

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

9:00 Call to order and Pledge of Allegiance

9:00 Karen Kovar, Lincoln County TEFAP Director, to further discuss use of county fairgrounds for USDA commodities distribution

9:30 Dave Stone, Limon Town Manager, to discuss the development of a 3-mile plan that is required by state statute and a component of Limon's proposed comprehensive plan

11:30 Gordon Nall, Lincoln County Undersheriff, to discuss vehicle maintenance issues

1. Approve the minutes from the September 8, 2015 meeting
2. Review the August, 2015 report from the County Sheriff
3. Cancel General Fund check #29337 as paid to wrong vendor
4. Cancel General Fund check #29338 as not acceptable to vendor
5. Review the August, 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
6. Review the 2015 Lincoln County Property Assessment Study
7. Discuss a request for a \$2,000 contribution to the Northeast Rural Philanthropy Days to be held in Phillips County in June, 2016
8. Discuss policy for use of county-owned vehicles at county fairgrounds
9. Discuss use of the Manual on Uniform Traffic Control Devices (MUTCD)
10. County Commissioner Reports
11. County Administrator's Report
12. County Attorney's Report
13. Old business
14. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 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 attended until noon.

Chairman King called the meeting to order and asked Lincoln County TEFAP Director Karen Kovar to lead the Pledge of Allegiance.

Mr. Ensign produced an email from Patti Lell with CTSI discussing the subject of insurance for volunteers distributing USDA commodities if the organization were to use the county fairgrounds as a distribution site. The email explained that in order for the group to have liability insurance through CAPP, the county could designate them as volunteers of the county providing service to the residents of the county. They would be named as insured parties under the county's CAPP insurance while acting in a scope and course of their duties for the county, but they would not have worker's compensation coverage or any coverage for injuries to themselves. It would also not be necessary for county personnel to be present to oversee the volunteers as long as they were acting under the direction of the county following safe business practices. Lastly, Ms. Lell said that USDA carries the product liability coverage so there would be little or no risk to the county for liability for food spoilage or other product claims. She did suggest that volunteers sign a waiver and provided an example form that could be used.

Mr. Schifferns asked Ms. Kovar if she had spoken with Vickie Maxon, who had offered the use of the United Methodist Church in Genoa. Ms. Kovar admitted she had not spoken with her but was hesitant to leave Hugo, since it would be an even greater distance for those coming from Karval to pick up food. She added that often people are unwilling to pick up commodities from a religious organization, stating that a non-denominational location is much better.

Mr. Ensign reminded the Board that they had asked Ms. Kovar to provide information from other counties that offer the commodities program, and she had given him the information from Cheyenne County. He spoke with the Department of Human Services director there and learned that the program is now completely run by that department. He spoke to Colette Barksdale and Robert Kraxberger with Lincoln County Human Services about it and both agreed they would not want to take over food distribution in Lincoln County.

Ms. Kovar commented that the program makes no money, nor are there any funds to be used for expenditures. She has voluntarily provided office supplies, trash bags, tires for the carts and dollies they use, dollies, and numerous other items, but has not been reimbursed.

Mr. Kimble clarified that the county would be covered from any misconduct by volunteers, but they would be required to sign the waiver to protect the county in case something happened to them. He asked how heavy the items were that volunteers lift and Ms. Kovar responded that there are some heavy boxes, to which Mr. Kimble said there may be potential for injury in that case.

Mr. Schifferns wanted to know what areas of the Ellis Allen building would be used and was told they will most likely use the kitchen and would create a path for those picking up commodities to follow. They would need the building the first Thursday of each month for about four hours. He also asked what they would do if the building were already scheduled by someone else. Ms. Kovar said she can change the date of distribution if she has plenty of advance notice. Mr. Ensign put in that if the commissioners approve the use, he will put it on the schedule as a recurring event, adding that if there are conflicts they would simply have to work around them.

Ms. Kovar said that she generally puts up a sign that restrooms are not for public use and she and her crew do any cleaning afterward, and Mr. Ensign said there is a clean-up checklist that facility users would need to follow.

Mr. Stone made a motion to approve the use of the Lincoln County Fairgrounds Ellis Allen building for the USDA commodities distribution program one day each month. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Ensign reminded Ms. Kovar that she would need to ask about the fee to rent the facility, and Mr. Stone made a motion to waive all fairgrounds rental fees for the USDA commodities distribution program. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Stone made a motion to approve the minutes from the meeting held on September 8, 2015, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the August 2015 report from the County Sheriff and then Mr. Schifferns made a motion to cancel County General check #29337, issued to Pronghorn Country Ace on August 31, 2015, in the amount of \$4.49, due to it being paid to the incorrect vendor. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone made a motion to cancel County General fund check #29338 issued to Quality Inn & Suites on August 31, 2015, in the amount of \$165.75, due to the vendor not accepting the check. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the August 2015 Statements 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.

Mr. King asked Mr. Ensign if he'd spoken with Chris Monks about the new packer they want to purchase and Mr. Ensign said there may actually be money in this year's budget for it, so Chris is looking into it.

At 9:30 a.m., Limon Town Manager Dave Stone met with the Board to discuss development of a three-mile plan that is required by state statute and a component for Limon's proposed comprehensive plan. He stated the last time they updated the plan was in 1994. One of the

obligations to DOLA is to develop the three-mile plan and to have an IGA with neighboring counties. He did meet with Elbert County and learned that they, too, are familiar with the process. Mr. Stone provided an example of a plan for the town of Carbondale done by the same consultant the town of Limon is using. One of the goals is to define areas around town that are eligible for improvement. There would also be a process in place should the town be approached for development, not necessarily for annexation, but it would also develop rationale for areas that services such as water and sewer could be extended to. He said the town did have an engineer's estimate done to extend water and sewer to an area east of town and were told it would be approximately \$1.5 million. Mr. Stone concluded that he had come to the commissioners to have them begin thinking about what they would want to include on a county level. He plans to contact DOLA and obtain examples of IGAs and will share them with the county when he gets them.

Mr. King asked if the towns of Arriba, Genoa, and Hugo have to develop a plan and Mr. Stone said they would have to eventually. Mr. Kimble put in that the plan is supposed to be updated annually, but many towns and counties on the eastern plains don't even realize they are required to have one. He added that Lincoln County's comprehensive, or master, plan was last updated in 2002. Things to consider are the proposed location and character of streets, bridges and waterways, playgrounds, parks, public areas, transportation and power, public utilities and proposed uses for the areas. He provided the annexation statute and said that the county has its own regulations under Title 30 (30-28-106). He went on to say that the plan can be helpful when they get into development issues and would give the Board guidelines for what they do. Dave Stone also added that having the plan in place provides stability and often helps when applying for grant funds.

Mr. Schifferns asked if the smaller towns could come to the town of Limon for help in developing their plans and Mr. Stone said they certainly could. Mr. Schifferns also wanted to know how much it would cost to update the plan and was told that it cost Elbert County \$150,000, although they did get fifty percent of that funded.

Mr. King asked Mr. Kimble if it would take much to update Lincoln County's plan but Mr. Kimble said he hadn't looked at it for quite some time. He suggested putting it on the County List Serve to see what other counties may be doing.

Dave Stone reiterated that he would send the county a draft of their IGA when they get it finished and suggested they meet again to discuss it further in three or four months. He added that they would like to have something done by the end of the year, but he also wants it done correctly, so he doesn't mind extending the deadline if he has to. The 1995 plan brought about the water treatment plant in Limon, and a floodplain mitigation plan was done in 1998; both worthwhile projects.

Mr. Kimble said he hadn't read anything in statute that dictates when the plan must be done, only that it has to be done, adding that the county's plan is to include a provision for the extraction of commercial mineral deposits, which does include gravel pits. Mr. King said since

they are looking at land use regulations again, it would be a good time to look at the master plan as well.

Mr. Stone also told the commissioners that there is an individual in Limon looking to start up a curbside plastics and metal recycling service.

Dave Stone left and Mr. Kimble reported briefly that Land Use Administrator John DeWitt had reported that Michael Kotrba contacted him on September 16 with some development permit procedural questions. He still plans to fix up the mobile home on his property and use it as his residence. Mr. DeWitt asked him about a title for the home but Mr. Kotrba claimed he didn't have one, so Mr. DeWitt recommended that he do a title search based on the VIN# and try and secure a proper title. Mr. Kotrba asked about what he needed to put in a septic and Mr. DeWitt gave him the contact information for Kit Carson County Public Health Specialist Kelly Alvarez. Mr. Kotrba still seems willing to comply with county regulations. Mr. DeWitt still had not been able to contact Davyes Patel but he did clean up the debris as requested. Shelby Solomon submitted the title to his 1972 model mobile home to the Assessor's office. Mr. DeWitt called Mr. Solomon who was concerned about having to tear it down, which is not necessary. Mr. DeWitt suggested he try to find a jurisdiction that hasn't adopted MHIP standards and try to sell the home. As for Soledad Cano, Mr. Kimble said he is working on the notice of violation.

Mr. Kimble also reported that the Public Trustee was served in a case where Tri-State brought a condemnation act against property owned by the Kyle Railroad but he believed the county's involvement would be minimal.

The Board reviewed the 2015 Lincoln County Property Assessment Study done by the Assessor and Mr. Ensign said that Ms. Devers had reviewed it and found that nothing appeared to be out of compliance.

A request for a \$2,000 contribution to the Northeast Rural Philanthropy Days to be held in Phillips County in June 2016 was reviewed, Mr. Ensign stating that a total contribution of \$1,000 was given in the past; \$500 in 2008 and \$500 in 2012. Mr. Schifferns asked if a higher contribution would help to bring the event to Lincoln County in the future, but Mr. Stone made a motion to contribute \$500 to the Northeast Rural Philanthropy Days. Mr. Schifferns seconded the motion, which carried with Mr. Stone and Mr. Schifferns voting in favor and Mr. King voting against.

The Board discussed policy for using county-owned vehicles at the county fairgrounds; Mr. Ensign stating that it came about when Fairgrounds Manager Julie Joffe was talking about allowing an individual who rented the fairgrounds to use the skid steer and tractor. Mr. Ensign again contacted Patti Lell with CTSI, letting her know that former BOCC policy dictated that only county employees use that equipment. Ms. Lell recommended that only trained county staff be allowed to operate the equipment; should something happen to injure one of the non-county operators, the county may have a large claim filed against it. She suggested that if the county

did choose to allow non-county employees to operate the equipment, then a waiver form should be signed.

Mr. Schifferns made a motion to continue the current policy that persons other than county employees are not to operate county equipment at the fairgrounds. Mr. Stone seconded the motion, which carried unanimously.

Mr. Ensign said that Mr. Stone and foreman Rick Ashcraft had asked about replacing signs in District Three, so he contacted CTSI Loss Prevention Specialist George Tinker, who responded that all federal, state, and local signage must follow the Manual on Uniform Traffic Control Devices (MUTCD). Mr. Ashcraft wanted to know if there was a set standard for installation before they spent money on the signs and was told that the standard for reflectivity, height, clearance, and the use of break-a-way posts is now a requirement for any new signs purchased by the county. The commissioners agreed to replace signs as needed with the new ones but not to replace all of them at once. Mr. Schifferns asked if grant money could be applied for to pay for them, but was told that it wouldn't be likely unless they did want to replace all signs across the county at one time. Mr. King felt that the budgets could absorb half a dozen each year. Mr. Ensign suggested increasing that line item in the budget for 2016 and Mr. King asked him to contact Chris Monks to see how much they cost.

Travis Taylor stopped in to inform the Board that he has been approved to move into the CSU-funded Extension Director position as of October 1. Since that will leave his position of 4-H Club Program Assistant open, Mr. Taylor wanted to know how to proceed with the hiring process. He would like to fill the position by November 1, which will be a full-time, 35-hour per week position with benefits. The group gave him direction on how to go about the process and then Mr. Taylor asked if one of the commissioners would sit in on the interviews. Mr. Stone agreed to do so. Mr. Taylor would also like to drop "Club" from the title in order to be more unified with CSU.

Mr. Taylor said he had attended the fair board meeting, stating the board had made a motion to purchase some gates. He and Ms. Joffe wondered where the funds were to come from. Mr. Ensign asked how much the gates would cost and was told between \$600 and \$700 total. There are adequate funds in the maintenance line item of the fair budget to purchase the gates this year.

Mr. Taylor left and Mr. Ensign said that Ms. Devers had some questions for the Board and he called her to join the meeting. He provided an email from Human Services Director Colette Barksdale concerning repayment of the money she owes to the county. Mr. Kimble advised that the commissioners have her sign a promissory note in the event she is no longer employed with the county before the total amount is paid off, which will then give the county legal grounds for action. He asked if they would require her to pay interest and it was decided that the agreement would include a default interest rate provision. Mr. Kimble will draw something up.

Ms. Devers arrived and explained to the Board that Bill Noyce called to let them know that SEI, the new company that will be handling the county's retirement funds, will not provide a checking account for the monthly distribution of employee retirement funds. The county will need to open a new checking account at the First National Bank of Hugo that will allow for direct deposit of those funds into the retiree's accounts. There will still be two signatures required on other checks associated with the fund, so they will need to set up the account giving authority for Mr. Ensign and a commissioner to sign. The bank also requires a copy of the minutes in which the Board decides to open a new account.

Mr. Stone made a motion to open a new checking account at the First National Bank of Hugo for the employee retirement plan. Mr. Schifferns seconded the motion, which carried unanimously.

Ms. Devers asked if the commissioners would allow her to give some of her sick time to two county employees who will be having babies next spring. She said that the personnel policy dictates that an employee use all sick and annual time prior to being allowed hours from other employees, but she asked for an exception since they are fairly new employees who will not have that much time built up. The Board agreed to allow her to give some of her sick time away.

Ms. Devers had drafted a contract for her services on the roundhouse door and window project, stating that she didn't want to be paid originally, but that if she works as a volunteer she won't get worker's compensation or liability coverage, and she would hate for something to happen and the county be liable. She asked for \$10 per hour and the contract term was from October 1, 2015, through April 30, 2016. Mr. Schifferns felt the salary was too low and made a motion to approve an employment contract with Roxie Devers for \$15.50 per hour for her services on the Hugo roundhouse until April 30, 2016. Mr. Stone seconded the motion, which carried unanimously.

Ms. Devers said that another issue had arisen with an employee in Human Services not getting their proper promotional increase and explained the situation to the Board. Mr. King commented that the county needs to treat employees properly and if the employee were entitled to a raise, they should have gotten it.

Undersheriff Gordon Nall arrived for his 11:30 appointment at that time, so Ms. Devers said she would go and pull records from 2014, as the employee should have gotten the raise then.

The undersheriff explained to the Board that Michael Yowell's 2012 Dodge Charger, previously driven by jail captain Clint Tweden, had simply stopped on I-70 the previous week. The vehicle was towed to the county shop and then to Limon Chrysler, who said it would cost over \$7,000 to fix it as they felt the motor needed to be replaced. Undersheriff Nall contacted Colorado Springs Dodge and they are at least willing to pull the engine and see if there is something else wrong, but it may still cost \$5,000 or so if the worst case scenario is determined. The car has 123,000 miles on it; however, the new engine would come with a 100,000 mile guarantee.

Mr. King asked if the department would have to request a supplemental appropriation at the end of the year to pay for the repairs and when the undersheriff responded that they would, suggested replacing the vehicle instead of putting that much money into it when the value is no more than \$7,000 anyway. The undersheriff said that Colorado Springs Dodge often has other Chargers on the lot that would be ready to drive off; otherwise, they are looking at five-to-six months before the vehicle could be put into operation. Mr. King asked him to solicit some prices and bring them in on Tuesday when he comes for the budget hearing, and they will discuss it again then.

Ms. Devers returned to discuss the employee in Human Services and Mr. Kimble asked if the department head has the discretion to give the raise or if there is something in the policy that dictates otherwise. He added that it does not give her the right to withhold the raise arbitrarily. Mr. King said there would need to be documentation as to why the raise was not given, and Mr. Ensign put in that Ms. Barksdale may have had a good reason for not giving the raise when it appeared to be due. Mr. Kimble advised the Board that they may want to ask Ms. Barksdale about it when they meet with her, and Mr. Schifferns asked Ms. Devers to calculate the back pay that would be owed to the employee if there were no good reason that the raise was not given in a timely manner.

The Board broke for lunch and when the meeting reconvened at 1:00 p.m., Mr. Stone reported attending the fair board meeting on the evening of September 8. Mr. Ensign was there as well. They discussed the fact that the bounce house and obstacle course seemed to be big hits at the fair and that something needs to be done with the sound system before the 2016 fair, which will be the week of August 8. Mr. Ensign had reported it would cost \$10,000 for a three-day carnival, so the board had discussed that more bounce house type activities may be cheaper. Travis Taylor had asked if the commissioners plan to design the plumbing for the extension building when they put in the lift station at the fairgrounds and Mr. Stone told him he would ask. The commissioners agreed it would be most logical. Mr. Stone had also asked Julie Joffe for an official letter of resignation as Fairgrounds Manager since she has said her last day will be December 31. They had also gotten the new load-out pens built.

On September 11, Mr. Stone reported attending the eastern district meeting in Akron, where the majority of the conversation centered on the salary increase for elected officials. Several counties in the eastern region have opted to give no raises at all, which seemed to frustrate Chip Taylor with CCI since the legislation went through last year. They did discuss some of the other legislative bills for 2016, and Anadarco was there talking about oil and gas. On September 14, Mr. Stone went by the shop and ended up hauling two loads of gravel to the Forder Ranch. He and Mr. Ensign went to the County Health Pool meeting in Denver on September 17 and the news was very good as far as health insurance increases.

Mr. Schifferns reported attending the Arriba town board meeting on September 14. They are finalizing their trailer ordinance. Their water tower has also been leaking since they put it up and is now out of warranty. Mr. Schifferns also reported that Wil Bledsoe agreed to serve on the Republican River Water Conservation board, and district one road crews are patching

County Road 109 south. They will also put a culvert in at Cole Britton's, they have been trimming trees, and they have hauled several loads of dirt in to where the new modular will set that will house the AirLife crews. He attended the Tourism board meeting on September 17, stating they are looking for a part-time director/county events planner. Mr. King put in that the person would *not* be a county employee and he made it clear that the county would not give money to taxing entities. The employee would have to be a contract employee.

Mr. King reported that he attended the Centennial Mental Health meeting by phone conference on September 14. They are working with schools on suicide prevention education/counseling, and it seems that the response time to calls in Lincoln County has gotten worse again this year. Last year they only had one call with over an hour response time, yet this year there have been three. Mr. King said the board had voted that there would be no county contribution to the organization in 2016, and they also discussed removing county commissioners from the CMH board. Linda Olson, who is the current appointee from Lincoln County, would remain as such but Mr. King said he would prefer not to serve again. On September 15, he attended the Resources Unlimited meeting and the Tourism board meeting on September 17.

Mr. Ensign reported that Public Health Director Sue Kelly requested a county credit card for Richard Johnson, who is taking Bill Rusher's place as the EPR Coordinator. Mr. Stone made a motion to allow Richard Johnson to have a county credit card with a \$500 limit. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Ensign also reported that County Coroner Andy Lorensen will be requesting office furniture for his new office when he makes his 2016 budget request next week.

There was no old business and when Mr. King called for new business, Mr. Ensign produced the August 2015 report from the County Clerk. He had also received a request from the town of Flagler to haul the town of Arriba's trash to the county landfill since it is actually Lincoln County trash. Mr. Stone made a motion to approve the request, Mr. Schifferns seconded the motion, and it carried unanimously.

Mr. Schifferns made a motion to cancel County General fund check #29277, issued to Cash-Wa Distributing on August 31, 2015, in the amount of \$109.54, as it should not have been paid by Lincoln County. Mr. Stone seconded the motion, which carried unanimously.

Mr. King asked that the October 6 meeting be changed to October 7 and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on September 22, 2015, for the Lincoln County budget hearings.

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Corinne M. Lengel, Clerk to the Board

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Greg King, Chairman