

Board of County Commissioners of Lincoln County  
Agenda for December 30, 2016

9:00 Call to order and Pledge of Allegiance

9:00 Jeff Coonts, Land Use Administrator, to discuss various land use matters

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

11:00 Pursuant to Colorado Revised Statutes § 17-26-126, conduct an on-site examination of the county jail

1. Approve the minutes from the December 29, 2016, meeting
2. Review and act upon a proposed extension of an employment agreement with Roxana Devers as the Roundhouse Project Coordinator
3. Discuss the Compliance Order on Consent from the Colorado Department of Public Health and Environment regarding the county landfill
4. Review and act upon an employee request to reduce the weekly hours of the grounds and building janitor
5. Initial review of appointments for 2017
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 December 30, 2016. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schiffers, County Administrator Gary Ensign, County Attorney Stan Kimble (until 11:15 a.m.), Clerk to the Board Corinne M. Lengel, and commissioner-elect Steve Burgess.

Chairman King called the meeting to order and asked Land Use Administrator Jeff Coonts to lead the Pledge of Allegiance.

Mr. Coonts then informed the Board that he has been contacted by EDP Renewables, a solar development company that is interested in applying for a development permit for a solar power plant. They have not yet designated a specific location or submitted an application, as they are waiting to see what the county comes up with for regulations. Mr. Coonts found some solar regulations online and Mr. Kimble incorporated them into the county's zoning resolution. He provided a copy for the Board's review and asked if the land use board would also need to review them and hold a public meeting. Mr. Kimble said that once the commissioners review them, the regulations will be submitted to the land use board and a public hearing will be required for approval. Mr. Coonts said there have been some questions arise as to when the land use board was created and if the members also serve as the planning commission. Mr. Kimble commented that state statutes refer to a planning commission in several areas, and it would be a good idea to look into the exact duties of the land use board. The group agreed that they would re-address the solar regulations on January 6 after the commissioners have had time to review the information.

Mr. Coonts had received a call earlier in the week about permitting a gravel pit for private use. He researched what the county has done in the past and found that as recently as 2010, a development permit was required at a cost of \$250. He did speak with his predecessor, John DeWitt, who told him that he had never done one and felt they were not required. Private gravel pits follow state regulations, according to Mr. Coonts, who stated that the amount of paperwork involved may not be worth the \$250 fee. Mr. Ensign asked if a development permit is required if property is zoned other than as agricultural. Mr. Kimble said he hadn't brought his code with him so couldn't answer that. He did add that the county has no conditional use provisions in its regulations; everything is either special use or use by right. Mr. King was of the opinion that Mr. Coonts should not have to complete development permits on private gravel pits unless they find out otherwise, and the others agreed.

There had been some earlier discussion regarding revising the county's subdivision regulations, and Mr. Coonts stated that the original regulations were adopted in 1972. Mr. Kimble and John DeWitt worked on a revision in 2014, which was reviewed, but nothing further ever happened. The group agreed that Mr. Coonts and Mr. Kimble should work on the project together in 2017.

Mr. Coonts informed the Board that he'd gotten his certification for the Manufactured Housing Installation Program through the Colorado Department of Local Affairs, Housing Division, on November 1. The certification allows him to inspect manufactured housing in unincorporated

Lincoln County as well as incorporated Lincoln County, upon request from the municipality. He spoke with John DeWitt who said he had received permission from the county commissioners to do so at one time, but Mr. Coonts could find no proof of that. There is a cost of \$60 for the insignia, and Mr. Coonts felt the municipality should pay that fee, as well as mileage, if the Board decides to allow him to perform the inspections. Mr. Ensign asked about the liability to the county. Mr. Coonts said he was told by Greg Tacha that the town of Limon assumed the responsibility for the liability the one time that John DeWitt inspected a manufactured home in Limon. He added that he would check with Limon Town Administrator Dave Stone if the commissioners felt doing the inspections was something they wanted him to take on. Mr. Ensign said that the county would definitely want to sign an MOU with each municipality to assume responsibility if they decide to go that route. Mr. King said he felt the homeowner should have to pay for the inspection and that it should be done by a state inspector, and the other commissioners agreed. Mr. Burgess also agreed that it would be too big of a liability to the county.

Mr. Coonts had received a written complaint from a county resident requesting condemnation of a manufactured home at 47256 County Road 34, due to undesirable traffic and the condition of the home. Mr. Kimble said the county's nuisance ordinance would apply but that Mr. Coonts should take pictures of the property in order to build evidence. The gate to the property was padlocked by the complainant in order to prevent trespassing and her cattle from getting out, but Mr. Coonts felt that wasn't legal since the resident is restricting access to property that doesn't belong to her. Mr. Schifferns stated that it could also certainly be a problem for fire and rescue crews should they need access to either residence. Mr. Kimble asked Mr. Coonts to send him the information and they could look at the place together. Mr. Coonts stated that the nuisance ordinance also refers to the commissioners assigning an inspector to such properties.

Mr. Stone made a motion to appoint the Land Use Administrator as the investigative officer according to the provisions of Lincoln County Nuisance Ordinance No. 2015-01. Section E, Paragraph 2. Mr. Schifferns seconded the motion, which carried unanimously.

After Mr. Coonts had gone, Mr. Stone made a motion to approve the minutes from the meeting held on December 29, 2016, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the employment agreement with Roxana Devers for a term beginning January 1, 2017, and ending on or about December 31, 2017, as the county's employee for the Hugo Roundhouse doors and windows project. The only changes to the previous agreement were an increase in the hourly wage, to \$17.50 per hour, and the addition of a requirement that all records be turned over to the county upon any termination of the agreement. Mr. Stone made a motion to approve the Employment Agreement between Lincoln County and Roxana Devers for work on the Hugo Roundhouse in 2017. Mr. Schifferns seconded the motion, which carried unanimously.

Courthouse janitor Susan Monks had requested a change in her hours from forty hours per week to thirty-five, as she felt she can perform her duties in that time frame. Mr. Ensign said he had prorated Ms. Monks' hourly rate, which basically kept it the same, but there will be a monthly cost savings to the county. Mr. Schifferns made a motion to grant the request of Susan Monks to decrease her hours with the understanding that if job duties increase, or she can no longer accomplish those duties in thirty-five hours, she will return to working a forty hour week. Mr. Stone seconded the motion, which carried unanimously.

At 10:00 a.m., Department of Human Services Director Patricia Phillips and Robert Kraxberger met with the Board to give the monthly report and answer questions regarding financial assistance. The Board reviewed the November financial report and employee timesheets, as well as the Income Maintenance, Child Welfare, and Director's monthly reports for November. Once finished with those items, Mr. Phillips stated she'd brought Mr. Kraxberger with her to answer questions brought up at a previous meeting regarding county residents on financial assistance. Mr. King said the main question they had was that they had seen several names of able-bodied people listed on the reports who are, or could possibly be, working but still get benefits from DHS. Mr. Kraxberger explained that the problem is nationwide and generally occurs when the federal government and/or administration loosens restrictions and regulations. He added that the county does redeterminations on an annual basis to make sure that residents still fit the criteria and requirements for receiving assistance. He went on to say that the Affordable Care Act caused quite a problem as well. Many companies, such as the truck stops in Limon, could not afford health insurance for all of their full time employees, so they cut them to part time. Those employees then ended up eligible for food stamps or other DHS assistance. Mr. King asked how DHS catches clients who may actually be employed but still apply for aid. Mr. Kraxberger said they do check with the Department of Labor, but unfortunately, some people do lie on their applications. Still, DHS is required to rely on the client's statements. He added that, statistically, one in thirteen Americans are on food stamps. Another problem is that the federal government has gone to simplified spending, so DHS cannot pick up on any discrepancies until the redetermination phase. Mr. King asked if random drug testing is a possibility, and Ms. Phillips responded that it has to be voluntary on the client's part. He asked if it had gotten worse since Colorado legalized marijuana. Ms. Phillips stated that it has been one hundred times worse, so much that the state has even issued a memo that drug testing clients cannot provide useful information. She added that the majority of DHS cases they have right now are drug and alcohol dependency cases. Mr. Schifferns spoke up to say that it is the consensus of the Board that they would like DHS to keep a closer eye on those clients who may be abusing the system. Mr. Kraxberger said they do what they can by working their reports, which Ms. Phillips reviews and checks for them.

Mr. Kimble said he only had one item to report if the Board had time for that prior to their inspection of the jail. He is continuing to work with the Xcel attorneys but had received an email requesting the addition of a sentence in Article III, Section 9, of the Rush Creek resolution. They would like to add, "The County agrees, however, that in no event shall the permitting fees/use or sales tax to be paid by the Applicant be assessed at a rate that is higher than the

standard rate of permitting fees/use or sales tax currently imposed within the County.” Mr. Kimble felt the wording unnecessary and said he would let them know that the county’s sales tax rate is two percent, and that the county cannot legally charge more than that.

At 11:00 a.m., the Board conducted its annual inspection of the Lincoln County Jail, pursuant to 17-26-126 C.R.S.

When the meeting reconvened at 1:15 p.m., Mr. Ensign stated that Mark McMullen is reviewing the Compliance Order on Consent from the Colorado Department of Public Health and Environment regarding the county landfill. He also sent a hard copy to the landfill for Mick Jaques to review. Any suggestions for alterations need to be made as soon as possible. Mr. McMullen sent an email offering to come out next week and meet with the landfill operators regarding the mandatory training they will need to take. He will also return the files and go over how they are organized. The commissioners agreed they would like to see him as long as he is in the county and asked to meet with him at their next meeting on January 6.

The Board reviewed appointments for 2017, and then Mr. King called for commissioner reports.

Mr. Stone reported attending the Colorado East Community Action Agency meeting on December 15, stating that they are working on lease options for Nu-2-U, looking into leasing a building south of Ruby’s in Limon for office space, and gearing up for tax season. He attended the county employee appreciation party on December 16 and also received a phone call that day from Keith James, who is interested in vacating his position on the hospital board. Since two other positions are also up for renewal in 2017, Mr. James said he would stay for a while in order to help maintain knowledge and experience. Mr. Stone attended a Republican meeting regarding appointments to higher assemblies on December 19 and talked to Rick about roads on December 21. They also received a quote from CAT on the truck they want to replace. He checked roads with Rick on December 22, attended a Christmas party at the county shop on December 23, and checked roads with Rick again on December 27.

Mr. Schifferns reported attending the employee appreciation party at the courthouse on December 16, attending the Christmas party at the county shop on December 23, and checking roads on December 27. District One is hauling gravel on County Road 2N, replacing some signs, and blading a couple of roads since they got a little moisture.

Mr. King reported attending the county employee appreciation party on December 16. He took dinner to the road crew at the Genoa shop on December 20, and attended the Economic Development meeting on December 21. Jim Herron spoke of a grant program sponsored through Rural Electrics for hospital replacement or repair. Mr. King said the hospital may want to check with KC Electric Association about it. There is also a corporation wanting to donate land to EDC that they hope to develop into single-family/multi-family housing units.

Mr. King asked if there had been a response regarding using Conservation Trust funds to help pay for the ADA upgrade for the Karval Community Building restrooms, but Mr. Ensign said he'd not heard back from DOLA yet. He also reported receiving a text message from County Assessor Jeremiah Higgins thanking the road crew for smoothing out County Hwy 109, and a phone call from Don Morrison on December 29 asking about the fuel bid. Mr. King told him he'd been underbid.

Mr. King also commented that the commissioners need to remember to make sure that any gravel purchased by Xcel for repair and maintenance during and after the Rush Creek project is screened for rocks.2000

Mr. Ensign had nothing to report, and there was no old business to discuss. Mr. Stone asked Mr. Burgess if he could tell them a little bit about his new road foreman in District Two. Mr. Burgess said that Bruce Walters is from Kansas, has worked for Baca County and has a CDL, and has been working the past couple of years in the oil fields. He added that he has managed employees and feels Mr. Walters will be a good fit.

The commissioners approved additional expense vouchers for the month of December.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on January 6, 2017.

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Corinne M. Lengel, Clerk to the Board

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Greg King, Chairman