

Board of County Commissioners of Lincoln County
Agenda for January 6, 2017

9:00 Call to order and Pledge of Allegiance

11:30 Mark McMullen, Principal/Project Manager, American Environmental Consulting, L.L.C.,
to discuss matters relating to the county landfill

1. Approve the minutes from the December 30, 2016, meeting
2. Review employee timesheets for Land Use Administrator Jeff Coonts, County Administrator Gary Ensign and Public Health Director Sue Kelly
3. Review and act upon proposed Resolution Number 939; A Resolution Authorizing a Supplementary Budget Appropriation for the Lincoln Community Hospital Fund budget
4. Review and act upon a proposed Voting System and Managed Services Agreement by and between Dominion Voting Systems, Inc. and Lincoln County, CO.
5. Review and act upon a proposed Kit Carson County and Lincoln County Public Health Service Agreement for Environmental Health/Consumer Protection
6. Review and act upon a proposed 2017 Agreement for Receipt of Court Security Grant Funds
7. Review and act upon the 2017 pay schedules
8. Further review of the appointments for 2017
9. County Commissioner reports
10. County Attorney's report
11. County Administrator's report
12. Old business
13. New business
14. Approve expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 6, 2017. The following attended: Chairman Greg King, Commissioners Doug Stone and Ed Schifferns, County Administrator Gary Ensign, County Attorney Stan Kimble (from 9:40 a.m. until 1:30 p.m.), Clerk to the Board Corinne M. Lengel, and commissioner-elect Steve Burgess.

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

Mr. King asked if there were any additions or corrections to the minutes from the meeting held on December 30, 2016, and Mr. Stone asked that a sentence be struck from his report. Mr. Schifferns made a motion to approve the minutes as corrected. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the employee timesheets for County Administrator Gary Ensign, Land Use Administrator Jeff Coonts, and Public Health Director Sue Kelly. The commissioners also reviewed a proposed resolution authorizing a supplemental appropriation to the 2016 Lincoln Community Hospital budget, due to unanticipated revenue.

Mr. King stated that the only member of the public present at the time was Steve Burgess and asked Mr. Burgess if he had any questions or comments. Mr. Burgess did not. Mr. Schifferns made a motion to adopt a resolution allowing a supplemental appropriation of \$460,030 into the 2016 Lincoln Community Hospital Fund budget. 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 January 6, 2017, there were present:

Greg King, Chairman	Present
Douglas D. Stone, Vice Chairman	Present
Ed E. Schifferns, Commissioner	Present
Stan Kimble, County Attorney	Absent and 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 #939 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, C.R.S. §29-1-109(1)(b) allows supplementary budget appropriations by the governing body when unanticipated revenues not assured at the time of the adoption of the budget are received from any source other than the local government's property tax mill levy; and

WHEREAS, Lincoln Community Hospital received funds of \$460,030 in unanticipated operating revenues which were used to pay \$460,030 in general operating expenses; and

WHEREAS, Lincoln Community Hospital has unappropriated fund balances and sufficient cash to meet its expenses; and

WHEREAS, this income was not anticipated at the time of the preparation of the 2016 budget; and

WHEREAS, whatever increases were made in the expenditures, like increases were added to the revenue so the budget remains in balance as required by law.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that \$460,030 be appropriated into the 2016 Lincoln Community Hospital Fund budget;

BE IT FURTHER RESOLVED that the 2016 Lincoln Community Hospital Fund budget be increased by \$460,030, thus making the total Lincoln Community Hospital Fund budget \$15,861,956.

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

After reviewing the Voting System and Managed Services Agreement by and between Dominion Voting Systems, Inc. and Lincoln County, Mr. King asked Ms. Lengel if she had anything further to add. Ms. Lengel said the Secretary of State had mandated that all Colorado counties move to the new company by the year 2020. She had not felt comfortable doing so last year but felt that 2017 would be a better year to implement a new voting system since there will be more time for staff to learn it. She provided a payment summary for the next eight years and stated that since it is basically a lease agreement, there should be no other additional costs from Dominion. She will need to have James Martin add some wiring, but no other expenses should be incurred. Mr. Stone made a motion to approve the Voting Systems and Managed Services Agreement by and between Dominion Voting Systems, Inc. and Lincoln County. Mr. Schifferns seconded the motion, which carried unanimously.

Since both Lincoln and Kit Carson counties share the services of Public Health Specialist Kelly Alvarez, Lincoln County agrees to pay Kit Carson County an annual amount of \$9,082 to help cover Ms. Alvarez's salary. Mr. Schifferns made a motion to approve the Kit Carson County and Lincoln County Public Health Service Agreement: Environmental Health/Consumer Protection for 2017. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the 2017 Agreement for Receipt of Court Security Grant Funds, which will provide a \$37,167 reimbursement to the county for employees manning the courthouse metal detector. Mr. Stone made a motion to approve the agreement, and Mr. Schifferns seconded the motion, which carried unanimously.

The Board also reviewed the 2017 pay schedules for county employees, which were revised due to the addition of four steps based on recommendations by the department heads and the cost of living raises granted by the commissioners. After reviewing discrepancies in Levels 4, 5 and 6, Ms. Lengel stated she agreed with Sue Kelly that those areas need to be reviewed and adjusted. Mr. Ensign stated that it would be difficult to do with employees currently on those levels, and Ms. Lengel said that it may not matter to the employees what the levels are named as long as their pay is not affected. She added that it may be something for the department heads to look at during 2017, and if changes need to be made, they can be done during the next budget cycle. Mr. Stone made a motion to approve the 2017 pay schedules for county employees. Mr. Schifferns seconded the motion, which carried unanimously.

The Board agreed to wait for Mr. Kimble to discuss solar power plant regulations, so continued their review of the 2017 appointments.

Mr. Stone reported stopping by the Karval shop on January 4 where they were fixing tires and working on trucks, since it was too cold to do much outside. He spoke with Rick Ashcraft on January 5, who said the new truck should be delivered around January 18. They had gotten three-to-four inches of snow down south, so the road crew was plowing roads. He also had a phone call from a resident who was concerned with the mobile home that was discussed at a

previous meeting. The caller asked for any help the commissioners could possibly give regarding the situation.

Mr. Schifferns reported attending the Arriba fire board meeting on January 3. There was discussion about members of the fire crew having problems receiving text pages on their cell phones, so the decision was made to purchase some 800 MHZ radios for them. Mr. Schifferns attended the hospital board meeting on January 5; they discussed the Centennial Mental Health situation again. The optometrist will start in March or April, they plan on having an audiologist come in one day each month, and the hospital is also looking at oncology.

Mr. King said he didn't have much to report other than discussions with an employee in his district who has a family member with health issues. Mr. King told the employee to take as much time as they need, as family comes first.

Mr. Kimble had arrived, so Mr. Ensign asked Land Use Administrator Jeff Coonts to come down and discuss the solar power regulations. Mr. Kimble said there were some minor typographical corrections to make but then it would be sent to the Land Use Board for its approval. Once that was done, it would come before the commissioners for a public hearing.

Mr. Kimble said that Mr. Coonts had spoken with the landowner of the manufactured home at 47256 County Road 34, Allen Investments. They had also obtained a copy of the deed and sent the notice required by the county's ordinance. Mr. Coonts stated that the inside of the trailer is not nearly in the disrepair the complainant had reported. As a matter of fact, he felt with a little work, the mobile home could be habitable again. It seems that electrical problems are the worst, along with several broken windows, but there are only cracks in the ceiling and minimal water damage.

Mr. Kimble added that the property would have to be deteriorated to the point of uninhabitable to be condemned, which it isn't. The landowner would be given the option of fixing it up for sale or securing it to Mr. Coonts' satisfaction, and if they don't comply, the county can go through the court process for condemnation. Mr. Coonts stated that when he spoke with the owner he got the impression that they would take care of it. The gate to the property being locked by the complainant is also an issue, but he contacted Sheriff Nestor who will tell the party she needs to remove the lock. Mr. Ensign asked if there is a requirement in the subdivision or zoning regulations that there must be water available to a location in order for it to be a habitable residence. Mr. Stone asked where the well is located, but no one knew. Mr. Coonts stated that the owner had also discussed reducing the price, which would probably be the best option since it will cost them money to fix it up anyway. Mr. Coonts also commented that there are currently two other mobile homes that the county may also need to do something with.

Mr. King asked Mr. Kimble for the status on the Rush Creek transmission lines. Mr. Kimble responded that he'd spoken with John Lupo who said it should be any day. They've had some issue with one property that is owned by a trust.

Mr. Schiffers asked Mr. Kimble if he had figured out the difference between the Land Use Board and a planning commission. Mr. Kimble felt it could be called whatever the county chose to call it; however, his main concern was whether or not state statutes for a planning commission are being followed correctly.

Mr. Kimble had also received several bankruptcy notices from Stone Energy Corporation, a company that leased county oil rights a few years ago. He gave them to Mr. Coonts to look into, since Mr. Coonts is the Local Government Designee for the county and is authorized to check on oil and gas leases.

Mr. Coonts left and Mr. Kimble reported speaking with Jail Captain Michael Yowell about the prisoner who sued the county in federal court. They continue to work on motions to see if there is a valid claim.

Mr. Ensign reported that 18th Judicial District Attorney George Brauchler and Chief Judge Carlos Samour will meet with the commissioners on January 25, at 9:30 a.m.

There was no old or new business to discuss, so the Board approved additional expense vouchers until Mark McMullen, Principal/Project Manager with American Environmental Consulting, LLC, arrived for his 11:30 a.m. appointment to discuss matters relating to the landfill. Landfill Manager Mick Jaques also attended the discussion.

Mr. Kimble asked if the group had any other additions or changes to the Compliance Order on Consent from the state, and Mr. McMullen said it was what he expected and felt it was acceptable. Mr. King asked him how the cover on Cell 1 looked and was told it looks good, and as long as Mick and Allen Chubbuck attend the required training, the landfill should be in compliance with the order.

When asked about the training, Mr. McMullen said that it is put on by the Solid Waste Association of North America (SWANA), which is one of the best recognized programs for solid waste in the United States. The biggest issue is that the training is not local, since it is basically a generic course designed for all landfills nationwide. The next four-day course is in Reno, Nevada, in March. He added that it is a good course but is not site or region specific, so can be geared toward landfills in larger areas with higher precipitation and gas leachate, among other things. He went on to say that there is a certification test at the end of the training; however, not everyone has to be certified, although it is appreciated. That certification would have to be renewed every three years. Mr. McMullen is not a certified SWANA trainer so cannot give the course, even though there are certain components that he could train on. Mr. Ensign stated that there is a problem with having both landfill operators attend the same training, as that

would mean closing the landfill for a week, which isn't possible. He asked if there were any way Mr. McMullen could put together training that would be acceptable to the CDPHE, or if there is any other training available that would be approved. Mr. McMullen responded that any program he would put together would most likely cost more than what the county would pay to send the employees to Reno for a week, as it would be a lengthy process for him to develop something. It would then have to be reviewed and approved by the state, which would also undoubtedly cost money. Mick Jaques said he doesn't fly, which is also a problem. Mr. McMullen offered to contact someone he knows about putting on a local training, as Washington County is in the same situation. He said there may be a way to have a certified trainer come to Colorado to put on a regionalized course.

Mr. Ensign also asked about the compliance issues, stating that he wanted to make sure everything in the Order is being addressed. Mick said they are taking care of the daily cover, although he is concerned where they will get all the dirt required to cover the trash every day. Mr. McMullen said if the county were approved for alternative daily cover (ADC), such as shredded tires or the spray-on material, it may be possible to remove the cover, add more trash, and then replace the cover. However, any type of ADC must be approved by the state.

When asked about post-closure costs and the design for the new cell, Mr. McMullen said that a good topographic map of the site needs to be completed. He offered to obtain cost estimates and also recommended mapping the entire 320 acres, adding that there are benefits to designing the whole area. It would probably cost between \$7,000 and \$8,000, but then everything would be permitted and designed at the same time. Mr. Schifferns asked if that meant the county would then have to manage the whole site rather than just the forty acres of the current cell. Mr. McMullen said that it would to some extent, but they could also save by designing the entire ditch system at the same time. He added that the county would be responsible for meeting the requirements of a solid waste landfill but would only have to worry about the area they were using in regard to water quality control.

Mr. Burgess commented that even though the state waived the fine, it sounded like the county would have to spend at least that much, probably more, to get the site into compliance. Mr. McMullen responded that they would need to start on the financial assurance update portion, which will run between \$2,000 and \$3,000. He added that the EDOP will probably be between \$20,000 and \$30,000 but will include the mapping. He will also need to perform groundwater demonstrations and soil volume estimates, as well as field work, if necessary. Mr. Schifferns asked how long it would take and Mr. McMullen gave 180 days as a maximum to complete the project. He added that the state gives six months from the time the Compliance Order is signed, but as long as the county is working on it, he felt CDPHE would be willing to work with them. He estimated it would cost the county approximately \$50,000 to have everything completed. He recommended that Mick take pictures of the landfill, at least a couple of times each week, to show not only that the ADC is being done but to document weather and ground conditions as well. He stated that keeping the pictures organized in files on a computer would be best in case the state requests digital copies.

Mr. Schifferns made a motion to sign the Compliance Order on Consent from the Colorado Department of Public Health and Environment in regard to compliance issues at the Lincoln County Landfill. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess asked Mick if they had a digital camera at the landfill but he said they do not. Ms. Lengel said she still had the one they used for digitizing records prior to outsourcing the project, and she would be glad to give it to them.

Mr. McMullen finished by saying that area fills are more efficient, so when he does the design for the next cell he will allow for using the dirt between Cell 2 and Cell 3 for daily cover. He added that the cell can also be closed in phases.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on January 10, 2017.

Corinne M. Lengel, Clerk to the Board

Greg King, Chairman