

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

9:00 Call to order and Pledge of Allegiance

9:00 Mark Hornberger, GMS, Incorporated, Consulting Engineers, to present an update on the progress of the Lincoln County Fairgrounds wastewater improvement project

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

1. Approve the minutes from the July 28, 2016, meeting
2. Review and act upon a proposed employment agreement with Michael W. Nestor to serve as the certified operator of the fairgrounds wastewater collection system
3. Review and act upon proposed Resolution #926; a resolution to authorize the Limon Ambulance Service to provide advanced life support ambulance services in Lincoln County
4. Update on the recent Hugo Water Issue and formal approval of the Colorado's Water/Wastewater Agency Response Network (CoWARN) Mutual Aid and Assistance Agreement
5. Update on the Lincoln County Land Use Administrator position vacancy
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old business
10. New business
11. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 29, 2016. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schifferns, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

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

Mark Hornberger and Ward Marshall with GMS, Incorporated, Consulting Engineers, met with the Board to present an update on the progress of the Lincoln County Fairgrounds wastewater improvement project. The lift station should be hooked up later this afternoon and although out of order at this time, three of the restrooms are connected to the system and almost finished. They have had little or no problems, other than suppliers being slow and the instability of the ground. GMS is doing some work with the town of Hugo to hopefully help with the portion of line that continues to run full of sludge. Mr. Hornberger said they are in the beginning stages of a project with the town and are working on grant applications to possibly correct the issues. He also said that an additive alternate to the county's bid was to put in a gravel drive at the lift station. In light of the amount of rain recently received, he suggested the county Road and Bridge crew take care of that once the project is complete. Mr. Hornberger asked about the payment request from the contractor in the amount of \$144,728.32 and was told the voucher was approved the previous day. There may be a final change order for the cost of the bedding but they are still in the process of negotiating the price per foot. Mr. Hornberger commented that the project is actually about \$3,000 under the original bid amount, and everything has gone very smoothly and is right on target. They will have the normal outlay report ready for the next commissioner meeting on August 5.

Mr. Ensign wanted to know if the operator training has been scheduled and Mr. Marshall said as soon as everything is hooked up they can hold the training. He suggested either next Tuesday or Wednesday. Mr. Ensign said that John Mohan and John Palmer both intend to become certified, but that the county will most likely hire Wayne Nestor in the interim, since he already has his certification.

Mr. Schifferns made a motion to approve the minutes from the meeting held on July 28, 2016, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed a proposed employment agreement with Michael W. Nestor to serve as the certified operator of the fairgrounds wastewater collection system. Mr. Ensign said he had sent the contract to Mr. Kimble for approval and added that it would not expire until the end of the year, simply to allow Mr. Palmer and Mr. Mohan time to obtain their small systems collection licenses. Mr. Nestor will be covered under the county's liability and workers' compensation insurance and will have the ability to re-negotiate the contract at the end of the year, if necessary.

Mr. Stone made a motion to approve the Employment Agreement between Lincoln County and Michael W. Nestor as the certified operator of the county's wastewater collection system at the

Lincoln County Fairgrounds, in the amount of \$25.00 per hour. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed information regarding the annual license renewal of the Limon Ambulance Service, and Mr. Schifferns made a motion to adopt a resolution authorizing the Limon Ambulance Service to provide advanced life support in Lincoln County. 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 July 29, 2016, there were present:

Greg King, Chairman	Present
Douglas D. Stone, Vice Chairman	Present
Ed E. Schifferns, Commissioner	Present
Stan Kimble, County Attorney	Present
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 #926** 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 25-3.5.101, 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 Limon Ambulance Service has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as advanced life support; 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 Limon Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with permitted advanced life support ambulances.

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:

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Clerk of the Board

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Mr. Ensign gave an update on the recent Hugo water issue and requested formal approval of the Colorado's Water/Wastewater Agency Response Network (CoWARN) Mutual Aid and Assistance Agreement. He had contacted the chairman on July 21 when the issue began and asked who should sign the agreement. Mr. King had authorized Mr. Ensign to sign it and said they would approve the action formally at the July 29 board meeting. Mr. Ensign said that signing the agreement allows the county to participate in the CoWARN system and acquire resources; in this case, water. The agreement sets up the framework for boundaries and cost responsibilities, and if there were an incident somewhere else, the county could choose to share any available resources with that entity.

Land Use Administrator John DeWitt stopped in with a severe weather alert and stated that the tanker truck load of water the town of Hugo received was a result of the CoWARN agreement. The cost was \$3,745 for equipment, personnel, and water, but Mr. DeWitt said he has not yet received a bill and was told that there may be some cost sharing involved. Mr. King stated that he felt DHS should pay for it since they caused the problem. Mr. DeWitt said he purchased bottled water and paid for it with his county credit card, adding that he will be reimbursed half through the EMPG grant. The state planning chief and state operations chief also want to see the invoice in order to make sure the county isn't paying for something that they shouldn't be.

Mr. Schifferns wanted to know if CoWARN applies to the entire county or just to those who have signed it. Mr. DeWitt said he didn't know but if there is ever another problem, the county will be covered and won't have to wait for resources if the agreement is in place.

A call came in from Gary Beedy and while Mr. King spoke with him, Mr. DeWitt updated the others on the issue he was calling about. Viaero is installing fiber optic line in the area of County Road 30, which is farmed by Beedys. Mr. Beedy interprets state statute to read that the company must sign agreements with landowners to install their line since a landowner basically owns property to the center of a county road. Mr. Beedy was also concerned that a private waterline, installed by Beedys, may have been damaged by Viaero. Mr. DeWitt stated that Viaero interprets statute to mean they have a right, as a utility company, to place lines in the

county rights-of-way. Mr. Kimble stated that telecommunications have a right, subject to the county's right, to be in the county's right-of-way; meaning as long as the county agrees to allow it, they can be there. He asked about the location of Beedys' waterline but Mr. DeWitt wasn't sure and said he wondered if Mr. Beedy were seeking compensation from the company for crop and/or waterline damage.

Mr. Stone commented that no landowner should be farming up to the edge of the road anyway, due to the county owning the right-of-way. Mr. Kimble agreed, stating that the ditches actually belong to the county.

Mr. King told Mr. Beedy that the Board had another appointment that had arrived but that they would address the issue later in the meeting.

Returning to the subject of the CoWARN agreement, Mr. Ensign said it may be proactive to have other municipalities in the county sign on as well. Mr. Schiffers made a motion to give formal approval to the action taken on July 21 when Mr. King allowed Mr. Ensign to sign the CoWARN Mutual Aid and Assistance Agreement as the county administrator. Mr. Stone seconded the motion, which carried unanimously.

Before Mr. DeWitt left, Mr. King asked about agenda item #5, concerning an update on the Lincoln County Land Use Administrator position vacancy. Mr. Ensign said he simply wanted to make the Board aware that the ad appeared in this week's papers and will run for two weeks. The deadline to return an application is August 10.

Mr. DeWitt left and Human Services Director Patricia Phillips met with the Board to give her monthly report. The Board reviewed employee time sheets, the caseload and financial reports, and the Income Maintenance, Child Welfare, and director's report for the month of July. Ms. Phillips presented the Memorandum of Understanding between CDHS and Lincoln County for the CCCAP and Colorado Works programs. Ms. Phillips said there were no changes from the previous MOU.

Mr. Stone made a motion to sign the annual MOU for CCCAP and Colorado Works for the period of July 1, 2016, through June 30, 2017. Mr. Schiffers seconded the motion, which carried unanimously.

Ms. Phillips presented the CORE Services Plan, stating that the major changes were a reduction in funds and a requirement that therapeutic providers be registered with DORA, and a decrease in the contract with Centennial Mental Health. DHS will no longer provide home-based services of therapeutic providers but will purchase home-based services from a provider who is certified through DORA. Also, they have cut the CMH contract in half in order to use other providers. They are currently arguing with CMH about medication evaluation referral timeframes and have no contract with them yet. Ms. Phillips said they were overspent in CORE Services for the first time but they were "made whole" because the state was underspent and could bail them out.

Mr. Schifferns made a motion to approve the DHS CORE Services Plan for SFY 2016-2017. Mr. Stone seconded the motion, which carried unanimously.

Mr. King asked Ms. Phillips to explain her side of the recent Hugo water supply event since media seems to be blaming her department for it. Ms. Phillips said that first of all, she does not drug test employees, and secondly, no one tested positive for THC; it was simply a misunderstanding of the test results. She explained that they do routinely test certain clients for substance abuse if they are monitoring compliance with their treatment plans, but one of the caseworkers wanted to see what a negative test result would look like so they decided to test water instead of saliva. When the results appeared to be positive, they decided to test a couple of employees who had consumed Hugo water. Ms. Phillips said that the proper procedure for the test is to wait for a period of time to allow the test to process completely, which was not done. The employee contacted Mr. Ensign who told them that they should inform the town of Hugo since the county has nothing to do with the town water supply. Several factors contributed to it being almost three weeks before the issue came to a head on July 21.

Mr. King felt that DHS should bear any fiscal responsibility, as well as apologize to the sheriff's office and the town of Hugo. Ms. Phillips responded that although it was her department that raised the issue, and she certainly had no problem apologizing for the events that occurred, she also believed that her department acted appropriately in the avenues they took in contacting Clayton Hale with the town of Hugo. She added that they had explained that field tests are not 100% accurate and suggested he obtain lab tests, and even offered to send the results in to the state. Ms. Phillips stated that yes, her department had started the event and it wasn't appropriate action, but they were certainly not responsible for the escalation and resulting media attention.

Mr. King thought DHS should have contacted their people at the state about the tests before contacting the town, and Mr. Schifferns wanted to know if the tests contain specific instructions as to what should or should not be tested. Ms. Phillips responded that she didn't know for sure but that Lincoln Community Hospital did a control to see how accurate the test kits are, and it showed that they are extremely accurate. She also assured the Board that the test kits are used merely as a screen, and complete tests are done using hair or urine samples if the test kits show a positive result. There is extensive follow-up done if one of their field tests has a positive result, and Ms. Phillips felt confident that any testing done with clients has been done accurately and appropriately. Mr. Stone asked if they did any follow-up testing on the employees that took the test and Ms. Phillips responded that they did not, as those tests did not show positive results.

Mr. King wanted to know how everything got to the media and Ms. Phillips had no idea, except that someone had to say something to someone. She reiterated that when Mr. Hale finally got the raw samples from the town wells he brought them over and watched as they performed the tests. He then went to Mr. Ensign's office and she assumed contacted the health department and sheriff's office after that.

Mr. Schifferns agreed that DHS needed to apologize to the sheriff's office and Ms. Phillips said she had no problem with that, as she did believe her department should have called the test manufacturer first. However, she questioned who should be contacted if something is found in the water, if not the water supplier. Mr. Ensign stated it was on his advice that the water provider be contacted and he still felt that was the appropriate action to take. He added it was unfortunate that it escalated the way it did but hopefully it was a lesson learned, and will not happen again.

Ms. Phillips said she has been in contact with the state DHS communication liaison as to what she should say, if anything, and didn't want to make things worse. She added that she would check the instructions on the test kits and contact the test manufacturers if there is no specific directive about testing water listed in them.

The Board asked Mr. Kimble if he had anything to add and he stated that his involvement occurred when the sheriff's office had received CORA requests. He added that it seemed to be quickly solved and felt it was due to the transparency of the situation. He stated it is always better to simply admit to a mistake and not try to hide anything, which is exactly what happened. He added that the media will dig and be persistent and although it stings for a while to have to admit to an error, it's the best thing to do and just move on.

Once Ms. Phillips had gone, Mr. King called for commissioner reports. Mr. Stone reported checking roads north of Karval on July 19, and talking to Rick Ashcraft about hauling gravel on July 20. They will be moving into the Brewer Pit and have areas in the northwestern portion of the district that need gravel. He checked oiled roads on July 25, and met with Greg Etl and Irv Haulter with DOLA on July 26. He and Rick also checked roads and a bridge earlier that day. They plan to replace the bridge with tubes. The road crew seal-coated roads that they had chip-sealed south of Highway 94 on July 27, and Mr. Stone received a thank-you from the Edison Fire Protection District for hauling some gravel for them.

Mr. Schifferns reported meeting Carl Dutro and John Palmer at the fairgrounds after the meeting on July 18, where they worked on the P.A. system. He received a call on July 20 from a concerned resident who would like the county to put electricity on the north and east sides of the fairgrounds for camper hookups, and charge the recipient. Mr. Schifferns told the party that the subject had been discussed in the past and the commissioners did not want to get into the business of running a campground, but promised he would bring it up at the next meeting. On July 22, he received the call about the Cottonwood fire that he reported on the previous day, and he checked roads on July 25. He also attended the Republican Central Committee meeting that evening. On July 26, Mr. Schifferns spoke with the resident about eminent domain and wind energy. Mr. Kimble verified that the county has no control over eminent domain, other than allowing or approving a project in the first place. Once a project is approved, eminent domain can be exercised. Mr. Stone added that some residents believe that a solution is to simply not allow the wind towers, which is not the case. The transmission lines would still likely go through Lincoln County in order to reach those towers, wherever they are

located. Mr. Ensign commented that the applications haven't even been submitted yet, according to Mr. DeWitt.

Mr. Schiffers went on to report that he attended the hospital board meeting on July 28 where they discussed their opposition approach to Amendment 69, as well as the fact that their computers contracted a virus, which cost them approximately \$15,000. He checked on the lift station project again earlier this morning and reported the fairgrounds are extremely muddy.

Mr. King reported going out to the fairgrounds with Mr. Stone and Mr. Schiffers after the meeting on July 18, and then to Genoa to sign the contract with John Deere for the new road grader, which will be delivered mid-September. He attended the Resources Unlimited meeting on July 19, the Economic Development meeting on July 20, and the DOLA meeting on July 26. They were told that DOLA grants will be minimal next year, due to a decrease in their budget. Mr. King spoke with Mark McHone on July 28, and reported that the quarter mile of road they experimented on north of Genoa with fog-sealing held up very well during harvest. Mr. Schiffers asked him to explain what they had done again, and Mr. King said they got asphalt from Martin Marietta and sprayed it with an emulsifier to harden it. He added that it appeared to work so well that residents are asking if it can be done on other roads in the district. He asked Mr. Schiffers about the status of the hospital parking lot and was told that the road crew was finishing up at Tom Rhule's but they hope to get to it soon.

Mr. Kimble reported that he had emailed the draft agreement with Nighthawk to the group for review, and said the more he thought about Gary Beedy's question regarding Viaero, the more he felt it would be impossible for every company to have agreements with landowners. He added that the county has complete control over the county right-of-way, regardless of who owns the land, but he will check the county list serve to see if there are other thoughts on the matter. He will not do so until Monday and Mr. King said he would contact Mr. Beedy and let him know.

As for the agreement with Nighthawk, the group went over it and made some changes, and Mr. Kimble said he would bring it back to the August 5 meeting.

Mr. Ensign reported receiving an email from Lincoln Community Hospital Administrator Kevin Stansbury requesting that Lorie Coonts be appointed to the hospital board to fill the vacancy left by Linda Olsen. Mr. Schiffers made a motion to appoint Lorie Coonts to the Lincoln Community Hospital Board to fill Linda Olsen's term. Mr. Stone seconded the motion, which carried unanimously.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on August 5, 2016.

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Corinne M. Lengel, Clerk to the Board

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Greg King, Chairman