

Board of County Commissioners of Lincoln County
Agenda for November 27, 2019

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Ronny Farmer LLC, to review the 2018 Lincoln County Audited Financial Statements
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Jobeth Mills, Public Health Director, to present the October 2019 Public Health Agency's monthly report
- 11:00 Robin Halley, CSU Extension Director, to discuss personnel matters

1. Approve the minutes from the November 18, 2019 meeting
2. Approve payroll and expense vouchers
3. Review the monthly management report from the First National Bank of Omaha
4. Review and act upon Resolution Number 998, a resolution concerning wolf management in Colorado
5. Discuss meeting dates for 2020
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old Business
10. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 27, 2019. The following attended: Chairman Ed E. Schifferns (until 1:53 p.m.), Commissioners Steve Burgess and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Vice-chairman Burgess called the meeting to order and asked County Auditor Ronny Farmer to lead the Pledge of Allegiance.

The Board approved the November payroll until Mr. Schifferns arrived at 9:10 a.m.

Mr. Farmer reviewed the 2018 Lincoln County Audited Financial Statements, stating that Mr. Piper submitted the paperwork to the State Auditor by the September 30 deadline. He commented that if the county were to miss that deadline, the commissioners wouldn't be able to request a two-month extension from the state auditor's office the following year. Mr. Farmer hoped that the hospital would be timelier with its submissions in the future, which would alleviate cutting it so closely.

Mr. Farmer briefly discussed the county's retirement plan and Net Pension Liability, informing the Board that the latter was not a legal requirement for the audit. Reflecting the liability in the financial statements basically puts the county "upside-down" by \$3.3 million. He added that the actuary didn't cover the deferred cash-in flow or deferred cash-out flow, so the county's answer to a question by the state auditor if asked, would be that the actuary didn't include the information in the audit. Mr. Farmer also said that the fund balance should be one-third of the expenditures, and the county is in excellent financial condition. The General Fund has enough cash to operate for eighteen months. The Road & Bridge Fund could function for eight months, with no income. In his years performing audits for Lincoln County, Mr. Farmer said the county has always done a good job with budgeting.

Mr. Piper asked if the fund balance were still too high in the Public Health Fund. Mr. Farmer responded that the county would be better off to lower the mill levy as much as possible or do away with it altogether. He stated that they didn't have to have a mill levy to support the fund, as they could transfer money from the General Fund to prop it up if necessary.

Mr. Kimble asked about the GASB concerns Mr. Farmer had when he'd met with the Board previously, but Mr. Farmer said they were no longer issues.

All leases will have to be capitalized in 2021, so Mr. Farmer suggested that small equipment leases such as copiers or the postage machine were immaterial and better left undisclosed at that point. Since the county doesn't lease heavy equipment, capitalizing shouldn't be a problem.

Before leaving, Mr. Farmer said he had no other concerns with the 2018 audit. He left a letter of responsibilities and an engagement letter for future services.

Mr. Stone made a motion to approve an engagement letter with rfarmer, LLC, to perform audits for the next three years. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess made a motion to approve the minutes from the meeting held on November 18, 2019, as submitted. Mr. Schifferns seconded the motion, which carried.

The Board reviewed the monthly management report from the First National Bank of Omaha.

At 10:00 a.m., Human Services Director Patricia Phillips met with the Board to give her monthly report. The commissioners reviewed the financials, employee timesheets, and the Income Maintenance, Child Welfare, and director's reports. Mrs. Phillips said it was also time to sign the annual Merit System Certification.

Mr. Burgess made a motion to approve the CDHS Certification of Compliance – Year 2020 County Personnel and Merit System. Mr. Stone seconded the motion, which carried unanimously.

At 10:30 a.m., Public Health Director Jobeth Mills met with the Board to give her monthly report. She asked if anyone knew about the Mobile Medication-Assisted Treatment (MAT) unit, and then explained that it was a state-funded mobile behavioral health project. Since there hadn't been much information about it, Mrs. Mills said he wanted to hold a stakeholder meeting sometime in January.

After Mrs. Mills left, Mr. Burgess made a motion to adopt a resolution concerning wolf management in Colorado. 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 November 27, 2019, there were present:

Ed 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 #998 It was moved by Commissioner Burgess and seconded by Commissioner Stone to adopt the following resolution:

A RESOLUTION CONCERNING WOLF MANAGEMENT IN COLORADO

WHEREAS, Lincoln County residents and visitors enjoy abundant outdoor recreational opportunities, especially viewing, photographing and hunting Colorado’s big game; and

WHEREAS, these outdoor recreational activities and livestock production are two of the primary components of the Colorado economy, and are a major contributor to the economic and social wellbeing of Lincoln County; and

WHEREAS, predation by wolves of wildlife and domestic livestock is a serious problem that Colorado shouldn’t invite, encourage or accept; and

WHEREAS, in addition to the negative economic and social impacts of wolf reintroduction, wolves pose a danger to the physical health of household pets and people due to predation and the transmission of diseases; and

WHEREAS, ongoing private efforts to reintroduce wolves into Colorado are unnecessary based upon the scientific input from the federal and state agencies tasked with managing wildlife populations; and

WHEREAS, the Colorado Parks and Wildlife Commission passed Resolution 16-01 opposing the intentional release of any wolves into Colorado

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County:

- A.** The Board opposes any efforts to introduce or expand the populations of wolves into Colorado; and
- B.** The Board supports the position taken by the Colorado Parks and Wildlife in its Resolution 16-01; and
- C.** The Board supports delisting of all wolf species under the Endangered Species Act to allow management of wolves at the state and local levels; and
- D.** The Board requests that any federal or state wolf management plans include funding to offset the negative impacts of wolves on livestock, wildlife management, hunting and other adversely affected sectors of local economies; and
- E.** The Board supports efforts to include a requirement that any publicly funded or sponsored wolf education programs include comprehensive and balanced discussions about the impacts of wolves on local economies, and include the perspective of livestock producers, hunters, and public health officials.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

CSU Extension Director Robin Halley met with the Board at 11:00 a.m. He stated that Bill Noble wanted him to change the Program Assistant to a CSU position, but Mr. Halley felt he could restructure the office enough to alleviate some of the excessive comp time. It would mean splitting duties and responsibilities more, which he didn't think would be a problem. The commissioners told him to see what he could do and to let them know if it didn't work out.

The group discussed meeting dates for 2020, and then Mr. Burgess gave his commissioner report. He attended the Resources Unlimited meeting on November 19 and also spoke with Mary Andersen about the Big Boy train crew. John Mohan put up a temporary fence at the roundhouse. Mr. Burgess had a conversation with Land Use Administrator Fred Lundy about setback requirements for transmission lines and spoke with Bruce Walters about an employee who might have to go on FMLA. Due to their support of the county fair, the Limon Leader/Eastern Colorado Plainsman would like the opportunity to print the fair books in the future. Mr. Stone said the fair board already voted to use the Ranchland News again next year.

On November 20, Mr. Burgess talked with Bruce Walters about the employee not qualifying for FMLA, since he hadn't worked for the county for a year. Chris Monks called him about the 2W project. Mr. Burgess attended the PDC meeting; they've approved a loan for the new bakery in Limon. Elbert County has a new business between Matheson and Simla, where they are making medical supplies. Their goal is to hire 200 employees by their second year of operation.

Mr. Burgess came to the courthouse on November 21 and met with John Mohan, Dan Hendricks, Melody from Hugo Lumber, and the representative from the carpet company. Mr. Burgess and Mr. Piper participated in a conference call regarding the District Attorney's budget on November 22. The increase for Lincoln County would be approximately \$6,000. On November 23, Mr. Burgess picked up the Outback bus. He transported people from Limon to Hugo to the roundhouse on November 24. Mr. Burgess returned the bus on November 25 and also met with other representatives regarding the carpet replacement in the courthouse. He and Mr. Piper listened to the NWS conference call regarding the winter storm coming into the county on Tuesday and discussed putting the facility on a two-hour delay. Mr. Burgess and Bruce Walters also went to Denver to pick up the Mack truck. On November 26, Mr. Burgess worked on the bid specifications for chemicals for the weed department.

Mr. Stone reported checking roads east of Karval on November 11. On the Twelfth, he attended the fair board meeting. There will be changes in weight classes, they set the weigh-in dates, and they've introduced new record books for the 4-H contestants. Two rodeo contractors would like to bid on the 2020 rodeo. Mr. Stone attended a "Stop the Wolf Coalition" meeting on November 13. They asked for the commissioners to support them by signing a letter or adopting a resolution. On November 14, Mr. Stone went with Rick Ashcraft to check the roads where they wanted to put down some millings. A resident called him about extending Leland Street in Karval. He later met with the party but said the county wouldn't do the work. Mr. Stone spoke with Rick Ashcraft on November 19 and stopped by the shop on the Twentieth. On November 22, Mr. Stone checked roads west of State Road 71, and he talked with Mr. Ashcraft again on November 25. They started hauling the millings from Arriba and were preparing for the storm.

Mr. Schifferns reported speaking with a resident about eminent domain on November 20. He talked to Mr. Burgess about the courthouse carpet on November 21, and checked roads on the Twenty-third. Mr. Schifferns went to see the Big Boy train on November 24 and spoke with Chris Monks and Mr. Piper about the impending storm on November 25.

Mr. Kimble reported that the attorneys' conference he attended in Fort Collins was worthwhile. They discussed the Red Flag law going into effect in January, and Mr. Kimble said he would need to work with the sheriff on how to enforce it. The new Oil & Gas Commissioner attended the conference, and Mr. Kimble said he was a former county attorney who wants to give locals more authority. Mr. Kimble felt that the county should still work on adopting oil and gas regulations. Mr. Stone mentioned that there were several concerns with abandonment, and Mr. Kimble agreed, stating that it was difficult to locate some of the old wells.

Mr. Kimble said he spoke with the Sedgwick and Moffat County hospital attorneys. Sedgwick County passed a sales tax, and Moffat County was attempting to get a \$30 million loan. Both hospitals got rid of their CEOs.

Lastly, Mr. Kimble discussed the transmission lines for the NEREO wind farm project, reminding the commissioners that if the company applies, the commissioners' role is quasi-judicial. Mr. Burgess commented that there are no regulations for setbacks in the transmission line regulations, but everyone thought there were. Land Use Administrator Fred Lundy was called in but said the resolution he found did not include setbacks. Mr. Kimble suggested adopting a resolution imposing a moratorium on any applications received concerning Article 3 in the zoning resolution. He stated it would give them time to do further research and allow the Land Use Board to meet if necessary. Mr. Kimble said he would go back to his office and put something together for the commissioners to adopt later in the afternoon.

Mr. Piper gave the administrator's report, stating that he'd researched the hospital mill levy and learned that it dropped from 3 mills to 2.5 in 2004. He asked the Board if they wanted to move it back to 3 mills, which the commissioners agreed to do. After speaking with Ronny Farmer earlier, the Board decided to drop the Public Health budget to a quarter of a mill. Mr.

Piper asked what he should do with the remainder, and the commissioners agreed it should go back to the General Fund.

Mr. Piper asked what the commissioners decided about the Emergency Manager/EPR Coordinator position since Ken Stroud asked them to make the EM position full-time. After some discussion, the Board agreed to leave the job as is: half EPR, half EM.

Mr. Schifferns called for old business, and Mr. Burgess asked what they planned to do for a vehicle. Mr. Stone said after further consideration, he believed they could make do with the van, and the group agreed to table the discussion.

As for new business, Mr. Stone said that someone was putting up a new oil well two miles west of Karval.

The commissioners approved the rest of the November payroll and expenditures and then went to look at the carpet that needed replacing.

At 2:45 p.m., Land Use Administrator Fred Lundy joined the meeting. Mr. Burgess took over as chair, and Mr. Stone made a motion to adopt a resolution imposing a three-month moratorium on the acceptance of applications concerning Article 3 of the Lincoln County Zoning Resolution. Mr. Burgess seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on November 27, 2019, there were present:

Ed Schifferns, Chairman	Absent & Excused
Steve Burgess, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
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 #999 It was moved by Commissioner Stone and seconded by Commissioner Burgess to adopt the following resolution:

A RESOLUTION TO IMPOSE A THREE MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS CONCERNING THE LINCOLN COUNTY ZONING RESOLUTION ARTICLE 3, USE BY SPECIAL REVIEW PROCEDURES, DIVISION 2, APPROVAL STANDARDS AND CRITERIA FOR USES BY SPECIAL REVIEW, SECTION 3-220, ADDITIONAL STANDARDS, H., STANDARDS FOR REGULATION OF THE CONSTRUCTION AND OPERATION OF ELECTRIC TRANSMISSION LINES

WHEREAS, on or about November 8, 2017, the Lincoln County Board of Commissioners did adopt Resolution Number 948, adopting standards for the regulation of the construction and operation of electric transmission lines; and

WHEREAS, Section H,4., Design Standards for Transmission Lines, addressed setbacks applicable as to any new construction of a transmission line; and

WHEREAS, due to concerns raised by local electric utility companies, no setbacks were established as to how far the proposed transmission lines would be from a residence; and

WHEREAS, the Board of Commissioners wishes to explore regulations, or amended regulations, which would protect both the applicant, landowner, and electric utilities;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County:

Section 1. Implementation of Temporary Moratorium on the acceptance and consideration of applications for permits seeking permission to construct an electric transmission line.

Upon the adoption of this resolution, a moratorium shall be enforced for three (3) months from the date of this Resolution, unless sooner rescinded or extended by the Board. The moratorium shall be imposed upon applications submitted under Article 3, Use by Special Review Procedures, Division 2, approval standards and criteria for uses by special review, Section 3-220, additional standards, H. standards for regulation of the construction and operation of electric transmission lines.

Section 2. Effective dates of the moratorium. The moratorium imposed herein shall continue up to and through three (3) months, unless sooner rescinded or unless extended.

Section 3. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium, the County staff and relevant Board committees shall carefully review the possibility of imposing reasonable setbacks concerning the distance between the proposed transmission line and county residences, while also considering the impact such setbacks may have on electric utility companies and the applicant. Such investigations shall be completed promptly and with due diligence. If directed to do so by the Board, the County Attorney and County Staff shall prepare appropriate new regulations with respect to such uses for consideration by the County Land Board and / or the Board of Commissioners.

Section 4. Police Power Finding. The Board of Commissioners hereby finds, determines, and declares that an emergency exists and that this resolution is immediately necessary and proper to provide for the safety, preserve the health,

promote the prosperity, and improve the order, comfort, and convenience of the inhabitants of unincorporated Lincoln County.

Section 5. Authority. The Board of Commissioners hereby finds, determines, and declares that it has the power to adopt this Resolution and temporary moratorium pursuant to: (1) the Local Government Land Use Control Enabling Act, §29-20-101 C.R.S., et seq, and other relevant statutes.

Section 6. Severability. If any section, subsection, or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Corinne M. Lengel, Clerk to the Board

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 2:55 p.m. The next meeting will be at 9:00 a.m. on December 5, 2019.

Corinne M. Lengel, Clerk to the Board

Ed E. Schiffers, Chairman