

Board of County Commissioners of Lincoln County
Agenda for February 29, 2016

9:00 Call to order and Pledge of Allegiance

10:00 Patricia Phillips, Human Services Interim Director, to present the Department of Human Services monthly report

11:00 Kim Schallenberger, Plains to Peaks RETAC, to discuss options for a Regional Ambulance Service

1:00 Corinne Lengel, County Clerk, and Jim Covington, County Treasurer, to discuss procedures for cancelling lost county checks

1. Approve the minutes from the February 26, 2016, meeting
2. Review Rodeo Contract with McCloy Rodeo for August 12 and August 13, 2016, rodeos at the county fair
3. Review Notice of Construction Materials Reclamation Permit Release Request for the Lincoln County Melvin Savage Pit, Permit No. M-1987-018
4. County Commissioner reports
5. County Administrator's report
6. County Attorney's report
7. Old business
8. New business
9. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 29, 2016. 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 in the afternoon.

Chairman King called the meeting to order and asked Mr. Ensign to lead the Pledge of Allegiance.

Mr. Stone made a motion to approve the minutes from the meeting held on February 26, 2016, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the rodeo contract with McCloy Rodeo for the 2016 rodeos at the county fair; Mr. Ensign stating that the only change from last year's contract was the event date. Mr. Stone made a motion to approve the rodeo contract with McCloy Rodeo for the 2016 rodeos at the Lincoln County Fair. Mr. Schifferns seconded the motion, which carried unanimously.

The Board also reviewed the Notice of Construction Materials Reclamation Permit Release Request for the Lincoln County Melvin Savage Pit, Permit Number M-1987-018.

Mr. Schifferns reported attending the Rural Philanthropy Days event on February 26 with Mr. Ensign and stated there were approximately forty participants. They felt that recent successes in Lincoln County included the new Air Life helipad in Hugo and the grocery store in Limon, but still felt that there is a lack of transportation in the county, specifically for people who may need a ride to a doctor's appointment.

Mr. King said he'd visited with CDOT employee Wayne Rudder, who is concerned with the increase in landfill fees since CDOT gathers quite a bit of trash from along state highways and the interstate, including furniture and tires. Mr. King said he didn't particularly want to lower the fees and Mr. Schifferns put in that according to Mick Jaques, Lincoln County has one of the cheapest landfills around.

Mr. Stone had nothing further to report.

Mr. Ensign reported receiving the signed contract for the carnival at this year's fair, so apparently they had accepted the changes made by the Board. He also provided information for several framed copies of the Constitution, Bill of Rights, and Declaration of Independence.

Mr. Stone made a motion to purchase one framed copy of each of the above documents for a total of \$469.76, with free shipping. Each copy will be approximately 24" x 33". Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Ensign said he had also found the thin blue line flag and a flagpole for approximately \$50.

The Board approved additional expense vouchers and then Mr. King called for old business. Mr. Stone asked when they would be choosing a permanent DHS director. Mr. Ensign said that Patricia Phillips provided a job description from Morgan County and submitted the timeline for the hiring of a new director, but they have not discussed it any further. There was no new business to discuss.

At 10:00 a.m., Interim Human Services Director Patricia Phillips met with the Board to give the monthly report for the department. The Board reviewed the financial reports for December 2015 and January 2016, as well as employee time sheets for February 2016. Mr. King asked about the recent trip to Arkansas taken by Andy Lorensen and Kelly Johnson, since the commissioners had approved several travel vouchers for the two the previous Friday. Ms. Phillips explained that Lincoln County is notorious for having runaways come through and because local law enforcement is very diligent in catching them, they are required to contact Human Services. If the runaway hasn't committed a crime, then DHS is responsible for getting them home unless that state's agency has custody of them. The home state is then responsible in that case. Ms. Phillips said they normally purchase a plane or bus ticket for the runaway once they exhaust all other possibilities; such as, having the parents come and get their child or at least pay for their transportation back home. In the case of the Arkansas runaways, Ms. Phillips said that Mr. Lorensen chose to drive them home due to the bad weather and potential grounding of flights, rather than take them to Denver. The caseworker needs to stay with the runaway until they board the plane or bus. The parents were contacted but could not afford to come and get them. Mr. King asked if it happens often but Ms. Phillips said that most of the runaways are from Colorado and the parents generally come and pick them up. When they do have out-of-state runaways, the caseworker usually takes them to the bus station or airport in Denver.

The Board reviewed the Income Maintenance and Child Welfare reports, as well as the Interim Director's report for February. They have gathered several electronics that were not being used, wasting money, and taking up space. They were paying for four Viaero cell phones that were not practical for the caseworkers due to the lack of range. They discontinued the service and will donate the phones to domestic violence victims. The monthly savings would be \$200; however, they have replaced the phones with iPhones so will end up saving around \$40 per month overall. They had extra iPads that were not being used so they discontinued two and donated one to a local day care home. They sold another for \$50. Ms. Phillips stated that all costs for upgrades or the purchase of phones and monthly data plans are paid for with Hotline grant funds. The grant award this year is \$5,902. They also had two extra digital cameras and two digital recorders that were not being used, as well as some transcription software and equipment that were donated to the sheriff's office. Several miscellaneous items that were either outdated or no longer in working order were given to James Martin for recycling. Lastly, Ms. Phillips said they still have four small Wi-Fi desktop printers that were purchased for caseworkers to take when they complete assessments. She felt they are completely impractical for that purpose so they will put one in the Resource Center and one in the Limon office to use when they have Family Engagement meetings or Permanency Roundtable. The other two were offered to Julie Witt for the CKLECC employees.

Mr. King said he appreciated Ms. Phillips attending conference calls when possible and not always traveling to the city for meetings. She stated she preferred attending via conference call but may need to start attending two meetings per month in Denver in person. She added that they are usually on the same day and she will continue to do as many teleconferences as possible.

She had received an email from Gini Pingenot with CCI earlier in the day concerning an Adult Protection Services Supplemental Allocation Survey that she felt should be completed by a commissioner. After reviewing the survey, the Board agreed that they did not want to take advantage of funding that would require a 20% match of funds to hire additional staff to help with APS. Ms. Phillips said that even if APS cases in Lincoln County increase as projected, it would mean possibly five more cases. She added that it would be more beneficial if the state would provide funding for current employees rather than asking the county to hire more. The commissioners agreed she could complete the survey and deny the funding.

Mr. King asked Ms. Phillips if she would be interested in the director's position, as the Board felt it may be something they would like to look into if she is. Ms. Phillips said she was interested and will meet with the commissioners on March 7 to discuss it in further detail.

Ms. Phillips left and during a short break, Mr. King spoke with LeRoy Yowell at the security desk. Mr. Yowell told Mr. King that he is often asked by people if they are at the courthouse because there is no address on the front of the building. Mr. King said he felt they should have something and Mr. Schiffers suggested decals for the front windows. Mr. Ensign will check into it.

At 10:50 a.m., Ken Stroud with the Hugo Fire Department and Roxie Devers arrived to listen to the discussion regarding a regional ambulance service. At 11:00 a.m., Kim Schallenberger with Plains to Peaks RETAC and Rob Handley with the Limon Ambulance Service arrived for the same discussion. Mr. Schallenberger provided information regarding SB16-069 concerning measures to provide community-based out-of-hospital medical services, and SB16-1034 concerning emergency medical responder registration in the Department of Public Health and Environment. He then stated he'd come to the commissioners approximately a year ago with the purpose of hiring someone to write a plan for a three-county, regional Advanced Life Support ambulance transport service. Although the Lincoln County commissioners felt it a good idea, he was met with resistance from other boards who said they thought that was what he was hired for. He now has a proposal with a legal structure similar to the RETAC, with an IGA and a BOCC appointed board that would oversee fiscal management. The plan would call for 24/7-365 full time paid Advanced Life Support crews in each county for 911 responses. They would have five crews over the three-county region; two stationed in Kit Carson County, two in Lincoln County, and one in Cheyenne County. Local agencies would still respond to the initial call and provide Basic Life Support care on scene, but the full time ALS support crews would be able to provide mutual support for the counties and an optimal continuum of coverage if needed. It would improve response time to the hospital and decrease helicopter flights, which would then mean lower costs to patients.

Mr. Schallenberger went on to say that the idea is financially sustained through Fee for Service (ambulance transport charges), grants, and local county support. Taxpayer support exists currently and would still be required, even possibly with a tax increase. As for long term sustainability, Mr. Schallenberger said that it will obviously evolve over time, as something this big cannot happen overnight. It may be necessary to establish a special district in order to create recurring funding to support the infrastructure that is needed. Of course, EMTS provider grants and other grant sources would be essential to the sustainability. Mr. Schallenberger touched on the benefits of collaboration; such as, ALS care for all patients, consistent IFT crews, improved and consistent education, new jobs and advancement opportunities for responders, and other community-based benefits. They project around thirty new full time jobs with the opportunity for current volunteers to move into those positions. He added that it will help improve the overall health of the entire region.

Lastly, Mr. Schallenberger stated that the future of the Affordable Care Act is unknown, so it is hard to tell if they can expect an increase in reimbursements. Also, at some point they would like to see a regionalized dispatch center, but they understand that would be far into the future.

Mr. King stated that it all looked good on paper, but he would like to know how the local agencies feel about it. Ken Stroud spoke up, stating that he was there to represent the Hugo Fire Department, adding that Patrick Leonard from the Karval Fire Protection District couldn't make it to the meeting. He suggested that Mr. Schallenberger take his presentation to the next EMS Council meeting in March, as he felt it would be the best place to have all agencies together to discuss it. Mr. King agreed, stating he would like to see input from all the county agencies, not just Limon.

Mr. Schallenberger said he certainly wasn't trying to leave anyone out but they have to start somewhere. They have met with Kit Carson County EMS Council and all three county boards of commissioners and they realize it takes the effort of all three counties to make it work.

Rob Handley spoke up to say they want it to be an autonomous agency, not something that sprouts from an existing local agency, and Mr. Schallenberger added that Mr. Handley was attending the meeting as a RETAC representative, not as a member of the Limon Ambulance Service.

Mr. King asked how much is actually paid back when they bill for services and was told that it depends on Medicare and Medicaid in many instances. Mr. Handley said that Medicaid is only around eight or nine percent but Medicare pays in the thirty percent range. Some private insurance companies actually pay 100%. They believe that the bulk of the personnel, approximately \$1.7 million, would be paid through fee-for-service. Mr. Schallenberger said that they may be able to decrease the number of overall ambulances over time, which would save considerable money on upkeep.

Mr. Schifferns asked how much of a financial burden the counties would have to endure and was told that personnel expenses could easily be covered by grant funds as the state is very interested in seeing the plan work. Mr. Schallenberger added that there would *have* to be some support at the county level, possibly as sales tax. He felt they need to form a task force to determine how it all will work but they had to start somewhere.

Mr. Ensign asked who would get the payment if a local agency responds first but then ALS came and took over the transport. Mr. Handley stated that the patient's care would be the primary concern. Mr. Schallenberger added that they have not figured out all the details but are simply asking for the opportunity to see if the idea will work.

Ms. Devers wanted to know how local ambulance services would still stay intact if they plan on replacing BLS ambulances with ALS ambulances. And if they intended to purchase more ambulances, had they considered where those new vehicles would be located? Would they have to purchase or build a garage or building to park them in? Where would the staff stay? Would they have to build staff quarters as well?

Mr. Schallenberger said they would keep the ambulances in their current locations, and Mr. Handley put in that Limon already has four fully stocked ALS ambulances. The hospital has two and Kit Carson County has several as well. The intent is to spread the responsibility over all three counties, and although it may cost money and there may eventually be a need for a new building, it wasn't something they could predict in this early stage of the plan.

Ms. Devers asked if they would go to one of the counties and ask them to take care of the employees' payroll and benefits, insurance, or worker's compensation if they plan on being autonomous. Mr. Schallenberger added that there was also a question of who would pay the utilities, adding that it may simply not work at all but they felt it was time to make the attempt.

Mr. King reiterated that he wanted to hear from all of the agencies in the county before making any further decisions, and Mr. Stone asked what kind of response they'd gotten from the Cheyenne and Kit Carson County commissioners. Mr. Schallenberger said it was basically the same response; they support the concept but wanted to know how it will work and how it will be paid for.

Mr. Ensign asked what total operating costs would be if the payroll alone was \$1.7 million and was told they estimate between \$2 and \$3 million annually. Mr. Ensign also asked if it bothered them to fund personnel through grant money that is not always predictable, and also wondered what would happen to EMS Subsidy funds. Mr. Schallenberger said that EMS Subsidy is actually in state statute and the county commissioners have absolute control over the money that comes in through that avenue. He added that they are fairly certain that the grant money will continue.

Ms. Devers asked if the personnel costs included benefits and Social Security and was told that it does; however, overtime was not included in the estimated costs.

Mr. Stone asked Ken Stroud to report back to the commissioners after the next EMS Council meeting.

The group left and the meeting adjourned for lunch.

When the meeting re-convened at 1:00 p.m., County Treasurer Jim Covington was in attendance. He stated that he and Ms. Lengel had met with LaRay Becker-Patton, who would like guidance on when to ask the bank to stop payment on county-issued checks since there have been so many cancelled by the Board lately. The bank has been extremely gracious about not charging the \$20 stop payment fee, but if the increase continues, Mr. Covington is not sure how long that will be the case. He added that they had discussed allowing anything under \$500 to go for a while but that they would put a stop payment on anything over \$500 if it weren't received by the payee within 90 days.

Ms. Lengel had sent an email to county auditor Ronny Farmer asking why the commissioners are required to cancel checks and if it would be a problem to add the "Void after 90 Day" statement on the face of the check. Mr. Farmer had responded that checks were formerly warrants that never expired, which is why it took Board action to cancel them. He felt that the practice was no longer necessary as long as the accounting department or Treasurer provided a monthly list of cancelled checks to the commissioners for their review. His email also stated that he did not see any reason why the statement to void after ninety days would be a problem. Mr. King asked Mr. Kimble if there were any legal problems with the statement and Mr. Kimble said that many governmental agencies use it.

Mr. Stone made a motion to discontinue the practice of having the county commissioners cancel checks when they are lost in the mail, never received, or otherwise not cashed by the payee, but to review a monthly report of cancelled/outstanding checks. Mr. Schifferns seconded the motion, which carried unanimously.

Ms. Lengel said they may want to wait a while to add the statement on the checks as they need to decide how to handle making sure the payee still gets the money owed to them if for some reason they don't know that a check has been issued to them; for instance, in the case of gravel payments.

Mr. Covington said that the county collects taxes for the Arikaree Groundwater district each year, which encompasses four different counties. The attorneys for the district want to put a special assessment on properties with wells and collect the fee separately from normal taxes. In the past, any special assessment put on a district has always been added to the property taxes and billed accordingly, but separating it out would be a bookkeeping nightmare, according to Mr. Covington. He added that he doesn't mind doing the special assessment; he simply doesn't want to provide a separate bill for it. Washington County has said they will not do it and Yuma County has sent the information to their county attorney. Mr. Covington thought that Phillips County was the other county involved but hadn't heard anything from them yet. He added that it appears they want the money up front to pay their attorneys who

are fighting a lawsuit to recover water rights. It most likely will not go to court for at least a couple of years. Mr. King said that if they don't want the assessment included with property taxes they should simply do it themselves, and Mr. Covington stated he wasn't even sure how to collect the special assessments if they are not attached to taxes.

Mr. Covington said he'd also had an agent of an oil producer tell him that the company is broke and he can't pay his taxes and wanted the treasurer to forgive them. Mr. Covington told him he couldn't do that. Mr. Kimble felt they had to give him until the end of April since that is when the full amount of taxes is due. Mr. Covington said he was looking for suggestions and thought he might contact Weld County since they have quite a bit of oil production there. He added that he could file a Distrain warrant on the equipment, which would mean the company couldn't move it, but they couldn't go after the pipe in the ground as it is considered to be real property. Mr. King asked if the Oil & Gas Commission may be able to help and Mr. Covington said he could check. The company owes approximately \$16,000 in taxes. Mr. Kimble agreed that the Oil & Gas Commission and Weld County were a good place to start and added that if he pushed a little, the company might suddenly come up with some money.

Mr. Covington left and Mr. Kimble reported that he had entered an appearance for Lincoln County in a Quiet Title action filed against the Public Trustee. He will speak with Mr. Covington about it later.

The group discussed the proposed amendment to the zoning resolution in relation to wind farms; Mr. Kimble stating he had contacted both Logan and Prowers counties to see if they required bonds for their roads. They do not, but didn't see any reason why it couldn't be done; however, the county would need to ensure that they could determine exactly what damage was caused by the wind companies, as they would fight it. Mr. Kimble said that impact fees may be a better way of making sure the companies remained committed to returning county roads to their original state. A local government can impose the fees, which are collected annually, at the beginning of a project, rather than trying to go after an entity once the damage is done. He added that they would need to have a good idea of what it would cost to repair the road if an impact fee is imposed, yet he felt it may be a better idea than requiring a bond.

The Board agreed that the rest of the resolution amendment seemed to cover what was intended so Mr. Kimble said they would need to hold a public hearing. Since law requires that two publications of the Notice be made, the hearing was set for March 31, 2016.

Mr Kimble said that he and Mr. Ensign had been trading emails regarding the use of the courthouse and parking lot, and Mr. Ensign told him of the conference call with the Chief Judge on Wednesday morning in the court clerk's office. Mr. Kimble said the Order was very clear about the area in question but the courthouse, particularly the jury assembly room, gets quite a bit of public use and he felt it would be a shame to discontinue allowing that. Mr. Ensign had commented that he believed he understood the judicial intent but could see where strict application could have negative, unintended circumstances for Lincoln County and the use of a facility that is paid for and maintained by the county.

Lastly, Mr. Kimble reported that he is gathering info from Logan County regarding the abatement process for nuisances.

Mr. King asked about the sales tax on farm equipment and Mr. Ensign said he received the model ordinance from the Department of Revenue but that they had until mid-May to take care of it. Mr. Kimble said removing the sales tax would require no special hearing or action; the Board could just do it.

Undersheriff Gordon Nall stopped in to inform the commissioners that all fire chiefs in the county want to move to a stage three fire ban. The Board agreed they would put out dump trucks in each district to collect household trash, and Ms. Lengel said she would make sure the website is updated.

Mr. Ensign had asked Court Clerk Kim Graham to come over and speak with the commissioners about the conference call on March 2. She stated the call would actually be with District Administrator Laurie McKager, not the Chief Judge, and will be to seek clarification on the judge's Order. Mr. King asked if they could call in or if they would have to meet in her office if they wanted to listen, and Ms. Graham said they would have to be in her office to listen to the call.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 7, 2016.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman