

Board of County Commissioners of Lincoln County
Agenda for November 18, 2015

9:00 Call to order and Pledge of Allegiance

9:00 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report

10:00 Chris Monks, District One Road and Bridge Foreman, to discuss truck purchase

10:30 Patricia Phillips, Human Services Interim Director, and Julie Witt, CKLECC Council Coordinator, to present a Memorandum of Understanding with Cheyenne, Kiowa and Lincoln County Departments of Human Services

11:00 Kennard Holley to discuss a recycling proposal

1. Approve the minutes from the November 9, 2015 meeting
2. Review the October, 2015 Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
3. Review the Quarterly Financial & Performance Status Report for the period 07/01/2015 to 09/30/2015 for Community Development Block Grant #14-591
4. Preliminary review of a contract with Garry Moore Amusements for a carnival for the 2016 county fair
5. Review the October, 2015 reports from the County Assessor, County Clerk and Recorder, County Sheriff and County Treasurer
6. Review invitation from the V.F.W. Joe Will Post #6612 to a dedication ceremony of an artifact from the USS Arizona
7. Review proposals for the replacement of the parking lot lights at the Lincoln County Courthouse
8. County Commissioner Reports
9. County Administrator's Report
10. County Attorney's Report
11. Old business
12. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 18, 2015. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schifferns, County Administrator Gary Ensign, and Clerk to the Board Corinne M. Lengel. County Attorney Stan Kimble arrived at 10:30 a.m. and left at noon.

Chairman King called the meeting to order and asked Lincoln County Economic Development Director Troy McCue to lead the Pledge of Allegiance.

Mr. McCue then gave his monthly report, highlighting that there is still interest in the Genoa Tower and he has put the prospective buyer in contact with the State Historical Society. Also, they did not accept the one RFP that was submitted for the Lincoln Theatre, so the Foundation will officially take it back in December. The plan is to be closed for two or three weeks in January while they complete a deep cleaning of the facility. The Foundation hopes to find someone who will take over and keep the theater operational. Mr. McCue reported on his business retention visits and SBDC activities for the month, and then gave the Board a bit of background on the recycling proposal they were scheduled to discuss with Kennard Holley at 11:00 a.m.

Mr. McCue left and Mr. Schifferns made a motion to approve the minutes from the meeting held on November 9, 2015, as submitted. Mr. Stone seconded the motion, which carried unanimously.

At 10:00 a.m., District One Road Foreman Chris Monks met with the Board to discuss the purchase of a truck. First, he stated that they finally got the window in the purple van and wanted to know the commissioners' plans for it, as well as for the sheriff's 2012 Dodge Charger. After some discussion, the Board agreed to try and sell the two vehicles on the Lincoln County Swap Shop. They will also advertise them in the Mile Saver Shopper for a minimum bid of \$800 and \$2,500 respectively.

Although several different bids were received for trucks, Chris had narrowed the choices down to either a 2017 Mack from Westfall O'Dell Trucks; cost of \$73,200.51 after trade-in of the 2007 Mack or a 2016 Caterpillar from Wagner Equipment Company; cost of \$83,194.89 after trade-in. Each has a five-year warranty but the Mack includes 250,000 miles; whereas, the Caterpillar warranty is for 150,000 miles. The Board asked which truck he preferred and Chris responded that it really made no difference to him as they are very comparable.

Mr. Schifferns made a motion to purchase a 2017 Mack truck from Westfall O'Dell Trucks for a total cost of \$73,200.51 from the 2016 District One Road & Bridge budget. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the October 2015 Statement of Revenues and Expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts.

Also reviewed was the Quarterly Financial & Performance Status Report for the period of July 1, 2015, through September 30, 2015, for the Community Development Block Grant #14-591.

At 10:30 a.m., Department of Human Services Interim Director Patricia Phillips and accountant Sherri Hansen met with the Board to present a Memorandum of Understanding between the Cheyenne, Kiowa, Lincoln Early Childhood Council (CKLECC) and Cheyenne, Kiowa, and Lincoln County Departments of Human Services. Mr. Kimble asked where the \$25,000 comes from and Ms. Phillips told him that the three county Human Services departments will divide the amount from their TANF funds. She did comment that they are not sure at this time if Cheyenne County will be able to contribute at all, but Kiowa County has said they can most likely pay a third of the cost. Mr. Kimble was also concerned with the indemnification clause in the agreement, stating that he wasn't sure if CKLECC was actually an entity that could make such arrangements. Ms. Phillips said it is recognized through the state Department of Human Services under the Early Childhood Council, but each county is encouraged to form its own council. Mr. Kimble asked if they carry their own insurance but Ms. Phillips did not know. Ms. Hansen stated that their department does receive reimbursement from the state for the three employees who work with CKLECC so she, too, assumed they would fall under the state's legal authority. Mr. Kimble said that if the county were to be sued, the MOU states that CKLECC would indemnify the county but he questioned whether or not they have the legal right to do so. Mr. Ensign asked how they could indemnify the county if they don't have their own insurance.

Mr. Schifferns asked when Cheyenne County would know if they will contribute, as he felt that they need to pay their share if they want to be a part of CKLECC. Ms. Phillips said that the director told her it would be toward the end of the month when the Cheyenne County commissioners meet again. Mr. Ensign asked if she would know by the time the Board meets next Wednesday and Ms. Phillips said she could check. She will also see if she can find out how CKLECC could indemnify the county if a suit were filed. She added that they hope to get the funding by the first of the year, so there is some time in which to find out further information. Mr. Kimble added that there have been associations in the past that thought they were an entity and later found out they weren't.

Mr. Schifferns asked how the move of files from the coroner's office is coming and was told they had hoped to finish up the previous day but the courthouse was closed due to the weather. Ms. Phillips said they should have everything moved out by December 1 so that the Board can have the carpeting replaced and the walls repainted if that is their intention.

Once Ms. Phillips and Ms. Hansen had gone, the Board reviewed a preliminary contract with Garry Moore Amusements for a carnival at the 2016 county fair. Mr. Moore had asked for half of the \$10,000 by November 1, 2015, and the other half on August 11, 2016. Mr. Ensign had told him the full amount would have to come from the 2016 budget if the commissioners agreed to move forward. He had also asked Mr. Moore to reduce the cost and was told that he could not do so the first year, at least until he knew how much business he would have. If he comes back in future years, he may be able to charge the county less. Mr. Ensign said he'd found two red flags in the contract; the first being a statement for exclusive rights to all

entertainment, and the other that they will plan on bringing RVs and campers and would expect water and electrical hook-ups to be provided for them. Mr. Ensign said that both will need to be investigated, perhaps by John Palmer, but he needed a verbal commitment from the Board as to whether or not to go ahead with the plan. All commissioners agreed that they would like to pursue the idea of a carnival so Mr. Ensign said he would lock in the dates and they could negotiate the other factors later on. Mr. Stone said the latter request for water and electrical hook-ups worried him and felt that Mr. Moore would need to bring his own generator or make other arrangements.

The Board reviewed the October 2015 reports from the Assessor, Clerk, Sheriff, and Treasurer, and then met with Kennard Holley, owner of Recyco, LLC, at 11:00 a.m. Troy McCue attended the discussion as well.

Mr. Holley requested that the county no longer allow any wind turbine blades to be deposited in the Lincoln County landfill, stating the he is working with Global Fiberglass Solutions, Inc., a company that can grind the turbine blades and convert them into new composite products. Mr. McCue read a letter from CEO Dan Lilly that stated GFS is in the business of decommissioning and recycling wind turbine blades on site as well as off-site. Mr. Holley would be the contractor since he has the space available to hold the blades until GFS could come out and grind them. Mr. McCue added that Mr. Holley has leased space from Kip Parker and would mostly work with turbine blades damaged by lightning or during transport because the towers in the county are relatively new and those blades should not yet need replaced. Their life cycle can be anywhere from nine to twenty-two years. He stated that it is his job to help Mr. Holley rise to the challenge, so if the business were to suddenly flourish, Mr. Holley would most likely need to work with other partners in order to help him keep up with the demand.

Mr. King wanted to know how many blades would have to be stockpiled in order for the company to consider it economically feasible for them to come out and Mr. McCue said they have a portable unit on a semi flatbed so it may not be very many.

Mr. King asked Mr. Holley what he wanted from the commissioners and was told that Mr. Holley wants the county to stop the blades from being put in the landfill, and also to give him referrals if possible. Mr. King asked about Rob Fager, who had discussed cutting the blades and taking them to the county landfill, adding that Mick Jaques had given some strict guidelines as to the size the blades must be cut into, due to the damage they were causing to county equipment. Mr. King didn't know if Mr. Fager had even taken any turbine blades to the landfill but stated he would prefer that Mr. Holley work it out with him somehow. Mr. McCue said that Mr. Holley was coming before the Board for absolute landfill exclusion but Mr. King said the county would not grant such a request. He reiterated that Mr. Holley should check with Mick Jaques to see if any blades had been brought into the landfill and if so, coordinate something with Rob Fager and/or Mick himself for the recycling portion of them. All commissioners felt it was a good idea to recycle the blades but also agreed that they would prefer the situation be outside the boundaries of government control. Mr. Kimble stated there is nothing currently in land development code to address wind turbine blades or their disposal. Mr. McCue said they

would find out where Mr. Fager is taking the blades and will also contact Dan Lilly. Mr. King finished the discussion by stating that the county supports Mr. Holley's objectives and the commissioners agreed that the blades need to be recycled, but asked that he work with other county businesses as well.

The Board reviewed an invitation from the V.F.W. Joe Will Post #6612 to a dedication ceremony of an artifact from the *USS Arizona*, as well as two proposals for the replacement of the parking lot lights at the courthouse. The bid from Leo's Electrical was in the amount of \$23,225, while Shideler Electric bid \$23,874.60. Mr. Ensign said they could expect two-to-three weeks for delivery and installation.

Mr. Schifferns made a motion to accept the proposal from Leo's Electrical in the amount of \$23,225 to replace the courthouse parking lot lights. Mr. Stone seconded the motion, which carried unanimously.

Mr. King called for commissioner reports and Mr. Schifferns reported attending the fair board meeting on November 10. The board was enthusiastic about the carnival idea and suggested bringing back the Dutch oven cook-off as another means to gather more participation. 21st Century donated \$1,500 that was specifically earmarked for gates, and the fair board agreed to place an age limit of 3-6 years old on the Mutton Bustin' event. Twelve applications were received for the 4-H Program Assistant position and four people will be interviewed on November 20. Mr. Schifferns said that both John and Adrian Palmer were at the meeting but Julie Joffe was not. They also discussed working on the PA system. On November 16, Mr. Schifferns attended a department head meeting at the courthouse where inclement weather protocol was discussed, after which he checked some roads.

Mr. Stone reported that he also attended the fair board meeting on November 10, as well as the Veterans Day program at the Karval School on November 11. He also received a phone call from a county resident about the fire ban. On November 12, he checked roads, stating that tumbleweeds are still a huge problem down south, which had prompted the call about the fire ban. The resident normally burns the tumbleweeds on his property but can't at this time due to the ban. District Three has tried mowing the tumbleweeds, which worked for a while, but high winds have made it to where they can no longer keep up. On November 17, Mr. Stone stopped by the county shop, which had no electricity until 11:00 a.m., and also checked more roads.

Mr. King reported attending the department head meeting on November 16 and asked if the county had ever implemented a late start when weather is bad. Ms. Lengel said there had been a few in her twenty-year interim, but they tended to work better in the spring when it warms up much quicker in the morning. Mr. King also stopped by the roundhouse and checked out the new window. He also stopped at the Genoa shop where he spoke with Mark McHone about putting in another unheated building to park tractors and road graders in. He added they are merely in the talking stages right now, but it would certainly help preserve the tires on the equipment if they were to keep them inside. The Resources Unlimited meeting scheduled for

November 17 was cancelled due to the weather, and he attended the Economic Development Corporation meeting earlier this morning.

Mr. Schiffers said he'd received a call from someone in Washington County who is picking up Lincoln County trash in an area where there is no trash removal and wanted to know the county's policy. Mr. Schiffers told him that he cannot bring Washington County trash into Lincoln County but suggested he call the landfill and speak with Mick Jaques about rules and fees.

Mr. Kimble reported that he found the old file for the Karval Community Cemetery District and learned it was formed in 1997 by Resolution #414. It does provide for a single board with six, four and two-year terms. An election held in 2008 allowed for half a mill up to one mill annually for maintenance of the cemeteries. Mr. Kimble said the amount of mill can vary as long as they get around \$2,000. The boundaries of the district are the Karval School District boundaries and the four cemeteries in the district are the Dudley Cemetery, the Spring Hill Cemetery, the Bucklen Cemetery and the Karval Cemetery.

Mr. Kimble had emailed Land Use Administrator John DeWitt about the nuisance properties and shared the following information: the Cano property will come before the Land Use Board on November 19; the Patel property looks better although Mr. Patel still hasn't appeared; and Michael Kotrba paid his permit fee but never turned in the development permit application. Mr. Ensign said that Mr. DeWitt had mentioned earlier that the application came in this morning. Mr. Kimble said he would speak with Mr. DeWitt again to find out if he is satisfied with the progress.

Lastly, Mr. Kimble will attend county attorneys' conference the remainder of the week.

The Board reviewed Public Health Director Sue Kelly's time sheet, and then Mr. Ensign reminded the group that the courthouse would be closed on November 26 for the Thanksgiving holiday. Although the county offices will be closed as well on Friday, November 27, the courts will be open.

When the meeting reconvened at 1:00 p.m., Sheriff Tom Nestor and Undersheriff Gordon Nall met with the Board to discuss the countywide fire ban. The area fire chiefs were polled and Karval and Limon both want to remain at a Stage 3 fire ban, but Hugo and Tri-County are willing to move to a Stage 2.

Mr. Stone stated they would like to have the ban lifted in his district simply so that people can do something with their tumbleweeds but the sheriff said that Patrick Leonard told him there really hasn't been sufficient moisture to lift the ban completely. Sheriff Nestor felt it might be time to reconsider the resolution and add a phrase allowing that special permits may be authorized by a district's fire chief. Each district does have the authority to assign whatever level they feel appropriate. Mr. Stone suggested they give it another week or two and see if more moisture is received before they decide what to do.

Sheriff Nestor asked about the 2012 Charger and Mr. Ensign said the commissioners had agreed earlier in the day that they would advertise it in the Mile Saver Shopper and on Swap Shop. Undersheriff Nall suggested they increase the minimum bid amount to \$3,000 since the only problem with the vehicle is the motor and the Board agreed.

The sheriff also informed the Board that a deputy had hit a deer with one of the pickups and caused some damage to the mirror and door. He has not received cost estimates back yet but asked if they should have only the mirror fixed or if they should have the dent taken out as well. Everyone agreed that the \$500 deductible would most likely be met by fixing the mirror alone so the sheriff will have all the damage repaired.

Since the sheriff's department spends approximately \$3,000 per month on prescription medication for inmates, Sheriff Nestor felt he should utilize both pharmacies in Limon in the future. The undersheriff did mention that Hoffman Drug does have special contracts for cheaper medications but the sheriff said he would feel better using both businesses and will request bids for inmate medication.

Lastly, the sheriff said he wants to make sure the marijuana moratorium is still in effect going into 2016, as he thought it expired in the coming year. He did contact County Attorney Stan Kimble about it and asked if there was some way the county could make the moratorium permanent. Mr. Kimble will look into it.

After the sheriff and undersheriff had gone, Mr. Ensign reported that the town of Hugo is currently working on a sewer main in the alley to the north of the courthouse between the parking lot and Third Street. The county owns the property to the west of the section line, where the city limits used to end. Wayne Nestor spoke with Mr. Ensign about extending the sewer line while they are working on it so that it can eventually be connected to the roundhouse. The town crew will handle the installation if the county pays for the materials, which consists of approximately one hundred feet of pipe and a manhole; roughly \$1,000. The town will not charge sewer tap fees later on since the county will already have paid the initial fee. Mr. Ensign commented it would also make sense to extend the line now, especially if the commissioners are considering building the Human Services visitation center on county property at some point. Also, Ms. Devers informed Mr. Ensign that the roundhouse will eventually require an access road since currently the structure is entered via a railroad right-of-way. The most logical suggestion would be to extend Third Street.

Mr. Schiffers made a motion to approve the extension of the town sewer line to the east side of the paved access road north of the courthouse parking lot and to pay approximately \$1,000 to the town of Hugo for the materials and installation. Mr. Stone seconded the motion, which carried unanimously.

As for old business, Mr. Ensign stated he'd received an invoice from GMS, Inc. so it appears they are still on schedule with the fairgrounds lift station project. Mr. Schiffers wanted to know if any progress had been made with the carpet and cabinet replacement in the courts side of the

courthouse and Mr. Ensign said that he and John Mohan have been working on it. It's possible that they will need to contact someone who can resurface the cabinets, as the cabinets themselves still seem to be structurally sound; it's just the tops that need replaced.

Ms. Lengel asked if the commissioners did intend to repaint and re-carpet the coroner's office before he moves in and Mr. Ensign said that John Mohan felt he could do that as well.

Ms. Lengel also reminded the Board that they had discussed increasing the per diem rate and had told her to bring it up again at a later meeting. After a brief discussion, Mr. Stone made a motion to increase the county employee per diem rate to \$40 per day effective January 1, 2016. Mr. Schifferns 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 18, 2015, there were present:

Greg King, Chairman	Present
Douglas D. Stone, Vice Chairman	Present
Ed E. Schifferns, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Gary Ensign, County Administrator	Present

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

AMENDED RESOLUTION #317 It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

WHEREAS, the Board of County Commissioners, on April 3, 1995, in Resolution #317, set per diem rates for meals and established guidelines for payment, then have amended said resolution several times, including the last revision on April 5, 2007; and

WHEREAS, the Board of County Commissioners has decided that further revision of the per diem policy is necessary due to the increasing out of pocket expenses for meals and tips; and

WHEREAS, the Board of County Commissioners believes that making the maximum amount allowed for reimbursement for meals and the tips \$40.00 per day, with the employees making the decision on how that amount is to be spent on meals and tips each day, will provide a more equitable rate of reimbursement;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that, effective for meals purchased on and after January 1, 2016, the maximum amount allowed for reimbursement will be \$40.00 per day, with this amount to include meals and tips and with the employees still making the decision on how that amount is to be spent;

BE IT FURTHER RESOLVED that only actual costs will be reimbursed for meals and tips, up to the \$40.00 per diem limit, upon submitting appropriate receipts for payment;

BE IT FURTHER RESOLVED that the following guidelines adopted on April 3, 1995, are still in effect for the reimbursement of meals:

1. If an employee must leave on official business prior to 6:00 a.m., breakfast is an allowable reimbursable item. If an employee, because of official business, is unable to return before 7:00 p.m. dinner is an allowable reimbursable item.
2. Regardless of the site, if an employee is required to attend a meeting or training session related to his/her job duties, the cost of meals will be reimbursed at an amount not to exceed the per diem rate.
3. If the cost of meals is included as part of a registration fee, and the charges for the meals are higher than the allowed per diem rate, the employee is not required to reimburse Lincoln County for the difference between the per diem rate and the charges for the meals.
4. Employees cannot submit for reimbursement the cost of meals included in a registration fee.

Upon roll call the vote was: Commissioner Stone, Yes; Commissioner Schifferns, Yes, Commissioner King, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on November 25, 2015.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman