

Board of County Commissioners of Lincoln County
Agenda for September 20, 2019

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Jobeth Mills, Public Health Director, to present the August 2019 Public Health Agency's monthly report, and Darcy Janssen, Northeast Regional EPR, to provide a regional update
- 10:00 Jim Covington, Lincoln County Treasurer, to present the preliminary 2020 Treasurer Budget
- 10:15 Jeremiah Higgins, Lincoln County Assessor, to present the preliminary 2020 Assessor Budget
- 10:30 Ken Stroud, Emergency Management Director, to present the 2019 EMPG Grant
- 11:00 Fred Lundy, Land Use Administrator, to discuss land use matters

1. Approve the minutes from the September 6, 2019 meeting
2. Approve the minutes from the September 18, 2019 meeting
3. Review the August, 2019, reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
4. Review the August, 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
5. Review the August, 2019, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
6. Review and act upon an Employee Credit Card Request for Robin Halley, CSU Extension Director
7. Review and act upon a memorandum of understanding for control of confidential data regarding sales and use tax and lodging tax for 2020
8. Review and act upon a grant from the Electronic Recording Technology Fund for the Clerk and Recorder's Office
9. Review the Lincoln County Property Assessment Study
10. Review an estimate for a backflow repair at the Lincoln County Courthouse and Jail
11. Discuss the response from Stephen Rickles, Attorney with Spencer Fane LLP, regarding the Lincoln County Pension Plan
12. Discuss budget matters regarding the Sheriff's Office and Emergency Management
13. Discuss potential social media policies
14. County Commissioner reports
15. County Attorney's report
16. County Administrator's report
17. Old Business
18. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 20, 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.

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

Mr. Stone made a motion to approve the minutes from the meeting held on September 6, 2019, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess made a motion to approve the minutes from the budget meeting held on September 18, 2019, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The commissioners reviewed the August 2019 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer. They also looked over the Statements of Revenues and Expenditures for the General, Public Health, capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge funds, including the individual road districts.

The Board reviewed the Colorado Counties Casualty and Property Pool and County Workers' Compensation Pool reports for August.

Mr. Burgess made a motion to approve a county credit card with a limit of \$1,000 for CSU Extension Director Robin Halley. Mr. Stone seconded the motion, which carried unanimously.

Mr. Piper presented two Memorandums of Understanding for Control of Confidential Data for 2020; one for sales and use tax and the other for lodging tax. He explained that the commissioners designated the administrator access to the data on an annual basis. Mr. Stone made a motion to approve the MOUs for Control of Confidential Data, and Mr. Burgess seconded the motion, which carried unanimously.

After reviewing a \$36,392 grant from the Electronic Recording Technology Fund for the Clerk and Recorder's office, Mr. Burgess made a motion to accept the grant funds. Mr. Stone seconded the motion, which carried unanimously.

At 9:30 a.m., Mr. Schifferns adjourned the meeting and reconvened as the Board of Public Health. Public Health Director Jobeth Mills gave her monthly report, and then said she had several things for the commissioners to approve. First, Mrs. Mills provided Amendment #3 to the Community Assessment, which reflected an increase in funding of \$1,540.88. Mr. Burgess made a motion to sign the contract, and Mr. Stone seconded the motion, which carried unanimously. Secondly, Mrs. Mills presented the Charter for the East-Central Colorado Public Health Partnership for Kit Carson, Cheyenne, Lincoln, and Elbert counties. Mr. Stone made a

motion to sign the document, and Mr. Burgess seconded the motion, which carried unanimously. Lastly, Mrs. Mills informed the Board that Kit Carson County would begin charging \$132 per month for Darcy Janssen's office space. Mr. Stone made a motion to sign the Facility Use Agreement with Kit Carson County for the Regional EPR Coordinator's office space. Mr. Burgess seconded the motion, which carried unanimously.

County Treasurer Jim Covington and Assessor Jeremiah Higgins arrived while Mrs. Mills asked the commissioners if they would approve a coffee vendor in the courthouse one day a week. She knows someone who is starting a business. The commissioners asked if she had a license and insurance, and Mrs. Mills said she was sure she did. Mr. Burgess said they could try it, and Mr. Covington asked what it would take to get a pop machine in the courthouse again. Whoever owns the Coke machine won't come and get it, but no one has a key for it either. Mr. Burgess said there was an old machine at the Genoa shop, and Mrs. Lengel asked if the county couldn't just take over the Coke machine in the lobby if they could get a key. If they used the proceeds to purchase more product, they shouldn't violate any law regarding the county making money off of a vending machine. Mr. Kimble commented that he could send a letter to the company.

Mr. Schiffers adjourned the meeting as the Board of Public Health and reconvened as the Board of Lincoln County Commissioners. Mrs. Mills left, and Mr. Covington presented his 2020 budget request, which was about a \$4,000 increase. Mr. Higgins gave his presentation as well.

Mr. Burgess asked Mr. Covington to stay so that they could discuss the response from Stephen Rickels, Attorney with Spencer Fane LLP, regarding the county's pension plan. Mr. Rickels' email addressed the questions the commissioners asked regarding changes to the plan. The county could lower the participant's age from 25, but Mr. Rickels recommended that new enrollees continue to wait a full year before acceptance into the plan. Changing the definition of the contribution could apply to all participants providing there was no reduction of benefit. It was acceptable to allow a member to quit and then return to employment with the county, but Mr. Rickels suggested a time limit, such as five years. The re-hired employee would commence participation in the plan immediately but would have to buy back all years of service. Mr. Covington asked what that meant, and Mr. Piper said the employee would have to buy whatever the payout was, plus interest. Mr. Rickels would like to meet with the commissioners personally to discuss the 1,500-hour rule. Lastly, Mr. Rickels' email explained that the county could increase contributions for newly hired employees, but it was a bit controversial regarding current participants. It was acceptable if the county did it to keep the plan actuarially sound. Mr. Burgess said they needed to decide something by January 1.

Before Mr. Covington left, he asked if the commissioners would consider buying another building like the one the sheriff bought. The county bought several pallets of copy paper and usually stored them in the Conex container, but it's getting too full. Mr. Burgess asked if they needed to clear out the Conex and suggested finding the time when they could go out and look through it.

At 10:30 a.m., Emergency Manager Ken Stroud met with the Board to present the 2019 EMPG grant. Mr. Stone made a motion to accept the \$15,000 grant, Mr. Burgess seconded the motion, and it carried unanimously.

Mr. Kimble asked Mr. Stroud if he'd heard anything about the tower lease from Tony Hagans. He hadn't, even though he'd tried to contact him several times. Mr. Kimble said he would send him an official letter.

At 11:00 a.m., Land Use Administrator Fred Lundy met with the Board to discuss several land use matters. First, he said that the state plans to lay asphalt on State Road 71 between Limon and Highway 94, so they want to put in an asphalt plant three or four miles south of 94. Mr. Lundy spoke with Chris Monks who told him that Land Use doesn't typically issue permits for the job, and Mr. Lundy wanted to clarify that.

Also, Mr. Lundy said that when he talked to Mr. Monks about the Land Use Board approving exemptions from subdivision regulations, he told him that the commissioners did that, not the Land Use Board. The county never adopted the 2014 subdivision regulations that John DeWitt drafted, so Mr. Lundy said that he had to go by the regs adopted in 1972. Mr. Kimble commented that the county should make it a point to adopt something. He suggested that Prowers County had some pretty good regs and they could start with those.

Since there were some residents requesting exemptions, Mr. Lundy said the Board would have to set up a hearing date for them. Mr. Piper suggested October 31.

Mr. Lundy's final item of discussion concerned a minor, secondary road in the "Lower L," where only a quarter of the road appeared on the county road map. Mr. Lundy went to get some maps he'd forgotten, so the commissioners reviewed the Lincoln County Property Assessment Study while he was gone.

When he returned, Mr. Lundy explained that County Road 3 exists on the map but only looks like it goes a quarter of the way down the section line. He asked Mr. Higgins about it, who told him the map wasn't drawn to scale. The two property owners have gotten into a bit of a land dispute, and the northern owner will no longer give the southern landowner access to his property.

Mr. Kimble said that the county couldn't enforce anything that didn't pertain to a county road. He suggested that the parties take the matter to court since it's a private dispute.

After Mr. Lundy left, the Board reviewed an estimate for a backflow repair at the courthouse and jail. Mr. Piper said that Nebraska Safety and Fire conducted their annual audit of fire extinguishers, smoke alarms, and the backflow system and found that the latter needed repairing. The estimate was \$1,894, and John Mohan told Mr. Piper that they'd have to get it done. The commissioners agreed they'd like to speak with Mr. Mohan before approving the estimate.

The Board discussed when to hire a jail deputy to replace the one that Sheriff Nestor plans to put on the road in October. They agreed that they'd like to have an update from the town of Hugo sometime in November and a contract or MOU by December, especially if they hadn't hired someone. Mr. Burgess felt they needed something in place before the first of the year.

Mr. Stone made a motion to allow the sheriff to begin advertising for a new jail deputy as soon as possible. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess and Mr. Stone both agreed that they weren't in favor of sharing the EPR position with another county. Mr. Piper suggested they wait to make that decision until he put the preliminary budget figures together.

Mr. Piper provided social media policies from several different counties for the Board to review. Mrs. Lengel said she felt having a policy was a good idea, as did Mr. Kimble. The group agreed to look them over and discuss it at a later date.

Mr. Kimble gave his report, starting with the Karval Water Users project. Greg Etl provided information regarding Public Improvement Districts and Local Improvement Districts, which Mr. Kimble shared. Both would require an election, and Mrs. Lengel commented that a special election would cost them more. Mr. Piper said the commissioners told Patrick Leonard to give them a proposal, but they hadn't seen anything yet. He added that the state hadn't mandated they put in the system at this time.

Mr. Piper reported that he could see a potential situation with the county's health insurance. If the first day of the month is a weekend or holiday, an employee might not have coverage until the following month. The Board agreed to have Mr. Piper compose a letter to CHP requesting that employee effective dates coincide with the consecutive thirty days of employment required for health insurance eligibility.

Mr. Piper also informed the commissioners that the tourism board wanted to increase their budget to \$175,000, which matches the last two years of revenue. He explained that the group seemed okay with a fund balance of \$150,000. The Board had no issues with the request.

Mr. Schifferns called for commissioner reports, and Mr. Stone said he'd gone by the Karval shop on September 9. The road crew laid oil on south County Road 109. He attended the Colorado East Community Action Agency meeting in Limon on September 10 and the fair board meeting that evening. Mr. Stone stopped by the shop again on September 11, and he and Rick Ashcraft picked up brakes and bearing for one of their trailers. On September 12, Mr. Stone attended the County Health Pool meeting with Mr. Piper, and on the Thirteenth, all three commissioners went to Yuma for the Eastern TPR meeting. They also met with Ruth Seedorf about Baby Bear Hugs. Mr. Stone reported that he spoke with Rick Ashcraft about the budget and a new truck at the shop on September 17. He attended the county budget hearings on September 18 and went by the shop again on the Nineteenth. The road crew was busy with the mowing, although Mr. Stone said they seem to be having a lot of flat tires.

Mr. Schifferns reported talking to Chris Monks on September 10, checking roads on September 12, and attending the meeting in Yuma on September 13. He also talked with the district's new employee and checked roads again that afternoon. On September 16, Mr. Schifferns learned that one of the district's employees was moving, and that the new tractor came in. District 1 helped District 3 patch oil. Mr. Schifferns attended the budget hearings on September 18.

Mr. Burgess had a telephone conference with Baby Bear Hugs on September 9. He also took the bridge reports to Stan Kimble so that he could write a letter of explanation on lack of bridge rail and other issues. They had the Mack truck towed to Volvo in Denver for an engine check. If it checks out okay, Volvo would have it towed to another company to have the frame checked and straightened if possible. Mr. Burgess reported that he took a complaint, which prompted him to contact Mr. Piper and ask him to put the discussion regarding social media policies on the agenda. A different resident called him about the billing problems at the hospital, and he had Bruce Walters move the landfill tractor back to the landfill from the fairgrounds. On September 10, Mr. Burgess and Bruce Walters met with a landowner north of Limon about possible gravel pits. He also toured several roads that the crew graveled. Chris Monks called Mr. Burgess on September 11 to let him know that the Mack truck engine was fine and that it would go on to the frame shop. Mr. Burgess reported digging test holes for gravel on September 12. It looked promising, so he will contact the landowner about opening a pit. Mr. Burgess attended the Eastern TPR meeting and discussion with Ruth Seedorf on September 13. On the Sixteenth, Bruce called to let him know that the estimate on the truck frame was \$2,880. He told him to have the work done. Chris Monks called him that evening to see if the county's tanker was available for fire in Karval, but he told him it wasn't. Mr. Burgess attended the Resources Unlimited meeting on September 17. Jason with Brazos Trailers called to let him know the trailers would be ready next week. On September 18, Mr. Burgess attended the Economic Development meeting before the county budget hearings. He also participated in a PDC phone conference call and talked with Sheriff Nestor about the Chevy Tahoes they order from Vince's Chevrolet. Chris Monks called Mr. Burgess on September 19 because a company wanted to use the roto-millings in Arriba for an asphalt project on Highway 71 at Punkin Center. They would then replace the millings using the Castle Rock Construction material from the I-70 project. Mr. Burgess called Ralph Bell with Castle Rock Construction who told him that they might change the scope of the project and that the state didn't know how deep the millings would be. However, the county would have the first opportunity for them. Mr. Burgess told Chris that he wasn't in favor of giving up any of the material that the county already has stockpiled. Chris also informed him that they'd straightened the Mack truck frame and it was on its way back to Volvo for additional repairs. Lastly, Mr. Burgess said he stopped at the landfill on September 20. He talked to Mark McMullen who told him he was waiting on one more item from Heather.

With no further business to come before the Board, Mr. Schifferns adjourned the meeting at 1:00 p.m. The next meeting will be at 9:00 a.m. on September 27, 2019.

Corinne M. Lengel, Clerk to the Board

Ed E. Schifferns, Chairman