

Board of County Commissioners of Lincoln County

Agenda for January 15, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Sheriff Tom Nestor to present bids to upgrade the county repeaters

10:00 Human Services Director Colette Barksdale to conduct a training session on allocations for her department

11:00 Gary Withington to discuss the noise generated by Limon Wind, LLC tower 206

1. Approve the minutes from the January 8, 2013 meeting
2. Review the December 2012 report of revenues and expenditures for County General
3. Review the December 2012 reports from the County Clerk and the Sheriff
4. Review and sign the 2013 employment contract with Sue Kelly as Public Health Director
5. Review and sign the Impact Assistance Grant application for the 2012 tax year
6. Review and sign an extension of the Community Development Block Grant Contract 09-085
7. Review the annual report completed by WW Enterprises concerning the current trash volume of cell 3 at the county landfill
8. County Commissioner reports
9. County Administrator's report
10. County Attorney's report
11. Old business
 - a. Complete the appointments for the Hospital Board, the Land Use Board, the Land Use Board of Adjustment and the Weed Board
 - b. Make an appointment to the Ports-to-Plains Alliance Board
 - c. Discuss the storage issue for the Coroner's office
12. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 15, 2013. The following attended: Chairman Ted Lyons, Commissioners Doug Stone and Greg King, County Administrator Roxie Devers, and Acting Clerk to the Board Lisa M. Crawford. County Attorney Stan Kimble joined the meeting later in the morning.

Sheriff Nestor arrived at the meeting to present the commissioners with the estimates he received to replace two radio repeaters used to page out fire and ambulance. He explained that this was necessary to be in compliance. After reviewing the estimates, Commissioner Stone motioned to approve the one with Lyles' TV and Radio Service in the amount of \$16,000.00, Mr. King seconded the motion, and it carried unanimously. Sheriff Nestor then discussed the fact that he had tried to find extra storage in his office for the coroner to be able to store supplies, but did not have the space available. A discussion ensued in regards to contacting Travis Taylor at the annex to see if he had any office space available.

Mr. King made a motion to approve the minutes from January 8, 2013, as submitted. Mr. Stone seconded the motion and it carried unanimously.

Next, the commissioners reviewed the December 2012 reports of revenues and expenditures for County General, the County Clerk, and the Sheriff. Chairman Lyons then asked if there was any opposition to the employment contract with Sue Kelly as Public Health Director for the year January 1, 2013 – December 31, 2013. Greg King made a motion to renew the contract as written with Ms. Kelly. Mr. Stone seconded the motion and it carried unanimously.

Ms. Devers then addressed the Impact Assistance Grant application. The commissioners reviewed it and Mr. Stone motioned to approve the grant, with Mr. King seconding the motion, which carried unanimously.

The Community Development Block Grant Contract 09-085 was then reviewed. Ms. Devers explained that all of the funds in the grant had not been spent and that it would be extended until January 31, 2014. Commissioner King motioned to approve the extension of the grant, Mr. Stone seconded, and it carried unanimously.

The annual report completed by WW Enterprises concerning the current trash volume of Cell 3 at the county landfill was then reviewed by the board. Ms. Devers explained that this was a requirement and would be done annually.

Commissioner King then advised the board that he had attended the fair board meeting on January 8, and met with Mark McHone and the road crew of District 2 in Genoa on January 9. On January 9, 10, and 11, he attended the new commissioner orientation in Denver.

Mr. Lyons then reported that on January 8, he also attended the fair board meeting, where one of the topics discussed was the possibility to replace the seating in the grandstands with plastic seats. On January 9, he visited with Gary Withington at his home regarding the noise level of the wind towers near his home. He observed a wind noise meter that Mr. Withington was

using to gauge the noise decibels. Mr. Withington is scheduled to attend the meeting at a later time today. On January 9, he visited the landfill, where Mick Jacques advised him that he had found a welder which would be sufficient for his needs in the amount of \$449.00. After a brief discussion, Mr. King moved to approve the purchase of the welder for \$449.00, Mr. Stone seconded the motion, and it passed unanimously.

Mr. Stone reported that on January 8 he attended the fair board meeting, then on January 9, 10 and 11 he attended the new commissioner orientation, and on the Fourteenth he went to Akron for the ETPR meeting. He reported that Gary Beedy was asked to stay on with the board for another 18 months, and that Mr. Beedy had agreed.

Mr. Lyons then asked if any progress had been made in appointing members to the boards that had vacancies. Mr. Stone advised that he had asked Jamie Clark to be appointed to the Land Use Board of Adjustments, and Mr. Clark agreed. He also had been trying to get in touch with Chad Malcom to ask him about an appointment to the Land Use Board, but had been unsuccessful in contacting him so far. Mr. Lyons reported that the 3 members of the Weed Board whose terms were up agreed to serve again.

Mr. King then advised the board that he and Mr. Stone had checked the storage shed at the annex for available storage for the County Coroner. They felt there was some space available if some of the older items could be disposed of. A call to Sue Kelly was placed in order to ask her about the items in the storage shed. Ms. Kelly was not available at this time and a message was left for her to call Ms. Devers back.

At 10:00 a.m., Human Services Director Colette Barksdale and Robert Kraxberger joined the meeting to conduct a training session on allocations for the DHS department. Because this was a work session and no minutes were required, acting clerk to the board Lisa Crawford was excused from this portion of the meeting.

At 11:00 a.m., Lisa Crawford was asked to rejoin the meeting along with County Attorney Stan Kimble. The board then met with Mr. Gary Withington to discuss the noise generated by Limon Wind LLC tower 206. Mr. Withington reviewed his grievances with the noise levels of the tower near his property and the procedures he has taken to contact someone at NextEra to rectify the problem. He stated that he had received the letter from the board regarding the results of the NextEra noise levels and that his personal noise meter has registered much higher decibel readings. Mr. Kimble advised the commissioners that he had found state statute that may hinder the county's attempts at enforcing a noise ordinance. He advised them that if they wished to pursue an independent study from an engineering firm they could do so; however, he did not know the extent of the costs, but felt it would be a costly procedure. He also advised Mr. Withington that he had the option of pursuing this privately. Mr. Withington explained he would appreciate the assistance of the commissioners since he was having a hard time contacting a local representative from NextEra in this area. Mr. King commented that he would like to find out what the cost of the independent study would be. Mr. Stone and Mr. Lyons agreed and asked Mr. Kimble to get an estimate of the independent noise level study so that

they could decide if it would be a viable option. Mr. Kimble also stated he would follow up to NextEra with a letter of thanks for their study, and let them know that the board may pursue another study to compare to the results they had received.

Lastly, Mr. Kimble advised the board that he had looked into the matter of Del Beattie continuing on at the Hospital Board, as he also holds a position on a county, city, or municipal board. He advised them that Mr. Beattie could serve as an advisory member, but could not have any voting power. This means the board still has an opening on the hospital board.

Before the lunch break, Chairman Lyons left the meeting for the day with an excused absence.

At 1:00 p.m., the board reconvened and Road Forman Chris Monks joined the meeting to ask the commissioners to review and sign the annual HUTF report that he sends into the state. He explained that it involved reporting any changes to the county roads within the last year.

Next, County Administer Roxie Devers advised the new commissioners that a representative from CHP had contacted her to inquire about the start date of their health benefits. She explained that as elected officials, they could start their benefits as of the day they were sworn in, on February 1, or wait the full 30 days of employment from their start date like the county employees are required to do. Both Mr. King and Mr. Stone agreed to wait until March 1, 2013.

Ms. Devers then asked if the board would approve a credit card in the amount of \$500.00 for Mark McHone, the new foreman in District 2. Doug Stone motioned to approve the credit card and Mr. King seconded the motion, passing unanimously.

Ms. Devers then asked the board if they would like to ask Steve Burgess to stay on as the representative on the Ports to Plains Alliance Board. Both remaining commissioners agreed that if Mr. Burgess would agree they would be glad to appoint him. Mr. Stone moved to approve the appointment of Mr. Burgess to the Ports to Plains Alliance Board, Mr. Clark to the Land Use Board of Adjustment, and the previous members of the Weed Board to this year's list of appointments. Mr. King seconded the motion and it passed unanimously.

Under new business, Ms. Devers reported that the landfill had received an application for a charge account from Lawrence Construction Company. They will be disposing of old bridge materials after replacing a bridge on Highway 71. A call was placed to Allen Chubbuck at the landfill to find out more about the amount of waste that would be disposed of. Mr. Chubbuck advised the board it would be about 5 or 6 semi loads of bridge material. Mr. Stone then moved to approve the charge account and Mr. King seconded the motion, carrying unanimously.

Ms. Devers then suggested calling Travis Taylor to find out if he has available office space in the annex that could be used by the County Coroner as an office when she needs to do business with family members. Mr. Taylor returned the call and expressed that he had a small office that could accommodate up to 3 or 4 people at a time if the coroner would be interested in looking

at it. After a brief discussion, it was decided to table a decision until all parties could look at the space and a call from Sue Kelly was returned to find out if the storage space would also work for the coroner.

Mr. Stone then advised the board that he had contacted Chad Malcom about the vacancy on the Land Use Board and Mr. Malcom was not interested.

With no further business to bring before the board, Mr. King adjourned the meeting until January 30, 2013, at 9:00 a.m.

Lisa M. Crawford, Acting Clerk to the Board

Ted Lyons, Chairman