

Board of County Commissioners of Lincoln County

Agenda for May 20, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Bookmobile Supervisor Katie Zipperer to discuss updating her job description and to provide a list of the bookmobile patrons

9:30 Tina Waite, secretary for the Ranch Rodeo Committee, to discuss the fee to use the fairgrounds in June

10:00 Discuss a request for an exemption from subdivision regulations on a 5 acre parcel of property from the Thelma L. Liles Estate

10:30 Sheriff Tom Nestor and Undersheriff Gordon Nall to discuss the purchase and installation of a grinder for the jail septic line

11:00 Visit the fairgrounds to see the progress of work on the grandstands

1. Approve the minutes from the May 7, 2013 meeting
2. Review the April reports from the Assessor, County Clerk and the Treasurer
3. Cancel Road & Bridge check #22752 written to Royal Supply Company for \$83.37 on April 30, 2013 since the bill was paid twice
4. Review and sign the Victim Assistance and Law Enforcement contract for the period of July 1, 2013 to June 30, 2014 in the amount of \$57,862
5. Review a Permit to Conduct Geophysical Operations received from Tesla Exploration, Inc. on a 22.5 acre parcel located in the N½ of Section 31-T10S-R54W
6. County Commissioners' reports
7. County Administrator's report
8. County Attorney's report
9. Old business
10. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 20, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel.

Bookmobile Supervisor Katie Zipperer met with the Board to discuss updating her job description and to provide a list of numbers of bookmobile patrons. Mr. Lyons asked her about teaching computer skills to the elderly in Arriba and who had given her the okay to do so. Ms. Zipperer responded that she had spoken with the Bookmobile board about it and they had agreed that it was an excellent idea and approved it. Mr. King asked when she teaches the classes and how long it takes her and she said that she uses the bookmobile day when she is already in Arriba and just extends her hours by two hours each time they visit, which makes it a total of four hours. She would like to add classes in both Hugo and Limon, as well, but said she may need some cooperation from those libraries if she does. Some patrons want to learn how to use e-mail, some the internet, and others just want to learn how to turn a computer on and play games.

Mr. Lyons asked Ms. Zipperer how many people utilize the bookmobile in Arriba and she answered that there are roughly fifteen. She added that the readership in Karval has dropped considerably due to the age of the patrons.

Several things were removed from and added to her job description, and Ms. Zipperer said that Morgan Community College would offer a basic computer class to seniors but they would have to have a designated number of participants. Ms. Zipperer said that most seniors are intimidated by actually attending a computer class, in addition to the fact that they would then have to find transportation to MCC for them. She works one-on-one with individuals and feels it is much better that way. When Mr. Lyons said he wished she would have informed the commissioners about it, she said that Steve Burgess had known about it. Mr. King said he felt it was a good idea and had no problem with her continuing the teaching, but wanted it to be added to her job description. Mr. Lyons and Mr. Stone both agreed that it would be a great benefit to seniors, and Ms. Zipperer said that one of the definitions of a library is to provide information. Doing so electronically, by computer, is a way to do that since so many people receive information that way now.

Ms. Zipperer then went over her patron statistics report, stating that the estimated total number of patrons is 550, which includes the daycares that services are provided to, which not only includes actual bookmobile patrons and the schools, but the assisted living centers, nursing homes, senior centers, home schoolers, community church, and totes for the CHEST programs. She also mentioned the AspenCat Consortium, which allows patrons greater access to digital media. Mr. King wanted to know if Kindle and that type of other digital media has actually hurt the bookmobile business, but Ms. Zipperer said that is why they got involved with the consortium in the first place; in order to stay current with what is requested.

Mr. Stone wanted to know how many hours Ms. Zipperer puts in each week, and she responded that she works twenty-five hours on the weeks that they take the bookmobile out,

which leaves her roughly seventeen or eighteen hours for payroll, bills, programming, paperwork, and ordering.

Before leaving, Ms. Zipperer said that she had received about six comments from people that had seen the schedule in the newspaper and were glad that it was there.

At 9:30 a.m., Ranch Rodeo Committee secretary Tina Waite, and LaRay Patton, met with the commissioners to discuss the fee to use the fairgrounds in June. Ms. Waite said that in the past they have paid \$700 for the use of the grounds and a \$1,000 deposit, asking if they could be allowed to do the same again this year. She added that they will use the south concession stand and the United Methodist Women's booth under the grandstands.

The Board had no problem with charging the amount that had been charged in the past, but Ms. Devers informed Ms. Waite that they would need to contact the concession groups personally to make sure that they could use their equipment. Ms. Patton said that HIP will be a part of the concessions, as well as the Lions Club, so she felt they would be fine since Patsie Smith is a member of both the HIP organization and the United Methodist Women, and the Lions Club will actually be providing the concessions on the south side.

Ms. Waite asked if a couple of vendors could use electrical hook-ups, as they had been asked about it. When asked where, she said that she thought one was where Don Bailey usually put his saddles during the fair, and the other would be just east of the women's restroom under the grandstands. She added that Danielle Kravig is in charge of the trade show this year, so she would need to contact her and find out further information.

After the two had gone, Mr. Stone made a motion to approve the minutes from the meeting held on May 7, 2013, as submitted. Mr. Lyons seconded the motion, and Mr. King abstained from the vote since he did not attend the meeting. The motion carried.

The Board reviewed the April reports from the Assessor, County Clerk, and Treasurer, and then Mr. King made a motion to cancel Road & Bridge check #22752, written to Royal Supply Company in the amount of \$83.37 on April 30, 2013, since the bill was paid twice. Mr. Stone seconded the motion, which carried unanimously.

After reviewing the Victim Assistance and Law Enforcement contract for the period of July 1, 2013, to June 30, 2014, in the amount of \$57,862, Mr. Stone made a motion to approve the contract. Mr. King seconded the motion, which carried unanimously.

A Permit to Conduct Geophysical Operations received from Tesla Exploration, Inc. on a 22.5 acre parcel located in the N2 of Section 31, Township 10 South, Range 54 West was reviewed, and Mr. King made a motion to approve the permit. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone then reported attending the Differential Response Workshop on May 8 and 9 in Castle Rock and the Colorado East Community Action Agency meeting in Cheyenne Wells on May 14. On the Fifteenth, he attended the noxious weed workshop in Limon. He also received a phone call from Paul Jenkins who had some blow dirt he wanted to give the county to use on a culvert and so he checked on the work on May 16.

Mr. King attended the CTSI Civil Rights class at the courthouse on May 9 and the Economic Development Corporation meeting on May 13. They had a report from Vickie Maxon regarding concerns from local business owners about the face of the organization. He said that the business owners felt that the previous director did nothing to promote what Lincoln County Economic Development Corporation could do for them, and the hope is to change that in the future. Mr. King also said that the Foreign Trade Zone is working to have a company sign on with them, which would help obtain the designation if someone is "waiting in the wings" to join. Mr. King commented briefly on the Bountiful Baskets program and Mr. Stone mentioned that Pat Vice has gone to work part time for Colorado East Community Action Agency. On May 17, Mr. King looked at roads and stated that he received a request that the county do something with the railroad crossing at Bovina. He looked at it, but said the problem is between the tracks, so Mark McHone will contact the railroad. Finally, he stated that they will begin overlay work this week on County Road 109 north of Genoa.

Mr. Lyons reported attending the fair board meeting on May 14, where Matt Mosher gave an excellent presentation on the changes he hopes to make to the stripping chute and the bucking chutes that was very well received. After the meeting, Mr. Lyons was approached about the county removing the 2% county sales tax. Dave Hubbard asked him when it could be gotten rid of as it was his understanding that it was meant to be removed once the courthouse was paid off. He told Mr. Lyons that the Limon School cannot obtain a BEST grant for the school because they cannot get a bond if the county collects a county sales tax. Mr. King said he'd spoken with Limon School Board president Jason Bandy who said that their main concern is that they cannot get a bond issue to pass. Mr. Lyons said that, personally, he wouldn't ever remove the sales tax, and Ms. Devers said that there was never anything in the original resolution passed by the commissioners that said the county sales tax would go away when the courthouse was paid off. Not only that, but residents need to understand that the property tax credit would be taken away as well if the county were to do away with the 2% tax.

Mr. Lyons had also attended the noxious weed meeting in Limon on May 15, which he thought was very informative. On May 17, he went by the landfill and spoke with Mick Jaques, and again on the Eighteenth to see how the free day had gone. Mick told him 286 vehicles had been through at that point. After leaving the landfill on the Seventeenth, Mr. Lyons stopped by the fairgrounds to look at the progress of the painting of the grandstands, and later spoke with Paul Norris from K.C. Electric. He also talked to Kerry Halde sometime over the weekend, as well as the lady from Southeast Colorado Recycling prior to today's meeting. Their driver had suffered a heart attack and they are concerned with hiring a temporary replacement. Mr. Lyons also said he spoke with Chris Monks.

The Board then discussed a request for an exemption from subdivision regulations on a five acre parcel of property from the Thelma L. Liles Estate. Ms. Devers was contacted by Sheila Finn with Janeway Law Firm, who told her that in 2004, Ms. Liles had obtained a reverse mortgage loan which was supposed to cover the five acres including her residence and improvements. Litigation commenced to reform the Deed of Trust, which originally described five acres of vacant land, but Ms. Liles passed away, so the request is being made from OneWest Bank, the Estate of Thelma L. Liles, deceased, and Patricia Price. Ms. Devers said she'd emailed all the documents to county attorney Stan Kimble who saw no problem with granting the exemption.

Mr. King made a motion to adopt a resolution granting an exemption from subdivision regulations to OneWest Bank, FSB (d/b/a Financial Freedom, a division of OneWest Bank, FSB), the Estate of Thelma L. Liles, deceased, and Patricia Price for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County. Mr. Stone 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 May 20, 2013 there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

The following proceedings, among others, were had and done, to-wit:

RESOLUTION #851 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, application has been made by OneWest Bank, FSB (d/b/a Financial Freedom, a division of OneWest Bank, FSB), the Estate of Thelma L. Liles, deceased, and Patricia Price for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County; and

WHEREAS, this application is being made to reform a Deed of Trust that originally described a 5 acre parcel of vacant land owned by Thelma L. Liles rather than the correct 5 acre parcel that included her residence and improvements; and

WHEREAS, the parties making application for the Exemption from Subdivision Regulations have agreed to a settlement and the following parcel is requested to be subdivided:

Parcel – A tract of land situated in the Northwest Quarter of Section 12, Township 9 South, Range 53 West of the 6th Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Commencing at the west 1/16-corner common to Sections 1 and 12, Township 9 South, Range 53 West of the 6th Principal Meridian, thence south along the north-south 1/16th section line and west line of the town of Arriba’s city limit, a distance of 271.46 feet to the point of beginning; thence north 90° 00’ 00” west, a distance of 184.31 feet; thence south 00° 00’ 00” west, a distance of 412.61 feet; thence south 00° 47’ 40” west, a distance of 362.37 feet; thence south 00° 16’ 13” east, a distance of 394.70 feet to a point on the north right-of-way line of the Mid-States Port Authority Railroad; thence north 89° 00’ 47” east, a distance of 187.50 feet to a point on the afore-mentioned 1/16th-section line; thence north 00° 00’ 00” east along said 1/16th- section line a distance of 1,166.41 feet to the point of beginning. Said tract contains 5.00 acres, more or less.

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

WHEREAS, the request for this exemption did not include a request for a change of use of the property; 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 tract 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 King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Lyons said he had spoken with Carl Larson about painting striping on County Road 109 between Genoa and Hugo, and was told the paint alone would cost about \$15,000.

At 11:00 a.m., Sheriff Tom Nestor and Undersheriff Gordon Nall met with the Board to discuss the purchase and installation of a grinder for the jail septic line. The sheriff said they were having even more issues and he felt it was not likely they would go away. They've had problems with Carol Garrison's basement flooding because the main line goes from the west side of the jail down 1st Street. He added that Delayne Tornowski has also had problems with plugged lines, and Ms. Garrison has threatened a lawsuit if it happens again. Sheriff Nestor said that if they purchase a grinder, it will grind everything and anything that gets flushed, before it leaves the jail. The only other option is to have someone clean the grate on a daily basis. The grinder would kick on when it senses water flow, so would not be running continuously. The sheriff went on to say that most likely they will have to have someone come and look at it, but hoped that they may be able to use an existing manhole. Mr. King wanted to know what the life of a grinder would be, and Sheriff Nestor responded that Adams County has had theirs since the 70's. They replace the teeth every five years or so and do maintenance on it once a year.

The sheriff went on to say that the town has tried to get Ms. Garrison to install a backflow preventer over the years, but he also can't deny that what is plugging the lines and causing the flooding in her basement is material coming from the jail. It will cost approximately \$20,000 for the grinder and possibly \$10,000 to \$15,000 to have it installed. Sheriff Nestor said he would like for the town to pay for part of the cost since some of the lines are town lines, but he said it was pretty unlikely to expect that to happen.

The commissioners all felt that they might as well get it done, and the sheriff said at least they would be able to let people know they are working toward a solution. He will get some prices and let them know.

Mr. Lyons said he'd heard that Centennial Mental Health is no longer offering domestic violence or drug and alcohol classes and wanted to know if that was true. Sheriff Nestor said that grant funding allows Centennial to come and hold classes at the jail a couple of times each week, and he thought classes were still offered at Genesis in Hugo, but he wasn't sure. Mr. Lyons said he'd been told that people have to go to Colorado Springs or Denver and if that is true, it is unfortunate. Undersheriff Gordon Nall commented that many people don't want to do it

locally because they don't want to be seen there, and the sheriff added that he generally encourages offenders to stay in jail to complete the mandatory classes, as it will save them money as well as possibly take time off their sentence. Most don't want to take advantage of his advice, however. He said he would check with CMH to see if they still offer classes, as well as with Genesis in Hugo.

Ms. Devers produced a letter from Ben Orrell that the commissioners had received in the morning mail, stating that there has been an incredible amount of trash in the ditches between Genoa and Hugo. His complaint included the fact that much trash has blown into his pasture and stated that when the landfill was build there was a promise by the commissioners at that time that trash would be picked up and that it would not become a problem. He asked that the county "take action to clean up what is not only an eyesore but also a health risk to livestock."

Sheriff Nestor said he does occasionally put inmate work crews along the roads, but it won't stop the problem of blowing trash. He said he would look into putting a crew out on County Road 109 to take care of the trash that is currently there.

Ms. Devers reported that the Gift of Life Foundation is having their annual fundraiser at the fairgrounds and asked the commissioners if they would like to waive the usage fees since they raise money to purchase items for the hospital. The Board agreed to waive the fee.

She had also received a request from Kelli Tichy to do trick riding at the fair rodeos this year and wanted to know if the commissioners wished to approve it. She had asked Ms. Tichy for proof of insurance but had only received proof of health insurance, not liability insurance. Ms. Devers said she would have to contact CPRA, who puts on the rodeos, as they like to know in advance if something else will be happening during their events. She added that she will also have to contact the stock contractor and would have to receive Ms. Tichy's liability insurance. The Board requested she gather that information and let them know at the next meeting what she had found out.

Ms. Devers had contacted Patti Lell at CTSI about the equipment the Methodist Women and Farm Bureau have at the fairgrounds. CAPP won't cover the equipment and Ms. Lell thought if the county was negligent and didn't secure the space or damaged the equipment, then the groups could file a claim against the county. However, both groups should have property and liability insurance with the county named as an additional insured.

Since there had been previous discussion about ordering another e-waste barrel for the landfill, Ms. Devers wanted to know if the Board would like her to go ahead with the purchase. They were \$77 each, and shipping for two of the units was \$92.74. Mr. Lyons had spoken with Landfill Manager Mick Jaques, who thought it would be nice to have one of the barrels, but they were concerned that it would not be big enough for a large, flat screen TV. Mr. Lyons said they could buy a shed, or maybe even have them build something at the landfill that would hold a larger amount of the e-waste, and Mr. King thought just the purchase of the two e-waste barrels may show enough "good faith effort" to satisfy the requirement. Mr. Lyons said he

would speak with Mick again, and Ms. Devers said she would write something up for the paper so that the public knows the barrels are available in Hugo and Limon for now.

Finally, Ms. Devers asked the commissioners if they would like for her to send an e-mail to the governor on their behalf concerning SB 13-252 dealing with renewable energy. She would ask him to veto the bill since it was rushed through the legislature so quickly and didn't allow for meaningful dialogue. She asked if anyone really knows the possible negative impacts on electric co-ops, and with the drought in eastern Colorado, the new law would simply be another added expense to ranchers who are selling their cattle and farmers who can't raise crops. The Board asked Ms. Devers to send the e-mail since it would be quicker than writing, and mailing, a letter.

The Board reviewed the April 2013 Public Health, County General, Capital Projects, E911, Conservation Trust, Landfill, Library, Lodging /Tourism, and Road & Bridge reports, as well as the reports for the individual road districts.

There was no old business but Mr. Stone said he'd been contacted by a Karval resident who wanted to know what the county could do about the junk in Karval. He told the party that they would have to write a formal complaint to the commissioners specifying which places in particular, and they would go from there.

County Assessor Jeremiah Higgins stopped in to ask the commissioners if any of them plan to attend the Assessment Appeals classes in June, and both Mr. Stone and Mr. King intend to go.

Mr. Lyons asked Mr. Higgins if he had received many complaints regarding the tax values on Ag land, and discussion ensued regarding the problems with the drought and how difficult it has been for farmers and ranchers to raise crops and livestock. Mr. Higgins mentioned the drought factor and asked the group to direct any calls his way. He added that he had received only a few protests so far.

The meeting was then adjourned until 9:00 a.m. on May 30, 2013, in order for the commissioners to visit the fairgrounds and see the progress of the work on the grandstands.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman