

Board of County Commissioners of Lincoln County
Agenda for February 28, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Ron Ruhoff, to discuss a part-time clerical position at the Lincoln County Landfill

9:30 Jeffrey Coonts, Land Use Administrator, to discuss the matter of “tiny houses”

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

11:00 Sue Kelly, Public Health Director, to present the agency’s February, 2017, report; present a contract or signature for an Immunization Contract; and to further discuss a contract for pharmacy services with Ben’s Pharmacy

1. Approve the minutes from the February 27, 2017, meeting
2. Review the January, 2017, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
3. Review and act upon a Healthcare Services Contract between the Lincoln Community Hospital and the Lincoln County Sheriff’s Office
4. Review and act upon the Victim Assistance and Law Enforcement Grant Application
5. Discuss and recommend two Committee Members for calendar year 2017 to the 18th Judicial District Juvenile Services Planning Committee
6. Discuss a vacancy on the Lincoln County Land Use Board created by the resignation of former member Ephron Brent, term to expire in 2018
7. County Commissioner reports
8. County Attorney’s report
9. County Administrator’s report
10. Old business
11. New business
12. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 28, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and led the Pledge of Allegiance, after which the commissioners met with Ron Ruhoff to discuss a part-time clerical position at the Lincoln County Landfill. Land Use Administrator Jeff Coonts, County Assessor Jeremiah Higgins, and John LaBorde were also present.

Mr. Burgess explained a bit about what they were expecting of the person that is hired, including picture-taking, computer data input, and the completion of reports. Mr. Ruhoff said he is a photographer and uses the computer a lot for making DVDs with sound and pictures, as well as email. He added that he takes MCC classes as well, and did a lot of computer work during his years with AT&T. Mr. Ensign explained that the working arrangements at the landfill are not a typical office environment, and Mr. Ruhoff said he understood and didn't mind. Mr. Stone said they had not determined how many hours per week the person would be needed, and Mr. Burgess added that it may take more hours in the beginning to get the position established. Mr. Schiffers said he felt they needed to create a job description for both the Board and the prospective employee before they did anything else. Mr. Ensign also asked what Mr. Ruhoff would expect as an hourly salary and was told \$12 per hour.

Mr. Ruhoff left and Steve Beedy, member of the Lincoln County Tourism Board, said he wanted to speak with the commissioners about approving a couple of vouchers for the concert event being sponsored by Tourism on June 30. He stated he needed a down payment of \$15,000 to be approved for the band—the Turnpike Troubadours—which is half of the total contract price. He also requested a down payment of \$2,482.50 for the sound, lighting, and stage; half of that contract. He had spoken with Mr. Ensign and Ms. Lengel to find out how to go about obtaining the \$15,000 payment; the band's agent requires a cashier's check or direct bank transfer, and the county does neither of those. He also informed the commissioners that they plan on purchasing an additional insurance policy to cover weather-related issues, which is addressed in the contract.

Mr. Ensign asked Mr. Kimble if the county commissioners weren't supposed to sign all contracts encumbering county-sponsored events, to which Mr. Kimble responded in the affirmative. He added that the Lodging/Tourism Fund is to be used only to advertise and market tourism, so they may have a problem with the type of event they are suggesting. He added that the county's insurance carrier wants the commissioners to approve all county-sponsored events, which this would be. He added that in the event a lawsuit were filed it would be the county that was filed against, not the Tourism Board. Mr. Ensign explained to Mr. Beedy that all contracts relating to the fair have to be approved by the commissioners prior to those events taking place. Mr. Beedy said they have no intent of making money, they are simply trying to promote Lincoln County by holding an event that will draw people in to spend money in other areas of the county. The Limon Rotary is planning a bluegrass concert the following day, so it is

the hope that people will come for one and stay for the whole weekend. They anticipate selling 1,600 to 1,700 tickets, as the Troubadours have a huge following. They do have plans for a beer garden, possibly sponsored by HIP, and when Mr. Schifferns asked about food vendors, Mr. Beedy said they would like to have those as well. The event is scheduled from 5:00 p.m. until 10:00 p.m. with the concert ending at 9:00.

Mr. Burgess asked if he had spoken with the sheriff regarding any security that will be provided for the event. Mr. Beedy responded that they would be meeting with Sheriff Nestor, but the plan of the Tourism Board was to hire additional security, possibly off-duty officers, if necessary.

