

Board of County Commissioners of Lincoln County

Agenda for November 30, 2012

9:00 Call to order and Pledge of Allegiance

9:00 County Coroner Jennifer Nestor to discuss storage of materials for her office

10:00 Human Services Director Colette Barksdale to give her monthly report and to discuss a letter from The Denver Post seeking input on Colorado's child welfare system

11:00 Land Use Administrator\OEM John DeWitt to discuss the purchase of a handheld GIS device

1:00 Jack Wolfe, attorney for Mountain View Electric Association, Inc., to discuss a land swap between Mountain View and Tri-State Generation and Transmission Association, Inc. at the Limon Substation and to request an exemption from Subdivision Regulations on the two parcels

1. Approve the minutes from the November 29, 2012 meeting
2. County Commissioners' reports
3. County Administrator's report
4. County Attorney's report
5. Old business
6. New business
7. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 30, 2012. The following attended: Chairman Steve Burgess, Commissioners Gary Beedy and Ted Lyons, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, and commissioners-elect Greg King and Doug Stone. County Attorney Stan Kimble attended in the afternoon.

Chairman Burgess called the meeting to order and asked Ms. Lengel to lead the Pledge of Allegiance.

County Coroner Jennifer Nestor and Deputy Coroner Zane Nestor met with the Board to discuss storage of materials for her office. Ms. Nestor said that they do have a large storage cabinet for the supplies that don't fit in the truck, but they have several things that need to be kept secure and should be stored in a sealed area. She added that the deputies need to be able to get to some of the items, such as their radios, at any given time so the storage needs to be something that they can easily access. Mr. Burgess suggested getting a small, possibly twenty foot, Conex container such as the two already used at the courthouse, and Mr. Lyons suggested contacting the hospital to see if they would need to use it, but Ms. Devers said they probably shouldn't be allowing anyone else access to the coroner's things. Zane Nestor said that he no longer feels comfortable storing the types of things that have to be stored in his home around his children, and since they are moving to a new place without a garage, the items would have to be in their home. The commissioners agreed that it was not a good situation. Mr. Beedy asked if they had spoken with Sheriff Nestor about storing some of the smaller items at the sheriff's office, as that is where they should be anyway, and Ms. Nestor said the sheriff had told them he has a shelf they can use, but that it is not big enough for everything. Mr. Burgess asked Mr. King and Mr. Stone how they felt about the situation and they both agreed that a Conex container at the courthouse would be the best option, as it would be under constant surveillance from the sheriff's office. Ms. Devers found the phone number for the company that the last units were purchased from, and Zane will call them to get more information on a smaller unit.

Mr. Beedy made a motion to approve the minutes from the meeting held on November 29, 2012. Mr. Lyons seconded the motion, which carried unanimously.

Mr. Beedy reported attending the Works Allocation Committee meeting at CCI conference on November 26, as well as the rest of the conference on November 27 and 28. He also contacted Dorothy Eidem after yesterday's meeting to let her know the county would not close a portion of County Road 4A, which she seemed to accept without issue.

Mr. Lyons reported receiving a phone call from Allen Kelly on November 23, requesting that some "Slow" signs be posted on the road between where he lives and where his parents live, as the truck traffic has become quite heavy. He will speak with Chris Monks about it. Mr. Lyons said he attended CCI conference November 26, 27, and 28, and yesterday after the meeting he spoke with Leroy Mosher again. He also spoke with Mike Vaughn about the appointment this morning with Land Use Administrator John DeWitt regarding the GIS device and asked that the Board consider him if they decide to purchase something.

Mr. Burgess met with Travis Nall after the meeting yesterday to inspect the annex roof. They did sign off on the project. Earlier this morning he drove through the oil fields. He also spoke with Jodi Withington who told him that NextEra has shut down the wind tower at night.

Ms. Devers reported attending the CCI conference the same days as the commissioners and then asked if there had been any further information regarding the roof at the sheriff's office. Mr. Beedy and Bart O'Dwyer looked at the roof on November 6, and Bart felt that since one of the downspouts comes straight down, it should have an elbow in it. The entire downspout will have to be removed and shortened in order to put in the elbow. Mr. Burgess made a call to Bart who said he would have someone come down the first of next week.

Human Services Director Colette Barksdale and employee Robert Kraxberger met with the Board at 10:00 a.m. to give the monthly report and discuss a letter from The Denver Post seeking input on Colorado's child welfare system. First, Ms. Barksdale asked Tricia Borns to give a short presentation on the Holiday Basket Program. The process begins in August and starts with sending letters and forms out to participants and prospective sponsors, as well as businesses. She also puts ads in the newspaper, requests that food drives be done at the schools and churches, and puts out donation cans. They then spend the first week of December setting up and distributing the items at the fairgrounds. Mr. Burgess told her that he could see she enjoys that portion of her job very much and Ms. Borns responded that it is quite rewarding.

After Ms. Borns left, the commissioners reviewed the October financial reports and employee time sheets, and then Ms. Barksdale asked if the Board had seen the letter from The Denver Post regarding Colorado's child welfare system, which they had. CCI recommended that counties do not respond to the letter; they will take care of it.

They had a Works Allocation Committee meeting at CCI conference and the allocation is steadily declining. Ms. Barksdale said they will be okay, but they will need to closely monitor funding to see if they will be able to continue Project School Supply, and possibly some other projects. The allocation has dropped from \$169,000 to \$161,000 this year, and she added that they need to build the reserves back up, as they are around \$88,000 now and they prefer them to be at \$100,000. She thanked Mr. Beedy for doing an excellent job on the committee for the past several years, stating that it is always good to get input from a small county. She also proposed meeting with the new commissioners for about an hour each month, strictly as a work session or informational meeting, to help them learn about the various funding allocations that they deal with in Human Services.

Mr. Beedy commented that they needed to keep a close eye on the TANF funding so that the state doesn't start trying to pull those reserves, since it seems the philosophy is moving toward the practice of spending all reserves or moving them into other state programs.

Ms. Barksdale asked the Board to be on the lookout for a letter from the Chief Judge regarding the JSPC Appointment. Patricia Phillips had been appointed in the past, but since Andy

Lorensen does more with the at-risk youth population in Lincoln County than Ms. Phillips does, she asked that he be the one appointed for 2013.

SB12-60 required that DHS report Medicaid fraud activity for clients, and in the past ten-to-fifteen years, they have expanded the program, but not the fraud efforts. Mary Solze is the fraud investigator and responded to the report; there were two cases in Lincoln County this year, and they collected \$2,147.50 in restitution from an April 2011 case.

Sheriff Nestor stopped in to discuss the coroner's storage issue and suggested looking for something at Fort Carson. He said they have Conex containers there and all it may cost would be the diesel fuel for Road & Bridge to pick it up. He will check into it.

At 11:00 a.m., Land Use Administrator/Emergency Manager John DeWitt met with the Board to discuss the purchase of a handheld GIS device. Mr. DeWitt handed out a copy of the quote he'd received from Frontier Precision, Inc. in the amount of \$2,975.00 for a GeoXT handheld and the standard GPS software to go with it. Mr. Burgess asked why the device is needed and Mr. DeWitt explained that he, the sheriff's office, and the Assessor's office could use it for many different mapping projects, such as crime scenes, fire perimeters, more accurate mapping of the gravel permits, and property line mapping. He added that he does not have the ability to complete surveying as his predecessor did and could have used the device at least ten times since he came to work for the county. If they were to purchase more accurate software, the total cost would increase to \$5,405.

Mr. Beedy felt that the county will eventually have to do something with GIS, even though the commissioners chose not to put the system in place next year, adding that it would make Mr. DeWitt's job much easier, especially when state requirements have to be met.

Mr. Burgess said they would need to find out if the handheld device would be compatible with other GIS systems because he felt the commissioners would be asked for the system again next budget year. Mr. King said he was skeptical about converting things over, as he has had some experience with the ArcGIS, which was a great system, but they ended up having to fix a lot of things once it was in place. Mr. Lyons supplied Mike Vaughn's phone number and Mr. DeWitt will contact him to see if the system would be compatible with future systems and how much Mr. Vaughn would charge. Mr. King said he could see the need for a handheld unit, but felt that someone with experience would need to be hired full time to do a county system justice.

Ms. Devers had received the letter from Todd Weaver regarding the District Attorney's 2013 budget discussed at the previous day's meeting. Mr. Beedy made a motion to sign the letter, Mr. Lyons seconded the motion, and it carried unanimously. She had also composed a letter to Fritz Gilbert concerning his past due bill at the county landfill, and Mr. Burgess signed that letter as well.

As for new business, Ms. Devers said that she'd received the signature pages from the CDOT – Division of Transit and Rail grant paperwork on the new COG bus requiring the chairman's

signature. The cost of the total project is \$66,500; \$53,200 of which is federal funding, and \$13,300 which is the local match and includes the \$6,300 previously discussed. Six thousand of that has already been raised through usage fees. Currently, Lincoln County owns a 2002 Ford bus that will most likely need to be traded or sold. Mr. Beedy made a motion to sign the paperwork, Mr. Lyons seconded the motion, and it carried unanimously.

At 1:00 p.m., Jack Wolfe, attorney for Mountain View Electric Association, Inc., and Terry Bowen with Tri-State Generation, met with the Board to discuss the land swap between the two entities and to request an exemption from subdivision regulations on the two parcels at the Limon Substation. Mr. Wolfe explained the letter that the Board had already reviewed, and the only comment Mr. Burgess had was that the usage was determined long ago and the property really can't be subdivided for any other purpose than its original intended use.

Mr. Beedy made a motion to adopt a resolution granting an exemption from subdivision regulations on two parcels of land owned by Mountain View Electric Association, Inc. and Tri-State Generation and Transmission Association, Inc. at the Limon substation for the purpose of a land swap. 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 November 30, 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 #837 It was moved by Commissioner Beedy and seconded by Commissioner Lyons to adopt the following resolution:

WHEREAS, application has been made by Mountain View Electric Association, Inc. (Mountain View) and Tri-State Generation and Transmission Association, Inc. (Tri-State) for exemption from the Lincoln County Subdivision Regulations on two parcels of land in Lincoln County that the companies wish to exchange. Mountain View is in the process of rebuilding its substation and requires a portion of the Tri-State land to do this and Tri-State needs property for possible future expansion needs. The two parcels are described as follows:

Parcel 1 – Conveyance from Tri-State to Mountain View. A parcel of land being a portion of that property described in a Warranty Deed recorded in Book 190 at Page 457 in the Office of the Clerk and Recorder of the County of Lincoln, Colorado located in the Southwest

Quarter of Section 16, Township 9 South, Range 56 West of the 6th Principal Meridian, County of Lincoln, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 16, whence the west line of the Southwest Quarter of said Section 16 bears north 01°20'06" west, all bearings hereon are referenced to this line; thence north 46°19'35" east, a distance of 1,118.62 feet to the southwest corner of that property described in said Warranty Deed and the point of beginning; thence along the southwesterly and northwesterly boundary of said property the following two courses; 1) north 13°31'26" west, a distance of 345.10 feet; 2) north 76°28'34" east, a distance of 97.00 feet; thence departing said northwesterly boundary, south 13°31'26" east, a distance of 345.10 feet to a point on the southeasterly boundary of said property; thence along said southeasterly boundary, south 76°28'34" west, a distance of 97.00 feet to the point of beginning. Said parcel contains 0.768 acres, more or less.

Parcel 2 – Conveyance from Mountain View to Tri-State. A parcel of land being a portion of that property described in a Deed recorded in Book 188 at Page 390 in the Office of the Clerk and Recorder of the County of Lincoln, Colorado located in the Southwest Quarter of Section 16, Township 9 South, Range 56 West of the 6th Principal Meridian, County of Lincoln, State of Colorado, more particularly described as follows:

Commencing at the Southwest corner of said Section 16, whence the west line of the Southwest Quarter of said Section 16 bears north 01°20'06" west, all bearings hereon are referenced to this line;

thence north 54°08'16" east, a distance of 1,478.22 feet to the southeast corner of that property described in the Warranty Deed recorded in Book 190 at Page 457, in said records and the point of beginning; thence along the northeasterly boundary of said property, north 13°31'26" west, a distance of 345.10 feet; thence departing said northeasterly boundary, north 76°28'34" east, a distance of 250.00 feet; thence south 13°31'26" east, a distance of 345.10 feet to a point on the southeasterly boundary of said property described in a deed recorded in Book 188 at Page 390, in said records; thence along said southeasterly boundary, south 76°28'34" west, a distance of 250.00 feet to the point of beginning. Said parcel contains 1.981 acres, more or less.

Said parcels of land are subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tracts of land; and

WHEREAS, the request for this exemption did not include a request for a change of use of the property, which has historically been as substations; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the parcels as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

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

Mr. Kimble reported receiving a call from Sheriff Nestor regarding the abandoned/neglected horses and cattle, and he found some information under the Animal Protection Act that he will share with Sheriff Nestor. He also said he is still working on the CORA policy for the county, particularly the Clerk's office.

Ms. Devers said she'd received information from the Office of Economic Development and International Trade that Lincoln County qualifies for an enhanced rural enterprise zone based on per capita income, non-residential assessed valuation, and population growth.

The commissioners conducted their annual inspection of the Lincoln County jail and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on December 7, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman