

Board of County Commissioners of Lincoln County
Agenda for June 27, 2014

9:00 Call to order and Pledge of Allegiance

9:00 – Damian Duran to request an exemption from Subdivision Regulations on a 3.16 acre parcel

10:00 – George Brauchler, District Attorney for the 18th Judicial District, to discuss his office and answer questions

1:30 – Human Services Director Colette Barksdale to give her monthly report

1. Approve the minutes from the June 18, 2014 meeting
2. Review the May reports of revenues and expenditures for County General
3. Review the Microsoft volume licensing contract with SHI International Corporation
4. Old business
5. New business
6. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 27, 2014. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. Will Bublitz with The Limon Leader and Eastern Colorado Plainsman attended until noon.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance.

Damian Duran was not there at his scheduled time, so Mr. Stone made a motion to approve the minutes from the meeting held on June 18, 2014, as submitted. Mr. King seconded the motion, which carried unanimously.

The Board reviewed the May reports of revenues and expenditures for the County General fund, and then, since Mr. Duran still hadn't arrived, Ms. Devers had the commissioners review the paperwork for his request for an exemption from subdivision regulations. Seeing no issues with granting the exemption, Mr. King made a motion to adopt a resolution approving Damian Duran's request for an exemption of subdivision regulations on a 3.16 acre parcel. 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 27, 2014, 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

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

RESOLUTION #881 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, application has been made by Damian Duran for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

A parcel of land situated in the Northwest Quarter of Section 16, Township 9 South, Range 52 West of the 6th Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Commencing at the North ¼-corner of Section 16, Township 9 South, Range 52 West of the 6th. P.M., and considering the North line of said Section 16 to bear North 90° 00' 00" East; thence South 00° 42' 50" East along the East line of the Northwest ¼ of said Section 16, a distance of 1,272.37 feet to the point of beginning;

Thence South 00° 42' 50" East, continuing along the East line of the Northwest ¼ of said Section 16, a distance of 128.76 feet; thence North 86° 50' 55" West, a distance of 779.04 feet; thence North 00° 56' 44" West, a distance of 751.83 feet; thence North 89° 55' 08" East, a distance of 82.80 feet; thence South 00° 42' 50" East, a distance of 665.98 feet; thence North 90° 00' 00" East, a distance of 697.56 feet to the point of beginning. Said parcel contains 3.16 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 parcel, as described in the application, be excluded from the provisions of the Lincoln County Subdivision Regulations;

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

Ms. Devers said that James Martin had given her the Microsoft volume licensing contract with SHI International Corporation and the Board reviewed it, and then Ms. Devers said Chris Monks had asked if she would check with the Board to see if they wanted him to have the windshield and fender replaced on the van before they give it to the hospital. The Board agreed that they should.

Mr. Lyons said he felt they needed to discuss Mr. King's decision regarding repayment to the insurance company for the damaged power pole in District 2, adding that since Mark McHone and Caleb Brent had both offered to pay the full sum, they should let one of them do so and the other two could pay that person back. Mr. King said it was the agreement all three of them had settled on. Ms. Devers put in that she and Ms. Lengel had discussed taking the \$20 out of payroll each month and had determined that it would be an accounting nightmare. Ms. Lengel added that the county has always had a policy for not paying people's bills out of their payroll accounts. Ms. Devers felt that the best option would be to have each of the parties write the County Treasurer a check for the \$20 each month if they were not going to pay the full amount at one time. Mr. Lyons said that since he disagreed with the way it was being handled and believed that the full amount should be paid, he wanted to vote on it, stating that Mr. Stone would need to make the decision. Mr. Stone said that Mr. King had made an arrangement with the road foreman and the employee so he would have to agree with Mr. King's decision. Mr. Lyons asked if it would be a problem for the treasurer's office, but Ms. Devers said she didn't believe so.

Ms. Devers had received an email from Court Clerk Kim Graham asking if the commissioners could have lunch with the new Chief Judge of the 18th Judicial District on either August 4 or September 2. The Board agreed either date would be fine.

One other application was received for the part-time position at the landfill, and the commissioners reviewed it and then decided to interview two of the four applicants. Ms. Devers will contact Mick Jaques to see if he can sit in on the interviews.

Mr. Lyons had called Kerry Halde to see if he had any pipe the county could buy to make the other trash windbreak screens at the landfill, and he was told that he didn't currently have any but he could get some that would cost two dollars per foot. Chris Monks found some in Fort Morgan for \$1.17 per foot and they can go and pick it up. Mr. King figured that the pipe for the other screens would cost close to \$900. The welding labor will be additional. Mr. Lyons will call Chris and tell him to go ahead and buy what pipe they need.

At the hospital board meeting the previous evening, Mr. Lyons said they had discussed the fact that they are still having problems with their computer system so they quit using it at the clinics. The system is not accurately recording medication information so they went back to paper charting. Auditor Amanda Brown reported that the books were not reconciled in a timely manner during the transition of administrators and they had gotten really far behind due to the computer problems. They are looking into getting a new system.

Ms. Devers had received an email from Joe Kiely regarding the second review by the Foreign Trade Zone board and there are still three items that need to be completed, including a letter of support signed by the commissioners, even though they have already passed a resolution. The Board signed the letter.

Courthouse janitor Dean Waite submitted his letter of resignation, effective July 15, and Ms. Devers asked the Board if they would like for her to advertise for the position and also if Leslie Patton could fill in until someone else is hired since she has done so before. The Board agreed.

Fairgrounds Manager Julie Joffe stopped in at that time to inform the commissioners that she will need to purchase four new stock tanks because the repairs she made didn't work and the tanks leak. She said she will not get the big round tanks again, but rather will purchase some oblong ones once the Ranch Rodeo is over.

Mr. King said he'd heard that Craig Ranch Bed and Breakfast was going to close down and asked Ms. Joffe if it would affect her workload as far as transient horses are concerned, but Ms. Joffe said she didn't believe it would make a difference.

After Ms. Joffe left, Mr. Lyons said that in the past the commissioners have taken a tour of the county where oil and wind activity has gone on and he asked if Mr. Stone and Mr. King would be interested in doing so, which they were.

Mr. Stone said that they have done some chip-sealing in District Three lately and Steve Marshall with Cobitco was out and wants them to try a sealant that will increase the longevity of the road surface, as well as cut down on rock/windshield incidents. Mr. Stone is planning on trying the sealant on three miles of County Road 109, but said that they will have to keep traffic off of it for 2-4 hours while the sealant sets. He also said that the torque converter went out on one of the loaders and they will have to rebuild the transmission at a cost of almost \$22,000. There have also been problems with one of their road graders.

At 10:00 a.m., District Attorney for the 18th Judicial District George Brauchler met with the Board to discuss his office and answer questions that the commissioners may have. Mr. Lyons said he feels that our probation system is set up to fail and when Mr. Brauchler asked how so, Mr. Lyons said it just seems that those in the system are caught in a revolving door and nothing is ever solved. Mr. Brauchler said he would look at how many of their probation cases result in satisfactory resolutions rather than probation violations or repeat offenders, adding that the question seems to be how to get them compliant. He added that no DA's office ever seems to invest any time into what works and what doesn't and he hopes to change that.

Mr. Lyons also stated that the inmates should be getting some type of education while they are incarcerated so that they can actually get a job or make a living when they get out and Ms. Devers put in that the county had looked into it with Morgan Community College, but the problem was the cost of the classes. That, combined with the fact that some inmates are not incarcerated long enough to complete a class, seemed to make the idea unviable. Mr. Lyons

added that if a judge would make completion of a class part of their sentence it would be better; such as, giving an inmate nine months but if the class were completed in seven months their sentence would be reduced.

Mr. Brauchler commented that teaching basic life skills would be a good idea, but he is not sure what is available, and Mr. Lyons added that if it takes an investment on the county's part then maybe they should consider it. Mr. Brauchler agreed, stating that simply identifying what works is the key.

Mr. King asked about plea bargains and Mr. Brauchler stated that they are two-fold; cold logistics and a search for some sense of justice. Generally, it is the cold logistics, as public defenders get paid whether a case is plea-bargained or goes to trial, so they don't care either way. Their clients tend to have the theory that they may as well take their chances with a trial. Mr. Brauchler added that if the Board ever has questions or concerns they can call either Deputy DA Jim Bartkus, or him if they feel they don't receive an adequate answer from Mr. Bartkus.

Mr. King also stated that it seems jury trials are set much more than necessary and it's ludicrous to have prospective jurors appear just to send them home when a deal is made with the defendant. Mr. Brauchler agreed that it is a problem and has asked why deals cannot be made in a more timely fashion. He was told that they would rather send jurors home than have a courtroom sitting empty and a judge with time on his or her hands.

Mr. Stone wanted to know if prosecutors try to make sentences lighter or put convicted parties on probation due to overcrowding in the jails and Mr. Brauchler responded that his office does not do that, but a judge might.

Mr. King asked Mr. Brauchler if the legalization of marijuana has impacted the DA's office and was told that it has, keeping in mind that it only started in January. The DA added that no one kept track of statistics regarding marijuana impaired drivers in the past, but they have started to do so and there have definitely been an increase.

Mr. Brauchler then spoke about the 2015 budget, stating that for the first time in several years they will be asking for an increase from the counties in the 18th Judicial District. The state legislature authorized the creation of a new district court division so it will put a judge in a new courtroom in Arapahoe County to hear criminal cases. That being said, they will need to hire two more felony prosecutors, a paralegal, and an 18th Judicial District investigator; a total of \$350,000 in salary and benefits to staff the new courtroom. He added that, while Arapahoe and Douglas county budgets have increased since 2010, the overall budget for the DA's office has decreased by four percent in the same time frame, and it is his goal to restore the department to at least what they had in 2010.

Mr. King asked what benefit an additional courtroom in Arapahoe County does Lincoln County, and Mr. Brauchler admitted that it doesn't directly; however, if Lincoln County were to need

more resources for anything, they would certainly commit to that as well. He went on to say that there is rumor of a push to re-district the judicial districts to remove Arapahoe County from the 18th, which would be a negative impact to Lincoln County as it would put the county in either District 6 or District 13. While those districts may be closer in comparison to Lincoln County, the county would certainly lose the benefits that being a part of a metro DA's office offers.

Mr. Lyons brought up the difficulties there have been with Century Link to get video-conferencing in the county, and Mr. Brauchler said he'd been a part of one of those conversations a year ago. He will check into it to see why no progress has been made. He added that first appearances are done by video in Douglas and Arapahoe counties and they are a huge time saver.

Ms. Devers asked Mr. Brauchler if he feels his office is playing catch-up with their salaries and he responded that he wants to be competitive, which is not the case right now.

The Board thanked the DA for meeting with them and once he had gone, they approved some of the June 2014 payroll before breaking for lunch.

When the meeting reconvened, the commissioners continued approving payroll and expense vouchers, and then at 1:30 p.m., Human Services Director Colette Barksdale met with the Board to give her monthly report. Ms. Barksdale asked for an executive session to discuss personnel, and Mr. King made a motion to go into executive session, per 24-6-402 (4) (f) (I) C.R.S., to discuss personnel. Mr. Stone seconded the motion, which carried unanimously. Those remaining for the session were Mr. Lyons, Mr. King, Mr. Stone, Ms. Devers, Ms. Barksdale, Ms. Lengel, and Mary "Mimi" Lyons. The session was recorded and the tape will remain on file in the County Clerk's vault for the statutory ninety days.

After coming out of executive session, Mr. Stone made a motion to allow Ms. Barksdale to promote Andrew Lorensen to a lead-worker. Mr. King seconded the motion, which carried unanimously.

Mr. King then made a motion to allow the Department of Human Services to hire two new employees, due to changes within the staffing, in order for them to begin their training programs. Mr. Stone seconded the motion, which carried unanimously.

Ms. Barksdale said that year-end closeout is good and they are fine on everything. They spent down the TANF money so there will be nothing returned to the state; in fact, they may even add a little to their reserves. She also passed out information on Child Support and discussed the fact that the state has decided not to renew the contract with Maximus in regard to Medicaid case processing. Ms. Barksdale said Lincoln County will contract with HCPF.

July 1 is the deadline for the Child Welfare hotline, with January 1, 2015, the date that it must be fully implemented. Ms. Barksdale said she will be working with Frontier Telephone in the upcoming months.

Finally, Ms. Barksdale touched on human trafficking and the fact that it is becoming an even greater problem. She commented that traffickers are targeting residential treatment centers and it is only a matter of time before Lincoln County sees some of it, especially with the truck stops and rest area in the county. Ms. Barksdale is on the committee that will be meeting for the next six months to obtain information on how to handle victims of human trafficking. She added that there is a resource outside of Calhan that can take victims, so at least there is a facility relatively close by.

Mr. Lyons commented that it seemed there had been a big push to get everyone who was on food stamps signed up for Medicaid at one time and he wanted to know if there were any updates. Ms. Barksdale said there is no cut-off date for Medicaid, only for private insurance carriers so they can get a credit on their tax return. Applications need to go through Medicaid first in order to trigger a denial letter, which can then be used to get the tax credit. She added that their main concern was to get people signed up, and although you cannot sign up for private insurance, you can apply for Medicaid if your income is above or below a certain level. She went on to say that there were 1,000 people in Lincoln County who signed up.

Lastly, Ms. Barksdale said that she and Public Health Director Sue Kelly have decided to opt out of the Connect for Colorado outreach and will instead make referrals to Peak Vista. They were asked to listen to one more phone call before they opt out, so Ms. Kelly or Heike Adams will do that since Ms. Barksdale will be unavailable at the time of the call.

After Ms. Barksdale left, the commissioners approved more June 2014 expense vouchers and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 30, 2014.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman