

Board of County Commissioners of Lincoln County
Agenda for December 12, 2019

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Dusty Johnson, Northeast Area Representative for Congressman Ken Buck, to provide legislative updates
- 10:00 Public Hearing on proposed 2020 Lincoln County Budget
- 1) Proposed Resolution Number 1001; A Resolution to Adopt the 2020 Budget
 - 2) Proposed Resolution Number 1002; A resolution to Appropriate Funds for the 2020 Budget Year
 - 3) Proposed Resolution Number 1003; A Resolution to Certify the Tax Levies for the 2020 Budget Year
- 10:30 Public hearing on Lincoln County Public Trustee 2020 Budget
- 11:00 The Lincoln County E911 board to meet with the Board of County Commissioners as well as a representative from the 911 Resource Center regarding E911 matters
- 12:00 Jeff Belveal with the Department of Wildlife concerning closing a county road
1. Approve the minutes from the December 5, 2019 meeting
 2. Review the employee time sheets for County Administrator Jacob Piper, Land Use Administrator Fred Lundy, Landfill Manager Mickey Jaques, Office of Emergency Management Director Ken Stroud, Public Health Director Jobeth Mills and Weed Coordinator Wayne Shade
 3. Review the November, 2019, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
 4. Review the November, 2019, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
 5. Review and act upon the 2020 pay scales
 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 December 12, 2019. The following attended: Chairman Ed E. Schifferns, Commissioner Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Steve Burgess was absent and excused.

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

Since Mr. Burgess intended to call into the meeting at 10:00 a.m. for the budget adoption hearing, the group discussed the legalities of a commissioner voting via conference call. Mr. Kimble said that nothing in statute prevented it, but it would seem that the Board might want to adopt a resolution allowing such practices beforehand, solely for public perception. Mr. Piper commented that it was a rare issue. Still, if the topic were contentious, the commissioners might decide to table the discussion until they could all attend a meeting together.

Mr. Stone made a motion to approve the minutes from the meeting held on December 5, 2019, as submitted. Mr. Schifferns seconded the motion, which carried.

The Board reviewed the employee timesheets for the administrator, land use administrator, landfill manager, emergency manager, public health director, and weed coordinator.

At 9:30 a.m., Dusty Johnson, Northeast Area Representative for Congressman Ken Buck, met with the Board to provide legislative updates. She commented that the congressman would probably vote against the President's impeachment if it came to that but felt that it would most likely die in the Senate. Congressman Buck's opinion was that the voters should decide who their President should be next November.

A proposed bill to allow automatic citizenship to children born overseas if one or both parents are in the military will be introduced in next year's legislative session. Currently, the law requires those parties to establish citizenship, so the passage of the bill would close the loophole and guarantee that politics don't play a part in the issue.

Ms. Johnson informed the group that President Trump and Nancy Pelosi reached an agreement to replace NAFTA. Lastly, when asked about broadband, she commented that they are still working on it.

County Treasurer Jim Covington joined the meeting at 9:45 a.m., and Commissioner Steve Burgess called in shortly thereafter.

With Mr. Burgess on the phone, the Board discussed the 2020 pay scales. Mr. Piper explained the changes he'd made, such as adding the Victim Advocate and Finance Director positions. He'd also spoken with the janitor, Teena Ludwig, and asked if she wanted to move to a 40-hour

week since she'd be cleaning the annex full-time. She had agreed to think about it, so Mr. Piper added the janitor to both the 35-hour and 40-hour pay scales.

Mr. Burgess made a motion to approve the 2020 pay scales, which prompted Mr. Piper to explain the discussion about adopting a resolution allowing commissioners voting privileges during phone conferences. Mr. Burgess said he understood and withdrew his motion. Mr. Stone made a motion to approve the 2020 pay scales as presented. Mr. Schiffers seconded the motion, which carried.

At 10:00 a.m., the Board conducted a public hearing regarding the proposed 2020 Lincoln County budget. No members of the public attended, other than County Treasurer Jim Covington, and Commissioner Steve Burgess attended via conference call.

Mr. Burgess had a few questions, such as how Mr. Piper determined the decrease in sales tax. Mr. Piper said he looked at the 2018 budget and the figures at six and ten months and then calculated the average the county received each month. The 2020 budget line item actually increased from the 2019 budget. Mr. Piper added that the number was probably low, but he'd erred on the side of caution.

Mr. Burgess also stated that the Road & Bridge fund didn't have any capital leases for 2020, and the commissioners agreed to remove the amount and add it to the Equipment line item. Mr. Piper said it was an easy correction since it wouldn't affect the overall budget amounts. Mr. Piper adjusted the mill levy amounts to the General Fund and Public Health budgets, as previously discussed. A quarter of a mill from each would go to the hospital.

Lastly, Mr. Piper said the budgeted 2020 expenditures are less than the 2019 budgeted numbers because of the new fair building and the fact that the hospital decreased their expenditures by a quarter million.

Mr. Covington asked to comment, stating he was speaking as both the treasurer and a concerned taxpayer. He felt the decision to increase the hospital's mill levy by another half mill made it look like the county was giving the entity more money so it could make its loan payment. He said the commissioners should have extended the loan if they agreed that the hospital employees needed raises. Mr. Covington added that the hospital should have cut costs in other areas if they were determined to give pay increases, and the commissioners might as well just write off the entire loan. Mr. Schiffers said they would reassess the situation the following year, but the Board felt they did what they had to at the time.

Mr. Burgess said he'd learned at the last hospital board meeting that they'd shown a profit of \$98,000 the previous month, which was the first they'd seen in a while.

Mr. Covington asked if they'd looked into forming a hospital district, which was part of the agreement the commissioners made when they agreed to loan the million dollars. He supported spreading the burden of the cost around to other members of the district rather

than making Lincoln County taxpayers carry it all. Mr. Stone asked if he felt the burden to the taxpayers outweighed the benefits of having a hospital. Mr. Covington said he felt there was a need for the hospital, but since it serves far more than just Lincoln County taxpayers, it would be helpful to have others help pay for it. Mr. Kimble commented that the hospital attorney said forming a special district wasn't feasible.

Mr. Burgess said he approved of the budget since Mr. Piper clarified the questions he'd had, so Mr. Stone made a motion to adopt a resolution approving the spending limits for 2020. Mr. Schiffers seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on December 12, 2019, there were present:

Ed Schiffers, Chairman	Present
Steve Burgess, Vice Chairman	Absent & Excused
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 #1001 It was moved by Commissioner Stone and seconded by Commissioner Schiffers to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County, Colorado, has the authority and responsibility pursuant to C.R.S. 29-1-103 to adopt a budget for Lincoln County for the 2020 calendar year; and

WHEREAS, in addition to the above referenced statute, the Board of County Commissioners also recognizes the passage of Amendment 1 to the laws of the State of Colorado on November 3, 1992, and has incorporated its interpretation of such Amendment into the 2019 budget; and

WHEREAS, upon due and proper notice, published in accordance with the law, said proposed budget was open for inspection by the public at a designated place, and a public hearing was held on December 12, 2019, at which time objections of the electors of Lincoln County were considered; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance as required by law;

NOW, THEREFORE BE IT RESOLVED that the following spending limits are adopted for calendar year 2020:

General Fund	\$ 7,211,393
--------------	--------------

Road & Bridge Fund	6,463,211
Human Services Fund	2,877,715
Library Fund	52,989
Contingent Fund	170,666
Conservation Trust Fund	26,000
E911 Fund	119,000
Capital Projects Fund	1,421,000
Landfill Fund	371,086
Lodging Tax Fund	180,000
Public Health Agency Fund	425,436
Hospital Fund	18,449,389
Total	<u>\$37,767,885</u>

BE IT FURTHER RESOLVED that the mill levies established for the following funds are:

General Fund	22.50 mills
General Fund – Mills for hospital	4.00 mills
Road & Bridge Fund	10.50 mills
Human Services Fund	2.00 mills
Library Fund	.25 mill
Capital Projects Fund	4.00 mills
Landfill Fund	1.00 mill
Public Health Agency Fund	.25 mill
Hospital Fund	3.00 mills
Total	<u>47.50 mills</u>
Less Temporary Property Tax Credit	
General Fund	-12.75 mills
Total	<u>34.75 mills</u>

Upon roll call the vote was:

Commissioner Schifferns, 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

Mr. Stone made a motion to adopt a resolution appropriating funds for the 2020 Lincoln County budget. Mr. Schifferns seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on December 12, 2019, there were present:

Ed Schifferns, Chairman	Present
Steve Burgess, Vice Chairman	Absent & Excused
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 #1002 It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County adopted the annual budget in accordance with the local government budget law and the provisions of Amendment 1 on December 12, 2019; and

WHEREAS, the Board of County Commissioners of Lincoln County has made provision therein for revenues in an amount equal to the total proposed expenditures as set forth in said budget; and

WHEREAS, it is not only required by law, but also necessary, to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of Lincoln County;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that the following sums are hereby appropriated for 2020 from the revenue of each fund to each fund:

General Fund	\$ 7,211,393
Road & Bridge Fund	6,463,211
Human Services Fund	2,877,715
Library Fund	52,989
Contingent Fund	170,666

Conservation Trust Fund	26,000
E911 Fund	119,000
Capital Projects Fund	1,421,000
Landfill Fund	371,086
Lodging Tax Fund	180,000
Public Health Agency Fund	425,436
Hospital Fund	18,449,389
Total	<u>\$37,767,885</u>

Upon roll call the vote was:

Commissioner Schifferns, 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

Mr. Stone made a motion to adopt a resolution certifying the mill levies for the 2020 Lincoln County budget. Mr. Schifferns seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on December 12, 2019, there were present:

Ed Schifferns, Chairman	Present
Steve Burgess, Vice Chairman	Absent & Excused
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 #1003 It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

CERTIFICATION OF TAX LEVIES

This is to certify that the tax levy to be assessed upon all property within the limits of Lincoln County, State of Colorado, based on a total assessed valuation of \$170,332,511 for the budget year 2020 as determined and fixed by the Board of County Commissioners, is:

General Operating Expenses:

General Fund	22.50
General Fund – Mills to the hospital	4.00
Road & Bridge Fund	10.50
Human Services Fund	2.00
Library Fund	.25
Contingent Fund	0
Conservation Trust Fund	0
E911 Fund	0
Capital Projects Fund	4.00
Landfill Fund	1.00
Lodging Tax Fund	0
Public Health Agency Fund	.25
Hospital Fund	3.00
Total	<hr/> 47.50 mills
Less Temporary Property Tax Credit – General Fund	- 12.75 mills
Total	<hr/> 34.75 mills

Upon roll call the vote was:

Commissioner Schiffers, 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

At 10:30 a.m., the Board conducted a public hearing for the Lincoln County Public Trustee's 2020 budget. No members of the public attended, except that Emergency Manager Ken Stroud arrived at 10:40 a.m. for the meeting at 11:00.

At 11:00 a.m., Lincoln County E911 board members Jack Cross, Patrick Leonard, Mark McHone, and Diane Kimble met with the Board to discuss E911 matters. Monica Million, co-director with the Colorado 911 Resource Center, Lincoln County Emergency Manager Ken Stroud, and County Sheriff Tom Nestor, also attended the discussion.

Ms. Million explained that the technical uplift for 911 services drove the change in the tariff rate. Nine 911 boards participated in the eighteen-month-long negotiation period with CenturyLink. Moving from the old copper wiring to an emergency services IP network will enable more resiliency. Nationwide, the system needs a \$12 billion influx for improvements. In the past, it took \$2.3 million to sustain the old system, but upgrades across the fifty-eight 911 authorities statewide will increase that to \$5.9 million. Ms. Million said that the new network should seamlessly allow transfer calls and data (such as pictures) to other 911 agencies.

Mr. Stone asked for a timetable on the project, and Ms. Million told him the FCC hopes for a total upgrade by 2023. CenturyLink began working with the public safety answer points across the state, and the first will go live in January of 2020. It will take about a year to complete and will include Text-to-911, which is currently available in more populated areas. Although it isn't mandated, Ms. Million said that public perception is that it should be accessible everywhere. She added that the hearing impaired and deaf communities are almost exclusively denied access to safety services without Text-to-911. Mr. Stroud explained that dispatch is working on the option for Lincoln County. They've found a vendor—CommTech—and hope to have it available next fall.

Sheriff Nestor said that there shouldn't be a cost to the county if they raise the surcharge to \$2.00. Mr. Stroud added that where it was currently \$245 a month, it would go up to \$3,700 per month. Ms. Million clarified that the tariff was CenturyLink, but the Text-to-911 was what they wanted to add to the network once the individual agencies had it in place.

The E911 Board plans to move forward with an application to raise the \$.70 surcharge to \$2.00 per line, which will do no more than allow them to cover costs and basically break even. Ms. Million said that every 911 authority is turning in an application simply because they can't sustain the prices anymore. Title 29 established the fiscal model thirty years ago, which also created the \$.70 surcharge. Draft legislation for Title 29, which governs 911, is in the works for 2020. The laws and rules under the PUC dictate that authorities must continue the \$.70 surcharge unless they file an application and get approval for an increase.

Mr. Schiffers expressed concerns with the longevity and reliability of the new network, and Ms. Million commented that the current system lasted thirty years. The new technology will remove the old switch boxes and provide some wireless functionality, as well as a greater ability to work when something goes down.

Mr. Piper asked if the \$2.00 per line increase would come from the E911 board or the county commissioners. Ms. Million responded that authority boards get their power through legislation, making it the E911 board's responsibility. They do not require the county's permission or blessing for anything.

Mr. Stroud explained that the state procured a transition grant process. The agency would contribute forty percent up-front and receive full reimbursement. Ms. Million put in that Colorado awarded \$2.5 million to the project, and the PUC set aside another million so that local authorities wouldn't have to pay anything.

Mr. Kimble wanted to know if increasing the surcharge to \$2.00 per line would help them reach the required \$3,700 per month. Mr. Stroud told him that not only would it allow the expenditure, but it would also help to upgrade infrastructure.

Ms. Million stated that they were also asking for a statewide surcharge of \$.20 per line, in addition to the \$2.00 increase, to help with training costs for 911 telecommunications and grants for rural communities. She went on to say that the state will begin sending out information in January. The application process takes approximately six months, which includes a two-month public comment period. Another requirement is that the authority board publishes the proposed increase in local newspapers.

Jack Cross asked if the 911 Resource Center would forward their information to the local papers or if they could send it to the Authority Board if not. Patrick Leonard asked to whom people would voice their opinions, and Ms. Million said people should address complaints or comments to the PUC.

Sheriff Nestor commented that it's a state mandate, so it's going to happen no matter what. He added that because of the county's unique location, dispatch has five different lines coming into the call center. If the legislation doesn't pass, local governments would have to backfill, or they might have to drop to three lines instead of five.

Ms. Million put in that Title 29 needs a complete overhaul as points of failure are becoming more prevalent. They've had correspondence with legislators for the past three years and explained that it would be a costly project, which is why they asked CenturyLink to submit a new tariff. Now they've run into the issue of not being able to find parts or technicians to fix the old systems when they go down.

Patrick Leonard said the E911 board has not taken it lightly and has discussed increasing the surcharge for quite some time now. Diane Kimble added that the increase would maintain the stability of the system and still meet their requirements.

At noon, Jeff Belveal and Logan Wilkins with Colorado Parks and Wildlife met with the Board to discuss closing a county road. Road Foreman Chris Monks also attended the discussion, as did Sheriff Tom Nestor. Mr. Belveal said the road in question, County Road 34.2, runs through the

state wildlife area, and they would like the commissioners' approval to close a portion of it seasonally. They would like to replace the two cattle guards and post new signs, as well as enforce CPW rules during that timeframe. Mr. Belveal said the road would stay open for the majority of the year.

Mr. Wilkins said they'd prefer to close the portion of the road indefinitely and showed the commissioners the area he was referring to on a map. He added that it's difficult for them to increase the habitat and work on other improvements because of the constant public traffic. They would keep the road open to Parks and Wildlife, the sheriff, and any landowners with grazing rights. People could still access the north and south entry points but wouldn't be able to go through the middle unless they did so on foot. Mr. Wilkins said it was about 7/10 of a mile of road.

Mr. Belveal explained that they'd like to split the property into three sections by fencing them off to help the grazing rotation.

Sheriff Nestor wanted to know if the public would still be able to access the ponds during the summertime, and the wildlife officers confirmed that the ponds would remain accessible. The sheriff then asked if they were requesting that the county abandon the road. Mr. Stone commented that the county doesn't maintain the road, and he even thought that Parks and Wildlife owned it. Mr. Monks added that it's an unmaintained county road on the official road map. Because closing the road wouldn't leave any property owners landlocked, the sheriff didn't have a problem with it.

Mr. Kimble said that the county doesn't abandon roads as a practice, but the commissioners will vacate a road if they feel there is a necessity. If the public uses a thoroughfare for twenty consecutive years, however, they can try and dispute the closure. He added that if they vacated the middle portion only, there would still be a county road on both ends and asked if they could close it altogether.

Mr. Wilkins noted that they would put together community outreach, publish the information in the local papers, and phase it in over time. Mr. Belveal said they'd like an answer as soon as possible since their commission revisits property regulations each December. If not done this year, they'd have to wait until next December. Also, it would probably take anywhere from three-to-five years before they would be able to do anything from a law enforcement perspective.

Mr. Schifferns wanted to know if it would be helpful to get public comments first, and Mr. Wilkins said they could send out a survey to landowners, hunters, and any other known users of the road.

Mr. Kimble asked if Colorado Parks and Wildlife regulations would take over if the county vacated the road. Mr. Belveal stated they would. The earliest they would have funding would

be July of 2020 since they operate on a fiscal year. Mr. Wilkins added that habitat for wildlife and recreational opportunity are the two criteria for wildlife properties.

Mr. Monks felt the best option would be to close the entire road from County Road 2G to the other corner so that there weren't odd pieces that still belonged to the county.

Mr. Stone asked if the state would have the authority to close the road since the property on either side of it belongs to Colorado Parks and Wildlife. Mr. Belveal said he had a contact at the state Attorney General's office, and he would check with them. He and Mr. Wilkins thanked the Board for their time and said they would be in touch.

Mr. Kimble asked Mr. Monks and Mr. Schifferns if they still wanted to meet the following day regarding the Rush Creek wind farm. The group agreed it was still a good idea. Mr. Monks said he'd informed Heather Brickey that the county would grade the road for \$120 per hour, and the following day Xcel had someone out blading it. Mr. Kimble said he would have the original contract with him to remind them of what they agreed to.

Mr. Monks informed the Board that they'd started putting up the new road signs and discovered that several of the old posts don't have the proper brackets. New posts are twelve-to-thirteen dollars each.

Mr. Monks left, and the Board reviewed the November 2019 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools.

Mr. Stone reported that he'd called Cindy Leonard about the late fees on the Karval water bills for the county shop and the park on December 6. Because the billing cycle is so short, the county's check never reaches them before it's considered a late payment. Mr. Stone asked if they could pay for all twelve months at the first of the year to alleviate the problem. Mr. Piper said he didn't know why they couldn't. Mr. Stone checked roads on December 9 and attended the Colorado East Community Action Agency meeting in Limon on December 10. On December 11, he talked to Rick Ashcraft; they are still hauling millings from Arriba.

Mr. Schifferns reported that while he was checking roads on December 4, he noticed that there was quite a bit of dust on the I-70 frontage road from the work that CDOT was doing. He called Travis Miller and asked him to put some water on it. On December 10, Mr. Schifferns spoke with one of the District 1 employees about truck driving classes and also looked at the new road signs they were putting up.

Mr. Kimble reported that Land Use Administrator Fred Lundy contacted Mountain View Electric, K.C. Electric, and Tri-State about transmission line setbacks. Those companies prefer none, but if required, they would ask that the landowner could get a waiver or that the setbacks wouldn't apply to existing lines. They also suggested 500-foot setbacks. Mr. Lundy said he'd prefer 750 feet, and they will meet with the Land Use Board next week. Mr. Lundy joined the meeting and said that the county has an interest in landowner or property right protection; whereas, the

utility companies do not. He added that representatives from Tri-State planned to attend the Land Use Board meeting.

Mr. Kimble also reported that he'd send a copy of the moratorium resolution to the attorney with the NEREO project.

Mr. Piper reported that the department heads had a security meeting regarding an upcoming trial and explained the outcome to the commissioners.

Mr. Schifferns called for old or new business, and Mr. Stone said they needed to replace the chairs in the commissioner room as soon as possible.

With no further business to come before the Board, Mr. Schifferns adjourned the meeting at 1:25 p.m.

Corinne M. Lengel, Clerk to the Board

Ed. E. Schifferns, Chairman