

Board of County Commissioners of Lincoln County
Agenda for December 30, 2019

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Fred Lundy, Land Use Administrator, to present the report from the December 19, 2019 Land Use Board meeting
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Open and review sealed bids for chemicals for the Lincoln County Weed Control Department
1. Approve the minutes from the December 12, 2019 meeting
 2. Review the November, 2019, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
 3. Review the monthly management report from the First National Bank of Omaha
 4. Review and act upon Resolution Number 1004, a resolution adopting revisions to the Lincoln County Pension Plan Document
 5. Review the appointments for 2020
 6. County Commissioner reports
 7. County Attorney's report
 8. County Administrator's report
 9. Old Business
 10. New Business
 11. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on December 30, 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.

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

Mr. Stone made a motion to approve the minutes from the meeting held on December 12, 2019, as submitted. Mr. Schifferns seconded the motion, which carried.

The Board reviewed the November 2019 Statements of Revenues and Expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts. The commissioners also reviewed the monthly management report from the First National Bank of Omaha.

At 9:30 a.m., Land Use Administrator Fred Lundy met with the Board to present the report from the December 19, 2019, Land Use Board meeting. The land board decided to table the discussion regarding setbacks for transmission lines until January 9, 2020, because they wanted more time to review the information. Most of the members agreed that there should be setbacks; they just weren't sure what they should be. However, they felt they should be less than 1,500 feet.

Mr. Lundy introduced Taylor Henderson with Outshine Energy. Mr. Henderson said he was a representative of the Arriba wind farm but wasn't new to Lincoln County, as he was the project developer for the Cedar Point Wind Farm. To Mr. Burgess's comment regarding eminent domain, Mr. Henderson said that a private company shouldn't even have the right to have that conversation with landowners. He added that he wanted to be a resource for the setback discussion and provide feedback as opportunities present themselves. Mr. Lundy put in that others in the industry believe that eminent domain isn't even an option for developers, only for public utility companies. Safety has always been a concern with setbacks, and Mr. Lundy said the Land Use Board would keep that in mind.

Mr. Kimble wanted the minutes to reflect that the commissioners and Mr. Henderson discussed transmission lines and setbacks in general, so there was no quasi-judicial concern regarding a specific project.

The Cedar Point Wind project wants to replace all of the nacelles in their 139 wind turbines, not all of which are in Lincoln County. They are increasing the size from 1.8 to 2.2, and since the question hadn't come up before, Mr. Lundy wanted to know if they should each require a permit. The total height of the towers would be 443 feet, which would still fall within the setback range. He felt that since they were changing the size and structure, he would issue each one a separate building permit and collect the county's required two percent use tax on all

materials. Mr. Kimble agreed with his thinking, and Mr. Lundy said that Elbert County felt the same way.

Mr. Lundy produced the Master Road Use Agreement between Lincoln County and A & S Construction Co. for the State Road 71 project. District Three Road Foreman Rick Ashcraft approved the haul route map for his district, and Chris Monks approved the mile portion of County Road 2K they would use in District One. Mr. Lundy also provided the \$150,000 Performance Bond, which he gave to Mr. Kimble. He commented that it is still the same road use agreement; the only changes were to the names of the parties and the performance bond amount.

Mr. Stone made a motion to approve the Master Road Use Agreement between Lincoln County and A & S Construction Co. for the State Road 71 project. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Lundy left, but Mr. Henderson remained to observe more of the meeting.

Mr. Piper presented Resolution #1004, adopting revisions to the Lincoln County Pension Plan document. He reiterated the discussion topics: including reducing the age limit to eighteen; using a five-year average to calculate the payout for employees joining the plan in 2020; increasing the employee contribution to 4.5% (beginning with the January payroll); allowing employees to join the plan as long as they worked 1,820 hours annually.

Mr. Burgess made a motion to adopt a resolution approving the revised Lincoln County Employees' Pension Plan document. 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 December 30, 2019, there were present:

Ed Schiffers, 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 #1004 It was moved by Commissioner Burgess and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, the Board of County Commissioners of Lincoln County determined that the Lincoln County, Colorado Employee’s Pension Plan and Trust required revision to establish viability and maintain longevity for the County Retirement Plan; and

WHEREAS, the Board of County Commissioners of Lincoln County has retained the services of Stephen P. Rickles, Attorney with Spencer Fane LLP, to assist with compliance and revisions to the Pension Plan; and

WHEREAS, Stephen P. Rickles, Attorney with Spencer Fane LLP, prepared an amendment per instructions from the Board of County Commissioners of Lincoln County for the Lincoln County, Colorado Employee’s Pension Plan and Trust;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the attached revised plan document to the Lincoln County, Colorado Employee’s Pension Plan and Trust be adopted.

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:

Clerk of the Board

Mr. Piper commented that he’d discovered an amendment to the previous plan, which made it appear that the commissioners could update it at any time if they felt it necessary.

The Board reviewed the appointments and holidays for 2020, and Mrs. Lengel asked if the commissioners would consider giving the employees Christmas Eve as a holiday as well. Mr. Burgess asked if the offices were busy this year on Christmas Eve, and Mrs. Lengel said there weren’t many people in the courthouse at all. Mr. Schifferns said he thought it was a good idea, and Mr. Stone agreed as well. Mr. Burgess said they also needed to address the landfill hours because Mick Jaques stayed until the town of Limon dropped off its trash at 2:00 p.m. Then, he still had to cover everything afterward. If the county closes for the holiday, it should affect all employees, not just those in the courthouse.

Mr. Schifferns called for commissioner reports, and Mr. Burgess began with the end of November since he'd missed the previous meeting. He'd heard that some of the roads in his district were impassable due to the wind and snow on November 28, Thanksgiving Day. He called Bruce Walters, who had four road grader operators and one truck driver report for work on November 29. They had a total of seven men work eight hours that day, which was a county holiday. Mr. Burgess took an employee to Denver to pick up the repaired Mack truck on November 29, as well.

Mr. Burgess attended the CCI winter conference in Colorado Springs from December 2 through December 4. At the hospital board meeting on December 5, Mr. Burgess learned that they showed a profit of \$98,000 last month. They also have 196 full-time employees. Mr. Burgess had a call from a landowner on December 6, who reported a problem with County Road 4C. Bruce Walters and the road crew took care of the issue on December 7. Mr. Walters also went to Greeley for the new pickup on the Sixth. Mr. Burgess reported receiving some calls, one about how the probation department handles phone calls and several others about setbacks on transmission lines. He contacted Sheriff Nestor about the former, and the sheriff proposed a possible remedy. On December 18, Mr. Burgess attended the Economic Development meeting in the morning and the county employee Christmas party in Hugo in the afternoon. He also talked with Mr. Walters about planning a party for the road crew on December 23. Mr. Burgess reported that on December 19, a resident requested that the county put up signs when they closed the landfill due to high winds. He also spoke with the sheriff about a hospital bill. They had the Christmas party for the road crew on December 23, and on the Twenty-fourth, Mr. Burgess went by the landfill. That was when Mick Jaques told him he'd waited until approximately 2:30 for the town of Limon to bring its trash, after which he still had to cover it. Mr. Burgess felt they needed to address the issue in 2020. The road crew got their equipment ready for the pending snowstorm on December 27, and Mr. Burgess talked with Mick Jaques about the weather on December 28. Road crews were out checking roads and plowing snow where necessary on December 29.

Mr. Stone reported going by the Karval shop on December 13. On December 16, he checked roads west of Road 71 for snow and said they had between two-and-three inches. He also received a call asking if the county would sell the roto mill from the I-70 project. Mr. Stone attended the county Christmas party on December 18 and took a complaint about a road east of Karval on the Nineteenth. He and Rick Ashcraft checked on it the following day. He also went to Limon to meet Scott Wills, candidate for House District 64 Representative. On December 23, Mr. Stone went by the shop. The road crew was busy patching holes on the oiled roads and putting up the new road signs. They had a Christmas dinner for their employees at the shop on December 24, and Mr. Stone said he checked roads south of Karval on December 27.

Before Mr. Schifferns could give his report, Human Services Director Patricia Phillips arrived for her 10:00 a.m. appointment. Mr. Piper went to check his office and the mail for other sealed bids for weed chemicals.

The Board reviewed the DHS financials, employee timesheets, and Income Maintenance, Child Welfare, and director's reports for the month, and then Mrs. Phillips asked for a signature on the ECCOG Grandparenting Grant. She explained that the region—Cheyenne, Elbert, Kit Carson, and Lincoln counties—share the funds of \$6,500. There is a \$500 limit per applicant.

Mr. Burgess made a motion to approve the annual contract for the ECCOG Grandparenting Grant. Mr. Stone seconded the motion, which carried unanimously.

At 10:30 a.m., Mr. Schifferns opened the one sealed bid the county received for Weed Department chemicals for 2020. Mr. Piper said he'd gotten nothing else before the cutoff date. Mr. Burgess noted that he'd hand-delivered the bid request to both Try-Me Spraying, LLC, and Pro Ag, so they were aware that the deadline was 10:30 this morning. Mr. Kimble said the Board could accept parts of the bid, all of it, or none of it as they saw fit since the state statute doesn't require the county to obtain them at all.

Mr. Burgess made a motion to accept the bid for Weed Department chemicals from Try-Me Spraying, LLC, for 2020. Mr. Stone seconded the motion, which carried unanimously.

Jeff Sheen, with Percheron, LLC, stopped in and introduced himself and then sat with Mr. Henderson for the remainder of the meeting.

Mr. Schifferns reported checking roads on December 13. He attempted to attend the employee Christmas party on December 18 but then didn't feel well. Mr. Schifferns checked out the new road signs on December 20 and commented that some of the posts wouldn't fit, so they would have to order new ones. They got the new blade for the tractor on December 23 and took the old one to the fairgrounds. He attended the road district Christmas party that day also. Mr. Schifferns talked to Chris Monks about the upcoming storm on December 27.

Mr. Kimble reported that the judge denied the motion to declare the disputed area up north a public road but that it didn't do much to clarify the county's position. They've set the trial for mid-March, but there is still a chance the parties will settle beforehand. He felt that the county could take a proactive stance and re-examine the road policy, but Mr. Burgess said he didn't like the way that would look if they changed it before the courts settled the matter. Mr. Schifferns agreed, saying they should address it immediately afterward. Mr. Kimble noted that if the judge declared the 1897 Rule valid, making every section line a public road, they would have to.

Mr. Kimble also reported that he, Mr. Schifferns, and Chris Monks met with Heather Brickey regarding the Shortgrass project. They will inspect it on January 7 to determine what spots of County Road 2W need fixing, and Mr. Monks will mark the areas. They should have the repairs made in two-to-five weeks, hopefully by the end of January. Mr. Kimble said that Mr. Monks requested five inches of aggregate soil, a minimum three percent crown on a twenty-eight-foot wide road, and a three-to-one slope, or grade, on the edges. The company planned to bring

dirt from El Paso County, and Mr. Burgess cautioned that they make sure to use the proper haul routes.

Lastly, Mr. Kimble said he'd re-read the statute regarding surveyors and determined that the Board could appoint someone again after the next General Election unless they had reason to terminate the current surveyor. If so, they would need to fill his vacancy.

Mr. Kimble also said he'd attend the Land Use Board meeting on January 9 at the request of Fred Lundy.

Mr. Piper reported that the judge continued the trial Sheriff Nestor had concerns about until May. He also stated that County Coroner Andy Lorensen asked that the Board issue a county credit card to Deputy Coroner Dale Rostron. The commissioners agreed they were not in favor of that practice since no other part-time employees could have county credit cards. Mr. Burgess added that if Mr. Rostron had expenses, he could submit them for the commissioners' review and payment.

Mr. Piper also asked if the deputy coroners should receive certificates and longevity pins like other full-time employees. The Board again agreed that part-time employees did not qualify for those items.

Courthouse and annex janitor Teena Ludwig had asked Mr. Piper if the county could purchase a carpet cleaner next year. The Board told him to have her get some quotes for what she wanted and bring them in.

As for old business, Mr. Stone said he felt they should start replacing carpet on the courts' side of the building as soon after the first of the year as possible.

Mr. Schifferns also asked if Mr. Piper had any further information about finishing the maglock project. He responded that John Mohan had the equipment, but they hadn't heard anything from Leo Hurtado.

Mr. Burgess called Chris Monks regarding diesel fuel bids for 2020. Mr. Monks said he'd been watching the prices for about three weeks, and they hover around \$2.20 per gallon. He felt that requesting bids would lock the county into a rate that might be too high and suggested allowing him to continue fuel shopping. Mr. Monks added that they already have three loads contracted for 2020 at \$2.39 a gallon. Mr. Stone commented that the smaller dealers don't usually use tankers, and the Board agreed to have Mr. Monks keep an eye on the prices. Mr. Piper spoke up to say that Dave Stone, with Stone Oil, sent him a CORA request for the most recent fuel bid. Mr. Piper explained that the county didn't use a bidding process but contracted diesel fuel based on recommendations from Chris Monks.

Mr. Schifferns asked Mr. Piper to bring several options for new chairs to the commissioner meeting on January 7.

The Board approved the December 2019 payroll and expenditures, and then, since there was no further business to come before the Board, Mr. Schiffers adjourned the meeting at 12:35 p.m. The next meeting will be at 9:00 a.m. on January 7, 2020.

Corinne M. Lengel, Clerk to the Board

Ed E. Schiffers, Chairman