

Board of County Commissioners of Lincoln County  
Agenda for March 16, 2018

9:00 Call to order and Pledge of Allegiance

9:00 Conference call with Jennifer Kovarik from the Colorado Center for Community Development, to review plans regarding a new building at the Lincoln County Fairgrounds

10:00 Kevin Stansbury, Lincoln Community Hospital CEO, to present a monthly update for the Lincoln Community Hospital

11:00 Andy Lorensen, Lincoln County Coroner, to discuss matters regarding the Lincoln County Pension Plan

11:30 Trey James, Lincoln County Land Use Administrator, to report on the March 13, 2018, Land Use Board meeting

1. Approve the minutes from the March 7, 2018 meeting
2. Review the February, 2018, 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 the February, 2018 report from the County Clerk and Recorder
4. Review the February, 2018 reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. Review a termination letter for United Retirement Plan Consultants
6. Review and act upon a proposed administrative contract from CompuSys of Colorado, to act as Lincoln County's third party administrator for the Lincoln County Pension Plan
7. County Commissioner Reports
8. County Attorney's Report
9. County Administrator's Report
10. Old business
11. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 16, 2018. Those attending were Chairman Doug Stone, Commissioners Ed Schifferns and Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and asked Travis Taylor, who was there for the 9:00 a.m. conference call, to lead the Pledge of Allegiance. Gene Vick was also there for the 9:00 a.m. call.

Before placing the call to Jennifer Kovarik with the Colorado Center for Community Development to review plans regarding a new building at the fairgrounds, Mr. Stone said he'd like to discuss what they had received. He felt the plans she had sent were not what they wanted and suggested bypassing CU Denver and merely requesting bids. Mr. Burgess had talked to Bart O'Dwyer who said it would be cost prohibitive to follow the plans that were received, due mainly to the rooflines. Mr. Taylor felt the plans didn't offer enough versatility, nor was the building designed for the purposes needed. He asked if it would save money to use asphalt instead of concrete for the hog pens, but Mr. Burgess told him the former doesn't hold up as well and there isn't much of a difference in cost any more. Mr. Taylor said as long as they plan to spend that much money, they should get it right the first time.

Mr. Piper spoke up to say that the MOU with CU Denver does state that there wouldn't be an additional charge if the county requested changes to the plans, and he felt they might just want to have them redone if the changes were minimal.

Gene Vick had an idea to put the new show barn on the north side of the Ellis Allen building in the existing parking lot and tear all of the old buildings down, using that area for parking. They could bevel the new location for drainage, and wouldn't have to worry about power poles or any existing utilities in the ground.

Mr. Taylor said they had been worried about the existing wash rack and the waste that goes through, but he and John Palmer decided they could use a screen system and take care of most of it. He felt they could figure out something to make it work.

Mr. Piper called Ms. Kovarik who said that she had Jason with her for the discussion. Mr. Stone explained that the design was not what the group expected and said the request was for a clear-span building with wings, not a double roof line. Jason stated that the model could undoubtedly be changed to make it a clear-span structure, but they had discussed that the layout wouldn't fit in the existing area without moving the road. Mr. Taylor said their design doesn't work with the way the animal traffic will have to flow and asked him to draft a plan that didn't include moving the wash rack and scales. Ms. Kovarik said they would revise the drawings, and Mr. Burgess asked for an additional set of plans where the barn would set east of the Ellis Allen building. Mr. Stone asked for a simple, 80' or 100' wide building with two 35' wings. Mr. Burgess said they should go to 120' or even 150' and that in either scenario the building should be situated running east and west.

Ms. Kovarik said that Jason would provide two new sets of plans by the end of the following week.

Mr. Taylor commended Mr. Piper for some work he'd done for him on the annual fiscal report. He also informed the Board that they would need to start replacing tables and chairs in the Ellis Allen building, but if they budget for several each year, the cost wouldn't be as bad. The Tourism Board has agreed to give \$1,500 in day money for the Saturday rodeo in hopes of bringing more participants to that show.

At 10:00 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to give a monthly update. He had nothing new to report on the food service contract, and they continue to have an ongoing problem with Centennial Mental Health. Since the hospital took over transports of mental health patients, CMH is now refusing to pay for them if they haven't assessed the patient first. Mr. Stansbury admitted that 2017 was not a good year for the hospital financially, but they are fixing the outstanding accounts payable, cash receivable and billing issues. Dr. Brianna Fox will start soon but may only see new patients, and they continue with other provider recruiting efforts. They are considering expanding the hours of the Flagler clinic to five days a week, and are still extremely interested in purchasing a mobile clinic. Doing so would give them insight into the areas they serve before building a full clinic there. It would cost around \$130,000 to buy a mobile unit, so Mr. Stansbury said the clinic would have to operate continuously to reap a benefit. It is still the intention to acquire Carla's, and local investors are willing to buy the real estate and lease it back to the hospital. However, another buyer may be interested in acquiring Carla's at this time.

Mr. Stansbury also reported that the hospital is inviting non-board members and employees to join their three board committees as there are people who may be useful on individual committees. They have a long-range planning committee that they felt Lucas Hohl's input would benefit, as well as a financial committee that they are interested in appointing Ty Ament to. Mr. Stansbury didn't believe the hospital had ever declared itself as an enterprise, so they are working with an attorney in that regard. Mr. Kimble stated that he'd never seen any paperwork and added that being classified as an enterprise can be done through a simple ordinance. Being declared as an enterprise is strictly done for tax purposes. Lastly, Mr. Stansbury addressed several recent complaints, stating that the ER has cut down on narcotic administration because hospitals just aren't doing that anymore. He felt LCH does an excellent job of managing chronic pain for patients. National protocols exist when it comes to dispensing antibiotics at the hospital as well, which don't work on a virus. The problem with antibiotics, he said, is that people are building up a resistance to them, so it gets harder to treat a patient's symptoms.

Mr. Burgess made a motion to approve the minutes of the meeting held on March 7, 2018, as submitted. Mr. Schiffers seconded the motion, which carried unanimously.

The Board reviewed the February 2018 Statements 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 February 2018 reports from the County Clerk, the Colorado Counties Casualty and Property Pool, and the County Workers' Compensation Pool.

At 11:00 a.m., Lincoln County Coroner Andy Lorensen met with the Board to discuss the county pension plan. He was aware of a prior discussion in which the commissioners denied benefits to the coroner and stated he would appreciate reconsideration for the retirement portion, as that was his interest. He added that Colorado statute doesn't reflect that the coroner is not entitled to benefits, nor did he believe they should consider the position as part-time since he is on call 24-7.

Mr. Piper explained that the pension plan explicitly states that an employee must work 1,820 hours in a year to be full-time, and the county has to file a report of employees enrolled in the benefit. He informed the Board that a full-time employee contributes 3.25% to the plan on a monthly basis, and the county contributes 3.50% to the fund to cover any liability. If the Board were to grant Mr. Lorensen's request, the plan document would have to be changed to allow for the exception; otherwise, they would have to determine that the coroner position is a full-time position. If the commissioners want to change the number of hours required for a full-time employee, the plan would need re-written. Steve Rickels, who originally wrote the plan, charges \$440 per hour and would probably be the person who would have to re-write it. Mr. Piper wasn't sure if the plan would still be legal if the county re-wrote it. Mr. Kimble commented that pension plan attorneys are specialized and felt he would be unable to assist with re-writing the plan. Mr. Piper said the Board would need to decide if they want to consider the coroner as a full-time position, and making that determination could open up the eligibility for all benefits.

Mr. Lorensen asked if there is a statutory declaration that the coroner is part-time. Mr. Kimble responded that there is not because many large counties have full-time coroners. In his opinion, the salary is the basis for the part-time consideration, found in 30-2-102, C.R.S. If the coroner position were full-time in Category V counties, the coroner would receive the same salary as other elected officials.

Mr. Schifferns said he felt that Mr. Lorensen knew what the position was when he ran for office and that he accepted it the way it was at that time. Mr. Lorensen agreed but said it didn't mean they couldn't change it going forward. Mr. Kimble stated that the law does not require the commissioners to make an exception for him, but they could if they wanted to.

Mr. Burgess made a motion to table further discussion until March 29, to give the commissioners more time to look into the situation. Mr. Schifferns seconded the motion, which carried unanimously.

Land Use Administrator Trey James met with the Board at 11:30 a.m. to report on the March 13, 2018, Land Use Board meeting. The vote at the meeting was unanimous to accept the proposed Hugo Fire Protection District Service Plan as presented.

Mr. James reported that the Olivas got building permits but that he couldn't find any regulations about having more than one home on thirty-five acres. They are violating the zoning resolution because they didn't obtain permits. Mr. James wanted to know the Board's feeling on how he should proceed: fine them \$250 for each permit, or make them go through the zoning process, even though they already have three residences on the property. The commissioners agreed they should go through the proper zoning regulations.

Mr. James said he had a couple of phone calls from residents who want to "live off the grid," meaning building homes with no electricity. He cannot issue a Certificate of Occupancy without a residence passing an electrical inspection, so he told them that he didn't care what they used but that some form of power was required.

Mr. Kimble stated that Eric Howard did not respond regarding the complaint on his mobile home, so he will go ahead and get an Order of Abatement. He will let Mr. Howard know the county has the Order, but if he can give a solid idea of when he will move the trailer, the county will consider not filing the Order. Mr. Kimble also informed the group that the Patels would not object to the county's cost to clean up their property. He recorded the Notice of Pending Abatement Order and will contact County Treasurer Jim Covington to put it on the tax rolls as soon as he can.

Mr. James stated that he'd had complaints regarding the smell of marijuana coming from neighbors' residences. The places comply with regulations, and he spoke with Sheriff Nestor who told him there is nothing he can do. He commented that there might be letters coming requesting that the county adopt an odor ordinance. Mr. Kimble said there is such a thing as a private nuisance that the neighbors could get an injunction for if the problem isn't considered a public nuisance. Since they also claim that trash is blowing onto their property, Mr. James told the parties that they would have to provide a written nuisance complaint. Mr. Kimble stated that anyone can go to the court and say their neighbor is bothering them, but that there is a limit to what government can do.

Mr. Burgess made a motion to sign a termination letter to United Retirement Plan Consultants. Mr. Schiffers seconded the motion, which carried unanimously. Mr. Piper said he'd finally spoken with Steve Ahn who told him that he thought they could get the remaining seven employees' paperwork processed by the end of March. Another employee offered to be the first to allow Compusys to handle their paperwork.

The Board reviewed a proposed administrative contract from Compusys of Colorado, Inc. to act as Lincoln County's third-party administrator for the county pension plan. Mr. Piper said they revised Section H to reflect a turnaround time of thirty days once they receive all necessary payroll documentation. They also have a sixty-day cancellation clause.

Mr. Schiffers made a motion to sign the proposed administrative contract with Compusys of Colorado, Inc. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Piper added that he got Compusys up-to-date to where the old company was and he will send them the 2017 information. Mr. Burgess wanted to know if Compusys would issue the checks to retirees who receive the monthly payment, but Mr. Piper said he could continue to do it.

Mr. Schifferns reported attending a central committee meeting on March 12, the fair board meeting on March 13, and the Republican County Assembly on March 15.

Mr. Burgess reported attending the COG meeting on March 7 and the Centennial Mental Health meeting in Fort Morgan on March 8. There was a short in the District Two MACK truck, so they also took it to Denver that day. He attended the Baby Bear Hugs meeting by phone on March 12 and reported they got their truck back. It seems to be working okay. He talked to Bruce Walters on March 13, and they agreed to crack seal by the landfill. He added that the commissioners needed to decide what to do with the new cell and asked if they should have Mark McMullen come out again to discuss it. Although it is expensive to have him come out, Mr. Schifferns said they also don't want to do anything wrong. Mr. Burgess said his district started crack-sealing on March 14, and Districts One and Two each decided to buy a \$12,000 mower. He attended the Forfeiture Committee meeting the morning of March 15 and also took a call from Randy Younger who would like to haul a burned trailer to the landfill. It has been done before, and Mr. Burgess talked to landfill manager Mick Jaques who said it was okay as long as someone tears it apart for proper disposal. The sheriff is planning to rent a building from Mark Hayes in Genoa for the Command Post. Mr. Burgess said they discussed building a 30' x 40' x 12' building, but it would cost \$15,000. At \$100 per month, they agreed it would be cheaper to rent than build a new structure.

Mr. Stone reported attending the Colorado East Community Action Agency and fair board meetings on March 13. The MACK truck broke down in District Three, so they had a mechanic come out on the Thirteenth and Fourteenth to repair it. He attended the Republican County Assembly on March 15.

Mr. Kimble provided copies of an email from attorney Emily Powell and the Amended and Restated Service Plan for the Limon Fire Protection District. He said that amendments are allowed if they are "of basic or essential nature." If there are significant modifications requested, the commissioners have to approve those changes. Many districts are amending their plans due to dramatic changes regarding emergency services over the years, and Mr. Kimble stated that they are merely fundamental alterations in the request from Ms. Powell. It will require a letter of approval either from Mr. Kimble or the Board, not a resolution, and Mr. Kimble said the commissioners could review it and decide on a course of action at their March 30 meeting.

Mr. Kimble sent a letter to Xcel Energy concerning the county's definition of "normal wear-and-tear." Although he did get an email from Jerry Kelly regarding Mortensen trucks hauling on undesignated routes, he made no mention of whether or not they would prefer the county invoice them for the fines. Mr. Kimble suggested sending an invoice if he doesn't hear

something by March 26. He added that the county's leverage is the bond, which has to be released when the project is complete.

Mr. Piper had nothing to report, and there was no old business to discuss. Mr. Stone called for new business, and Ms. Lengel stated she'd met with Town of Limon Administrator Dave Stone, James Martin, Chief Lynn Yowell, and Caleb Thornton with the Secretary of State's office regarding placing a ballot drop-box at the town hall in Limon. They hope to use it for the primary election on June 26.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on March 29, 2018.

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Corinne M. Lengel, Clerk to the Board

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Doug Stone, Chairman