

Board of County Commissioners of Lincoln County
Agenda for November 25, 2015

9:00 Call to order and Pledge of Allegiance

9:00 LaRay Becker-Patton, Lincoln County Fair Board Chairperson, to discuss matters relating to the county fair

10:00 Sue Kelly, Public Health Director, to present the agency's October and November, 2015 monthly reports

11:00 Kevin Stansbury, Chief Executive Officer, Lincoln Community Hospital, to review the 2016 proposed budget for the hospital and care center

1:00 Adrian Pickenpough to present a driveway maintenance proposal

1:15 John DeWitt, Land Use Administrator, to discuss land use issues

2:00 Patricia Phillips, Human Services Interim Director, to further discuss a Memorandum of Understanding with Cheyenne, Kiowa and Lincoln County Departments of Human Services and other Department of Human Service matters

1. Approve the minutes from the November 18, 2015 meeting
2. Cancel General Fund check #29803 in the amount of \$756.73 due to overpayment
3. Review annual ambulance license renewal request from the Tri-County Fire Protection District
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 November 25, 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 1:00 p.m.

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

While waiting for Lincoln County Fair Board Chairman LaRay Becker-Patton, Mr. Stone made a motion to approve the minutes from the meeting held on November 18, 2015, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to cancel County General check #29803, issued to A&E Tire, Inc. in the amount of \$756.73, due to an overpayment. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the annual ambulance license renewal request from the Tri-County Fire Protection District and Mr. Schifferns made a motion to adopt a resolution approving the renewal. 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 November 25, 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:

RESOLUTION #915 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

WHEREAS, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

WHEREAS, the Tri-County Fire Protection District has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulance as a basic life support vehicle; and

WHEREAS, upon review the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the Tri-County Fire Protection District is hereby authorized to provide ambulance service in Lincoln County with a basic life support ambulance.

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

Ms. Patton arrived and stated she'd spoken with Rachel Moore who asked if the county wanted to sell prepaid carnival tickets and wristbands for the 2016 county fair. The county would receive twenty percent of the sales. Mr. King asked if the sales could be made by the 4-H or FFA organization as a fundraiser, and suggested Ms. Patton speak with someone in Kit Carson and Yuma counties to see how they handle the prepaid sales. Ms. Patton also told the Board that Tom Lee would like to use the money the commissioners set aside for a talent show in the Entertainment line item and put it toward the wild horse races. She has not yet spoken with Tyler Lewis about the horse races but felt that Alan McCloy may be able to provide the stock for the races. Mr. Ensign said that Mr. McCloy secures insurance for his rodeo stock, even though the county pays for it as part of his contract, but he did not know if it would include horse racing. Ms. Patton said that Ms. Devers had told her a year ago that they would need individual event liability insurance. Mr. Stone wanted to know if Lincoln County holds the insurance for the other horse races that are held and felt the races would be in the same category, if so. Ms. Patton said she would find out more about the prepaid carnival tickets and let the commissioners know what she learns, as well as what she finds out from Tyler Lewis.

Mr. King called for old business and Mr. Ensign said that John Mohan had spoken with Leo Hurtado about the courthouse parking lot light replacement, and the poles have been backordered. The project will most likely not be started until after the first of the year.

Wayne Shade had picked up the new mower and brought it to Hugo for John Mohan, who is very pleased with it.

As for new business, Mr. King said that he had been approached by some Elbert County residents who would basically like to secede from Elbert County and have their property become Lincoln County property. Their reasoning was that Elbert County seems to be against development and has made it nearly impossible for them to allow oil drilling. Mr. Stone wanted to know how many miles it would be and Mr. King said he really didn't know—it was simply food for thought, adding that District One would be affected most if it ever were to happen. Ms. Lengel asked how many other school districts it would mean holding elections for, adding that precinct boundaries would have to be changed as well. The group decided it may not be worthwhile, even if Elbert County agreed to it, but again Mr. King said it was simply food for thought.

Mr. Ensign informed the commissioners that the Build-a-Better Colorado meeting has been rescheduled for December 3 in Limon, and then the Board approved the November payroll and several expense vouchers for the month.

At 10:00 a.m., Public Health Director Sue Kelly met with the Board to give the October and November reports for her department. They had a “temperature excursion” during the early hours of November 5 that required extensive follow-up and resulted in the loss of approximately thirty doses of county-funded vaccine. Luckily, they were not overly expensive vaccines. The cause was most likely a power failure. Mr. Schifferns asked if there is an alarm on their refrigerator that would notify someone when the temperature fluctuates and Ms. Kelly responded that they used to have a dialer that rang into the previous county maintenance person's home. She didn't know if it could be reprogrammed to ring at Rich Johnson's house or even if it still worked. Mr. Schifferns wanted to know if it would be beneficial to purchase a back-up generator for the Public Health office, asking how many dollars of vaccines they generally have on hand. Ms. Kelly told him they carry several thousand dollars' worth and said she would check into the cost of a generator. She had also looked at buying a medical grade vaccine refrigerator but the state ran out of funding so she put the idea on hold. Those refrigerators have built-in alarm systems but one would cost around \$1,500. Ms. Kelly will see if the state could provide funding for either or both the generator and refrigerator, or at least point her in the right direction of where she might apply.

Ms. Kelly also reported on an environmental health issue in Hugo regarding a rental home that tested positive for methamphetamine; most likely from use rather than manufacture. The property owner is taking remedial action and Public Health is monitoring the situation. Some of the carpeting will have to be replaced and the walls and floors will need to be cleaned, as well as some things in the garage disposed of. Mr. King wanted to make sure that nothing taken to the landfill would expose employees there to anything harmful, but Ms. Kelly said that apparently the levels weren't high enough to cause such an issue. Once the home has tested clean, Public Health can deem it habitable.

Lastly, Ms. Kelly said she had read some of the commissioner meeting minutes and wanted to clarify something that the previous Human Services Director, Colette Barksdale, had said in regard to the van they recently purchased. Ms. Barksdale had said that the Child Fatality Review Committee knew about the purchase and approved it, but Ms. Kelly said she is the head of the Lincoln County Child Fatality Review Team and the request had never been brought before them. She did contact Patricia Phillips to see if DHS has another Child Fatality Review Committee but Ms. Phillips was not aware of one.

At 11:00 a.m., Lincoln Community Hospital Chief Executive Officer Kevin Stansbury met with the Board to review the 2016 proposed budget for the hospital and care center. After reviewing the mission, vision, values and goals for LCH, he discussed community benefits, Medicare and Medicaid issues, and population-based healthcare, which he believes may be coming in the future. Mr. King asked how socialized medicine would affect the hospital and Mr. Stansbury said it would be a terrible blow to the hospital.

As for the 2016 budget, an overall increase of 2.5% is projected as a result of better charge capture, operating room volume increase with the addition of the new C-Arm, and Home Health and Hospice increase due to Burlington's decrease in that area. They also plan to replace a mid-level provider, add another provider and dentist, and focus on increasing specialties. Mr. Stansbury predicted an overall rate increase of 5% in revenue, due mainly to improved collections and bad debt expense. As for expenses in 2016, Mr. Stansbury said they will increase salaries, both for merit and market, they expect a health and dental benefit increase, and utilities have increased by 5%. Of course, supplies and other expenses also increase with inflation. LCH has budgeted \$500,000 for capital in 2016, defined as any asset with a purchase price of more than \$1,000 and a useful life of more than one year. Such items being considered are a new EMR (Electronic Medical Record) system, lab and other physical equipment, hospital beds, a portable ultrasound, and facility upgrades and improvements. After balancing revenues with expenditures, Mr. Stansbury said they are basically looking at an anticipated income of around \$350,000 in 2016. He added that he isn't sure how aggressive they want to get with collections as he doesn't ever want to push anyone into bankruptcy because of their inability to pay their medical bills, but the hospital also must have the funds in order to function. Mr. Stansbury told Mr. Ensign he would like to meet with him and the county treasurer to better learn how mill levies work. Mr. King said that the county historically gives the hospital around three mills to operate. Mr. Stansbury said the two biggest investments he sees within the next five years will be electrical upgrades and IT, particularly the EMR system, which he believes will cost approximately \$1.5 million. He added that USDA has quite a bit of funding that they want to put into healthcare, mostly in the way of low interest loans. He also commented that they need to get a real facility assessment done to determine whether or not they may be looking at building a new hospital. Mr. Schiffers said they certainly don't want to sink a lot of additional funding into the current facility if that is the case.

At 1:00 p.m., Adrian Pickenpaugh met with the Board to present a proposal for driveway maintenance. He would like to purchase a maintainer to plow driveways and clear fence rows, mainly for residents in the southern portion of the county. Many driveways are actually county

roads, according to Mr. Pickenpough, and he would like to start up a business that will help residents and county road crews alike. He mentioned the possibility of entering into a contract with the county for snow removal services. Mr. King asked if there would be liability issues and Mr. Kimble stated that his biggest concern would be the county's potential loss of governmental immunity should the county enter into a contract. He added that many mountain counties do have private contracts with people for such services, but he wasn't sure how they handled the insurance and offered to check with the county's insurance carrier. Mr. Stone put in that most of the driveways in his district are private driveways but the county does grade them every other time, simply to help the residents. Mr. Kimble also said that the county does have many county roads that are designated as unmaintained county roads. Mr. Pickenpough said he would speak with people to see if they are interested in the service, which would include snow removal in the wintertime and possible maintenance in the summer. When Mr. King asked what he would do for gravel, Mr. Pickenpough responded that he would haul it in or work with the county if possible. Mr. King told him they would check into the liability issues and let him know what they find out.

At 1:15 p.m., Land Use Administrator John DeWitt met with the Board to discuss land use issues. Assessor's office employee Amy Vice also attended the discussion. The Land Use Board approved Development Permit #15-13 for a single-family home on eighty acres for Alvino Cano. Mr. Stone made a motion to approve the Land Use Board's decision, Mr. Schiffers seconded the motion, and it carried unanimously. Mr. Kimble wanted to know when Mr. Cano would remove the nuisance mobile home and Mr. DeWitt said that Mr. Cano had wanted to keep it as storage while building his house. He did tell him it was a problem and Mr. Cano said he would move it out.

Discussion at the Land Use Board meeting had turned to county zoning ordinances concerning manufactured housing and what should or shouldn't be allowed. The ordinance does not specifically address certain items long thought to be in place and land use members requested a formal resolution—or at least a vote—from the commissioners to clarify the county's policy. Particularly, many believed that manufactured homes made before June 15, 1976, would not be allowed to be set in Lincoln County as residences, nor could they be used for any other purposes once deemed unlivable. Although Mr. DeWitt and several others looked for those specific regulations, no one could find that they had ever been adopted. Mr. DeWitt suggested adding a sentence to the definitions section of the zoning regulations rather than amending the entire regulation. Mr. Kimble commented that a definition merely defines something and does not provide avenues for prohibition or penalty. Mr. King said he would like to add the words "for any purpose" at the end of the sentence, "No manufactured home built before June 15, 1976, shall be allowed as a new set." He also stated that mobile homes already in the county would have to be grandfathered in. Mr. Kimble said there really is no law that refers to grandfathering and spoke about non-conforming use. Mr. Ensign wanted to know if there is an inventory of those mobile homes in the county and Ms. Vice said the Assessor's office does keep track of them.

Mr. DeWitt had also added a section to the Recreational Vehicles portion of the definitions that referred to RVs not being allowed as a permanent residence. He stated that sometimes people stay in their RVs while building a new home, which is acceptable, but then it becomes a question of how long it takes to build a home. He is supposed to only give three extensions on building permits but if people are making progress, he tends to allow them more time. Mr. Kimble asked how he then differentiates between someone making progress and someone who just intends to live in their RV permanently.

Mr. DeWitt brought up a storage shed business outside of Limon, stating that some of the buildings are being converted into homes. Current county regulations state that mobile homes must be greater than 320 square feet and must comply with MHIP (Manufactured Housing Inspection Program) guidelines. Manufactured “sheds” should not be converted into a residence and should not be considered manufactured housing, according to the Land Use Board. Mr. DeWitt said the sheds should actually be considered as stick built homes and fall under those guidelines, but the units don’t exactly fit them either. Mr. King felt they should be stricter, mainly for safety, even if it means falling under the stick built requirements. He felt that perhaps the size rules need to be adjusted. Mr. DeWitt was concerned with what to tell someone should they ask and Mr. King told him to tell them the sheds are not allowed as a residence until the county gets the code revised. The group also discussed what are now known as tiny homes and felt there should be some guidelines for those as well.

At that time, Roxie Devers arrived for the 2:00 p.m. discussion with Human Services, as well as Human Services Interim Director Patricia Phillips and employees Tricia Borns and Julie Witt.

Mr. DeWitt said another topic at the Land Use meeting was if more than one home should be allowed on forty acres. Mr. King said he didn’t believe so, but Mr. Stone disagreed, stating that some families build more than one home in an area if parents are elderly or need help from their children. Mr. King said he hadn’t thought of that, and Roxie Devers spoke up to say that perhaps the regulation had something to do with state requirements concerning well permits.

The Board agreed to table discussion regarding when a residence becomes a home-based business that would require a development permit, and Mr. DeWitt finished his report by stating that Davyes Patel has not yet responded to his request for a status update on his destroyed manufactured home. He believes Mr. Patel has moved on and discovered he has a history of not paying his property taxes. As a matter of fact, the property in question was recently sold at tax sale. Mr. DeWitt wanted to know if they could still use the nuisance ordinance to remove the mobile home to stop the complaints. Mr. Kimble said they could put a lien against it and Ms. Vice suggested seeing if the tax sale buyer would want to take on that liability too if it goes to sale again next year.

Connie Devlin is stockpiling trash again, according to Mr. DeWitt, although there have been no further complaints yet. Lastly, he said that Michael Kotrba has submitted a development permit for his property and will be scheduled for a hearing on January 19, 2016. Mr. Kotrba

was told that he will need a bonded title from the county clerk's office and will need to have his septic in place before he will be issued a development permit.

Mr. DeWitt and Ms. Vice left, and discussion turned to the Memorandum of Understanding with Cheyenne, Kiowa, and Lincoln County Departments of Human Services. Ms. Phillips said she'd done what the Board requested and learned that CKLECC is not an entity with legal standing; however, Jess Quimby, a financial manager with small business, told her that there are no liability issues because CKLECC employees are county employees. Therefore, the section in the MOU regarding indemnifying the county is not applicable and the MOU is really for accounting of the money. Ms. Phillips had also spoken with Cheyenne County Human Services Director Jennifer Gribble who said that Cheyenne County will make no contribution as they already finalized their 2016 budget. Ms. Phillips suggested splitting the \$25,000 between Lincoln and Kiowa counties, adding that she could only hope that Kiowa County would make the full contribution of \$12,500. She added that there currently is not enough money to pay Haley Smith her salary for the remainder of the year, and while she agrees that the other counties should pay their share, she does not want to see Ms. Smith go without pay. Julie Witt put in that the timing was simply bad and they realized that the process should have been started months ago in order for Cheyenne County to add funding into their budget.

Mr. Ensign asked if Lincoln County would be responsible for paying the CKLECC employees if the funding did not come from the three counties. Ms. Witt said it was her understanding that the council would simply cease to exist if there was no money. She added that the state is pushing every county or group of counties to form a council, however, and there are only a few counties that currently are not a member of one.

Mr. King asked what Ms. Phillips wanted to do and was told that she would like to take the \$12,500 out of the 2015 TANF budget in order to pay Ms. Smith her salary. Mr. King asked why Cheyenne County couldn't take money from their 2015 TANF funds and Ms. Phillips said she was told they are concerned that they will need that money in the remainder of this year. Mr. King wanted to know what they could do to remove Cheyenne County from their council if they are not going to help fund it. Tricia Borns spoke up to say that when CKLECC was formed the rule was that three counties had to participate, but Ms. Witt thought that number had since been changed to two. Ms. Witt said she would check into it.

Ms. Phillips said that Kiowa County wouldn't have a firm decision until after the first of the year as to what their contribution would be, and Mr. Ensign said the Board couldn't really sign the MOU until they knew exactly which counties would be involved. Ms. Phillips again expressed her concern for Ms. Smith, stating that they had received about \$4,000 for meeting their goals with the Collaborative Management Board, as well as some IV-E and parental fee monies that could be used for her salary for November, December, and possibly even January.

Mr. Ensign asked how Lincoln County became the fiscal agent for the council and Ms. Borns told him that Colette Barksdale had volunteered. Ms. Witt said they can apply for grants, but in order to do so they need to become a 501c3, which they are willing to do. They simply need to

make the decision at their next meeting. They would have to set up payroll and insurance but would then be their own organization. Mr. King felt it would be best if they could get away from the county and be their own entity.

The Board agreed to allow Human Services to pay Haley Smith from the department's excess funds and reserves as cited by Patricia Phillips.

Julie Witt left and Ms. Devers gave the group a handout outlining information concerning Tricia Borns' salary and step increases since 2013. Ms. Devers explained that Ms. Borns had no knowledge of what Ms. Devers had done but she had tracked Ms. Borns' progress in the department since being hired on July 27, 2007. On October 15, 2013, Ms. Borns was promoted to Child Support Tech III but the title was on Level 2 of the pay scale. After explaining the situation further, Ms. Devers suggested that Ms. Borns be given a step raise to Step 4 on Level 3, effective October 2013. She should then be granted the raises due to her throughout the next two years, ultimately bringing her to Level 4, Step 5 where she currently should be as the Child Support Administrator. This would make her monthly salary \$3,007, which would go to \$3,117 on January 1, 2016, in accordance with the cost of living increase. Ms. Borns would then not be eligible for another step raise until January of 2018. Ms. Lengel asked if Ms. Devers had a total amount of what the retroactive pay would be, but Ms. Devers said she had not yet calculated it. She assumed it would be in the area of \$2,000.

Ms. Borns told the commissioners she was very grateful to Ms. Devers for all the time and hard work she had taken to put the figures together, as well as to the commissioners for everything they had done as well.

Mr. Ensign wanted to know if there would be a problem with pulling funds from prior budget years but Ms. Devers said that as long as Human Services has the funds in their current budget for the back pay, it really shouldn't matter to the state. Budgets submitted to the state are not employee specific and often change anyway once adopted. Mr. Ensign also wanted to know if there were any other employees in Human Services with the same issue but was told that no one else had come forward.

Mr. Stone made a motion to make a salary correction for Human Services employee Tricia Borns from October 2013 to the present, with a monthly salary of \$3,117 beginning in January of 2016. Ms. Borns will be paid retroactively from October 2013 and her anniversary date will change to January, making her ineligible for another step raise until January 2018. Ms. Devers will calculate the back pay owed to Ms. Borns. Mr. Schiffers seconded the motion, which carried unanimously.

With no further business to come before the Board, the meeting was adjourned until 8:00 a.m. on November 30, 2015.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman