

Board of County Commissioners of Lincoln County
Agenda for June 18, 2014

9:00 Call to order and Pledge of Allegiance

1. Approve the minutes from the June 6, 2014 meeting
2. Review the monthly reports from the Assessor and the County Clerk
3. Review the May reports of revenues and expenditures for Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Road & Bridge and the individual road districts
4. Review and sign a letter to the Colorado Office of Economic Development and International Trade requesting to de-obligate the \$472,758.45 in unspent funds in the Community Development Grant Contract #09-085, which ended on January 31, 2014
5. Review and sign an agreement with the LC Derby Club for the August 9, 2014 demolition derby to be held at the fairgrounds
6. County Commissioners' reports
7. County Administrator's reports
8. County Attorney's report
9. Old business
10. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 18, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, and commissioner candidate Gene Vick. County Attorney Stan Kimble attended from 11:00 a.m. until noon.

Chairman Lyons called the meeting to order and asked Mr. Vick to lead the Pledge of Allegiance.

Mr. Stone asked for a slight change to the minutes from the meeting held on June 6, 2014, stating that he had not checked blowing dirt with Brian Johnson, but had actually checked the areas and then informed Mr. Johnson that he had done so. Mr. King made a motion to approve the minutes from the meeting held on June 6, 2014, as corrected. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the monthly reports from the Assessor, County Clerk and Sheriff, as well as the May reports of revenues and expenditures for the Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging and Tourism, and Road and Bridge funds, and the individual road districts.

A letter to the Colorado Office of Economic Development and International Trade requesting to de-obligate the \$472,758.45 in unspent funds in the Community Development Block Contract #09-085, which ended on January 31, 2014, was also reviewed. Mr. Stone made a motion to sign the letter, Mr. King seconded the motion, and it carried unanimously.

The agreement with LC Derby Club for the August 9, 2014, demolition derby was reviewed; Ms. Devers stating that Mike Vaughn had said there were no changes in this year's agreement. Mr. King made a motion to sign the agreement, Mr. Stone seconded the motion, and it carried unanimously.

Mr. Stone reported checking roads on June 7 after getting some rain in the district, and on the Ninth he stopped by the county shop and visited with Road Foreman Monty Mattson about roads. He attended the Rodeo Bible Camp event on June 12 and felt everything had gone smoothly, and checked roads again on June 13. On the Sixteenth, he spoke with the crew laying the cable and was told they hope to be finished with the project by August 1, which is ahead of schedule. On June 17, he stopped by where road crews are doing some oil patching.

Mr. King reported checking roads around Arriba and Genoa after the meeting on June 6, and on the Seventh he spoke with Road Foreman Mark McHone and road crewman Caleb Brent about the gravel/power pole issue. The three of them made the decision to have twenty dollars taken from each of their paychecks, and Mr. King's paycheck, until the \$1,060 paid to the insurance company is paid back. On June 16, Mr. King attended the Resources Unlimited meeting, stating that Baby Bear Hugs will be a sponsor for Safe Care Colorado, and that Melody Bolton with Job Services had brought a list of job openings in the county. Ms. Bolton said there are currently forty-eight job openings, most of which are with wind energy; some skilled and some labor

intensive. Mr. King said that District Two is chip-sealing and patching north of Genoa today and tomorrow, as well as patching holes by the cemetery.

Ms. Lengel and Ms. Devers briefly discussed how Mr. King's decision to take twenty dollars from three separate employees and two different funds would affect payroll and direct deposit procedures, and Mr. King said that both Mr. Brent and Mr. McHone had offered to pay the full amount owed to the insurance company, but they had decided to share the responsibility and do it this way instead. Mr. Lyons asked what would happen if Mr. Brent quit before his portion of the amount is paid off, adding that he felt something should be put in writing. Ms. Devers said she would contact Cynthia Barnes with CTSI to see what her suggestion would be. Mr. Vick commented that Mr. King should pay the full amount himself.

Mr. Lyons reported checking roads on June 9, specifically County Road 25, and going by the landfill on June 11. He also spoke with Kerry Halde about County Road 26 breaking out in places, so he checked on it on June 12 and talked to Chris Monks who resolved the issue. Ed Schifferns had mentioned that the road by the Arriba cemetery needed gravel, so Mr. Lyons looked at it on June 13 but did not feel that it does need gravel. Mick Jaques had inspected the two trash windbreak screens that were completed and was pleased with them, and on June 17 Mr. Lyons went by the landfill to look at the screens and feels they will work really well. He added that he will speak with Kerry Halde to see if they have any pipe that could be used to make additional screens. Mr. Lyons said there may have been a misunderstanding about some drill stem pipe donated to the county by Citation Oil and Gas to be used at the fairgrounds, as he was told that some of it had been given to Daryl Waite. Since it was donated to the county, Mr. Lyons said he would not want to cause hard feelings with Citation, and a call was placed to Fairgrounds Manager Julie Joffe who was asked to come to the meeting. While waiting for Ms. Joffe, Mr. Lyons said that he was sure Chris Monks had ordered some welding rod for them to use to fix the chutes at the fairgrounds last year, but he wasn't sure if they had ever picked it up. Mr. Lyons called Chris and asked him if Matt Mosher or Daryl Waite ever picked up the welding rod that was ordered and Chris said he had taken one of the 5-pound boxes to Mr. Waite, but couldn't remember if they had gotten any more. He said that the welder was paid \$20 per hour for the twenty-six hours of labor he put in on the panels, as well and the cost of the panels were \$40 or \$50 each.

Ms. Devers commented that Todd Messer had already taken the pipe to the fairgrounds that Citation donated, and Mr. Lyons said they would need to make sure and send a thank-you letter for it. Ms. Devers said she already had a letter prepared for the commissioners to sign.

When Ms. Joffe arrived, Mr. Lyons said he'd been told that she gave Daryl Waite or Matt Mosher some of the drill stem pipe that was donated to the county by Citation Oil and Gas. Ms. Joffe said she had indeed done so, as she had three things that needed to be welded, so instead of paying a welder she asked him to weld the items in exchange for a couple of pieces of the pipe. Mr. Lyons asked that she not make that type of deal again and Ms. Joffe said she understood.

All went well with the Rodeo Bible Camp and there were no problems whatsoever, according to Ms. Joffe. Mr. Stone asked her how many times the septic had to be pumped during the event and she responded it was either four or five, but she wasn't sure. Mr. Lyons said he thought they should ask Tony Wernsman about the infiltrators, adding that it will be a huge project if they decide to do something.

The Cattlewomen had asked Ms. Joffe if they could put something up for the kids at the fairgrounds in memory of Fritzi Mosher; perhaps some of the bouncing spring horses, for around \$200 or \$300. Ms. Joffe had looked into it and finally found a couple at an auction, only to find that they didn't have all the parts. However, they will get them fixed and she will order a plaque to put with them honoring Ms. Mosher.

Ms. Joffe left and a lengthy discussion ensued regarding the sewer system at the fairgrounds. Mr. King felt that putting infiltrators in may end up costing as much as a lift station that would tie into the town of Hugo's sewer system, and Ms. Devers said she could contact Mark Hefta, the engineer who submitted the plans a few years ago, and see if he had any suggestions. Mr. Lyons said the county had already paid for that work and it may cost as much or more again just to obtain a cost comparison between a lift station and infiltrators. Ms. Devers thought the cost had been between \$6,000 and \$7,000 just for him to draw up the plans. She asked if the commissioners had considered including restrooms in a new building if the decision is made to build one, as some patrons may want to rent only that one building and not the full fairgrounds. Ms. Devers attempted to call Mr. Hefta, but his voice mail was full and she could not leave a message.

Ms. Devers reported that she had contacted Tony Wernsman about the courthouse parking lot, but he has not worked on it yet. She told him that the road crews would be unable to do anything until sometime this fall. Since July 4 is on a Friday and Road & Bridge employees work four ten-hour days, Ms. Devers asked the commissioners if they wanted to give them July 3 off, which has traditionally been done in the past. The Board agreed.

The Board reviewed a fully executed grant funding change letter for the WIC program, increasing the funding by \$2,217, making the new total \$65,765.

County credit cards with a credit limit of \$500 each were requested for new employees Sarah Carter, Elizabeth Cox and Haley Smith with Human Services, and Will Garlow with the Clerk's office. Ms. Lengel also requested increases in her two election deputies' cards to \$2,000 and \$1,500. Ms. Devers said she also had forms for Mr. Stone and Mr. King to sign for their county credit cards with \$500 limits. Mr. Stone made a motion to approve the new cards and changes. Mr. King seconded the motion, which carried unanimously.

The Board signed the thank-you letter to Citation Oil and Gas for additional pipe donated for use at the fairgrounds.

Ms. Devers had received a survey from Clear Creek County Commissioner Tim Mauck, who is a member of the Salary Commission, concerning increases in elected officials' salaries. The commissioners said they had also received the survey via email. Ms. Devers asked County Treasurer Jim Covington and County Assessor Jeremiah Higgins to join the meeting, but Sheriff Nestor was unavailable. Ms. Devers had calculated increases for each of the salary levels recommended in the survey; a 15% increase above 2006 levels, a 25% increase above 2006 levels, or a 30% increase above 2006 levels, commenting that they needed to realize that it will be 2019 at the *earliest* before any change is possible. For most county elected officials, the lapse of a raise in salary will have extended to twelve years and, to date, the cost of living increase since 2007 is around 15%, which means salaries are worth 15% less even at this point in time. Four years from now the decrease will likely be more significant, according to Mr. Mauck's letter. The group discussed the increases; Ms. Lengel stating that she would recommend higher than the 15% increase since that would be slightly higher than one percent per year over the twelve year period. Mr. Higgins added that the county had given cost of living increases to employees over the past several years and they could base the increase for elected officials on that if they felt it was a good place to start. Mr. King figured what it would average out to over the years and recommended the 25% increase. Ms. Devers put in that they would need to keep in mind that the clerk works a 40-hour week and the sheriff generally puts in even more hours than that; however, no more discussion was held and Mr. King made a motion to support the 25% increase above 2006 levels on the survey from Salary Commission member and Clear Creek Commissioner Tim Mauck. Mr. Stone seconded the motion, which carried unanimously.

Ms. Devers asked the commissioners if they were ready to advertise for the Onsite Wastewater Treatment Systems Regulations. Mr. Kimble said he had read them and the legal part is okay, adding that they may want to use Kit Carson County's expert, Kelly Alvarez, or they would have to obtain one of their own. He suggested that perhaps Ms. Alvarez would consider holding any hearings in Lincoln County for applicants that request one due to their application being denied; that way they would not have to travel to Kit Carson County for the hearing. Ms. Devers said she would call Ms. Alvarez and Mr. Kimble suggested either holding a conference call with her or asking if she would come to a commissioner meeting to discuss it.

Lastly, Ms. Devers reported meeting with Terry Rook with American Fidelity about some of the county's benefits. The company does not provide medical coverage, but does have a disability program and offers the same services as Aflac and the Cafeteria Plan. She wanted to know if the commissioners would like for her to poll the county employees to see if anyone is interested and, if so, Mr. Rook would need to meet with the Board. She added that she would have him provide some information showing costs first if the commissioners wanted her to proceed. The Board agreed that she could obtain the prices and then poll the employees.

Mr. Kimble thanked the Board for allowing him to attend the annual county attorney conference, stating that he had gotten some good information, including visiting with Douglas County Attorney Lance Ingalls concerning the \$20 surcharge Lincoln County adds to driver's license documents for out-of-county residents. While Douglas County doesn't charge as much

as Lincoln County, they do charge a fee; however, Mr. Ingalls felt that it would be better to call it a "county fee" rather than a "surcharge". He said that he would definitely litigate for his county clerk in Douglas County, but if it comes under Title 30 rather than Title 42 it may make it easier. Mr. Kimble recommended amending the resolution passed on May 30, 2007, where the commissioners enacted the surcharge, to change the wording from "surcharge" to "county fee". Ms. Devers asked if she could make it retroactive to that date and Mr. Kimble said he thought that would be fine. He added that he had finally received a response from Department of Revenue Deputy Executive Director Heather Kopp who told him that the Assistant Attorney General who worked with her on the issue was Laurie Rottersman. He will check with Ms. Rottersman to see if he can find out more information. Also, Ms. Kopp's letter states that DOR wishes to wait to send a new version of the MOU until Mr. Kimble has had a chance to talk to Ms. Rottersman and there has been an opportunity for a working group of the County Clerks that issue Driver's Licenses to discuss the issues.

Mr. King made a motion to amend Resolution #654, passed on May 30, 2007, changing the word "surcharge" to "county fee" and making the amendment retroactive to that date. 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 June 18, 2014, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, 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:

AMENDED RESOLUTION #654 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, on May 30, 2007, the Board of County Commissioners of Lincoln County approved a \$20.00 surcharge, effective June 18, 2007, on any non-Lincoln County issued driver's license document; and

WHEREAS, the need for this action was due to the closure and/or inadequate driver examiner offices in Colorado, resulting in the county employee in the Lincoln County Driver Examiner's Office providing the majority of services to residents of counties other than Lincoln County and creating staffing issues in the County Clerk's Office; and

WHEREAS, the Board of County Commissioners requested financial assistance for additional staff from the State of Colorado and a clarification of C.R.S. 42-2-115, which allows for surcharges on certain drivers licenses, but is silent on a county being able to enact a surcharge; receiving no response to either question; and

WHEREAS, the current Board of County Commissioners wishes to clarify that the implementation of this charge was to provide funding for a portion of the salary and benefits of the driver examiner position;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Resolution #654 be amended to reflect that the surcharge is not a surcharge, but a county fee;

BE IT FURTHER RESOLVED that this change in name is retroactive to May 30, 2007.

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

In regard to a commissioner's degree of independence and when a decision or policy must be a board decision, Mr. Kimble said he'd spoken with the county's CTSI representative, Cynthia Barnes and related the following: CTSI's position is that the powers allocated to the Board to set policy, pass ordinances or resolutions, make budgets, set wages, salaries and benefits for employees, purchasing, etc. are all contained in C.R.S. 30-11-107. The decisions made by the Board must be made at a public meeting subject to the Open Meetings Act. A portion of the Open Meeting Law, C.R.S. 24-6-402 (2) (f), states that the open meeting procedures do not apply to the day-to-day oversight of property or supervision of employees by county commissioners. However, CTSI feels that the terms "oversight" and "supervision" are not the same thing as setting policy. CTSI recommends that the boards lean to joint resolution if there is any question because C.R.S. 30-25-103 states that a commissioner making expenditures without getting full board approval is personally liable for the indebtedness. Mr. Kimble added that he was not entirely sure what decisions may be made by a commissioner without full board approval, i.e. "oversight" or "supervision" of employees, but CTSI certainly feels that anything that may be related to policy or is applicable to all county property and employees, for consistency reasons, should be by joint decision.

Mr. King asked if that meant that board approval was required every time a purchase was made from a road district's budget and, if so, what the purpose of approving the budget was. Ms. Devers said that if the Board has approved the overall budget for each district she would think that would suffice as approval of expenditures within that budget and full board approval would not be required.

As for the Road Policy, Mr. Kimble asked if the Land Use Board should be allowed to review the policy or if the commissioners wanted to go straight to the hearing and skip the board's involvement. Everyone felt that since it is a road policy, the opinion of the land use board really wasn't necessary.

Mr. Lyons called for old business and Mr. Stone asked if Chris Monks had found out anything about the mower for the fairgrounds. Mr. Lyons said they had gotten one.

When Mr. Lyons called for new business, Mr. King said he'd heard that there will be a long West Nile Virus season this year and asked if the county would have mosquito dunks available, especially at the fairgrounds. Ms. Devers said they were purchased from Pronghorn/Ace in the past, but she will contact Public Health Director Sue Kelly to find out if Public Health may have some programs available again.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 27, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman