said that the taxes are not billed to the landowner, but the landowner does fill out a Sand & Gravel Declaration every year, adding that the Assessor accounts to the state if the county chooses to raise the rates.

Ms. Devers cautioned the Board that they may want to speak with Land Use Administrator John DeWitt about the logistics of changing the leases, so Mr. DeWitt was called to come join the meeting. When asked if they could change the renewal period on the leases, Mr. DeWitt said that it shouldn't be a huge problem, but after further discussion, the Board decided they did not want the leases all expiring at the same time. He added that the county signs five-year leases with another five years on top of that for recovery and reclamation to do what is required by the state.

Ms. O'Dwyer was asked if she would sign a new lease from now until the first of the year, and then sign another one at that time once it has been revised, which she said she would. The commissioners and Mr. DeWitt all agreed that several areas of the lease need to be revised and sent to Mr. Kimble for his review as well.

After Ms. O'Dwyer and Mr. Ravenkamp left, Ms. Devers said she thought item number six should be removed from the lease as well, since the Lessee, being the county, no longer pays the taxes. Ms. Thelen disagreed, stating that it would need to remain, as the landowner is not billed for them, due to the fact that they are put into an exempt district code. According to a house bill a few years ago, the county was required to stop billing the landowners for the taxes. It was determined that a simple wording change on item number six would suffice.

At that time, both Ms. O'Dwyer and Mr. Ravenkamp returned, Ms. O'Dwyer stating that she did not like the fact that another item on the lease made it look like the lease was automatically renewed after five years once the landowner was notified. She said it would be much better to sign a new lease every five years, and Mr. Ravenkamp agreed, adding that if the leases automatically renewed every five years, they would be permanent leases. Again, everyone agreed that a change to the lease agreement was in order.

Mr. Beedy made a motion to increase the royalty paid to Lessors for all minerals mined and taken from their premises to \$4.00 per single-axle dump truck load, \$6.50 per tandem axle dump truck load, and \$9.00 per semi load, effective October 1, 2012. Mr. Lyons seconded the motion, which carried unanimously.

Once Ms. O'Dwyer, Mr. Ravenkamp, and Ms. Thelen had left, Mr. Burgess advised Mr. DeWitt that road foremen and/or commissioners should be advised when decisions need to be made by the commissioners. He felt the last Land Use Administrator had overstepped his bounds a few times and wanted Mr. DeWitt to understand that residents need to be referred to the proper authorities and personal opinions need to be reserved.

Ms. Devers reported that most budgets are ready for the following day's meeting, except that she has not yet received one from Human Services. She also asked if the Board had decided whether or not to apply for a DOLA grant, but they felt it was too hard to justify so agreed not to at this time.

The Board reviewed the August 2012 Sheriff's report and Treasurer's reports, and then discussion turned again to things at the fairgrounds that needed to be repaired or replaced. Mr. Beedy said they definitely need to budget more in the maintenance line item.

Ms. Devers suggested putting an article in the paper requesting more countywide representation to the Vision Committee, and the Board agreed that it was an excellent idea.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on September 18, 2012, for the 2013 budget hearings.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman