

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

9:00 Call to order and Pledge of Allegiance

1. Approve the minutes from the December 13, 2017 meeting
2. Approve the minutes from the December 15, 2017 meeting
3. Approve the minutes from the December 18, 2017 meeting
4. Review the monthly management report from First National Bank of Omaha
5. Review the 2018 Certification of Levies and Refunds as certified to Lincoln County Board of County Commissioners by the Lincoln County Assessor
6. Review and act upon a proposed extension of an employment agreement with Roxana Devers as the Roundhouse Project Coordinator
7. Review proposal from the Cheyenne County Board of Commissioners regarding Highway 287
8. County Commissioners' reports
9. County Attorney's report
10. County Administrator's report
11. Old business
12. New business
13. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on December 28, 2017. The following attended: Chairman Doug Stone, Commissioner Ed Schifferns, County Administrator Gary Ensign, Administrative Assistant Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Will Bublitz with the Eastern Colorado Plainsman and Limon Leader attended until 10:15 a.m., and Commissioner Steve Burgess was absent and excused.

Chairman Stone called the meeting to order and asked Mr. Ensign to lead the Pledge of Allegiance. The group then discussed job duties, hours of service, and other technicalities with the new custodian, Jodi Mohan. Mr. Ensign asked Ms. Mohan to come in at 3:45 the afternoon of January 2 so that she could be introduced throughout the building and speak with department heads. He informed her that although the board of county commissioners technically oversees her position, she can go through the administrator if she has any questions or concerns.

Mr. Schifferns made a motion to approve the minutes from the meeting held on December 13, 2017, once a name correction was made. Mr. Stone seconded the motion, which carried. Mr. Schifferns made a motion to approve the minutes from the meeting held on December 15, 2017, as submitted. Mr. Stone seconded the motion, which carried. Mr. Schifferns also made a motion to approve the minutes from the meeting held on December 18, 2017, as submitted. Mr. Stone seconded the motion, which carried.

The Board reviewed the monthly management report from the First National Bank of Omaha and the 2018 Certification of Levies and Refunds as certified to Lincoln County Board of County Commissioners by the Lincoln County Assessor.

At 9:30 a.m., Sheriff Tom Nestor and Jail Captain Michael Yowell met with the Board to discuss the food contract at the jail and another issue regarding an inmate. Sheriff Nestor said the food being served to inmates has been steadily getting worse, and portions are now less than adequate. Although the county pays about \$3.00 per meal, the company they use has no problem stating that they serve approximately \$.70 worth of food per meal in order to get their annual bonuses. The sheriff felt that meals need to be prepared and cooked onsite in order to comply with state laws regarding temperature and other health-related codes. They are supposed to serve 2,500 to 3,000 calories per day according to the state, and he feels there is no way that is being done. He has spoken with both Kit Carson and Elbert counties who have moved away from the food prep companies and are now running their own kitchens. Sheriff Nestor said he would like to explore that concept a little more and does have some ideas. Captain Yowell spoke up to say that he tries to eat a meal at the jail at least once a week to make sure that the inmates are being appropriately served, and breakfast seems to be the biggest issue at this point. They also currently have several DOC inmates who just seem to have a different mentality than other inmates, which tends to cause them concern for officer and inmate safety. He added that they have a call in to the company to discuss it, and they will give them the opportunity to correct the situation. Captain Yowell added that if the company is given the chance to correct their deficiencies and the county is still not satisfied, they will be

able to terminate the contract. They would like for Mr. Kimble to review the contract and will get a copy to him.

On another matter, Sheriff Nestor said they will be moving a problematic inmate to Washington County for a while. The inmate has currently assaulted two deputies and seems to be getting more unstable but will possibly be sentenced on January 5. The sheriff wasn't sure what the daily cost to house an inmate in Washington County is, but he felt that the move is necessary. When asked how long the inmate had been incarcerated in Lincoln County, the sheriff said he has been here since May. Sometimes it is a year or more before they make it completely through the court system.

Mr. Kimble asked the sheriff if he were involved in closing County Road 2W the previous week, but Sheriff Nestor said he was not. He had a couple of deputies sit on the road for a while the week before, but couldn't afford to have them tied up all day or for several days. The Master Road Use Agreement states that Xcel Energy is not responsible for normal wear and tear on the road, but if photographs weren't taken, Mr. Kimble said it would be hard for him to prove that the damage was due strictly to the trucks hauling for Mortensen. Mr. Schifferns said he and Chris Monks talked about it and made the decision to close the road after receiving several complaints about its condition. Mr. Kimble said they will need to approach them formally now since the fines have not yet been paid and the road agreement is basically being violated.

The Board reviewed a proposed extension of employment agreement with Roxana Devers as the Roundhouse Project Coordinator. No changes were made to the agreement and the hourly rate remains the same. Mr. Schifferns made a motion to approve the employment agreement with Roxana Devers as Roundhouse Project Coordinator. Mr. Stone seconded the motion, which carried.

The commissioners also reviewed a proposal from the Cheyenne County commissioners regarding adding passing lanes to U.S. Highway 287. Mr. Schifferns made a motion to send a letter of support to CDOT regarding Cheyenne County's request, and Mr. Stone seconded the motion, which carried.

Mr. Stone reported checking roads west of State Road 71 on December 14, attending the employee appreciation/Christmas party at the courthouse the afternoon of December 15, and attending Pete Holmstedt's retirement party on December 20. They had a Christmas party at the Karval shop on December 22 where he brought dinner to the road crew. Ron Knutson called him on December 23 and wanted a commissioner to offer legal advice at a meeting they were having regarding the Genoa Fire department. Mr. Stone explained that the commissioners don't have that role. He stopped by the shop and checked roads east of Karval on December 26.

Mr. Schifferns attended the employee appreciation/Christmas party on December 15 and the commissioner meeting on December 18. He checked roads on December 19 and discussed the Mortensen problem and County Road 2W with Chris Monks on December 20. Since he had

received several phone calls from concerned residents, they made the decision to close the road. The road was closed on December 21 and part of December 22 while the road crew worked on it. He had phone calls from two parties in a land dispute on December 23, as well as a call from Ron Knutson asking him to attend the meeting they were having. Mr. Schifferns was unable to attend that meeting, however. He called several of the people on his list for board appointments on December 26 and also checked roads. He added that they started tearing down the fair building yesterday.

Mr. Kimble reported on the Patel, Howard, and Sustrich issues, stating that they are currently in the formal process, although he has heard nothing further. Mr. Ensign called Land Use Administrator Trey James and asked him to come down to the meeting. Mr. Kimble asked if anyone had a chance to look at the Patel property but no one had. Mr. Stone said he and Rick Ashcraft could possibly look at it the following day, and Mr. James offered to go along. The order dictates that the county has the authority to clear the junk, but Mr. Kimble said they don't want to spend too much time on it, nor do they want to get into anything that may cause injury or harm to a county employee. He asked Mr. James if he knew of anyone the county might be able to hire to clean it up, but Mr. James did not know of anyone. Mr. Kimble said he would ask around and see if he could find any information. Mr. Ensign stated the person would have to be covered and hold their own certificate of insurance. Mr. Kimble said he would also check with the county's insurance carrier.

Mr. James said that the Sustrich group has filed for a sixty-day extension and will try and do the special use through the county, so the annexation process must no longer be an option. He sent a letter to Mr. Howard on November 30 but has heard nothing back.

Mr. Kimble stated that if anything is salvageable, the county is supposed to try and sell it and put that money toward the cost of repairs. He didn't believe there would be much on the Patel property, according to the photographs, that would be worth selling but suggested possibly contacting the Brents to see if they would look at it.

John Lupo had signed the Amendment to the Master Road Use Agreement, but Mr. Kimble said he would contact both Mr. Lupo and Jerry Kelly to let them know the county does not want Mortensen trucks using County Highway 63 at all until the issues with County Road 2W are cleared up. He stated that he needs photos and testimony regarding the road being a danger, which is why it was closed. Once they have all the facts, they can send a formal letter, which states the commissioners are not inclined to sign the Amendment based on the occurrences of the past thirty days. One of the complainants told Mr. Schifferns that someone had been watering and grading the road but then just quit doing so, which was when it got so rough. Mr. Kimble reiterated that the next time the commissioner and/or foreman decides a spot is dangerous, they need to take pictures and contact the sheriff so he can determine if it is a danger to life. He has to have evidence to prove it is a safety issue.

Mr. Ensign stated that they are still working with United Retirement on the issues with retirees getting their pension checks. He said he left a message that it will be turned over to the plan's

attorney if there is not some response soon. It did cost the county quite a bit the last time they had to have the plan's attorney involved but he did get results. Mr. Ensign added that they had been referred to someone who specializes in government pension plans, but he and Mr. Piper have not had a chance to contact that person yet. Although it won't solve the current problem of retirees not getting their money, it may help with future issues if the county changes companies.

Mr. Piper said that two interested parties responded to the Board's ad in the paper regarding serving on county boards. Trey James had also discovered that at least one but no more than two members of the land use board need to be on the land use board of adjustments as well. Mr. Kimble researched to see what the land use board of adjustments' duties are and learned that the board is mostly tied to the zoning regulations and disputes over lot and boundary lines, as well as hearing and making recommendations to the commissioners regarding adjustments. He stated he would look into the county zoning code to see what they are allowed to do.

There was no old or new business, so the commissioners approved the December 2017 payroll and several expense vouchers for the month. Then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on January 5, 2018.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman