

Board of County Commissioners of Lincoln County
Agenda for September 29, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report

9:30 Rick Ashcraft to discuss a matter

10:00 Anne-Marie Braga, Director of Local Public Health Partnerships, Colorado Department of Public Health and Environment, to discuss Lincoln County Public Health

1:00 Susan Mosher, building custodian, to discuss custodial duties at the courthouse and county annex building

1:30 Trey James, Lincoln County Land Use Administrator, to discuss the survey of a gravel pit

1. Approve the minutes from the September 28, 2017, meeting
2. Discuss the duties and powers of a county surveyor and the current vacancy in the office
3. Review and act upon a proposed Warranty Deed for the sale of a parcel of land to Robert J. and Ellen E. Safranek
4. County Commissioners' reports
5. County Attorney's report
6. County Administrator's report
7. Old business
8. New business
9. Approve additional expense vouchers as necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 29, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, Administrative Assistant Jacob Piper, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and asked Robert Kraxberger to lead the Pledge of Allegiance.

Mr. Kraxberger with the Department of Human Services then presented the monthly financial reports and employee timesheets, and Income Maintenance, Child Welfare, and director's reports. The commissioners had no questions, but Mr. Kimble reminded them that he had received a CORA request from Gregg Leverett sometime back regarding county DHS policies. He had forwarded the request to Patricia Phillips who felt that the records were confidential. Mr. Kimble said he had asked her to consult with Darla Scranton Specht about it.

Road District Three Foreman Rick Ashcraft met with the Board once Mr. Kraxberger had gone to discuss several matters. First, since it is time to complete the 2018 budget, he stated he wanted to talk about the county purchasing a paver. Mr. Burgess was not in favor of it, stating that they are very expensive, have high maintenance, and it would require a designated crew of at least three employees to run it. Mr. Stone asked if he had priced them and was told a used paver would cost between \$100,000 and \$200,000. Mr. Ashcraft added that the Ko-Cal asphalt pick-up machine would be an additional \$60,000, at least. He went on to say that they could have saved almost \$60,000 in District 3 this year on asphalt, and he felt the machine could be paid off in about three years just in savings alone. Mr. Stone asked him how much it had cost to overlay one mile of road, and Mr. Ashcraft told him it was \$114,000. Mr. Burgess said that District 2 only has about twelve miles of paved roads left, so it wouldn't be economical for them. He would not be interested in it, nor would he want District 4 funds to cover any part of the purchase. Mr. Ashcraft said they have a good road base in District 3, which is the key factor to maintaining a paved road. They also don't have as much traffic in District 3. Mr. Burgess wanted to know if they could lease a paver for a year to try it out, as he felt devoting three crewman to the operation of it would be the biggest challenge. Mr. Kimble asked how many miles of paved roads are in District 3. There are forty miles in District 3 and about the same in District 1. Mr. Ashcraft commented that the paver could also be used for the courthouse parking lot. Mr. Schiffers wasn't sure how he felt about it, stating that his biggest concern would be the manpower needed to operate it.

Mr. Ashcraft also asked the Board to consider changing county policy that designates how long an employee is given to obtain their Class A driver's license once they are hired. He felt it would be beneficial if the employee could obtain a Class B license to begin with and then have time to run a tandem truck before moving on to a semi with a trailer. Investing in the employee and educating them while they are employed would be more beneficial in the long run. Mr. Burgess asked if six months rather than three would be adequate. Mr. Kimble wanted to know if county policy had some guarantee that the employee would stay a certain length of time if the county paid for their license. He said one of the municipalities is considering having new

law enforcement recruits who are not POST certified sign a contract that they will not leave for two years if the town pays for their certification. If the employee breaks the contract, they would be required to reimburse the town for those costs.

Mr. Ashcraft said the last issue he wanted to bring up was that he didn't agree with county policy that dictates an employee can only be reimbursed for a portion of their sick time when they quit or retire. He felt there should be a bank of some type that would permit the employee to be paid for the portion they were allowed and leave the remaining hours for other employees to use if they needed them.

At 10:00 a.m., CDPHE Director of Local Public Health Partnership Anne-Marie Braga met with the Board to discuss Lincoln County Public Health. With her were Cathy White, Public Health Consultant, and Keith Siemsen, Environmental Health Liaison. Also attending the discussion were Richard Johnson and Pat McHone with Lincoln County Public Health, and Sue Kelly, retired Public Health Director.

Mr. Stone asked what the requirements are for a county Public Health Director and was told they would cover it later in their presentation. Mr. Schifferns wanted to know if the county had to hire in house. Ms. Braga explained that the commissioners, as the Local Board of Health (LBOH) get to choose who they hire as the director. Although there are minimum qualifications listed in state statute, there are also allowable substitutions. For instance, if the commissioners found an individual with strong administrative skills, or even a background in any of the areas associated with public health, they could be trained with help from CDPHE. There is also the option to share services with another county or contract with another county for the services. The goal is simply to provide public health services throughout the state and ensure that all residents have access to those services.

Mr. Siemsen put in that the county has to meet the seven Core Public Health Services developed by the State Board of Health in the 2008 Public Health Act, which were touched on in 25-1-506 C.R.S., but set out more specifically in rules and regulations. There are also ten essential services that are a part of the national public health framework.

Ms. White stated that all counties receive some state funding and there is also grant money available through federal funding for some of the programs. Minimum qualifications established for a director are a Master's degree, supervisory experience, and experience in public health. Experience can be substituted for the degree. Because public health is such a broad system that promotes health and environment of a community, Mr. Siemsen said there is a wide range of people who could possibly fulfill the role of director.

Mr. Kimble wanted to know if the county could contract the services out with the local hospital, or even have the hospital completely take over public health. Ms. White responded that they must be careful to ensure that the vision and focus remains on public health and not the hospital. Ms. Braga put in that hospitals tend to see the health population as the patients

within their walls, not as the overall population of a community, so might possibly be a bit narrow-minded in their focus.

Mr. Burgess asked if an administrator with no nursing experience could be hired if there were other employees within the department who fulfilled the requirements. Ms. Braga said that would be perfectly acceptable as long as the director had an understanding of public health and an excitement and vision for the position.

Mr. Stone asked if the county could contract with an RN to provide those services and was told that was a possibility, particularly since it is a requirement of public health to have an RN who could administer vaccines. When Mr. Johnson said he was an LPN as well as a paramedic, Ms. White said that an LPN could administer a vaccine but would still have to be supervised by an RN.

Mr. Kimble wanted to know if the commissioners would still have to supervise as the Board of Health if they were to give the Public Health Agency over to another entity such as the hospital. Ms. Braga stated they would unless they designated another group to fulfill those obligations.

The duties and powers of the State Board of Health are to: adopt/revise standards, rules and regulations to administer public health law; determine general policies in enforcing the laws; approve grants; establish minimum qualifications for directors, core services, funding formula and evaluation criteria for local public health plans; and approve the state public health improvement plan. Duties and powers of the local board of health are to: select the LPH director; employ, contract with, or secure a medical officer; hold meetings every three months; designate a secretary; hold hearings, issue orders and adopt rules; and approve the five-year LPH plan and submit it to the state board of health.

Mr. Siemsen stated that public health funds can only be used for public health services, and statute dictates that the county has the responsibility to provide a minimum of \$1.50 per capita for public health services to residents. He added that the state can reduce or revoke funding in extreme circumstances.

The Board thanked the group for their presentation and adjourned for lunch.

When the meeting reconvened at 1:15 p.m., building custodian Susie Mosher met with the Board to discuss custodial duties at the courthouse and annex building. Ms. Mosher had a back-up person to help her out when she was gone but that person will no longer be able to help her. The fill-in would work five hours per week cleaning the two vaults in the building—during office hours—and cleaning the courts' or south side of the courthouse. Ms. Mosher would like to keep working thirty hours so that she continue to receive the health insurance benefit. She felt the five hours could most likely be completed in one day to make it worth the person's while. Mr. Burgess said it would be difficult to find someone who would want to work five hours per week. Ms. Mosher suggested looking for someone in the courthouse or annex building who would already be in town, as she needs to take some time off for a family health

issue. Mr. Ensign said if it were a short-term solution for three or four months it may be fine, but if Ms. Mosher wanted to continue in that manner, he felt it shouldn't be allowed. Originally the position was a 40-hour week job, but Ms. Mosher said she could do it in 35 hours. He asked if the position actually warrants 35 hours. She stated she could continue to do the south side of the building but giving someone else those duties would at least make it worth it for them to come. Mr. Burgess said he would agree with it through the end of the year, if she could find someone currently working for the county that would be willing to take on the work. However, they would have to figure something else out before the first of the year.

At 1:30 p.m., Land Use Administrator Trey James met with the Board to discuss the survey of a gravel pit. Mr. Burgess would like to expand the Gaede Pit west of Genoa on the old highway but when Mr. James sent the maps in to the state, they were rejected. He was told they had to be signed by a registered land surveyor. Mr. James said that previous land use administrator John DeWitt told him he had always sent the maps in that same manner and they were never rejected, so Mr. James thought he might try sending them again. Since the county is required to have a surveyor, which is an elected position, the group discussed the possibility of contracting with Scott Kimble for the services. Mr. Kimble looked up the annual salary for a surveyor and learned it currently is \$1,430. He stated that it may be possible to sign an agreement with Scott Kimble to pay an hourly fee for anything he would work over the \$1,430, based on his hourly rate. Mr. Ensign suggested the Board could appoint him at the reorganization meeting in January. If he, or someone else, chose to run for the position in November, they could; otherwise, the commissioners would have to reappoint someone the following year to fill the vacancy.

A call was placed to Mark McMullen with American Environmental Consulting, L.L.C. at 1:50 p.m. to discuss the landfill. Mr. Stone asked if Cell 4 would be above ground or if the county could dig a pit as had been done for the other cells. A pit is fine, and the dirt from Cell 4 can be used as cover for Cell 3. The sidewalls need to be lined, so Mr. McMullen suggested pulling out the clay, reprocessing it, and re-compacting it. He also suggested a four-to-one slope. The design will have to be sent to the state for approval, which may take some time, so the county should consider designing something that will open a big enough area for at least two or three years. Mr. McMullen will start work on the design for Cell 4.

Mr. McMullen said the county would be granted an extension for the EDOP until the state decides what is going on with the groundwater, which will determine whether or not the county gets a waiver. Mr. Ensign wanted to know if the county was still okay on the time frame for the Order on Compliance. Mr. McMullen said he would have the commissioners look at the Waste Characterization Acceptance Plan, which he said was done in draft form, but the Board gave him their approval to go ahead and submit it.

Mr. Burgess asked if the county could use clay mixed with manure as topsoil, and Mr. McMullen told him they could use whatever they found something would grow on. Mr. Burgess also wanted to know if they could use the dirt from Cell 4 on top of Cell 2, but Mr. McMullen said they shouldn't put anything on top of Cell 2 until they hear from the state, as it has to meet

permeability. He added that any topsoil taken from Cell 4 should be stockpiled somewhere to be used for re-vegetation.

When the phone conversation ended, Mr. James said there are six county gravel pits with leases expiring in 2018 but that a couple of them are in the reclamation stage.

The group discussed the county being allowed to “sell” the overburden at the Eikermann pit, since technically the county would be making no money from the arrangement. Mr. Kimble said the lease wasn’t clear in that regard but since the county can remove and use the dirt, he felt they could also sell it. Mr. Eikermann should be notified, however. Mr. James said he would check with the Division of Mining, Reclamation and Safety to see if the county would be allowed to sell topsoil from a gravel pit.

After Mr. James had gone, Mr. Schifferns made a motion to approve the minutes from the meeting held on September 28, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

After further discussion regarding Susie Mosher’s request, Mr. Burgess made a motion to authorize Mr. Ensign to solicit interest from county employees to take on the duties of cleaning the Clerk’s and Treasurer’s vaults, and the courts’ side of the building, for up to five hours a week, at \$15.50 per hour, until January 1, 2018. Mr. Schifferns seconded the motion, which carried unanimously.

The Board also discussed the duties and powers of a county surveyor in further detail, then Mr. Burgess said he would speak with Scott Kimble about an appointment beginning January 1, 2018.

John Mohan stopped in to discuss the snow blower, as he had received a quote from Mac Equipment, Inc. in Longmont. Mr. Schifferns made a motion to purchase a Walker snow blower from Mac Equipment, Inc. in the amount of \$2,728.00 for the maintenance department. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed a proposed Warranty Deed for the sale of a parcel of land to Robert J. and Ellen E. Safranek. Mr. Burgess made a motion to sign the Warranty Deed to the Safraneks for a 21.796 acre parcel of land in Section 36, Township 8, Range 56 West of the 6th P.M. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess reported checking roads on September 18. He attended the Resources Unlimited meeting on September 19, and also looked at one of the roads in District 2 for Rick Ashcraft. It is an undeveloped county road, so the district will mow and blade it one time. District 2 also took out the bridge on County Road 30. On the Twenty-first, he had a call from someone with Mortensen Construction about concrete, so on the Twenty-second, he showed them where they could dump at the Genoa yard. He took a report of road damage on September 25 and also talked with Chris Monks about the landfill truck. On the Twenty-sixth, the commissioners

met at the landfill with representatives from the state and JBC, and Gini Pingenot with CTSI. He took the District 2 dozer to the landfill on September 27, where they knocked down a hill and used it for some other dirt work. After speaking with landfill personnel, he called Chris Monks and told him not to fix the truck. Steve Newsom asked for a road approach on September 28, which they took care of. He also faxed the landfill budget to Brandy DeLange with CCI and called Katie Zipperer about the Viaero bill on her county credit card. She told him the charge is for the wireless internet air card, not a cell phone.

Mr. Schifferns reported speaking with Chris Monks on September 19 about the trucks turning on County Road 2W. There have been questions raised about what will happen with County Highway 63 during harvest next summer if the wind tower traffic is still using it so heavily. Mr. Schifferns checked roads on September 21 and received a call from a concerned resident on September 25. The party was worried that the 55 mph speed limit signs posted by Mortensen Construction south of Arriba on County Highway 63 were too high. Mr. Schifferns said they may discuss adding "construction zone" signs and/or 45 mph speed limit signs. He attended the meeting at the landfill on September 26, and the Arriba town board meeting later that evening.

Mr. Stone reported stopping by the county shop to talk to Rick about the paver on September 20. He checked roads on the Twenty-second and stopped at the shop again on September 25. Rick has hired a new road crew member. Mr. Stone attended the meeting at the landfill on September 26 and a retirement party for one of the District 3 road crew on September 27.

Mr. Kimble reported that Land Use Administrator Trey James had signed the affidavit for the Patel property. He is optimistic that the judge will grant an Order of Abatement based on the information he was given. He also felt the meeting concerning the Road Agreement went well, and trucks are currently staying off the muddy county roads. They did file a \$1.5 million bond so that they can use County Highway 63 but are waiting a while before they use the road. They appear to be trying to work with the county, but he told them that same need for cooperation doesn't seem to be getting to the truck drivers. They did say they will police themselves by putting up cameras and signs. Mr. Kimble pointed out that the county can close the route if there is an emergency, which they didn't realize. They will have a weekly inspection with Chris Monks to hopefully avoid any further problems. Xcel Energy has two separate crews; one for wind energy and one for transmission lines. Mr. Kimble said that it didn't appear the two interacted much, so he made a separate road agreement for the transmission lines, which is basically the same agreement with some wording changed. Heather Brickey said they will have their own million dollar bond, which will mean \$2.5 million between the two projects. Chris felt there wouldn't be as much traffic with the transmission lines as with the wind towers.

Mr. Stone said that one of the Cheyenne County Commissioners would like to look at Lincoln County's Road Agreement, as they had nothing to go by.

Mr. Kimble also reported that Lincoln Community Hospital CEO Kevin Stansbury would like to hold separate executive session meetings with the commissioners and town boards concerning

what communities want to do with the hospital. Mr. Kimble told him that no executive session statutes really fit what it is he wants to discuss, unless he considers it to be a negotiation.

Ms. Lengel asked Mr. Kimble if the minutes need to reflect when the Board convenes as the Board of Health, since the group earlier in the day had stated that the commissioners need to meet as the Board of Health at least once every three months. Mr. Kimble said it may be a good idea for insurance purposes.

Mr. Ensign had nothing to report, and the only item of old business was further discussion on Public Health.

Mr. James came back to say that he had spoken with someone at the Division of Mining, Reclamation and Safety who said that it would be okay for the county to sell the overburden from the Eikermann pit as long as it is not specifically needed for reclamation purposes. Mr. Burgess said he didn't know if it would be worth it since the county would have to load it. No one else is allowed in the pit. He added that it would be a wash for the county, as they would sell the dirt to Mortensen Construction, but then would reimburse Mr. Eikermann since it is his land. He added that the only advantage to the county is that they wouldn't have to move the dirt out of the way, which is what Chris Monks has said needs to be done. Mr. Ensign asked if they didn't reuse the dirt when they reclaim the pit but was told that they do not use all of it. Mr. James also said that he was told he is qualified to submit the maps but he needs to go out with the GPS and take some other shots. Mr. Burgess said he would go with him if he needed him to.

The group again briefly discussed allowing road crew personnel up to six months to obtain their CDL, but no decisions were made.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on October 4, 2017, when the commissioners will hold the 2018 budget hearings.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman