

Board of County Commissioners of Lincoln County  
Agenda for December 13, 2017

9:00 Call to order and Pledge of Allegiance

10:00 Public Hearing on proposed 2018 Lincoln County Budget

- 1) Proposed Resolution Number 958; A Resolution to Adopt the 2018 Budget
- 2) Proposed Resolution Number 959; A Resolution to Appropriate Funds for the 2018 Budget Year
- 3) Proposed Resolution Number 960; A Resolution to Certify the Tax Levies for the 2018 Budget Year

10:30 Public Hearing on Lincoln County Public Trustee 2018 Budget

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

1:30 Executive Session pursuant to C.R.S. §24-6-402(4)(f)(I) for personnel matters regarding the conducting of interviews for the Public Health Director position.

1. Approve the minutes from the November 30, 2017, meeting
2. Approve the minutes from the December 7, 2017, meeting
3. Review the November, 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
4. Review the November, 2017, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
5. Review the November, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
6. Review and act upon the Threat/Hazard Identification and Risk Assessment for Lincoln County
7. Review and act upon the Lincoln County Continuity of Operations Plan
8. Review and act upon the Lincoln County Emergency Operations Plan
9. County Commissioners' reports
10. County Attorney's report
11. County Administrator's report
12. Old business
13. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on December 13, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schifferns and Steve Burgess, County Administrator Gary Ensign, Administrative Assistant Jacob Piper, County Attorney Stan Kimble (until 11:45 a.m.), and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and asked Mr. Burgess to lead the Pledge of Allegiance.

Ron and Belinda Knutson requested some time with the commissioners to discuss a proposed fire protection district in Genoa. They have done quite a bit of footwork on the project, holding fund raisers and gathering donations. So far they have raised \$8,000, with another \$16,000 possibly coming their way in the form of Cooper Clarke funding and a local resident who left money specifically designated to the fire department. All 112 Genoa residents are in favor of forming a fire district, according to Mr. Knutson. The discussion was held to possibly consolidate with the town of Hugo, but Genoa residents prefer to create their own district. They have found that one of the huge benefits of forming their own district would be lower insurance premiums. Mr. Ensign stated that state funding and DOLA money are also added benefits. Mr. Knutson has spoken with County Assessor Jeremiah Higgins in length about mill levies and taxes, and Mr. Kimble stated that all municipalities in the county except for Genoa and Hugo have their own fire districts. Because of that, boundaries are already set.

Mr. Kimble informed the Knutsons that to begin the process they will need an attorney who can help them develop a Service Plan, which will need to be brought before the board of county commissioners for approval. The second phase in the process, if the commissioners approve, is to take the proposal before the district court. From there, it will go onto the ballot. He explained that he has helped to form some of the county's fire districts in the past, but his position as county attorney will no longer allow him to do so. It will be expensive for them but it will be best to retain a firm that specializes in fire districts. Mr. Knutson said they had spoken with Steve Monks when they had discussed forming a district some time ago, so he should be able to get the information from him.

Mr. Knutson asked for help from the county, and Mr. Kimble stated that it is good they are asking questions now and seeking guidance, but once the Service Plan is presented to the Board, the commissioners will no longer have the ability to support the project on a county level, as they will have to remain in the quasi-judicial state until after the district is actually formed. He added that it will take approximately a year, if not more, for them to put everything together and get it on the November 2018 ballot. Ms. Lengel put in that ballot certification is due in early September, so that should be kept in mind as well. It is more cost-effective if they coordinate with the County Clerk to tie into an election where state questions are on the ballot, rather than to hold a special election.

Lastly, Mr. Kimble added that many volunteer fire departments have volunteers who are used to doing things their own way, and once a district is formed, a board of directors will be elected and the volunteers will have to give up any previous power to that board. He said that is good

to keep that in mind from the beginning. The board is generally elected at the same time the district is formed, and some fire districts have also included “de-Brucing” and term limit specification in their original Service Plans.

The Knutsons left, and the commissioners placed a call to the landfill as Mr. Burgess had received a call from Brenda Howe regarding the compactor. They’d had an oil sample taken and sent in to be tested on December 7, since it was reported at the last meeting that the oil had been contaminated with antifreeze. They ran the test on December 12, and there appears to be no significant problem.

At 10:00 a.m., the Board conducted a public hearing on the proposed 2018 Lincoln County budget. The only other person attending the hearing was County Treasurer Jim Covington. Mr. Ensign said that proper public notice was given on December 7 in both legal publications in the county. Since there were no objections or public comments, Mr. Stone closed the hearing at 10:04 a.m.

A call came in from one of the prospective interviewees for the afternoon. The applicant stated she had been offered a job elsewhere and asked if the commissioners wanted her to come in at the scheduled time to discuss a regional approach to the Public Health Director position. Mr. Stone told her he didn’t believe there was any need and she should rescind her application, which she did.

Mr. Burgess made a motion to adopt a resolution approving the spending limits for 2018. Mr. Schifferns 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 December 13, 2017, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, 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 #958** It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, the Board of County Commissioners of Lincoln County, Colorado, has the authority and responsibility pursuant to C.R.S. 29-1-103 to adopt a budget for Lincoln County for the 2018 calendar year; and

**WHEREAS**, in addition to the above referenced statute, the Board of County Commissioners also recognizes the passage of Amendment 1 to the laws of the State of Colorado on November 3, 1992, and has incorporated its interpretation of such Amendment into the 2018 budget; and

**WHEREAS**, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, and a public hearing was held on December 13, 2017, at which time objections of the electors of Lincoln County were considered; and

**WHEREAS**, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law;

**NOW, THEREFORE BE IT RESOLVED** that the following spending limits are adopted for calendar year 2018:

General Fund	\$6,143,151
Road & Bridge Fund	6,109,700
Human Services Fund	2,895,167
Library Fund	57,500
Contingent Fund	170,666
Conservation Trust Fund	70,000
E911 Fund	100,000
Capital Projects Fund	1,500,000
Landfill Fund	350,000
Lodging Tax Fund	164,200
Public Health Agency Fund	332,000
Hospital Fund	18,422,757
Total	<u>\$36,315,141</u>

**BE IT FURTHER RESOLVED** that the mill levies established for the following funds are:

General Fund	22.75 mills
General Fund – Mills for hospital	4.00 mills
Road & Bridge Fund	10.50 mills
Social Services Fund	2.00 mills
Library Fund	.25 mills
Capital Projects Fund	4.00 mills
Landfill Fund	1.00 mills
Public Health Agency Fund	.50 mills
Hospital Fund	2.50 mills
Total	<u>47.50 mills</u>

Less Temporary Property Tax Credit	
General Fund	-12.00 mills
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Total	35.50 mills

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, 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

Mr. Schifferns made a motion to adopt a resolution appropriating funds for the 2018 Lincoln County budget. Mr. Burgess 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 December 13, 2017, there were present:

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|------------------------------------|---------|
| Douglas D. Stone, Chairman         | Present |
| Ed E. Schifferns, Vice Chairman    | Present |
| Steve Burgess, 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 #959** It was moved by Commissioner Schifferns and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, the Board of County Commissioners of Lincoln County adopted the annual budget in accordance with the local government budget law and the provisions of Amendment 1 on December 13, 2017; and

**WHEREAS**, the Board of County Commissioners of Lincoln County has made provision therein for revenues in an amount equal to the total proposed expenditures as set forth in said budget; and

**WHEREAS**, it is not only required by law, but also necessary, to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of Lincoln County;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, that the following sums are hereby appropriated for 2018 from the revenue of each fund to each fund:

General Fund	\$ 6,143,151
Road & Bridge Fund	6,109,700
Social Services Fund	2,895,167
Library Fund	57,500
Contingent Fund	170,666
Conservation Trust Fund	70,000
E911 Fund	100,000
Capital Projects Fund	1,500,000
Landfill Fund	350,000
Lodging Tax Fund	164,200
Public Health Agency Fund	332,000
Hospital Fund	18,422,757
Total	<hr/> \$36,315,141

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, 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

Mr. Burgess made a motion to adopt a resolution certifying the mill levies for the 2018 Lincoln County budget. Mr. Schifferns 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 December 13, 2017, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, 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 #960** It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

CERTIFICATION OF TAX LEVIES

This is to certify that the tax levy to be assessed upon all property within the limits of Lincoln County, State of Colorado, based on a total assessed valuation of \$157,174,869 for the budget year 2018 as determined and fixed by the Board of County Commissioners, is:

General Operating Expenses:

General Fund	22.75
General Fund – Mills to the hospital	4.00
Road & Bridge Fund	10.50
Social Services Fund	2.00
Library Fund	.25
Contingent Fund	0
Conservation Trust Fund	0
E911 Fund	0
Capital Projects Fund	4.00
Landfill Fund	1.00
Lodging Tax Fund	0
Public Health Agency Fund	.50
Hospital Fund	2.50
Total	<hr/> 47.50 mills
Less Temporary Property Tax Credit – General Fund	- 12.00 mills

Total

35.50 mills

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, 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

Mr. Ensign said he had not yet gotten final budget figures from the hospital, but as soon as he did he would fix the appropriate pages and provide a copy to everyone.

It was 11:15 a.m., so Mr. Ensign called Sheriff Nestor and said the Board would be late for their appointment to tour the jail.

County Treasurer/Public Trustee Jim Covington presented his 2018 Public Trustee's budget, and then Mr. Kimble gave the attorney's report.

Since members of the tourism board had seemed to not understand why the funds collected for the concert event weekend had been deposited into the County General Fund instead of the Lodging/Tourism Fund, he had looked into 30-25-105 C.R.S., which states that all county revenue except that specifically allocated for other purposes shall be deposited in the County General Fund. He added that he checked with Logan County, which has a county tourism fund, and the commissioners there keep very tight control of the fund, actually approving all expenses prior to county funds being spent. Most tourism funds are maintained through municipalities, not counties, so it is not something that is common.

The amended Master Road Agreement still has not been signed by Xcel, nor has Mr. Kimble heard anything further from Jerry Kelly. Mr. Kelly did say he would pass the agreement on to his legal staff if there were no problems. Still, Mr. Kimble said it makes him a bit nervous to continue on without having the signed agreement in place.

He did get the Summary Judgement in the Patel case and will send it to Patels via certified mail. The commissioners need to decide how they want to proceed with clean-up; whether or not they hire someone or allow county employees to do it and add the cost to the tax roll. Once

the clean-up is done, a Bill of Costs will be sent to Patels, who then have the right to question the reasonableness of said costs. They are also allowed a hearing. Mr. Kimble did notify the tax sale certificate holder, who is eligible to apply for a deed to the property. Mr. Burgess commented that he doesn't particularly want county personnel to do the clean-up.

As for allowing interviews to be conducted in executive session, Mr. Kimble said there seems to be a variety of opinions on the subject, although several counties do hold employment interviews in executive session. He felt it would be acceptable for the Board to do so. Everyone agreed that if they set that precedence it should be continued in the future.

At 11:30 a.m., the commissioners conducted an on-site inspection of the county jail pursuant to 17-26-126 C.R.S., and then adjourned for lunch.

When the meeting re-convened at 1:30 p.m., Mr. Burgess made a motion to approve the minutes from both the November 30, 2017, and December 7, 2017, meetings, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the November 2017 Statement of Revenues 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 were the November 2017 reports from the County Assessor, Clerk & Recorder, Sheriff and Treasurer, and the November reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools.

Mr. Burgess made a motion to approve the Threat/Hazard Identification and Risk Assessment for Lincoln County. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to approve the Lincoln County Continuity of Operations Plan. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess made a motion to approve the Lincoln County Emergency Operations Plan. Mr. Schifferns seconded the motion, which carried unanimously.

Since there was not time for commissioner reports before the first Public Health Director interview, Mr. Ensign said he could give the administrator's report, which consisted of only one item. He stated that he was prepared to recommend that Jacob Piper be appointed as the Lincoln County Administrator effective January 1, 2018. He is confident Mr. Piper can manage the position adequately. The Board thanked Mr. Ensign, and Mr. Burgess made a motion to appoint Jacob Piper as Lincoln County Administrator effective January 1, 2018. Mr. Schifferns seconded the motion, which carried unanimously.

At 2:00 p.m., Mr. Schifferns made a motion to go into executive session, per 24-6-402 (4) (f) (I) C.R.S., for personnel matters regarding the conducting of interviews for the Public Health Director positions. Mr. Burgess seconded the motion, which carried unanimously. Those remaining for the session were Mr. Stone, Mr. Schifferns, Mr. Burgess, Mr. Ensign, Mr. Piper,

and Ms. Lengel. The session was tape-recorded and the recording will remain on file in the County Clerk's vault for the statutory 90 days.

After coming out of executive session, and a brief discussion, Mr. Schifferns made a motion to offer the Public Health Director position to Richard Johnson, effective January 1, 2018, at a starting salary of \$3,598 per month. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess reported meeting Bruce Walters and checking roads on December 7. He and Bruce went to Denver on December 8 and picked up the new weed truck. He toured the Colorado East building on December 11 and showed the other commissioners the bridge north of Arriba on December 12. There will be a lot of discussion prior to any work being done, but Mr. Burgess said they may contact an engineer to find out how to go about fixing it. He picked up toys for Human Services on December 12 as well. He received a call from Wayne Shade on December 13 about the new weed truck. Mr. Shade has taken the tanks off of the old truck and will put them on the new one.

Mr. Stone reported that he picked up Mr. Schifferns on December 12, and they went to look at the bridge on County Hwy 63 at County Road 43. He attended the Colorado East Community Action Agency meeting afterward.

The group decided to call Rich Johnson to come back so they could offer him the Public Health Director position, and while waiting for him, Mr. Schifferns started his report. He stated he'd checked County Road 2W on December 7 after the commissioner meeting and attended the hospital board meeting that night.

Mr. Johnson returned, so Mr. Stone offered him the job as Public Health Director beginning January 1, 2018. Mr. Johnson accepted, and discussion commenced on who would hire the OEM/EPR director since the position is split between the county commissioners and Public Health. Mr. Johnson said he would like to continue as OEM Director, in title only, throughout 2018 while the new person attends the OEM academy and learns both positions. Although up to the Board as to who would do the hiring, he felt he could do it. Mr. Schifferns said the commissioners had discussed making OEM a part time position that would remain under the Board's control. Mr. Johnson said the state is trying to have counties move away from that practice, as it tends to cause problems with emergency incidents if a part-time person holds another job and cannot respond to the emergency situation. He added that the person also ends up working more than twenty hours, which makes them eligible for benefits. Mr. Stone said he didn't have a problem with Mr. Johnson hiring the person, as long as the commissioners stay informed. Mr. Johnson said one of them could sit in on interviews if they wanted to when he got them set up. He will place an ad in the newspaper as soon as possible. Mr. Ensign asked that he split the salary evenly since it will be taken from two separate funds; County General and Public Health. Mr. Johnson said it would not be a problem. Mr. Schifferns also cautioned him to keep a close eye on his budget.

Once Mr. Johnson had gone, Mr. Schifferns finished his report, stating that he went with Mr. Stone on December 12 to look at the bridge in District 2. He also received a phone call from Ron Knutson about forming a fire district in Genoa. The District 1 road crew got the culvert in at County Road 43, and Travis Taylor stopped and gave him the blueprints for the fairgrounds, which were given to him by Mike Mosher.

Mr. Piper informed the Board that Land Use Administrator Trey James would like to increase the credit limit on his county credit card, as he will now have to make electronic payments for gravel permits. The largest number of permits would have totaled \$4,000 in May, so Mr. Piper asked that his limit be increased to \$4,500.

Mr. Burgess made a motion to increase Trey James's credit limit to \$5,000 and to increase Jacob Piper's credit limit to \$4,000. Mr. Schifferns 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 December 15, 2017, at which time interviews will be conducted for the county janitor position.

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Corinne M. Lengel, Clerk to the Board

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Doug Stone, Chairman