

Board of County Commissioners of Lincoln County
Agenda for June 19, 2019

9:00 Call to order and Pledge of Allegiance

10:00 Parker Newbanks to present an annual update for the Lincoln County Veterans Office

10:30 Chris Monks, Road and Bridge District One Road Foreman, to discuss equipment at the Lincoln County Landfill

1. Approve the minutes from the June 7, 2019 meeting
2. Review the employee time sheet for Landfill Manager Mickey Jaques
3. Review the May, 2019, reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
4. Review the May, 2019, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
5. County Commissioner reports
6. County Attorney's report
7. County Administrator's report
8. Old Business
9. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 19, 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 as well.

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

Mr. Burgess made a motion to approve the minutes from the meeting held on June 7, 2019, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed Landfill Manager Mickey Jaques' time sheet, the May 2019 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer, and the May 2019 reports from the Colorado Counties Casualty and Property and County Workers' Compensation Pools. Mr. Piper said the county received payment for the sheriff's vehicle claim, and he also filed an incident report regarding the drivers' license customer who tripped and fell in the courthouse parking lot.

Mr. Schifferns called for commissioner reports, and Mr. Burgess said he'd dropped off the signal light in Flagler on June 8 so that Jim Shideler could work on it. He took a call from Roxie Devers on June 9; someone wanted to use a metal detector around the roundhouse. Mr. Burgess told her it wouldn't be an issue, and he got a text message on June 12 from the party asking if there were any areas where he could not use his metal detector. Mr. Burgess told him that the land north of the roundhouse belonged to the UP, but that he would be okay using it on the property east, west, and south of the building. Mr. Burgess reported going by the landfill on June 10. He also checked some roads. Christine Schinzel asked Mr. Burgess who to contact regarding leave time since there is currently no department head at the Extension Office to approve time off. Mr. Burgess told her to let Mr. Piper know. Mr. Burgess also reported that Mr. Schifferns called because the town of Arriba asked for some road millings, so they hauled three loads in for them. On June 11, Mr. Burgess met with Carlos Leonard at the fairgrounds to discuss drainage issues. He also received information concerning guardrail problems on County Road 33 and talked to Land Use Administrator Fred Lundy about putting millings in pits. Mr. Lundy said they could do so temporarily. Mr. Burgess attended the annual Baby Bear Hugs get-together on June 12 and the Centennial Mental Health meeting in Cheyenne Wells on June 13. He thanked Bob Johnson for allowing the county to use the stockpile area and told him they might need it again before the project was complete. Bruce Walters ordered a new Ford pickup at the same price as the other districts, and it will be in sometime in October or November. Mr. Burgess attended the Mountain View meeting in Monument on June 13 as well. Mr. Burgess received a call from a resident on June 14 who wanted some mowing done in the Arriba area so they will do it on Monday. He also checked roads that day. On June 17, Mr. Burgess, Mr. Stone, and Carlos Leonard worked on the rip-rap at the fairgrounds. Coming back from picking up parts in Burlington, he noticed four trucks associated with the new wind energy project using County Road 109 as a haul route when they weren't supposed to be. He contacted Chris Monks, and they agreed to impose the same \$500 fine as they had with Mortensen

Construction. They had anywhere from two-to-five inches of rain north of Arriba on June 17, so they started working on road damage later in the day on the Eighteenth and put up “Road Closed” signs on the roads with low water crossings. The road crew also worked on patching asphalt on County Road 63. Mr. Burgess attended the Economic Development meeting earlier this morning. The organization is changing its bylaws to increase the number of board members from nine to twenty.

Mr. Stone reported checking roads with Rick Ashcraft on June 10 to determine where to start chip-sealing, which they will begin on Monday. He attended the Economic Development meeting the morning of June 11 and the Colorado East Community Action Agency meeting later that afternoon where he mentioned the complaints the commissioners received regarding the food bank. They assured him the problems were taken care of. Mr. Stone met with Rick Ashcraft on June 12 to discuss the HDR Engineering Essential Repair Finding Memo regarding bridges in District 3. Mr. Stone said the inspection indicated that they should replace all railings, but he didn’t know if it should be with metal, wood, or a different type of material. Mr. Burgess commented that if they wanted them to comply with state standards, they would have to put in regular guardrails, which would be quite costly. Mr. Stone said that most bridges have the lower rails so that people can get farming equipment across them, so they discussed putting in culverts instead, which would also be expensive. The letter from HDR recommended replacing the rails within ninety days, and Mr. Stone asked what would happen if they didn’t do it. Mr. Burgess said the state could possibly withhold highway user funds. Mr. Stone continued with his report, stating that he’d stopped by the county shop on June 13 and also checked roads south of Karval. He attended the Rodeo Bible Camp on June 14 and reported that they had used the new show barn for the goat-tying. He received several positive comments about the building, but John Palmer told him he’d gotten a few negative remarks as well. The majority felt that the commissioners should have enclosed at least one side of the barn. Mr. Stone went by the fairgrounds on June 17 to help Mr. Burgess and Carlos Leonard with the drainage. They got quite a bit of rain that day and night, so he and Rick checked roads on June 18. There were several areas where the water went over the roads, but they were relatively easy to fix. That evening, Chris Monks called him about a party in Hugo who planned to call the governor about the county’s roads. Later, they determined that the gentleman lived in the town limits and had contacted town maintenance about his issue as well. When he got no satisfaction there, he decided it was the county’s problem and threatened to call the governor. No one had heard anything further.

Mr. Schifferns reported talking with Chris Monks on June 11. They suspended the I-70 project due to another equipment breakdown. Linda Hoover with Limon Housing Authority called him on June 12 to ask how the commissioners determine real estate taxes. Mr. Schifferns told her to call the assessor. He checked roads on June 13 and again on June 17 after the area received almost three inches of rain in places. He and Mr. Burgess discussed the rain and road issues on June 18, and they also made arrangements for District 2 to pick up some cement that the town of Arriba wanted to get rid of.

Mr. Kimble asked if the commissioners had seen the road that Robert Breault complained about in previous meetings. When they told him they had not, he encouraged them to watch the video taken by the sheriff's deputy, stating that the sheriff felt there wasn't an issue since the three gates were unlocked. The road does not appear to be on a section line as it meanders around, sometimes several feet from existing fence lines. Mr. Kimble said it would be very difficult for the county to make people border the road with fences. He went on to say that Mr. Lundy's letter, although it seemed to upset a few people, was merely a means of reminding residents that the road is a county road and to keep it open. Mr. Kimble thanked the Board for allowing him to attend the County Attorney conference, stating that as usual, it was extremely beneficial. He wanted to know if the commissioners listened to what the La Plata County attorney had to say about landfills and the recent legislation, but the Board told him their regional meeting wouldn't have included La Plata County. Mr. Kimble said they created a coalition of eleven counties (of which Lincoln is one) to determine what CDPHE would do. The department of health seemed to think that the primary purpose commissioners had was to protect groundwater, and La Plata County has already spent millions of dollars trying to comply with the state landfill regulations. The attorney felt that CDPHE would be back during the next legislative session and wanted everyone to be prepared. Mr. Kimble received an email from the attorneys representing the county in the Hubbard case. A judge will rule on the Summary Judgement this month. Mr. Kimble hasn't gotten a Road Use Agreement for the Bronco Plains Energy Transmission project yet and said he would speak with Mr. Lundy about it. Lastly, Mr. Kimble informed the Board he'd sent another letter to the party who had filled the creek with debris and other rubbish. The commissioners asked him to remove the trash almost two years ago, but he never did it. Mr. Kimble felt that it would be a good time to burn the trees since there had been so much moisture recently. He still hadn't heard anything back from the bond attorney regarding Karval Water Users.

Mr. Schifferns asked for an update on the Brent and Bode property dispute, and Mr. Kimble said that Brents planned to file a motion for the court to determine what the 1885 Order meant. Mr. Kimble has until Friday to file a response, but he said that the Order was for the county's benefit to create a county road system. Once that was done, the Order was no longer necessary, which was sometime in the 1950s.

At 10:00 a.m., Veterans' Service Officer Parker Newbanks, Jr. met with the Board to provide his annual report. The Board had no questions and thanked Mr. Newbanks for his work serving veterans.

District One Road Foreman Chris Monks met with the commissioners at 10:30 a.m. to discuss the compactor at the landfill. He provided a letter from John Rowe with Wagner Equipment Company outlining the problems and subsequent repairs to the machinery and the offer to extend the warranty until December 16, 2020, excluding travel time. Mr. Monks said he was reluctant to pay the \$35,000 repair bill when landfill employees reported that the machine was still making the same noise, adding that the county had already put quite a bit of money into it. Mr. Piper called the landfill so that the commissioners could speak with Mick Jaques and Allen Chubbuck. Both agreed that the noise was much better since Wagner put in the additive and

shims on the front turning cylinders, but also said they did still hear it periodically. Mr. Burgess asked if the air conditioning worked since that had also been one of the main problems, and Mick said it worked very well. In Mr. Rowe's letter, he mentioned that the new differential would need time to "break in," and as often as the landfill employees used the compactor, it would probably take a while. The commissioners suggested that they run it as much as possible to see if it improved.

Mr. Schiffers felt the county should withhold a portion of the \$35,000 payment until they were satisfied that Wagner had fixed the machine, but Mr. Burgess wasn't sure they could. Mr. Monks said they'd had a lot of problems with Wagner over the past couple of years, not just with the compactor but with various other pieces of equipment. Mr. Burgess suggested paying \$25,000 and withholding \$10,000, and Mr. Kimble said the company might consider it a breach of contract. Mr. Monks suggested asking them for another year on the warranty and paying the full amount, and the commissioners asked him to contact Mr. Rowe to see if that was acceptable. Mr. Kimble commented that it appeared the county had reasonable grounds based on the machine's performance.

The group briefly discussed the HDR Engineering bridge report, and Mr. Burgess said he'd speak to Travis Miller with CDOT. Mr. Stone commented that the county needed to know what the expectations were to fix it as they didn't want to have to do it twice.

Mr. Piper reported that he'd sent the ad for the new landfill rates to the newspaper and it would run for two weeks. He also said that they'd gotten the check from Daniels Electric straightened out through the Treasurer's office. The department heads met the previous day to discuss the number of magnetic lock requests for their offices, and the total amount was fifteen, which included four in the courts. Sheriff Nestor was going to ask them to pay for their own, as well as the labor to install them. The sheriff also said he'd like to see an LED light above each door that indicated if it were locked or not, which would help law enforcement when clearing the building. Mr. Piper asked if the commissioners wanted to ask for electrical bids, adding that the items weren't part of the 2019 budget. There is \$285,000 available in the Capital Projects fund, and Mr. Burgess said that based on the cost to do the Clerk's office, they would need roughly \$25,000. The commissioners suggested that Mr. Piper order the magnetic locks and hardware, and when they arrive, the Board could do a walk-through with interested electricians.

Mr. Piper also reported receiving information from American Fidelity, which would potentially replace the AFLAC and PayFlex cafeteria plans currently used by county employees. Mr. Piper presented the proposal at the department head meeting the previous day, but the group agreed that they were happy with what they had. Mr. Piper said the benefit of the new company was that they would administer the café plan for free; whereas, the current plan costs the county \$100 per month. After some discussion, Mr. Piper said he didn't think it was worth the change and the Board agreed to keep the current benefits as is.

Mr. Schifferns called for old business, and Mr. Burgess said he could borrow the core drill from CDOT any time so that they could put the post in front of the courthouse to protect the entrance from someone driving into the building.

The Board also discussed the recent incident with the accessible parking area and agreed to move the parking spaces across the lot to the east side and to install a handrail at the portion of the curb that the customer tripped over.

Mr. Schifferns asked if there were any updates regarding the sale of county vehicles. Mr. Burgess said that the shop now has the old blue pickup that the hospital had for a while to add to the list. Undersheriff Nall said they should have their vehicles ready in a week or so.

Mrs. Lengel provided an invoice for \$3,744 from Dave Dobbs to replace the cabinets in the clerk's office kitchen and driver examiner's office. Mr. Burgess said he'd seen Mr. Dobbs who told him he'd work on it over the weekend.

Mr. Kimble said he'd received a message and the party told him he would remove the debris from the creek bed as soon as possible. Mr. Kimble gave him thirty days.

With no further business to come before the Board, Mr. Schifferns adjourned the meeting at 12:25 p.m.

Corinne M. Lengel, Clerk to the Board

Ed E. Schifferns, Chairman