

Board of County Commissioners of Lincoln County

Agenda for May 31, 2012

9:00 Call to order and Pledge of Allegiance

9:05 Members of the Ranch Rodeo Committee to ask for a reduction in fees for use of the fairgrounds facility

9:30 Public Health Director Sue Kelly will request that the Public Health contract be signed and will give her monthly report. Review the letter from the State Board of Health approving the substitution of Ms. Kelly's minimum qualifications for the Master's degree requirement.

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

11:00 Individuals from the Environmental Systems Research Institute (ESRI) to give a demonstration and answer questions on their GIS system

1:00 Discuss the issue of property owners closing access to others on unimproved county roads

1. Approve the minutes from the May 30, 2012 meeting
2. The Lincoln County Fairgrounds has been approved as an Enterprise Zone Contribution Project. Review the paperwork and discuss how to proceed with informing people of the process.
3. County Commissioners' reports
4. County Administrator's report
5. County Attorney's report
6. Old business
7. New business
8. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 31, 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 Will Bubnitz with The Limon Leader and Eastern Colorado Plainsman. County Attorney Stan Kimble attended in the afternoon.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance, after which members of the Ranch Rodeo Committee; Tina Waite, LaRay Becker-Patton, and Marvin Thaller met with the Board to request a reduction in fees for use of the fairgrounds facility. Ms. Waite said they would like to pay what they did last year, which was the \$1,000 deposit, \$600 for use of the grounds, and \$50 each for the concession stand under the grandstands and the one on the south side of the arena.

Mr. Lyons made a motion to reduce the fees for the fairgrounds facility for the Ranch Rodeo Committee and to charge them what they paid in 2011. Mr. Beedy seconded the motion, which carried unanimously.

The commissioners asked if they would need anything else, and Tina said they would like to have the arena worked three times within the weekend, and water hauled in to settle the dust on Friday night, Saturday morning, and possibly Saturday night as well. Mr. Lyons asked if they wanted the restrooms under the grandstands to be open when Marvin commented that they would be having a dance under the awning, and they agreed they would like to have the restrooms open. Mr. Burgess asked LaRay if she still had keys and was told that everyone was asked to give their keys back when Randy Monks took over as fairgrounds manager. Mr. Burgess said he would have another set made for her.

Ben Orrell had also come in with the Ranch Rodeo group, but stayed to ask the commissioners about the location of the Kid Fletcher silhouette, which they hope to have up for the Ranch Rodeo. Mr. Burgess said the commissioners would meet him out at the fairgrounds at noon and they could decide where it should be placed.

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

At 9:20 a.m., Public Health Director Susan Kelly met with the Board to give her monthly report. After sharing a letter from the State Board of Health approving the substitution of her minimum qualifications for the Master's degree requirement, she updated the commissioners on several of the meetings and trainings she attended in May, as well as other activities completed. She also itemized monies received for EPR, WIC, Immunization Amendment 35, and other fees, totaling \$9,082.68. Ms. Kelly also gave an update on the new "Y-Time" software for employee time tracking, which will go into effect on June 1, stating that it will make things much easier. She then presented the general public health nursing contract for 2012-2013 in the amount of \$24,248.00

Mr. Beedy made a motion to sign the Approved Task Order Contract - Waiver #154, or General Public Health nursing contract for 2012-2013. Mr. Lyons seconded the motion, which carried unanimously.

Ms. Kelly commented that there is approximately \$4,000 left in the EPR contract that she simply can't find a reasonable expense for. She asked Ken Morrison if the Emergency Manager needed anything, but he said he did not. Mr. Beedy suggested she ask Sheriff Nestor if they need anything for the new command vehicle, as that would be a good use for some of the money.

When Ms. Kelly left, Mr. Beedy reported attending the Economic Development board meeting on May 21 and the Retac meeting on the Twenty-second. HB1283 will change a lot of things, as department heads will be required to have their ICS training in order for the county to be eligible for funding. He also met with David Seymour and Mountain View Electric at the new Karval shop about electrical lines.

Mr. Lyons reported going by the landfill on May 22, as well as checking roads southeast of Arriba. On the Twenty-third, he and Wayne Shade looked at roads to the southwest, and then he checked roads again on May 24. He also attended the hospital board meeting that evening. On May 25, he spoke with John Theisen, Wade Hollowell, and Greg Ashmore about the property line issue they are having. On the Twenty-sixth, he received a call from the landfill saying they were closing due to high winds, and on the Twenty-ninth he met with Kerry Halde, Chris Monks, and Jeff Wiepking about the cattle guard. Earlier this morning, he received a call from Scott Ravenkamp.

At that time, Human Services Director Colette Barksdale arrived for her meeting with the commissioners to give her monthly report. Project School Supply is moving along but may end up costing closer to \$35,000, as fifth graders in Limon are now in middle school instead of elementary, causing a difference in supplies. Mr. Burgess had received a comment from a vendor wanting to know if Human Services could request bids earlier in the year, as they generally order their school supplies for the following year in February. Ms. Barksdale said they normally order directly through Mead and Crayola so they receive the palette price anyway, but maybe they could start working on it this December for the 2013-2014 school year.

Ms. Barksdale said that the employee time sheets will be different in June, as they are starting the new "Y-Time" reporting system, and informed the Board that they may need to transfer TANF monies into Child Welfare, so will not be transferring anymore until closer to close-out. They did transfer to Gilpin County, and Kit Carson County has requested help also, but she has decided to wait and see what the numbers look like before allowing anymore.

Ms. Barksdale presented the MOU for the 1451 IOG, stating that they do it every year, but this was the first year they received money back into the program. They got \$75,000 back and will change the fiscal agent from Centennial Mental Health to Weld Adolescent Services, which is a financial services group. Both CMH and BOCES put in bids but were outbid. Although Patricia

Phillips handles the program, Ms. Barksdale did say that the main focus is to put services in place for adolescents in order to keep them in the community and out of the juvenile justice system.

Mr. Beedy made a motion to sign the 1451 IOG Memorandum of Understanding. Mr. Lyons seconded the motion, which carried unanimously.

Ms. Barksdale also presented the Signal Behavioral contract for substance abuse in the amount of \$12,150, as well as an additional \$20,000 in AFS dollars. Mr. Beedy made a motion to sign the contract, Mr. Lyons seconded the motion, and it carried unanimously.

Ms. Barksdale also informed the Board that Washington County had wanted her to send a letter to the state regarding the Child Welfare Allocation, but she did not send the letter because she felt it wasn't necessary since she had attended the meetings in Denver. She felt that by being at the meeting they did achieve some of their goals, adding that if others had been there when the vote was taken it wouldn't have been as close.

Finally, Ms. Barksdale reminded the commissioners that she had requested something be done with the doorway and entrance to the storage unit on the west side of the courthouse parking lot, such as a ramp or deck, and a new door and doorframe that is easier to open. Mr. Burgess said they might as well do both units while they are doing it, and they will set up a time to speak with Travis Nall about it.

Mr. Burgess told Ms. Barksdale that the commissioners discovered three separate credit card receipts from her office staff for a restaurant in Strasburg on the day that she had said they would be reviewing policies and procedures, and asked where they had gone. Ms. Barksdale named the wild animal sanctuary in Keenesburg, stating they had done team building that day and had eaten in Strasburg, where they reviewed their policy manuals. Mr. Burgess told her that no other department gets to leave their office and do activities out of town like that, and Ms. Barksdale responded that they have always done some type of retreat for team building because they need to understand what their policies and goals are. She commented that no other department has the number of employees that she does and it is difficult sometimes to work together, which creates frictions and divisions. Discussing the policies and having the employees complete exercises with each other helps to alleviate those problems, according to Ms. Barksdale. Mr. Burgess told her that the county doesn't buy lunch for employees, and Mr. Beedy added that leaving town was the biggest issue, as far as he was concerned, adding that Road and Bridge employees generally have a Christmas party, but they provide their own food. Mr. Burgess also asked about a \$112 charge to Golden China in Limon on April 23, but Ms. Barksdale said she would have to check to see what that was for, although it may have been the IOG. Mr. Burgess reiterated that it was inappropriate for her entire department to leave the county and Ms. Barksdale said they would not do it again.

Mr. Burgess then reported going out to the fairgrounds on May 21, as well as picking up some parts for Chris Monks. He commented that Willy Moreen is doing an excellent job of cleaning

up, as well as working on the loading chutes and putting up some railing and fence. On May 22, Mr. Burgess toured the wind farms and said they are pouring concrete and setting up poles. On the Twenty-third, he took a dump truck to the fairgrounds for clean-up after the circus, stating that they had done an excellent job of keeping the grounds clean. He also checked on the chipseal project by Gary Withington's place. On the Twenty-fifth, Mr. Burgess worked the track and arena for a gymkhana at the fairgrounds, stating that some work needs to be done on the door of the crow's nest, as it is extremely heavy. He added that Julie Joffe has spent quite a bit of time there already and has the tool room cleaned up, although she couldn't seem to locate any tools there. Mr. Burgess commended Ms. Devers for all of the work she did in helping with cleaning and decorating in relation to the double-booked wedding weekend, and then reported that he and Wayne Shade checked roads on May 29. He also received a phone call from Julie Joffe informing him that a door had been backed into at the fairgrounds, so he spoke with Shawn Smith about it on the Thirtieth, and he can get two panels for it. Shawn will provide an estimate. Finally, Mr. Burgess said he'd received a phone call from Limon Town Administrator Dave Stone earlier this morning who told him that the town has all the sod they need at this time so they would not be interested in splitting a load.

County Treasurer Jim Covington came over and the Board discussed that the Lincoln County Fairgrounds has been approved as an Enterprise Zone Contribution Project. The paperwork was reviewed and Mr. Covington said that the funds must be kept separate, and a whole new account will have to be created; most likely requiring two signatures on all checks. They felt it would be best to have at least one commissioner, as well as Ms. Devers and Mr. Covington, or Ms. Becker-Patton, sign the checks. Ms. Devers commented that even though there would need to be a completely separate fund, transactions shouldn't have to be run through the Clerk's office, adding that money donated will go directly to Jo Downey via Prairie Development Corporation. The COG Board will approve the donation and a check will be written to the county. Any bills will be paid through the account set up in the Treasurer's Office, and Ms. Devers said something will be put in the paper to notify potential investors. Mr. Lyons asked if Halde's offer to contribute pipe would still be okay, which it would. Ms. Devers said she would e-mail county auditor Ronny Farmer for further suggestions.

At 11:00 a.m., Land Use Administrator Ken Morrison, Assessor Jeremiah Higgins, and Treasurer Jim Covington were present for the discussion regarding a GIS system in the county. Environmental Systems Research Institute (ESRI) representatives Ian Isaacs and Brent Beck, as well as Northline partner Mike George, spoke about the system and its uses in Lincoln County. Mr. Burgess commented that the greatest concern of the commissioners is the manpower requirement, and Mr. Isaacs said that the county could contract with Northline if they wanted to, or even have Northline do it all if they don't feel they have the time or manpower to institute the system.

Mr. Beedy told him that the section lines in Lincoln County aren't really where they should be and wanted to know how something like that is corrected. Mr. Isaacs said that the address matching software starts from a few main focal points and provides a mechanical calculation. Over time, locations are improved based on where they actually are. Mr. Beedy told him the

county wants more accurate data, and Mr. Lyons asked what the cost would be. Software licensing, maintenance, and the ArcGIS online would total \$15,900, but Mr. Isaacs said the ArcGIS would not be necessary to begin with, nor would all the licenses have to be purchased right away. He suggested starting slowly and working into things and determining what the county priorities are, rather than buying everything all in the beginning. He added that once the parcel fabric is up the ArcGIS can be purchased, but that certain steps need to be taken in order to make it more meaningful to the county. Mr. Beck put in that installation of the system can be done in multiple phases, depending on specific needs and resources. As for the hardware for the data collection portion of the project, Mr. Beck said it would cost \$10,695, plus roughly \$1,250 for extras, not including training, which can be done in a variety of ways. He went on to say that the first thing the county needs to do is determine what they want to see accomplished and in what timeframe.

Mike George said that if the county decides to contract with Northline, they will help direct where to start and begin building up the base data; organizing it into a GIS database. Their goal is to help the county get the most out of the system for the least amount of money, and he concluded by saying that the possibilities are limitless once you get into it.

At 1:00 p.m., Sheriff Tom Nestor and Undersheriff Gordon Nall, Lyle Ravenkamp, Scott Ravenkamp, Wade Hollowell, Greg and Linda Ashmore, John Theisen, Jay Jolly, Jeremiah Higgins, and Renita Thelen met with the Board to discuss the issue of property owners closing access to others on unimproved county roads. Sheriff Nestor asked for guidance in providing some consistency to his deputies, as he has had several situations concerning this type of road come up and he wants to treat everyone the same way, if possible. For example, he informed the Board that Dyers have put up a gate on County Road 2A.5, which the map depicts as an unmaintained county road, and Mr. Dyer has said that he's going to close the road because it belongs to him. Since there are numerous landowners that use the road to get to their property behind his, they would have to use alternate routes far out of their way to access those properties. Sheriff Nestor said he understands that property disputes over section lines are a civil matter, but his department has always operated under the assumption that an unmaintained road is still a county road; therefore usable by all county residents.

Mr. Kimble told him that he was correct, but the question is whether or not they are truly county roads. The problem is that back when they were established as such, most often nothing was recorded in the Clerk's office to that effect. It appeared that at some point, when population decreased, a board of commissioners most likely stopped maintaining certain roads due to cost, but it didn't mean that they were no longer county roads.

Sheriff Nestor said he just wanted some guidance on how to treat the situations, asking if they should be done on a case-by-case basis or if the commissioners could develop a policy to encompass all unmaintained county roads.

Mr. Kimble said that true county roads must remain open to the entire public, which is not what the Ravenkamps, Hollowells, and Mr. Theisen want to see happen in their situation, as

would like to keep hunters off their property, among other things. He added that it is not a question of when the patent was issued, but when the homestead was issued, and whether or not the property was in the public domain at that time. The courts have held that the county must also have a reason to open a road to the public; that it must have a true public purpose.

Scott Ravenkamp spoke up to say that he has been the only one who has done any maintenance on the road they are disputing with Mr. Theisen and Ms. Ashmore, adding that if the county wants to take over that maintenance again he will be more than happy to let them, but he will return it in the condition it was when he started maintaining it.

Mr. Beedy commented that people have a right to access their property, and Mr. Kimble added that if someone proves a road is a public road, the county would have to take over maintenance on it; otherwise they would have to close it. When Mr. Theisen asked how a landowner would then reach their property, Mr. Kimble said there is an Easement by Necessity, which comes from the Private Condemnation Act and is used for true, land-locked property. In that instance, the landowner would pay to maintain the road. He added that most cases seen are Easement by Prescription cases, where the court decides who pays to maintain the road.

Sheriff Nestor asked if Ravenkamps could put up a gate to keep the hunters out but that Mr. Theisen could open to access his property, but Scott said there is no fence; therefore, a gate is a moot point. He added that the erosion is his main concern.

Mr. Kimble stated that for the county to vacate so many roads would cause huge civil issues, but from the county's standpoint, it would make the most sense if the unmaintained roads do not really have a public purpose. Quite simply, either the county treats them all as county roads, maintains them, and lets all public use them or they vacate them all and let it become a civil matter.

Mr. Lyons was not in favor of vacating any roads, and Jeremiah Higgins stated that the road in question is Mr. Theisen's only legal access because if the other two landowners were to deny him access then he would have no choice but to use the unmaintained county road. He added that he also understands Scott's side of the issue since he has to pay taxes to the middle of the road, and he should be able to use it if the county doesn't maintain it.

Mr. Kimble said that he believes that, assuming the maps are correct, the county merely needs a policy on how to deal with these roads, and offered to check with other counties to see if anyone else has been faced with the same problem. Ms. Devers pointed out that the maps themselves refer to the roads as "unimproved," not "unmaintained."

Lyle Ravenkamp asked how bad it would be to simply vacate those roads and then buy them back if there ever is a need to do so. It was his belief that there probably wouldn't be that many that the county would ever have to reopen.

Sheriff Nestor said he would tell his deputies to treat all unmaintained county roads as county roads until he hears differently or until the Board adopts a policy or resolution addressing the situation.

Mr. Beedy said that the areas should technically be surveyed, and Mr. Burgess asked if the county could close the road to the general public but then reserve the right to reopen it if it becomes necessary, such as they did with Bill Monks' road up north.

Mr. Beedy stated that he feels the commissioners need to determine which roads are truly county roads and then set priorities for what should or should not be maintained, and at what levels. Mr. Burgess did not agree, but Mr. Beedy said that there needs to be a countywide policy so that the sheriff knows how to handle disputes and the commissioners are not involved every time someone has a disagreement.

No decisions were made at the time, but Mr. Burgess said they would have Mr. Kimble do further research, and they will discuss it again on June 7.

Sheriff Nestor said in regard to the Dyer situation, Rains' sent a letter to them stating that they do not agree with Mr. Dyer closing off the access to their property. The sheriff added that Mr. Dyer wants to put up a fence on the south side of the road and if he does, two different landowners will lose access to their water. He said he will inform Mr. Dyer that the road is considered to be an unmaintained county road and he must allow access until he is told otherwise.

Jeremiah Higgins, Jim Covington, and Renita Thelen stayed to discuss the letter the Assessor's office recently sent out regarding the filing of mineral lease affidavits. When asked if other counties send out the affidavits, Ms. Thelen said that in the eastern region only Lincoln and Cheyenne counties have done so at this time, but it is a requirement of their auditor that it be done. She added that they have been behind in getting the letters out, which is why so many went out at one time, but her hope is to send them out more frequently in the future.

Mr. Higgins said that he made the decision to send the letters, even though it is only one of the methods available to gather the information. They can send the letters, obtain the information from the Clerk's office, or call the lease companies themselves, but he said he believes the most factual information will come from the taxpayer. He added that they are simply in the data-gathering stage, trying to gain general information, and they are not trying to make it complicated in any way. They also do the same thing every other year with ag-classified land.

Ms. Thelen put in that people do not have to fill out the affidavit if they choose not to; they won't be taken to court over it.

Mr. Covington asked if they only sent letters for new leases, but Ms. Thelen said the letters are sent out for all leases, as the more information they can gather, the better. Mr. Higgins added that this information will give him good results, and with good results he will be able to save

the taxpayers money, as he will not have to use the information from the state. He also said that if the minerals are not severed, they are not taxed, as it has nothing to do with the land.

Mr. Burgess asked for the Administrator's report and Ms. Devers said that Greg Etl with DOLA had left her a message letting her know that the Energy and Mineral Impact funds are being offered again. Applications will be available beginning August 1.

Mr. Kimble reported that he has not yet had time to review the CORA policies he received from Cynthia Barnes at CTSI, and Ms. Lengel said she hadn't had time to look at them either. He also received an e-mail from Dave Stone regarding whether or not county sales tax provides for an exemption for non-profit organizations, as there was concern about those organizations being required to collect local sales tax. Ms. Devers felt the Board could possibly pass a resolution exempting non-profits from collecting the taxes, and Mr. Kimble said he would look into it further. As for the earlier discussion, Mr. Kimble said that the state identifies county roads as primary, secondary, and abandoned so he will do some checking into that also.

Mr. Burgess called for old business, stating that Tom Anderson gave him an idea of what the '99 Dodge, fifteen-passenger van is worth. It has 90,000 miles on it and the commissioners decided they would go ahead and offer it for sale. Mr. Burgess also said that the repairs for the landfill loader came in much less than anticipated, due to the fact that they used the old case, so Ms. Devers said they would just have to write a check back to the insurance pool.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 7, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman