

Board of County Commissioners of Lincoln County  
Agenda for October 31, 2019

- 9:00 Call to order and Pledge of Allegiance
  - 9:30 Kevin Saffer and Sandra Collie to request for exemptions from the provisions of the Lincoln County Subdivision Regulations
  - 10:00 Rick Ashcraft, District 3 Road Foreman, to discuss a potential road use agreement
  - 10:30 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
  - 11:00 Jobeth Mills, Public Health Director, to present the September 2019 Public Health Agency's monthly report
  - 11:30 Gillian Laycock, Town of Hugo Board Member, to discuss the OEDIT Rural Jumpstart program
  - 1:00 Mike Whalen with the Colorado Retirement Association to discuss the Lincoln County 457 Retirement Plan
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- 1. Approve the minutes from the October 30, 2019 meeting
  - 2. Review and act upon Resolution Number 997, a request for the renewal of the ambulance service license for the Tri-County Fire Protection District
  - 3. Review options regarding adjusting the payment schedule for the Karval Water Users
  - 4. County Commissioner reports
  - 5. County Attorney's report
  - 6. County Administrator's report
  - 7. Old business
  - 8. New business
  - 9. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 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 and Limon Leader attended until 11:30 a.m., and John Mohan attended until Dan Hendricks arrived at 9:30 a.m.

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

Mr. Burgess said he'd talked with Dan Hendricks after the meeting the day before and asked him to stop in and visit with John Mohan about replacing the carpet in the courts and hallways.

Land Use Administrator Fred Lundy arrived shortly after 9:00 and stayed through the discussion at 10:00 a.m.

Mr. Burgess made a motion to approve the minutes from the meeting held on October 30, 2019, as submitted. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone made a motion to adopt a resolution approving the annual ambulance service license renewal for the Tri-County Fire Protection District. 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 October 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 #997** It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

**WHEREAS**, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

**WHEREAS**, the Tri-County Fire Protection District has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulance as a basic life support vehicle; and

**WHEREAS**, upon review the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the Tri-County Fire Protection District is hereby authorized to provide ambulance service in Lincoln County with a basic life support ambulance.

Upon roll call the vote was:

Commissioner Schiffers, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Clerk of the Board

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Mr. Piper provided copies of a proposal adjusting the payment schedule for the Karval Water Users loan. He explained that he included the \$4,386.50 for the media they'd recently added, bringing the total amount due to \$8,272. After reviewing several options of repayment, the commissioners agreed to five equal annual installments. Mr. Burgess made a motion to adjust the Karval Water Users' yearly loan payments to \$1,654.40, beginning in 2020. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess reported that he went by the Genoa shop on October 21. He and Bruce Walters discussed equipment needs for 2020. On October 22, Mr. Burgess ordered an air dryer for the landfill's air compressor. He also went by the landfill and talked to Mick Jaques about building a wall and expanding the office so they could keep the tire changing machine and air compressor from freezing. Afterward, he went to Hugo for the Colorado Opinion for Health Care Coverage meeting that hospital CEO Kevin Stansbury invited the commissioners to attend. Mike Conway, with the Insurance Commission Division, presented information regarding changing the Medicare reimbursement rate and other cost savings plans in the insurance industry. The contractor was doing some work at the roundhouse when Mr. Burgess stopped by later that day. He wanted to know if the electric company pulled the line. Mr. Burgess went to KC Electric and found out the line was still active, and Spectrum could hook up to it if they wanted to. On October 23, Mr. Burgess picked up the air dryer and took it to the landfill. He learned

there is a noise in the back end of the compactor again. They also discussed how to close off the area for the tire machine and air compressor. Mr. Burgess asked Mr. Piper to schedule a time that the commissioners could tour the Conex containers with John Mohan. After discussing it with Bruce Walters on October 24, Mr. Burgess said they ordered a new Mack truck for next year. They also toured roads. Chris Monks called to tell him that A & E wanted to get gravel locally. He wondered if they needed a road use agreement.

On October 28, Mr. Burgess went to the hospital to sign a support letter to adjust Medicare rates. He contacted the Colorado Retirement Association regarding an employee borrowing against their 457 accounts and learned that the county doesn't allow it as part of the plan. Mr. Burgess went to Genoa on October 29 and looked at trailers and then stopped by the landfill. Mr. Piper called him about allowing out-of-town staff to leave early because of the weather, which was okay with him. He also stopped by CDOT and asked them to let the county know when they had their pre-con for the State Road 71 project. After the meeting on October 30, Mr. Burgess went by the hospital to talk with Kevin Stansbury. He also asked Robert at Hugo Lumber for ideas on how to enclose the area at the landfill. Lastly, Mr. Burgess saw Dan Hendricks and asked him to stop in the commissioner meeting the following day.

Mr. Stone reported talking with Rick Ashcraft about the A & E Road agreement on October 22. He went by the shop on October 24, and he and Mr. Ashcraft discussed trading for a new road grader. He also checked roads south and east of Karval. They had between one and two inches of snow in District 3 on October 28, and it snowed again on the Twenty-ninth. Mr. Stone spoke with Mr. Piper about the best way to contact him regarding courthouse closures. He then talked to Mr. Ashcraft about sending the road crew home and having them come in early the next morning to start plowing snow. On October 30, Mr. Ashcraft told Mr. Stone that it snowed more on the western side of the county, and there were areas that they would need to plow. Mr. Stone stopped by the shop after the commissioner meeting the previous day and learned that John Rowe, with CAT, provided his road foreman with a quote for a road grader. Mr. Rowe said they wouldn't deliver it until April or May.

Mr. Schifferns reported talking with Chris Monks on October 21 about cleaning out the roundhouse. He checked roads on October 23 and took a call on October 28 that the Arriba overpass needed some work done to it. Mr. Schifferns left a message for Travis Miller, who later called him back. Mr. Schifferns explained the problem, and Mr. Miller fixed the overpass the following day. On October 29, Mr. Schifferns spoke with Mr. Piper about the weather and possibly closing the courthouse, and on October 30, he told Travis Miller that the merging lanes off of westbound I-70 at Arriba were too short.

Mr. Kimble reported that he'd drafted a letter to Spectrum General Contractors since Ms. Devers hadn't received the proper paperwork from them. After he sent the letter, Ms. Devers informed him they did send everything she needed.

The commissioners asked Mr. Kimble to check into whether or not the county would need to create a community corrections board and a program to help released inmates find gainful employment. He felt that the statute makes it sound discretionary, not obligatory. Mr. Kimble participated in a phone conference with eight other eastern region attorneys regarding oil and gas regulations and the new Act. He said the Front Range had issues for quite some time, but Weld and Larimer counties are trying to convince the Oil & Gas Commission that they know what's best for their areas. They will discuss it more at the attorney conference next month. Mr. Kimble felt the county would have to put something in place regarding oil and gas regulations and that there was no way around it. Staying amenable to production would be the key, since the county depends on the income from property taxes, unlike the Front Range.

Lastly, Mr. Kimble said that Elbert County adopted a hemp ordinance and asked the commissioners if they wanted him to read it. Land Use Administrator Fred Lundy spoke up to say that there has been quite a bit of interest in the community regarding hemp.

At 9:30 a.m., Kevin Saffer and Jim Collie met with the Board to discuss exemptions from subdivision regulations. Mr. Lundy said he had no concerns with either of the parcels in question; neither limited access or created inaccessible plots of land, and there were no changes to the utilities.

Mr. Stone made a motion to adopt a resolution granting an exemption from subdivision regulations on a parcel of land in the north half of Section 22, Township 9 South, Range 53 West for Kevin Saffer. 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 October 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 #995** It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, application has been made by Kevin Saffer for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

A parcel of property located in the North half of Section 22, Township 9 South, Range 53 West of the 6<sup>th</sup> Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Beginning at the East 1/4 – Corner of said Section 22 and considering the East line of said Section 22 to bear North 00° 00' 00" East; Thence South 89° 54' 21" West along the South Line of the North Half of said Section 22, a distance of 1694.13 feet; Thence North 00° 00' 00" East, a distance of 688.04 feet; Thence North 89° 54' 31" East, a distance of 692.90 feet; Thence North 16° 14' 14" East, a distance 366.93 feet; Thence North 89° 31' 40" East, a distance of 898.66 feet to a point on the East line of said Section 22; Thence South 00° 00' 00" West along the East line of said Section 22, a distance of 1046.06 feet to the point of beginning, said parcel containing 34.5 Acres more or less.

Said tract of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

**WHEREAS**, the request for this exemption did not include a request for a change of use of the property; and

**WHEREAS**, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the parcel as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

**BE IT FURTHER RESOLVED** that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Schiffers, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Burgess made a motion to adopt a resolution granting an exemption from subdivision regulations on a parcel of land in the north half of Section 16, Township 9 South, Range 56 West for Sandra Collie. Mr. Stone 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 October 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 #996** It was moved by Commissioner Burgess and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, application has been made by Sandra Collie for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

A parcel of property located in the North half of Section 16, Township 9 South, Range 56 West of the 6<sup>th</sup> Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Commencing at the North West corner of said Section 16 and considering the West line of said Section 16 to bear South 00° 17' 45" East; Thence South 89° 21' 36" East, a distance of 1876.20 feet; Thence South 01° 36' 13" East, a distance of 1499.86 feet to the point of beginning;

Thence North 88° 29' 39" East, a distance of 50.61 feet; Thence South 01° 26' 28" East, a distance of 53.18 feet; Thence North 88° 25' 37" East, a distance of 448.99 feet; Thence North 01° 33' 56" West, a distance of 450.12 feet; Thence South 88° 24' 39" West, a distance of 255.10 feet; Thence North 01° 33' 47" West, a distance of 353.90 feet; Thence North 88° 25' 10" East, a distance of 394.91 feet; Thence South 05° 12' 45" East, a distance of 295.16 feet; Thence North 85° 07' 51" East, a distance of 310.79 feet; Thence South 37° 14' 37" East, a distance of 117.02 feet; Thence South 36° 36' 18" East, a distance of 21.70 feet; Thence South 05° 23' 56" East, a distance of 275.81 feet; Thence South 02° 06' 42" East, a distance of 1054.90 feet; Thence South 41° 59' 57" East, a distance of 188.14 feet to a point on the North right of way line of State Highway 40; Thence South 68° 54' 00" West along said North right of way line, a distance of 173.99 feet; Thence South 89° 52' 45" West, a distance of 142.10 feet to a point on the Northerly right of way line of Interstate 70; Thence North 64° 24' 45" West along said

Northerly right of way line, a distance of 1003.70 feet; Thence North 01° 36' 13" West a distance of 708.42 feet to the point of beginning, said parcel containing 32.69 acres, more or less.

Said tract of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

**WHEREAS**, the request for this exemption did not include a request for a change of use of the property; and

**WHEREAS**, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the parcel as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

**BE IT FURTHER RESOLVED** that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner Schiffers, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

At 10:00 a.m., Rick Ashcraft and Chris Monks met with the Board to discuss a potential road use agreement with ATS Construction for State Highway Project: STA 0711-018. Mr. Ashcraft said that the company wanted to use half a mile of County Road 19 in District 3 and a mile of County Road 2K in District 1. He told them they wouldn't be allowed to use any county roads other

than those two. Mr. Stone asked about imposing fines if they didn't follow instructions. Mr. Lundy said he would put together a road use agreement for them using the standard format, which included a fee of \$500 for each instance of noncompliance. The company plans to begin work in March of 2020, but they would start hauling materials and setting up their plant before that. Mr. Burgess and Mr. Schiffers felt that they should require a water truck to keep the dust down, but Mr. Lundy said there is a paragraph in the agreement that addresses dust control. He asked if they should require the million-dollar performance bond or if they wanted to adjust the amount. Mr. Ashcraft felt it should be lower, and the group agreed on \$250,000. Chris Monks asked if they should require a permit before they build the plant, which might guarantee the company signed the road use agreement. Mr. Lundy said a development permit would have to go before the Land Use Board, and he wasn't sure there would be enough time to get everything done before ATS started work. He added that a development permit gives a permanent change of use permissions, but this case would only be a temporary change of use.

Rick Ashcraft asked why the county didn't require road use agreements for oil and gas development. Mr. Kimble said the commissioners planned to start working on oil and gas regulations, so they could include that requirement when they did so. Chris Monks suggested that the Board reinstate the hazmat routes in the county as well. At one time, they could dictate routes for hauling hazardous materials, but for some reason, the designation went away. He said he'd asked the hazmat troopers with CSP, and they told him they couldn't enforce anything because the county didn't have designated routes.

At 10:00 a.m., Robert Kraxberger, with the Department of Human Services, met with the Board in place of Director Patricia Phillips to give the monthly report. He provided the commissioners with the September financial report and employee timesheets but had nothing else to report.

Public Health Director Jobeth Mills met with the Board at 11:00 a.m. to give her report for October. She also answered several questions from the commissioners regarding shingles and flu shots.

Town of Hugo board member Gillian Laycock arrived for her appointment at 11:15 a.m. She presented information regarding the OEDIT Rural Jump-Start Zone program, stating that the program manager, Ken Jensen, offered to meet with the town board to educate them further. The program, based on Senate Bill 15-282, is a tax relief program for new businesses and new hires who locate into certain designated areas called Jump-Start zones. Relief from state income taxes, state sales and use tax, and county and municipal business personal property tax are some of the benefits to new businesses. Relief from state income tax for the employee is also an advantage of the program. Institutes of Higher Education, counties, municipalities, businesses, and employees all combine efforts to make the program a success. IHE's play a key role because every business that applies must do so through an IHE, who must also endorse them. To participate in the program, the EDC must designate a county as economically distressed, after which the county must pass a resolution to offer tax relief. Several Colorado counties have formed Rural Jump-Start zones, including two in the eastern region; Logan and Prowers. Mrs. Laycock came to the commissioners to see if there would be interest from the

county in learning more. She stated that a business would have to be a brand new industry or technology with no statewide competition before being allowed into the program. The Board agreed to hold a joint meeting with the Hugo town board and Mr. Jensen sometime after the first of the year.

Mr. Piper reported that he'd contacted county auditor Ronny Farmer about the question the commissioners had regarding a county employee in one position working part-time at another county job. Mr. Farmer said that several businesses do so, but that it could potentially cause the county to pay retirement contributions for up to three years retroactively. The Board agreed to have Mr. Piper speak with the janitor to see if she would have time to complete the duties currently handled by another county employee.

There was no old or new business to discuss, so the Board adjourned for lunch at 11:53 a.m.

When the meeting reconvened at 1:00 p.m., the Board conducted a conference call with Mike Whalen from the Colorado Retirement Association. Finance Director Andrea Hendricks attended the meeting during the call.

Mr. Whalen explained that the county's plan has a provision to allow loans, but it is up to the commissioners to decide whether or not they enable employees that privilege. IRS regulations drive the content of most of the program, but if the county chose to develop a loan policy, it could do that as well. For instance, the maximum loan amount an employee could take from their fund would be \$50,000, which is an IRS regulation. The minimum loan is \$2,500, which could be part of the county's policy. Since CRA is a 457 plan, the employee is fully vested right away. Should the county decide to turn on the ROTH option, any ROTH money wouldn't be part of a loan calculation. The general loan program has no restrictions, but Mr. Whalen encouraged the commissioners to add some if they chose to allow the option. Restrictions might include: allowing only one loan or refinance per twelve-month period, permitting one refinance for the life of the loan, or adding a \$50,000 or 50% of vested balance restriction.

For a Balance Reduction Loan, the employee would fill out the loan application and get a loan quote from the record-keeper who verified the assets. The record-keeper would then determine what payroll deductions would repay the loan, process the paperwork, and cut the check to the employee. At that time, the employee's account balance would decrease by the full loan amount. The employee would then be required to start paying back the loan through their paycheck within a couple of months. Mr. Whalen said that loan payments don't count toward annual contribution limits. The payroll deduction would run through the life of the loan or until the employee refinanced it, or until they paid it off outside of payroll.

Mr. Piper asked what would happen if the employee quit before paying off the loan. Mr. Whalen explained that the full amount was due at the time the person left employment.

Mr. Piper also asked if an employee could take an early withdrawal of their account, but Mr. Whalen responded that there are only a couple of ways a person could make an in-service

withdrawal. If the employee rolled their money from another source, such as an IRA, they could pull that money at any time. They could also make a de Minimis withdrawal if they had less than \$2,000 in their account or had worked for less than five years. An individual at the age of 70 and ½ could take any amount at any time. According to the IRS, an employee must meet a qualifying event such as disability, death, or separation from employment before they could access their money in a 457 account. Mr. Whalen added that the employee would also have to pay back interest, which is the prime rate plus one percent. The plan offers a general-purpose loan, which has no strings and must be paid off within five years, or a primary residence loan, which must be used to purchase a primary residence. The term of the latter is fifteen years.

Mr. Burgess commented that he felt many employees were unaware of the stipulations on their 457 accounts, and Mr. Whalen said that CRA could do a plan review and educational piece for the employees if the commissioners wanted them to. Mr. Burgess asked what they would have to do to add the loan option. Mr. Whalen said they would have to fill out the Change to Participation Agreement and attach a loan policy and any restrictions. He said that if they intended to change it, they should do so at the beginning of a pay period.

Lastly, Mr. Whalen said there is an in-service withdrawal option within the plan for unforeseeable circumstances. Those include uncovered medical, pending foreclosure or loss of primary residence, or burial costs for a dependent. The Board thanked Mr. Whalen for his time and clarification.

Mrs. Lengel commented that they first needed to see if the new accounting system could handle another payroll deduction for loan repayment. She felt that it should, but there would be no point in moving forward if it couldn't.

With no further business to come before the Board, Mr. Schiffers adjourned the meeting at 1:40 p.m. The next meeting will be at 9:00 a.m. on November 8, 2019.

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Corinne M. Lengel, Clerk to the Board

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Ed E. Schiffers, Chairman