County Treasurer Jim Covington was asked to come over when Mr. Beedy asked what would happen if the Tourism Board did actually end up making money from the event. Mr. Covington said any revenues would go back into the County General Fund, as it does anytime money is collected from a department, with the exception of Road & Bridge and Human Services. Mr. Kimble added that the law on lodging tax does refer to Title 29, which addresses revenues into the General Fund. He added that he didn't know if it is legal for the county to donate funds back to the Tourism Fund or not.

Mr. Schifferns asked if they would sell tickets at the gate in case someone didn't get one through Ticketmaster, but Mr. Beedy said they would not. Mr. Burgess asked him to print out the contract so that the Board and Mr. Kimble could review it, and Mr. Higgins said he could do it for him.

Since John LaBorde was also waiting to speak with the commissioners, Mr. Coonts said he could wait. Mr. LaBorde asked the Board to do all in their power to keep Invenergy and Xcel Energy from building access roads for the new wind farm across the Smoky Hill Trail, which he is trying to preserve. He stated that if they could build north/south roads it would help, as there is one area in particular where the trail is still completely intact. The Invenergy group had discussed putting up a plaque to designate the trail, and Mr. LaBorde asked again that the commissioners do all they could to help. Mr. Kimble said the Board can certainly add it to the Road Agreement with Invenergy, or at least ask the company if they would work with the county for preservation of the trail. Mr. Coonts commented that his concern would be for accessibility in case of an emergency.

Mr. LaBorde left and Mr. Coonts provided the commissioners with information regarding tiny houses. According to the 2006 IRC (International Residential Code), the legal limit for a tiny house could be as small as 138 square feet. He added that Mr. Higgins had wanted to sit in on the meeting because he is concerned that there may get to be an issue with them, and anything under 500 square feet cannot be taxed as a residence. Mr. Coonts added that it really has nothing to do with the county's zoning regulations but that the homes would be allowed under the Code. Mr. Kimble commented that they may need to be added to the land use regulations, and Mr. Ensign asked if the Land Use Board should look into it first. Mr. Coonts said a person

wanting to put them on their property would have to apply for the exemption from subdivision regulations if they wanted to put several of tiny houses on forty acres.

Before Mr. Coonts left, Mr. Kimble informed the Board that Julia Ferguson was too busy to come and meet with them regarding solar energy regulations, but he'd been given the contact information for Eric Miller with Clean Energy Collective, LLC. He has done solar regulations for community facilities—eight to twelve acres—but not for industry facilities. Still, he would be someone to talk to. There is also a company called Silicon Ranch Corporation out of Tennessee that have projects planned east of I-25 in Colorado. He added that he wasn't sure if there were any neutral sources that they could talk to about it. Mr. Coonts said he'd been contacted by another company from back east who was asking about solar energy but he hasn't heard from them again. Mr. Kimble said that Alamosa County has had some experience, so he will keep trying to see what he can find.

Human Services Director Patricia Phillips met with the Board to give her monthly report once Mr. Coonts had gone. She provided copies of the January financial reports, the February Child Welfare, Income Maintenance, and Director's reports, and the employee timesheets for the month. She informed the Board that she had identified a staff member who would be interested in handling fraud cases so will send her to training when it is available. There is also a conference coming up that she would like for her to attend.

Steve Beedy returned with the contracts for Mr. Kimble's review, and then Public Health Director Sue Kelly arrived for her appointment. She provided the CDPHE Core Immunization Contract in the amount of \$15,609 for the period of April 1, 2017, through June 30, 2018. Mr. Schiffers made a motion to approve the contract, Mr. Burgess seconded the motion, and it carried unanimously.

Ms. Kelly said that CTSI made several suggestions for changes in the Contractual Agreement with Ben's Family Pharmacy for pharmacy services, which she had made. She had added the same indemnity clause from the lease agreement to the contractual agreement, changed the length of the agreement from ten years to five years, changed the date of when the contract is due from July 31 to December 31, and designated the chairman of the board as the contract signer rather than the Public Health Director. Mr. Kimble commented that if the county's insurance carrier has approved it, he felt it was fine as well. Mr. Burgess made a motion to approve the Contractual Agreement for pharmacy services and the Equipment Lease Agreement between Ben's Family Pharmacy and Lincoln County Public Health. Mr. Schiffers seconded the motion, which carried unanimously.

Ms. Kelly gave her monthly report for February, and then Mr. Burgess told her that the commissioners would like to know when she is ready for retirement, since she has indicated that she would like to do so. Ms. Kelly said she has to put together a timeline first to decide that, but once she does, she will give them plenty of notice.

Ms. Kelly left and discussion returned to the Tourism Board contracts. Mr. Kimble didn't like the indemnification clause in the music contract, specifically because Article 11, Section 1 of the Colorado Constitution won't allow a county to indemnify a private corporation or individual. He added that it would be ideal for the county's insurance carrier to review the contract as well. Mr. Ensign said that what he had read made it sound like the county would insure the band, and Mr. Kimble said the indemnification clause would have to be removed. The Board agreed to contact Red 11 Music to discuss the contract, and Mr. Kimble explained the situation. The woman he spoke with told him it would be acceptable to cross through the parts of the contract that they were uncomfortable with and note the reasons for the revisions. Once Mr. Kimble was off the phone, Mr. Burgess said the event would *have* to have security, adding that since they agreed that the Tourism Board doesn't have the authority to hire anyone, it would have to be done by the commissioners. Brief discussion followed about the Tourism Board, and Mr. Ensign said that it does say in the rules that they are supposed to file a monthly report with the county commissioners.

Sheriff Nestor was asked to come over and discuss the event, and when he arrived he was asked if he knew of the concert. He said Mr. Beedy had just spoken with him about it and he felt they could supply five or six officers to provide security. He felt that it wouldn't be a huge problem, especially since the event is only four or five hours long; his main concern would be traffic control. Mr. Ensign asked if he would be willing to absorb the overtime it would create, and the sheriff said he would as long as the commissioners were aware it was coming. He added that they would just have to try it and see how it all worked out.

The sheriff also said that Chris Monks asked if he could have the Victim Advocate van at the county shop by March 15 so they can sell the surplus county vehicles at the end of the month. Sheriff Nestor didn't think they would have their new vehicles by then and wasn't sure what Ms. Shaw could drive to monthly meetings or when she gets called out if he takes the van she uses to the shop. Mr. Ensign told him any county employee is allowed to use the additional vehicles if they are not in use, so there would be something available for her to use if she needed it.

Sheriff Nestor said he'd also received some complaints of a dog in the courthouse and asked if the commissioners were aware of it. They said they had just heard about it at the previous meeting and were having Mr. Kimble look into it, since it is happening on the courts' side of the building. Although the building belongs to the county, they were not sure if that meant the commissioners had authority over a state office. The sheriff said that someone from Probation was coming out on March 16 and he would discuss it with them.

Sheriff Nestor left and Mr. Burgess made a motion to approve the contract between the Turnpike Troubadours and Lincoln County for a Tourism Board-sponsored event at the fairgrounds on June 30, 2017, and to pay a deposit of \$15,000. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to approve the rental agreement between Kaleidoscope Productions and Lincoln County for lighting, sound, and stage for the Tourism Board-sponsored event on June 30, 2017, and to pay a deposit of \$2,482.50. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Ensign was reading the Contract Rider, which included various items of concern, including providing beverages, food, and alcohol to the group. While Mr. Schifferns stated that amenities are always a part of professional music act contracts, Mr. Burgess felt the county should not be paying for alcohol for anyone. Mr. Ensign commented that his concern was whether or not there would be a sufficient power supply at the fairgrounds for the performance.

A call was placed to Tim Andersen, who did alleviate some of the Boards concerns by letting them know that they will have a back-up generator on site if there isn't enough power, and they do intend to purchase general liability insurance that will cover them in case the band cannot perform for some reason, such as if there is a weather-related problem. It will name the county as additional insured and will cover all advance ticket purchases, which would be handled by Ticketmaster. Mr. Burgess mentioned that he didn't like that it looked as if the county would be supplying alcohol to the band, and Mr. Andersen responded that it is standard in the industry. He added that the commissioners could check with Logan or Weld County if they wanted to. Mr. Ensign told Mr. Andersen that the Tourism Board does not have the legal authority to hire additional security, as was mentioned by Mr. Beedy, but did say that they had spoken with Sheriff Nestor who felt it wouldn't be a problem. Mr. Schifferns said he thought they needed to somehow accommodate last minute concert-goers who wouldn't have purchased advance tickets online, but Mr. Andersen stated that they were sure the band would sell out fairly quickly and they didn't really have a way to accept cash at the gate. He added that the band also requires a dressing room, but they plan to bring in a motorhome for them, unless the commissioners would consider opening the Ellis Allen building. When asked about additional restrooms, Mr. Andersen said they have also scheduled some Port-O-Pot units. Mr. Ensign told Mr. Andersen that only the Board of County Commissioners can contractually obligate Lincoln County and asked that any future projects that require a contract be brought to the commissioners first.

Mr. Schifferns made a motion to approve the minutes from the meeting held on February 28, 2017, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the January 2017 Statements of Revenue and Expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts.

Also reviewed was the Healthcare Services Contract between the Lincoln Community Hospital and the Lincoln County Sheriff in the amount of \$111,148.80. Mr. Burgess made a motion to approve the contract, Mr. Schifferns seconded the motion, and it carried unanimously.

The annual Victim Assistance Law Enforcement grant application was reviewed; Mr. Ensign stated that the amount, \$40,343, was a bit higher than the previous year's contract. The county subsidizes all but the salary, and if the grant is approved it will also cover the county's portion of the employee's social security this year. Mr. Schifferns made a motion to approve the VALE grant in the amount of \$40,343 for FY 2017/2018. Mr. Burgess seconded the motion, which carried unanimously.

Andy Lorensen had not found anyone interested in the other committee member position on the 18th Judicial District Juvenile Services Planning Committee for 2017, so the subject was tabled until the next meeting. The group also discussed who could replace Ephron Brent on the Land Use Board, agreeing that they would like to see some diversity. The suggestion was made to contact Colleen McCormick to see if she would be interested. Mr. Schifferns said he would do so.

Mr. Burgess reported attending CCI on February 17 and 18 where they talked about the surveyor bill currently in legislation. Although it is apparently a state requirement that counties have one, it is not enforced. Mr. Burgess said there may be another bill this session that would place the issue on the ballot as to whether or not county surveyors should be required. The Board agreed to wait and see what happens. On February 21, Mr. Burgess and the other commissioners met with 18th Judicial District Attorney George Brauchler and Chief Judge Carlos Samour, Jr. He also reported that District 2 replaced some tubes and started trying to dig out some old pipe. He delivered food for the food bank on February 23 and brought back some steel for Chris Monks. On February 24, he spoke with Iris Fisher about accessing her property to extend pipes on County Road 109. He attended the event in Limon after the commissioner meeting the day before. They are also graveling roads in District 2.

Mr. Stone reported stopping by the Karval shop and checking roads on February 17. He also checked roads on the Twentieth. District 3 was crack-sealing east of Karval on February 21 and west of Karval on the Twenty-second. On the Twenty-fourth, he and Rick Ashcraft looked at the Eichman Pit and checked places that need gravel. He also reported that more road signs were stolen in the same area as the others. He attended the Lincoln Day Dinner on February 27, as did the other two commissioners.

Mr. Schifferns reported checking roads on February 17 and attending the meeting with the DA and Chief Judge on February 21. Chris Monks met with representatives from Invenergy and they will use County Road 2W. They did wonder where the company will get water, and Mr. Burgess said he was also concerned about where they will get gravel. Invenergy wants to replace a couple of culverts on 2W. District 1 is also grading roads south of Arriba.

Mr. Kimble reported that Invenergy and Xcel should be getting their development agreements to the county soon. He addressed the dog in the courthouse issue, stating that he'd been researching statute while the group talked and hadn't found much, but he did feel that the policy the commissioners adopted when it was a problem in Human Services should be good throughout the building. He stated he will also do further research on whether or not the

county can purchase/supply alcohol for the concert and will check on what can be done about the Smoky Hill Trail in the Road Agreement for the new wind farm. He added that he is almost finished with the Planning Commission memo.

Mr. Ensign reported that there will be training in Gunnison from April 24 through April 27 that the landfill employees can attend, so he has reserved places for Mick Jaques and Allen Chubbuck. The commissioners agreed they would staff the landfill with Road & Bridge employees while the two are gone.

Mr. Stone called for old business and Mr. Burgess brought up the two graders he has, asking again what should be done. He said they need to decide if they are going to pay them both off this year, for a total of \$436,903.86, or continue to make the annual payments of \$149,808.81, which will include between \$5,000 and \$8,000 in interest by the time they are paid off. The funds are available to pay them off, so the group needs to decide if they want to save the interest. He added that he will obviously be short in his equipment budget this year and most likely next year, and they really need to figure out how equipment purchases will be handled going forward. Mr. Stone said he doesn't have a problem with paying the graders off this year and Mr. Schiffers agreed.

As for new business, the group discussed the job description for a part-time landfill office manager, and Mr. Ensign said he would work on it.

The commissioners approved additional expense vouchers for the month of February 2017 and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 7, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman