

Board of County Commissioners of Lincoln County

Agenda for October 30, 2012

9:00 Call to order and Pledge of Allegiance

9:00 Greg Nahm with Mason Dixon Energy LLC to present a revised oil and gas lease for signature

9:30 Randy Malcom to request permission to farm a primitive road in Road District 2

10:00 Rick Lockett to discuss his plans to use spools accumulated at his property and the time frame to have the work done

10:30 Human Services employee Marissa Schier to discuss her flex time schedule

1. Approve the minutes from the October 17th and 25th, 2012 meetings
2. Review the September reports of revenues and expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and the individual road districts
3. Old business
4. New business
5. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 30, 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. Commissioner candidate Dan Merewether attended the meeting from 10:00 a.m. until 11:30 a.m.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance.

Ms. Devers was unsure if Greg Nahm with Mason Dixon Energy, LLC was going to attend the meeting, but he did send her the unsigned Oil and Gas Lease documents for the commissioners to sign, should they choose to approve the lease. She had sent the documents to Mr. Kimble asking if he felt they were okay to sign, but she had not yet heard back from him. The decision was made to wait and speak with Mr. Kimble about it.

Mr. Lyons made a motion to approve the minutes from the meetings held on October 17 and October 25, as submitted. Mr. Beedy seconded the motion, which carried unanimously.

The Board reviewed the September 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. Mr. Burgess asked Ms. Devers if Zane Nestor had ever spoken with members of the E911 board about paying for the repeaters/radios that need to be replaced before the first of the year, and Ms. Devers said he had talked to Len Stone, but she hadn't heard anything further.

At 9:30 a.m., Mark Bee met with the Board in Randy Malcom's place to request permission to farm a primitive road in Road District 2. Land Use Administrator John DeWitt attended the discussion, as well. As Malcoms own property on both sides of the road, they would like to be able to remove a fence and farm about one and a half miles east of the NextEra substation fence at County Road 3P and County Road 22. According to Mr. Burgess, the road is never maintained, nor does the trail provide access to any other property owner. The county would want to reserve the right to put in a county road if it is ever deemed necessary.

Mr. Beedy made a motion to adopt a resolution allowing Malcoms to farm across a portion of County Road 3P in order to farm both sides of the road. The county will also reserve the right to open the road in the future. 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 October 30, 2012, there were present:

Steve Burgess, Chairman	Present
Gary A. Beedy, Vice Chairman	Present
Ted Lyons, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
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 #835 It was moved by Commissioner Beedy and seconded by Commissioner Lyons to adopt the following resolution:

WHEREAS, Randy Malcom requested to farm the portion of primitive County Road 3P starting about 100 feet east of the Next Era substation in Section 3-T8S-R56W and continuing until the road ends in Section 2-T8S-R56W, approximately 1.5 miles, and to remove fencing in said sections; and

WHEREAS, Randy Malcom owns all of the surrounding property on both sides of Road 3P, which provides no access to anyone else at this time, and the road is not maintained;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Randy Malcom is hereby authorized to farm across the approximately 1.5 miles of County Road 3P as described above and to remove fencing in said sections to assist with farming operations;

BE IT FURTHER RESOLVED that the Board of County Commissioners of Lincoln County reserves the right to enter and re-open the approximately 1.5 miles of County Road 3P, including a 60' right-of way, upon a determination that a valid public interest exists.

BE IT FURTHER RESOLVED that no permanent structures or foundations may be built on the primitive road since it may be re-opened in the future.

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

ATTEST:

Clerk of the Board

Before Rick Lockett arrived to discuss his plans to use spools accumulated on his property, Mr. Burgess asked Mr. DeWitt for a little more information, which was provided. Mr. DeWitt showed his initial inspection report and several pictures of the property in question to the Board, as well as emails from Limon Town Manager Dave Stone and Dave Stang, who is the adjacent property owner and the complainant. Mr. DeWitt said the Limon town wells are surrounded by Mr. Lockett's property, and he confirmed that fact with the Assessor's office. He also checked with the EPA to make sure that the old tires that were moved from the property had not left any residue behind that would contaminate the wells, but was told that they would not. He added that Mr. Lockett maintains that people have been using his property as a dump site for years, causing him to clean up old tires, chunks of concrete, trees, dirt, and newspapers.

Mr. Burgess said that Justin Fisher told him he cannot be a member of the Prairie Development Corporation board, so asked the others to try and think of someone; preferably in the banking institute.

When Mr. Lockett arrived, he explained that the Limon town wells are located on forty acres within his two hundred and fifty acres, and Mr. Burgess told him that they wanted to discuss the fact that there has been a complaint on his property because there are so many spools sitting on his land. He explained that the commissioners wanted to know his intentions for the spools and how long of a timeframe he was looking at to get them taken care of.

Mr. Lockett said he started working on the spools, which he confirmed he had gotten from the wind farm project, two weeks ago and plans to convert them to pens and firewood. He has moved 20-30 of the spools and has disassembled six of them so far and has stacked the six foot long 2x6 pieces in an enclosed space behind his house. He hopes to trench other spools into the ground to use as pens for horses or cows, and has already built one pen, which is smaller than a football field, as a place to stack everything where it is out of sight from other property owners. He said he asked Dave Stang why he didn't speak with him first and what the problem is, and was told that Mr. Stang does not like to look at the spools. Mr. Lockett said that, weather-permitting, he will have the rest done and out of sight in less than two months; definitely by January 1, 2013. He commented that several other property owners tend to store things around the area as well, adding that at least none of the spools are treated with anything, unlike the numerous railroad ties that have been on the property for quite some time.

Mr. Beedy asked Mr. Lockett if he intended to fence the property, as he thought he'd seen fence posts. Mr. Lockett responded that the town wants to maintain access through the property for emergency vehicles, but that they also need permission from Greg Westfall for that. He would like to fence, but made the comment that several of his posts have been backed over more than once, so he will probably have to put in steel posts if he really is going to get the job done.

Mr. Burgess told him that the county does not make it a practice of targeting individual landowners unless there is a complaint, and stated that if his intention is to enclose the area and hide everything, and he can be finished by the first of the year, he doesn't see a problem.

Mr. Lockett added that the spools will eventually be painted black, adding that there seems to be some confusion on County Road 3F, which Google maps calls County Road 2F. Mr. Beedy said there has often been talk of trying to extend that road to Highway 24 for emergency vehicle access in the event something happened on the railroad tracks, and Mr. Lockett asked if the commissioners saw a problem with him putting up a fence and gate. He added that he would leave the gates open for the town to access the wells, and Mr. Lyons told him that if the gates are closed and it snows, the county will not plow the road, and that the county certainly can't keep him from putting a fence up.

Mr. Beedy asked if the town currently has an easement to reach their wells, and Mr. Lockett said that they do, but that Dave Stone told him he could not put up a gate until they have an agreement to allow emergency vehicles through. He added that he would definitely allow emergency access; he simply doesn't want everyone to have access to use his property as a dumping ground.

Mr. Lockett reaffirmed that he will have everything disassembled and enclosed by January 1, 2013, and nothing will be more than eight feet high.

Mr. Beedy said that he was under the impression that the wind farm was supposed to haul the spools off, and asked if Mr. Lockett had been paid to remove them. Mr. Lockett said he had not been; there was a sign on them stating, "Free firewood."

Once Mr. Lockett had gone, Mr. Burgess told Mr. DeWitt to make sure he monitors the situation closely and Mr. Beedy suggested that he send a letter to Dave Stang letting him know what the Board had decided. He added that the town should actually post signs or notices letting people know that the site is not a public dumping ground.

At 10:30 a.m., Human Services employee Marissa Schier met with the Board to discuss her flex time schedule. She submitted a letter requesting that she be allowed to continue the schedule, due to difficulty in finding child care on Fridays, and the fact that she will be having another child in March.

Mr. Beedy stated that he has a problem extending flex time over and over again for the employees of the same department when other departments do not get the same advantage, simply because their employees need to be at work during normal working hours. He added that people with families face this same situation everywhere in any type of job.

Ms. Schier asked why she should be different than another employee in her department who has been allowed flex time for five years now, and the commissioners had no idea what she was referring to. Ms. Devers reminded them of the employee that Ms. Schier was speaking of and

the fact that her specific job duties require her to meet with foster families on Mondays after hours, which was why she is allowed Fridays off. Ms. Schier said that the meetings with foster families only occur at best six times per year, and Mr. Burgess said that was not what Ms. Barksdale had led them to believe. He asked that further conversation regarding the flex schedule be tabled until the commissioners can speak with Ms. Barksdale, hopefully on November 6. Ms. Schier asked if she could attend that meeting and was told that she could. Ms. Schier will be allowed to continue the flex schedule at least until the Board can meet with Ms. Barksdale.

After Ms. Schier left, Mr. Burgess said he'd received another call from Gary Withington regarding the noise of the wind towers, so he went and checked on them again, admitting that they do seem to be louder than the towers that RES put up. He asked again if the county should invest in a sound meter, and Mr. Beedy said he didn't believe they would reach sixty decibels, but if they are going to purchase a meter, they should get something decent in case a reading should need to stand up in court. Even if the reading is over sixty decibels, Mr. Burgess wasn't sure that the county would have any recourse to take action, but Mr. Beedy seemed to think that if the Land Use regulations are violated, they would have some recourse. Mr. Burgess said he'd asked Mr. Kimble to do a little research on it, and he will, but also thought he would contact Logan County to see if they had any insight. Mr. Beedy added that he'd spoken with one of the NextEra techs the evening before and they are looking into it to see if something needs to actually be fixed if there is something wrong with the tower.

Mr. Burgess asked Ms. Devers if they needed to discuss the 2013 budget in further detail regarding the GIS project, to which she responded budget discussion was on the following day's agenda, but that they would still need to make the decision as to whether or not they intend to hire a person to handle the system if it is approved. She went on to say that she is having some problems with the Road & Bridge budget figures as well, explaining that the Highway Users tax isn't coming in as projected; in fact, it may be as much as \$90,000 lower than what was estimated. Not only that, but there were several large, unanticipated expenditures this year, as well as a significant decrease of lodging and tourism revenue. Ms. Devers added that she still intends to check state statute to see if increasing the mill levy results in a required increase of payments to the towns.

Mr. Burgess said that Sheriff Nestor had contacted whoever owns the brick building/old microwave tower south of Hugo to see if it would be possible for the county to purchase it. He wants \$40,000 for it, so the sheriff is trying to work out another deal with him wherein the county may be able to rent or lease the building. Mr. Beedy felt it would be an excellent communications asset and could be used as a dispatch center if the county ever gets to that point.

A call was placed to County Attorney Stan Kimble to ask him about the Oil & Gas lease with Mason Dixon Energy, LLC, who thought they looked fine, but said he would email a letter to Ms. Devers the following day.

The Board approved the October 2012 payroll and expense vouchers for the month, and then the commissioners decided to go ahead and sign the oil and gas lease.

Mr. Beedy made a motion to sign a five-year Oil and Gas Lease between Lincoln County and Mason Dixon Energy, LLC, in the amount of \$23,990.00, for the N2 of Section 28, Township 9 South, Range 55 West, 6th P.M. Mr. Lyons seconded the motion, which carried unanimously.

Mr. Lyons made a motion to appoint Apryl Huelskamp to the Lodging/Tourism board for the Arriba area. 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 October 31, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman