

Board of County Commissioners of Lincoln County  
Agenda for January 31, 2018

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Review and act upon proposed Resolution Number 982; A Resolution authorizing a Supplementary Budget Appropriation for the Lincoln County Public Health Agency Fund
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Jodi Mohan, Lincoln County Janitor, to meet with the Board of County Commissioners for an annual review
- 11:00 Ken Stroud, Lincoln County Emergency Management Director, to present an acceptance of County plans as well as provide updates on grants
- 11:30 Fred Lundy, Land Use Administrator, to discuss land use matters
1. Approve the minutes from the January 30, 2019 meeting
  2. Review and act upon proposed Resolution Number 981; A Resolution Creating a Census 2020 Complete Count Committee for Lincoln County
  3. Discuss an appointment for the 18<sup>th</sup> Judicial District Juvenile Services Planning Committee
  4. County Commissioner reports
  5. County Attorney's report
  6. County Administrator's report
  7. Old business
  8. New business
  9. Approve additional payroll and expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 31, 2019. The following attended: Chairman Ed E. Schifferns, Commissioners Steve Burgess and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Juliet Lundy with the Eastern Colorado Plainsman/Limon Leader attended until 12:30 p.m.

Chairman Schifferns called the meeting to order and asked Mrs. Lengel to lead the Pledge of Allegiance.

Mr. Burgess and Mr. Piper both submitted corrections to the previous day's minutes via email; one a typo and the other a clarification in the lighting proposal. Mr. Burgess made a motion to approve the minutes from the meeting held on January 30, 2019, as corrected. Mr. Stone seconded the motion, which carried unanimously.

Dustin Senger, a Partnership Specialist with the U.S. Census Bureau, met with Mr. Piper and asked that the county create a 2020 Census Count Committee that would meet quarterly to promote the 2020 Census throughout the county. They asked Economic Development Corporation Executive Director Troy McCue to run the committee, and he agreed to be the chairman. James Martin also said he'd be involved. Mr. Senger wanted a county commissioner to be the chairman, but Mr. Piper said they'd agreed that Mr. McCue would be a more neutral party. Accurate Census numbers are significant because the county could potentially miss out on numerous benefits and opportunities if the numbers are incorrect. Mr. Schifferns said he planned to attend the first meeting, which is March 5.

Mr. Stone made a motion to adopt a resolution creating a Census 2020 Complete Count Committee for Lincoln County. 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 January 31, 2019, there were present:

Ed E. Schifferns, Chairman	Present
Steve Burgess, Vice Chairman	Present
Doug Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #981** It was moved by Commissioner Burgess and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, April 1, 2020 is Census Day for the United States of America pursuant to Article 1, Section 2 of the U.S. Constitution; and

**WHEREAS,** An accurate census is essential for the allocation of representatives with the legislative bodies of the U.S. House of Representatives, the Colorado State Legislature and within Lincoln County voting districts; and

**WHEREAS,** Correct apportionment of Federal dollars for health, education, transportation, child and elder care, emergency preparation and response, public and social support programs of all kinds depends on complete and accurate age, population and other ethnic and demographic information gathered every ten years; and

**WHEREAS,** Accurate census information is critical to planning for future growth, development and social needs of Lincoln County.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that Lincoln County does hereby desire to create the Census 2020 Complete Count Committee for the purpose of planning and conducting local initiatives and promotional activities to increase community participation in the 2020 Census.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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Clerk of the Board

Mr. Burgess made a motion to reappoint Andy Lorensen and Kristi Grothe to the 18<sup>th</sup> Judicial District Juvenile Planning Committee. Mr. Stone seconded the motion, which carried unanimously.

Steve Hodges with Titan LED Lighting Solutions stopped in at 9:15 a.m. He'd separated the project into three different contracts as requested, commenting that the total would be even lower because he'd forgotten about the freight. They will ship everything at once rather than in three shipments, so there will be one freight charge of \$5,233.96. The total cost of the project is roughly \$141,615. Mr. Hodges said to remember that although the county would pay the full price of \$144,648.08 up front, there would be a 2% rebate given to the county immediately following completion. Also, Ron Pittmann agreed to discount the labor by 2% as well. Mr. Hodges will submit the paperwork for the Tri-State rebates to George Ehlers at K.C. Electric, and

it should take about three weeks for the county to receive the reimbursement. He added that he'd set up a schedule with John Mohan and Sheriff Nestor to cause the least amount of disturbance as possible. Once they receive the shipment, they will check everything for damages, load the lights into trailers, and bring them out. He asked for a space in one of the A-frame buildings to work out of when they start transferring the old lights out, but he will discuss that with Mr. Mohan. The entire project should be complete by April 1. Mr. Hodges said that their electricians are not allowed to submit Change Orders; once the price is accepted, that is the price that they honor. He went on to say that the lights for the jail are designed explicitly for prisons and jails so that inmates cannot use them as weapons or pull them down.

Mr. Burgess asked if they would work after hours or on weekends, and Mr. Hodges said they could do whatever the commissioners wanted, but that if they are on site after-hours, they would need a responsible party there with them. He and Mr. Pittmann both oversee high-security areas, but in less vulnerable offices, someone from the county, such as Mr. Mohan could be on site. Mr. Piper asked Mr. Hodges to attend the department head meeting on February 7, which he agreed to do.

Mr. Schifferns said it appeared to be a good, long-term investment, and Mr. Burgess asked if Mr. Hodges addressed the light out at the front of the courthouse. Mr. Hodges asked if they required a six-inch or eight-inch hole in the concrete for the pole, and Mr. Burgess said he'd prefer 8". Mr. Hodges said they had coring tools so they would just take care of it.

Mr. Burgess made a motion to approve the three order forms with Titan LED Lighting Solutions for replacement lighting in the courthouse complex; including the courts and jail, for \$144,648.08. Mr. Stone seconded the motion, which carried unanimously.

Regarding the fairgrounds, Mr. Hodges will contact John Palmer later today and go out and look at the building. The commissioners would like to request bids for the electrical work, which Mr. Hodges said was not a problem. He will give the same 25% discount for that project as he did the courthouse. The group discussed putting a spotlight inside the building in case they ever want to use it for bands or concerts, and Mr. Hodges said that Mr. Pittmann would take some photographs and then they would make some suggestions. Bid specifications and power needs were also topics of discussion as well as a timeframe for completion. Mr. Hodges said they could have the product here by March 18, but he will put together some figures and bring them to the next board meeting on February 6. Lastly, he stated that Mr. Pittmann has no issues with another electrician completing the job, but they would both be onsite to train that person and make sure that they understand how the LED products work.

Mr. Hodges left to correct the quotes to reflect the shipping cost, and Mr. Stone made a motion to adopt a resolution authorizing a Supplemental Budget Appropriation for the Lincoln County Public Health Agency Fund. 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 January 31, 2019, there were present:

Ed E. Schifferns, Chairman	Present
Steve Burgess, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

**RESOLUTION #982** It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, C.R.S. §29-1-109(1)(b) allows supplementary budget appropriations by the governing body when unanticipated revenues not assured at the time of the adoption of the budget are received from any source other than the local government’s property tax mill levy; and

**WHEREAS**, Lincoln County Public Health received funds of \$47,082.42 in unanticipated operating revenues which were used to pay \$47,082.42 in general operating expenses; and

**WHEREAS**, Lincoln County Public Health has unappropriated fund balances and sufficient cash to meet its expenses; and

**WHEREAS**, this income was not anticipated at the time of the preparation of the 2018 budget; and

**WHEREAS**, whatever increases were made in the expenditures, like increases were added to the revenue so the budget remains in balance as required by law.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, that \$47,082.42 be appropriated into the 2018 Lincoln County Public Health Agency Fund budget;

**BE IT FURTHER RESOLVED** that the 2018 Lincoln County Public Health Agency Fund budget be increased by \$47,082.42, thus making the total Lincoln County Public Health Agency Fund \$379,082.42.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Corinne M. Lengel, Clerk to the Board

At 10:00 a.m., Human Services Director Patricia Phillips met with the Board to give her monthly report. While the commissioners reviewed financial statements, time sheets, and the Income Maintenance, Child Welfare, and Director's reports, Mrs. Phillips told them that her office processed twice as many Child Welfare referrals this month as usual. She also asked if the Board reappointed Linda Messer as the representative on the Citizen's Review Panel, which they did.

Steve Hodges returned with the updated Order Forms for the lighting project, and Mr. Schifferns signed them.

At 10:30 a.m., Mr. Burgess made a motion to go into executive session, per 24-6-402 (4) (f) (I), C.R.S., to discuss personnel matters. Mr. Stone seconded the motion, which carried unanimously. Those remaining for the session were Mr. Schifferns, Mr. Burgess, Mr. Stone, Mr. Piper, Mr. Kimble, and Jodi Mohan. Mr. Piper recorded the executive session, and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

Mr. Stone made a motion to resume the regular session of the meeting at 11:08 a.m. Mr. Burgess seconded the motion, which carried unanimously.

Emergency Manager Ken Stroud met with the Board at that time to present an Acceptance of County Plans, as well as to provide updates on grants. Mr. Stroud gave each commissioner a thumb drive containing the Lincoln County Continuity of Operations Plan, the Lincoln County Emergency Operations Plan, the Lincoln County Thira Plan, and the Lincoln County Recovery Plan and asked that the Board sign the letter of acknowledgment for the file.

Mr. Stroud commented that he and Sheriff Nestor reviewed the Annual Operation Plan with the fire protection districts, which would also need commissioner acknowledgment. There were no changes except for names and phone numbers of personnel.

After making a trip out to the tower that houses the county's paging system with the sheriff, Mr. Stroud said they both felt it would be good to repurchase it if at all possible. The building does need repainting, but there are no leaks or infrastructure issues that they could see. The county does hold a renewable lease that expires in 2021. A section of aluminum on the roof needs replaced and the roof resealed, and the fascia needs work, but other than that, it's in

reasonably good shape. Mr. Kimble said he would contact Mauna Towers and let them know that the building requires some repairs and ask if they want to take care of that as the lessor or would prefer to sell the tower back to the county. Since the county's primary emergency center for information and communication are open to the elements in the building, it could become a severe issue.

Mr. Burgess made a motion to approve the 2019 Lincoln County Annual Operating Plan between the County and the Colorado Division of Fire Prevention and Control. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stroud mentioned upcoming training that he would attend in Burlington, including pipeline training that Mr. Burgess gave him information about and ICS400.

Mr. Kimble said that he and Mr. Stroud are working on putting together an OEM manual, but so far he hasn't received much information. Mr. Stroud has a meeting on February 5 and will bring it up to the other county emergency managers who attend. Mr. Schiffers had asked him for a matrix-type guideline for county employees to use concerning the chain of command in emergencies. He found an old emergency operations plan for the courthouse and said he might be able to use it as a template and update it.

Mr. Piper said that he, Mr. Stroud, and Captain Michael Yowell planned to attend entry-level PIO class at some point.

At 11:30 a.m., Land Use Administrator Fred Lundy met with the Board to discuss land use matters. After some research on the county's ordinance adopted in 2013 prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores within the unincorporated boundaries of Lincoln County, Mr. Lundy learned that Section 2 (1) excludes industrial hemp. The Land Use office has issued permits for greenhouses but so far has had no other dealings with the product.

Regarding the Cheyenne Ridge wind energy project, the Land Use Board will hold a meeting on February 21 for approval of the transmission lines. The plan is to tie into the Rush Creek project off of County Road 2W. Mr. Lundy said there were no problems and he would recommend approval unless someone presents a compelling argument against it. Mr. Burgess asked if Cheyenne Ridge would enter into a Road Agreement with the county as other companies had done. Chris Monks would like for the parties of the agreement to be the county and Xcel Energy since they will be the ones using the county roads. John Lupo will run it by their attorneys. Mr. Burgess felt they also needed to add the stipulation that the roads would be returned to their original state within a specified timeframe once the project was complete. Mr. Kimble asked if the clock would start when the company removed their equipment, and Mr. Burgess said that would be fine. Mr. Kimble said he could add language to the Road Agreement that would cover that.

Mr. Schifferns wanted to know what routes they would use, and Mr. Lundy told him it could be four or five county roads; part of County Road 46, County Road 2J, and County Road 2K, but he wasn't sure which others because they hadn't designated a specific route yet. There were three separate proposals, but all three used some of the same roads. Mr. Lundy also said that the route chosen would dictate how much use tax the county could collect. He hasn't received any written objections. Mr. Kimble put in that according to state statute, they do not have to notify mineral owners so if approved, the estimated start of the project would be sometime in June.

Discussion turned to the issue of lenders requiring landowners who want to build a home to split off five acres (or less) of their property for the note and Deed of Trust. If a landowner wants to sell a parcel of property that is less than 35 acres they must seek an exemption from subdivision regulations; however, they argue that they are not selling the acreage, nor is it a subdivision since they still own the 35 acres. Mr. Kimble received responses to his question from the Logan and Cheyenne County attorneys, both who agreed that the county was within its right to require a subdivision exemption. The Logan County attorney commented that lenders seem to want the dwelling separated from the farmland, possibly because if the borrower defaults on the house loan, the lender wouldn't have to wait for the long period of redemption allowed for farm ground in default. It could also free the farmland of any homestead exemption that could be claimed for the house. He felt that splitting off acreage for a home site would create a legally distinct parcel; therefore requiring county approval through the subdivision exemption process. The property could be sold as a separate parcel, and if foreclosed on, could be purchased by an independent party, so it wouldn't matter if the current landowner owned the adjacent farmland.

The Cheyenne County attorney added that the bank could take a Deed of Trust on a smaller parcel only if the parcel were created first. He would inform the landowner that they would either have to create a parcel of at least 35 acres or subdivide and get the required exemption.

Mr. Lundy left, and Mr. Schifferns called for commissioner reports.

Mr. Burgess attended CCI on January 18 where they discussed legislation. They poured sixty-one yards of concrete for the center pad of the new fair building on January 21, as well as seven and a half yards at the landfill for the new scales. Chris Monks also picked up the new MACK truck that day. Dave Hubbard contacted him on January 22 about Baby Bear Hugs meeting in the Eastern Colorado Bank. It also snowed on January 22, so District 2 plowed snow on the Twenty-third. Mr. Burgess attended the Economic Development meeting, went by the fairgrounds to check on the progress of the new building, met with John Mohan about the lighting project, and checked roads. On January 24, Mr. Burgess put together landfill prices and also called the hospital about a pending trip to Washington, D.C. Apparently, representatives from seven rural hospitals plan to lobby there. He rechecked the fairgrounds on January 25, as well as gave Ken Stroud information regarding the pipeline training in Burlington. District 2 tried to haul gravel, but it was too cold. They poured an additional fifty-two yards of cement at the fairgrounds on January 27. Mr. Burgess contacted Joe Linnebur about cleaning up and

burning his wood piles before the next snowstorm. On the Twenty-eighth, Mr. Burgess talked with Steve Hodges about the lighting projects, and also spoke to Mark McMullen who told him HC Engineering would come out on February 1 to dig test holes at the landfill. They will determine if the county needs more cover on Cell 2. Mr. McMullen talked to Landfill Manager Mick Jaques on January 29 and said they'd need to decide if the cost was worth putting in the liner. Linda Hoover called Mr. Burgess about recycling cardboard, and he passed the information along to her. Lastly, Mr. Burgess reported that Structures Unlimited started erecting the building at the fairgrounds.

Mr. Stone reported stopping by the county shop and checking roads on January 18. He went to Limon and ordered the panels for the fairgrounds on January 21, and also stopped by and checked on the progress of the new building. District 3 had snow and wind on January 22, so he and Rick Ashcraft checked roads on the Twenty-third. CAT also came out to do updates on the new grader. They had more snow on January 24, and Mr. Stone also received calls about the hospital regarding their poor billing practices and the rumored trip to Washington D.C. Mr. Stone stopped by the fairgrounds on January 29, and after the meeting yesterday, he went to Limon to get the final quote on the panels from Big R.

Mr. Schifferns reported talking with Ken Stroud on January 18 and asking him for a list of emergency chain-of-command steps that they could post in the courthouse somewhere. He checked roads and the fairgrounds on January 21 and agreed to close the courthouse due to the weather on January 22. He got a call from Mr. Burgess on January 23 about the passing of a county employee and also talked with Chris Monks about needing some gravel on the cemetery road south of Arriba. Mr. Schifferns called Southeast & East Central Recycling about recycling cardboard on January 29 and checked on the fairgrounds building again on January 30.

Mr. Kimble reported that there was a Case Management Order conference on the Bode/Brent case and their attorneys will have until July 19 to submit Discovery. At that point, there will be a pretrial conference where the judge will set a trial date. Mr. Kimble said trial probably wouldn't start until next winter. The county is involved in the case because of the 1902 Order that states counties can declare roads on section lines. The County Road Policy acknowledges the Order but also claims that the county has no enforcement policy regarding section lines as county roads. Mr. Kimble said that if the commissioners were still comfortable with that, he would continue to hold that position and added that it might become a costly venture for both parties.

Mr. Kimble asked if the commissioners would allow him to represent the town of Limon for two or three weeks as they work on negotiations with the Limon Area Fire Protection District regarding their respective ambulance services. He didn't believe there would be a conflict with his position as county attorney but said if something came up, he'd inform the Board. He felt it would be worth getting the problem settled, and he wanted to help if he could.

Mr. Kimble said he wasn't sure if either the bank or hospital signed the Tri-Party Supplemental Agreement but that he felt they should. The commissioners approved the document and signed it on January 17.

Mr. Burgess asked about allowing Colorado Parks and Wildlife to close County Road 34.2, and Mr. Kimble said that the commissioners would probably have more complaints than not if they tried to close it. He suggested they keep it open, and if CPW claims they have the authority to close it, they can deal with it then.

Mr. Piper had nothing to report, so Mr. Schifferns called for old business. Mr. Stone provided prices on the fairgrounds panels; \$43,754.63 for the pre-fort panels and \$15,492.55 for the WW panels. The delivery will occur in March or April. Mr. Piper said that the Conservation Trust Fund website was down, but he'd have a more accurate balance of what is in the county's fund at the next meeting. The group looked over the electrical bid documents that Mr. Burgess drafted and then approved a few additional expense vouchers.

At 12:46 p.m., Mr. Schifferns adjourned the meeting until 9:00 a.m. on February 6, 2019.

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Corinne M. Lengel, Clerk to the Board

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Ed E. Schifferns, Chairman