

Board of County Commissioners of Lincoln County
Agenda for June 19, 2017

9:00 Call to order and Pledge of Allegiance

9:30 Heike Petersen, RN, BSN, Lincoln County Public Health, to discuss how the Public Health mission vision is best served by available Public Health personnel and to request an executive session to discuss the possibility of an employment contract

11:00 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to further discuss the OEDIT state initiative grant for SBDC expansion and impact

11:30 Trey James, Lincoln County Land Use Administrator, to discuss the recommendations from the Land Use Board meeting of June 13, 2017, regarding proposed transmission line regulations and solar power plant regulations

1:00 Review and act upon proposed Resolution Number 946, A Resolution Vacating Portions of County Road 39, Lincoln County, Colorado, and Requiring Amendment of the Lincoln County Road Map Reflecting the Removal of the Vacated Portions from the Lincoln County Road System

1. Approve the minutes from the June 8, 2017, meeting
2. Review the May, 2017, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Discuss the Economic Development Incentive Application from Lincoln Hospitality, LLC
4. Discuss the pending vacancy in the Public Health Director's position
5. Further discussion concerning compliance matters at the Lincoln County Landfill
6. Further discussion concerning potential improvements at the Lincoln County Fairgrounds
7. Review and act upon a proposed agreement with LC Derby Club regarding a vehicle demolition derby to be held at the 2017 county fair
8. Review proposed job descriptions for the Lincoln County Emergency Communications Coordinator and the Lincoln County Office of Emergency Management Director
9. County Commissioners' 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 June 19, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, and acting Clerk to the Board Wendy Pottorff. Clerk to the Board Corinne M. Lengel was absent and excused.

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

Mr. Kimble read the order from July 11, 1911, about the statutes on what the county had adopted for roads in Lincoln County. The commissioners discussed abandoning roads, the phone calls they had received, and that they went out and surveyed the road in question.

Mr. Burgess asked that a correction be made to the minutes from the meeting held on June 8, 2017; change "he" to "Mr. McCue." Mr. Burgess then made a motion to approve the minutes, as corrected. Mr. Schiffers seconded the motion, which carried unanimously.

The Board reviewed the May 2017 reports from the County Assessor, Clerk, Sheriff, and Treasurer.

At 9:30 a.m., Heike Petersen, RN, BSN with Lincoln County Public Health, met with the Board to discuss how the Public Health mission and vision is best served by available Public Health personnel, and to request an executive session to discuss the possibility of an employment contract. Public Health Director Sue Kelly attended as well.

Mr. Burgess made a motion to go into executive session at 9:32 a.m., per 24-6-402 (4) (f) (I) C.R.S., to discuss personnel matters. Mr. Schiffers seconded the motion, which carried unanimously. Remaining for the session were Mr. Stone, Mr. Schiffers, Mr. Burgess, Mr. Ensign, Mr. Kimble, Ms. Petersen, Ms. Kelly and Ms. Pottorff. The session was recorded and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

Upon coming out of executive session at 9:56 a.m., Ms. Petersen handed out a list of her qualifications and duties with the Public Health office. She stated that she would help to find another director for Public Health, but was disheartened by the process that just took place. Current Public Health Director Sue Kelly stated that it is a professional position. Both felt that the commissioners don't care about Public Health and would like to feel appreciated. They also commented that the salary schedule should be updated.

Mr. Stone stated that the commissioners support all county departments and programs, and Ms. Petersen said she would like to have a better presence of the commissioners at more of the program's board meetings.

Ms. Kelly asked if the director's job was going to be on the 35-hour or 40-hour pay scale, and Mr. Stone stated that it could be negotiable. He also commented that he felt Ms. Kelly had given a specific salary to the candidate and not a salary range, but Ms. Kelly said she had given a salary range to the candidate.

Going forward with the search for a new Public Health Director again, Ms. Petersen would like to give some questions to the commissioners to help them with the interview process. Ms. Kelly will put the ad back on the state website with Mr. Ensign as the contact. She asked what level the position was on and then stated she'd sent an email to all the commissioners, Mr. Kimble, Ms. Lengel, and Mr. Ensign regarding there being no regulation if the county goes with the hospital. They will also post the position in the Colorado Nurse's Association paper. She said that she will get the email systems set up for the new person and added that she could stay on to help with the process of hiring.

Ms. Petersen said that they should check with the Department of Regulatory Agencies (DORA) to make sure each applicant has an active license.

Mr. Schiffers told Ms. Kelly that she has done a good job for the county.

After the Public Health employees left, Mr. Burgess asked if the salary schedule is off and needs to be adjusted.

At 11:00 a.m., Lincoln County Economic Development Corporation Executive Director Troy McCue met with the Board to discuss the OEDIT state initiative grant for Small Business Development Corporation (SBDC) expansion and impact. The application for the grant of \$20,000.00 has to come from a county government or municipality and is due by June 30, 2017. The grant money would cover a part time person and mileage and would be a pass-through from the county to the Economic Development Corporation. Mr. Burgess asked if it would put more of a burden on Mr. Ensign but was told it would not create more work for the county. The Board signed a letter to the Office of Economic Development and International Trade supporting the application for the Certified Small Business Community Initiative through the Blueprint 2.0 program.

Mr. McCue also said that he is still in contact with a company that is interested in disposing of fiber glass wind tower blades.

At 11:30 a.m., Land Use Administrator Trey James met with the Board to discuss the recommendations from the Land Use Board regarding proposed transmission line regulations and solar power plant regulations.

Mr. James stated that the Land Use Board met on Tuesday, June 13, 2017, to discuss both sets of regulations. Mr. James presented the commissioners with a draft of the approved transmission line regulations for their approval. The one item the Land Use Board was concerned with was the decommissioning of the lines once they are no longer in use. Mr. Burgess said that he didn't think there was a policy now.

Mr. Kimble advised that the Board would have to schedule a public hearing and approve the draft through a resolution. He added that if the company puts the line in they would have to take it down if they were no longer using it. He will work on the resolution, and the hearing was scheduled for July 18, 2017, at 11:00 a.m.

Mr. James said that the Land Use Board also approved the recommendations for the solar power plant regulations; however, they would prefer an irrevocable letter of credit or cash instead of a bond for the decommissioning plan. The Land Use Board would also like to hire a specialized attorney to review the resolution, which the commissioners discussed would be costly. They then talked about setbacks and how the 1,500 foot limit is to protect the adjacent landowner. They were concerned that the setbacks could affect a small property owner, and all agreed that the 1,500 foot limit was excessive. Mr. Kimble stated that a 500 foot setback would probably be adequate, and added that a bond would be better than a letter of credit or cash.

Kiowa County is going to tour the solar farms in Alamosa County on Thursday, June 22, and Mr. Ensign asked if any commissioner would like to go along. All three had prior commitments.

Mr. Burgess commented that he wants to open up a couple more gravel pits and asked what needed to be done to begin that process.

At 1:00 p.m., the meeting re-convened in the jury assembly room to discuss proposed Resolution #946; a Resolution Vacating Portions of County Road 39. Members of the public attending the meeting were Dawn Brent, Ben Brent, Ralph Brent, Wanda Brent, Gary Withington, Paul Martin, Tim Brown, Stephen Monks, Matthew Brent, Kimel Brent, Amy Vice, Dale Bode, Ray Endersen, Stu McFarland, Wilber Schreiber, and Jeremiah Higgins. Present from the Sheriff's office were Sheriff Tom Nestor, Undersheriff Gordon Nall, and Captain Michael Yowell.

Chairman Stone reminded the audience that they should keep comments to three minutes each, and Mr. Kimble read from the Colorado Revised Statutes and Lincoln County procedures.

Stu McFarland stated the reason that they wanted the road in question vacated was to get it off the GPS systems because there is nothing at the end of the road but pasture. He had also spoken with neighbors.

Paul Martin stated that he is not affected by this land but does have landlocked land and wanted to know how this decision would affect him and the rest of the county.

Stephen Monks stated that in 1895 the Federal government gave to the State that all county section lines are open. In 1917, the State of Colorado gave the counties the same policies that all county section lines are to remain open. At that time, Lincoln County was part of Elbert County.

Dale Bode asked why all the fences are not moved back thirty feet if a person can drive down each section line because all county section lines are open. Mr. Monks said that there is a Road Order which is followed. He added that the counties are responsible for the damages on any county roads.

Ralph Brent stated that he does use the road in question and wanted to know who has called the commissioners.

There was concern about whether fire trucks and emergency equipment could still go down the road if it were vacated. There was also concern about hunters just driving up and down section lines.

Matthew Brent wanted to know how much it would cost to get the road back to a county road, and Wanda Brent asked if a "Dead End" sign would work. Mr. Burgess stated that four signs were ordered.

Jeremiah Higgins asked who would be liable if the road were vacated and there is an accident. Undersheriff Nall said that the driver is liable.

Mr. Burgess made a motion to rescind the Board's prior action as it related to proposed Resolution #946; a Resolution Vacating Portions of County Road 39; to deny the Schriber application for vacating a portion of County Road 39; and to put up signs indicating that the road is a dead end. Mr. Schiffers seconded the motion, which carried unanimously.

The public meeting ended at 1:35 p.m. and the commissioners returned to the board room, where a conversation about the Economic Development Incentive Application from Lincoln Hospitality, LLC, was discussed. Mr. Burgess made a motion to deny the application for incentive. Mr. Schiffers seconded the motion, which carried unanimously.

The Board discussed the pending vacancy of the Public Health Director's position and asked Mr. Ensign to call Lincoln County Hospital Administrator Kevin Stansbury to discuss sharing a position.

While waiting for Mr. Stansbury to come to the meeting, the commissioners discussed the landfill and their concerns with compliance. Mr. Ensign submitted the groundwater permit, which must be filed electronically now. The Board expressed concerns about the cost for CDPHE approved closure of Cell 2 with the new requirements and decided to have Mark McMullen draft a letter for an extension for closure of Cell 2 and submission of the EDOP to the health department. They agreed to wait and see what happens once the state receives the extension request letter.

The commissioners discussed the potential improvements at the Lincoln County Fairgrounds for animal housing. They are considering a building approximately 80' by 100' that would be constructed south of the pig barn. They will be checking with different companies to see what would work the best.

The Board reviewed the proposed agreement with LC Derby Club for the vehicle demolition derby to be held at the 2017 county fair. The commissioners noted that it always brings a good crowd. Mr. Burgess made a motion to accept the agreement as presented with the date changes for 2017. Mr. Schiffers seconded the motion, which carried unanimously.

Kevin Stansbury arrived to discuss the hospital and Public Health sharing duties in order to become more efficient in both offices, particularly due to the pending retirement of the director at the end of June and another employee reducing hours. Both entities will do more

research to see what can be done, if anything. Mr. Stansbury stated that Denver Health and Denver Public Health share duties and work together, and he assured the commissioners that there is an opportunity to share duties.

After Mr. Stansbury left, the commissioners reviewed the proposed job descriptions for the Emergency Communications Coordinator and the director for the Office of Emergency Management. They were concerned who would be Incident Command if there was a county emergency, the OEM or the sheriff. They agreed the job description looked good as presented.

Mr. Burgess reported that he attended the Ports-to-Plains conference June 12-14. He also attended Energy Ag meetings. He received many complaint calls on Hwy 63 but added that he had seen where Hwy 63 and Hwy 109 were being patched. He attended the Baby Bear Hugs meeting on June 15 and also looked at roads that same day. All the commissioners went to check the road in question of being vacated. He went to the fairgrounds to talk about the building on June 16, and later that evening, he attended the Limon Planning meeting.

Mr. Schifferns reported that he checked roads on June 9. He attended a transportation meeting on June 12 and checked roads again on June 14. He received many calls on June 17 about the road being vacated and then went out and checked roads again.

Mr. Stone attended the transportation meeting on June 12 and the Colorado East Community Action meeting on June 13. He picked up an air compressor on June 14. He, too, went to the fairgrounds on June 16 to discuss the proposed building. His district started chip sealing on June 26.

Mr. Kimble stated that he would write a letter to Mr. Linnebur about cleaning up around his place.

Mr. Ensign stated that Tim Andersen with the Tourism Board needs another contract signed as well as another \$750.00 for lighting and speakers so that they can leave them up for the next day. The company needs the final payment of \$3,232.50 for the concert. Mr. Burgess made a motion to sign the agreement for the additional amount for lighting and sound. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Ensign also provided a copy of the eligibility requirements for employees to be covered by the county's current health care insurance plan.

There was no old business. As for new business, the commissioner meeting scheduled for July 7 was moved to July 10, since Mr. Kimble could not make it on the former date.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 29, 2017.

Wendy Pottorff, Acting Clerk to the Board

Doug Stone, Chairman