

Board of County Commissioners of Lincoln County

Agenda for October 31, 2012

9:00 Call to order and Pledge of Allegiance

9:00 Patsie Smith, Julie Joffe and Travis Taylor to discuss the Fair Vision Committee

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

1. Approve the minutes from the October 30, 2012 meeting
2. County Commissioners' reports
3. County Administrator's report
4. County Attorney's report
5. Old business
 - a. Discuss proceeding with a water test on a portion of the roof over the Sheriff's Office
 - b. Work on the 2013 county budget
6. New business
7. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 31, 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.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance, and the commissioners approved a few additional expense vouchers for the month of October.

Travis Taylor, Julie Joffe, and Patsie Smith met with the Board to discuss the Fair Vision Committee; Travis stating that they'd held a meeting attended by Vicki Berkley who is connected with the Colorado Center for Community Development, associated with the Department of Architecture at CU Denver. Ms. Berkley helps develop Master Plans and has worked with the Hugo fire department and a few other entities in the area.

Julie Joffe commented that she, Gene Vick, and Ms. Berkley met at the fairgrounds to discuss what may be needed and the vision for a larger building, electrical outlets for camper hook-ups, and other ideas. She added that Ben Orrell agreed to work on obtaining funding for the Master Plan if the commissioners were in agreement with the idea. He has already secured funds from the Lodging/Tourism board to pay for the Master Plan, which could be available by the January 2013 fair board meeting.

Mr. Lyons made the comment that he hoped the committee would be comprised of more people than just a few from the Hugo area, to which Patsie Smith stated that the community meetings will be held once the Master Plan has been submitted. Ms. Devers asked about the cost for the plan and Travis answered that it should be between \$3,000 and \$5,000.

Mr. Beedy advised that they should start with a clean slate and get ideas from both sides, letting those developing the plan know that the arena/grandstands and Ellis Allen building would stay intact, but anything else was basically fair game. Even though there are many people in the county who have sentimental ties to some of the outbuildings, Mr. Beedy added that most of them have little or no value and are actually becoming unsafe. Mr. Lyons agreed, stating that at least fifty percent of the posts he looked at in several of the buildings were decayed, and even though the county keeps them looking nice, it doesn't mean they are in good shape.

Mr. Lyons added that he would like to request that people who do attend the community meetings be invited to join the Vision Committee, as those who attend will most likely be interested enough to participate and would then provide a larger, more diverse group of individuals.

Ms. Devers asked if the group would object to having an article put in the newspaper requesting interest to the committee, as becoming involved at the beginning stages may be to their advantage. There were no objections.

Travis said he felt the Master Plan would be the most efficient and cost-effective way to put something down on paper for the future, and Mr. Lyons said that he would speak with Brian Johnson at the ASCS office to see if the topographical maps still exist that were done a year or so ago. Travis wanted to know if the group could take their proposal to the November fair board meeting and the commissioners felt they should proceed. Patsie Smith asked if everything was contingent upon the fair board approving the idea to proceed with the Master Plan or if it would come back to a commissioner decision if the fair board disagrees. Mr. Burgess said he had understood that the fair board was not totally against the idea if the funding is obtained somewhere besides county taxpayer dollars, but he added that perhaps Travis should be the one to present the suggestions, as the manner in which it is presented might make a difference, and he is an excellent speaker.

When the group had gone, the resolution and minutes from the previous day's meeting were discussed, and the decision was made to change the word "close" on page 2 to "farm across". The Board felt they wanted to discuss the resolution a bit more with Mr. Kimble before approving both the resolution and minutes.

Mr. Beedy reported going to Karval after the special meeting on October 25 to look at roads, bridges, and the new shop. They should have the final electrical inspection done this week and are still waiting on the plumbing. On October 29, he attended the ribbon-cutting ceremony for the NextEra wind farm.

Human Services employee Beverly Newbanks stopped in to request the Board's signature on the Grandparenting grant, and Mr. Beedy made a motion to sign the East Central Council of Local Governments CELK Grandparenting Grant in the amount of \$9,604. Mr. Lyons seconded the motion, which carried unanimously.

Human Services Director Colette Barksdale was unavailable to give the monthly report, so Robert Kraxberger brought in payroll and financial reports for the commissioners to review and approve. Mr. Burgess asked him if they had gotten an estimate on the Chevy Impala yet, but Robert said he had been too busy and hoped to get it next week. He did submit the Cheyenne-Kiowa-Lincoln Early Childhood Council Intergovernmental Agreement for the Board's review. Mr. Beedy made a motion to sign the IGA, Mr. Lyons seconded the motion, and it carried unanimously.

Mr. Lyons reported checking on the oil fields and speaking with Kerry Halde on October 16, and receiving a phone call from Mr. Halde on October 22 about an area on County Road 4C and County Road 35 that they would like to have filled so that they could get into their well site. He asked Chris Monks to have it fixed and he took care of it. He attended the hospital board meeting on October 23 and went by the landfill on the Twenty-fourth, commenting on how clean everything is. On October 29, he again went by the oil patch and stated that the last well that was dug on the Winterberg property appears to be dry. He added that Wiepking is, however, drilling next to one of the other wells on the south end.

Mr. Burgess reported receiving a complaint from Gary Withington on October 23 regarding the noise coming from the wind tower on Raymond and Gloria Beedy's property. On the Twenty-fifth, he attended the special commissioner meeting, and on the Twenty-ninth he attended the ribbon-cutting ceremony at the wind farm. He also spoke with Chris Monks about a pipe north of Bob Anderson's. He went by the landfill yesterday and was told that a customer that had been allowed to charge—FMG—had never paid their bill, so he will try to get in touch with the customer and talk to him. He also made it a point to drive by Rick Lockett's place in Limon to look at the piled spools on his property. He felt a suggestion to Mr. Lockett to move his cross fence back a little might allow better access to the Jaques property. Mr. Burgess also commented that Mr. Lockett was out working when he went by and seems to have already made some improvements, adding that it appears he inherited quite a mess.

Ms. Devers reported that the Tourism board has started a Post-N-Promote campaign which gives businesses a way to post upcoming events on the web, so she did one for the county. There was a question of how many exits would be required at the roundhouse and Ms. Devers asked Land Use Administrator John DeWitt to look it up in the IBC. She was told that because of the maximum occupancy load, two exits would be required, but the building will actually have six. Finally, Ms. Devers provided a handout from CTSI concerning added risks of allowing county vehicles to be used to transport 4-H participants, and the fact that the county's loss ratio may be impacted. The Board decided to wait and have Mr. Kimble look at it.

The Board discussed proceeding with a water test on a portion of the roof over the sheriff's office. Ms. Devers said that she'd spoken with Ken West with Houston Construction, and PCW Builders out of Pueblo installed the original roof. She sent the information to James Adams with CTSI, and he told her that if Bart O'Dwyer, or another local contractor with experience in metal roofing, was available, the county could find one of them to do it and gave permission to proceed with the water test. Ms. Devers said she would need to find out if the money the county received on the claim will be used or if this portion would be a different claim.

The Board discussed a letter from County Attorney Stan Kimble regarding the noise abatement problem with the wind turbine; Mr. Beedy stating that he felt Mr. Withington needs to be in direct contact with NextEra rather than getting the commissioners more involved. He added that they may also want to change regulations in the future to increase the set-backs from residences so that landowners with residences close to other properties with towers will have a wider buffer zone. If a landowner with towers near their residence approves their location that would be fine, as well.

Mr. Burgess wanted to know if buying a pressure washer for the landfill, or at least buying a new one for District 4 and giving their old one to the landfill, would be a good idea. He said the landfill would pay for a portion of it and a new one would be \$5,850. There was discussion of buying a new pressure washer for the landfill since they would be likely to use it, and Mr. Burgess will check at NAPA to see if they have one. Ms. Devers commented that the Board will need to do a supplemental appropriation for the landfill fund because of a lease/purchase and unanticipated equipment repairs.

The commissioners discussed the 2013 budget; Ms. Devers stating that even by decreasing the miscellaneous bridge fund and bridge maintenance figures in the Road & Bridge budget, and getting it down to 12 mills, she still came up with an appropriated fund balance of \$211,000 at the end of 2013 if everything is spent. She asked if reducing the property tax credit was under consideration at all, and the following options were discussed: Drop the salary increase for employees from a two-step increase to a one-step increase; decrease the property tax credit from 14 mills to either 12 or 13 mills; move two mills from the Capital Projects fund to the Road & Bridge fund, or move one mill from the County General fund to the Road & Bridge fund and find some other place to make reductions, as well. Ms. Devers said it comes down to what they feel comfortable with as a fund balance.

When Mr. Kimble arrived, Ms. Devers asked him to review the resolution with Randy Malcom, and Mr. Kimble said it looked fine. Mr. Lyons asked what would happen if someone were to notice the road on a map and drive down the middle of Mr. Malcom's corn field without his permission. He added that if Mr. Malcom were to contact the sheriff and the sheriff's deputy didn't know the arrangement the commissioners had made, the sheriff might call it a primitive road and they would have the same issue they had with Ravenkamps, Thiesens and Hollowells. Mr. Kimble wanted to know if the trail was on a section line, which it is, and he said that the commissioners are actually taking away the public's right to enter through the resolution. He added that if the commissioners are concerned with treating every situation the same, they really can't, as the facts are not the same in all situations and each needs to be treated on an individual basis.

Another question Mr. Lyons had for Mr. Kimble was in regard to who would be responsible for paying for fences if two landowners had put a fence down the middle of a road at one time and an oil company now needed access to a well site. Mr. Kimble responded that the Board would need to determine if the road should be maintained as a county road.

Mr. Kimble said he is in the process of re-working the 1041 regulations to simplify the beginning of them, but was told not to do anything further until the commissioners discussed it more. Travis Taylor had mentioned earlier that the CARR board felt the regulations would be better incorporated into the county zoning regulations instead.

Mr. Kimble said that the law under the noise abatement statute gives a private landowner a lot of authority and influence. He added that Logan County has never had a complaint filed and advised that it may be a civil matter, as one landowner is being affected, not several. Mr. Lyons wanted to know how many complaints would have to be received by the commissioners before it became a public nuisance, and Mr. Beedy commented that it would be best if Mr. Withington and NextEra could work it out between themselves without the county getting more involved.

Mr. Kimble suggested sending a letter or some other official record of the contact with NextEra regarding the noise complaint on the specific tower number (206), located in Section 13, Township 8 South, Range 55 West 6th P.M. Mr. Burgess will hand deliver the letter.

As for the question about allowing county vehicles to be used to transport 4-H participants, and the fact that the county's loss ratio may be impacted, Mr. Kimble said that it may not hurt to have it done, as it appears that CTSI is highly recommending it. Mr. Beedy said it would most likely be around twenty kids that would have to sign the waiver.

Mr. Beedy made a motion to approve the minutes from the meeting held on October 30, 2012, as corrected. Mr. Lyons seconded the motion, which carried unanimously.

The commissioners discussed the GIS system and whether or not to hire a new employee, and when the intentions were unclear, asked County Assessor Jeremiah Higgins to stop by and discuss it. After he had gone, the Board felt there was some misconception as to who would actually employ the new person, as Mr. Higgins had felt he would be that person's boss, but the commissioners felt that they would be. Ms. Lengel added that the way she had originally understood it, the person would actually run his/her own department. Ms. Devers thought it would benefit the commissioners if they were to see the same presentation that was given to the Sheriff, Assessor, Land Use Administrator, Clerk, and herself, so she will set something up.

More budget discussion was held and Ms. Devers said she would go back and re-work some numbers for the next meeting. Mr. Beedy made the comment that the commissioners need to consider the sustainability of the future.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on November 6, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman