

Board of County Commissioners of Lincoln County
Agenda for January 14, 2020

9:00 Call to order and Pledge of Allegiance

9:00 Fred Lundy, Land Use Administrator, to present the report from the January 9, 2020 Land Use Board Meeting

9:30 Jobeth Mills, Public Health Director, to present the December 2019 Public Health Agency's monthly report

1. Approve the minutes from the January 7, 2020, meeting
2. Review the December, 2019, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Review the December 2019, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
4. County Commissioner reports
5. County Attorney's report
6. County Administrator's report
7. Old business
8. New business

10:00 Adjourn for 2019

10:15 Call to Order and reorganize for 2020

- a. Elect Chairman and Vice-chairman
- b. Designate a public place to post meeting notices pursuant to C.R.S. §24-6-402(2)(c)
- c. Designate a representative for the County Health Pool
- d. Approve appointments and holidays
- e. Set the county's vacation and sick leave policy pursuant to the Lincoln County Personnel Manual
- f. Set the E911 surcharge pursuant to C.R.S. 29-11-103(3)(a)
- g. Approve Lincoln County's investment policy
- h. Appoint the County Administrator as the County Budget Officer pursuant to C.R.S. §29-1-104

11:00 Roxana Devers, Roundhouse Coordinator, to call in to discuss the interior screens for the Roundhouse

1. County Commissioner reports
2. County Attorney's report
3. County Administrator's report
4. Old business
5. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 14, 2020. The following attended: Chairman Ed E. Schiffers, Commissioners Steve Burgess and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble (until 10:15 a.m.), and Clerk to the Board Corinne M. Lengel.

Chairman Schiffers called the meeting to order and asked Mr. Piper to lead the Pledge of Allegiance.

Present for the discussion regarding the January 9, 2020, Land Use Board meeting were Land Use Administrator Fred Lundy, Chris Monks, David Churchwell with KC Electric, and representatives from NextEra, the Arriba wind farm, and Tri-State.

Mr. Lundy reported that the Land Use Board recommended 750-foot setbacks for transmission lines, although each board member seemed to have their own idea of what the distance should be. They finally agreed on their recommendation. They suggested the commissioners approve a landowner waiver, for occasions when the landowners don't care whether there are setbacks or not, and suggested several exemptions as well, such as upgrades to existing lines. Mr. Lundy said he'd like to meet with utility companies and developers to decide on how the new regulations should read. He added that anything higher than 115KB is a transmission line, so smaller lines would still allow landowners to get power into their homes. He would like Mr. Kimble to write up the resolution and add the exemptions.

Mr. Kimble commented that the utility companies believe the commissioners should not allow setbacks at all and instead, should require that developers establish the setbacks for each project. Since the addition of setbacks would be an amendment to the zoning resolution, Mr. Kimble noted that the commissioners would have to hold a public hearing, giving fourteen days' notice beforehand. The Board agreed to hold the hearing at 10:00 a.m. on February 6, 2020. Steve Grey with Tri-State encouraged the commissioners to disregard the recommendation of the Land Use Board because imposing setbacks would impede the county. However, if the Board chose to allow them, he asked that they recognize the need for the landowner waivers and the other exemptions. Jennifer Herron with NextEra agreed, adding that it would be much harder for them to create a straight track with their transmission lines with the proposed setbacks. Although it would be easier with the waivers, it will still be more complicated if the commissioners allow the setbacks. She added that the county already has sufficient planning and zoning regs, so it would be better if they pertained to specific projects. As to Mr. Burgess's comment about eminent domain, Ms. Herron responded that because they are not the government or a Public Utility Company, NextEra legally can't expropriate private property for public use, nor would they want to. They see the landowners as their customers as well.

David Churchwell noted that there'd been quite a bit of discussion at the meeting about making the setbacks even shorter, as low as 250 feet. Chris Monks added that there were suggestions of 250 feet up to 1,320 feet, so they ended up taking the average, which was 750. However, ninety percent of the board members were in favor of setbacks in general.

Mr. Kimble stated that the concern set a precedent, and the commissioners should be mindful of consistency. Mr. Lundy added that they want to make sure they protect the landowners, but the county needs to ensure that development is still possible.

Taylor Henderson, with the Arriba wind farm, spoke up to say that the discussion regarding eminent domain came up through his company, but it was before his involvement. He concurred with the others that eminent domain was not a method of partnering with the community and said that he welcomed the opportunity to resolve the issues.

Chris Monks brought up that some of the wording needed changing also, and Mr. Lundy clarified that they would have to amend the definitions in the zoning resolution regarding the word "occupied." If a home were abandoned or was otherwise unlivable, it wouldn't qualify for the setbacks. The same would go for sheds, pole barns, or other similar structures. For setbacks to apply, the building would have to be in use or designated as occupied.

Mr. Kimble said it would be possible to extend the moratorium as long as they were showing progress, but Mr. Lundy felt they could get everything put together by February 6. He asked if the commissioners wanted to move forward with the Land Use Board's recommendation of 750-foot setbacks, landowner waivers, and the suggested exemptions, and the Board agreed. Mr. Burgess said they would review the resolution when finished to see if they needed to make any other changes.

As the group dispersed, Mr. Kimble told Ms. Herron that the utility companies had submitted letters expressing their concern, and NextEra could do so as well. She said they already had.

Mr. Monks informed the Board that they would be looking for another drill press, as the old one quit working, and they could no longer get parts for it.

At 9:30 a.m., Mr. Schiffers adjourned the meeting as the Board of County Commissioners. He called the meeting to order as the Board of Public Health to meet with Public Health Director Jobeth Mills. Mrs. Mills gave her monthly report, stating that there would be a meeting on January 21 that she invited the commissioners to attend. They will discuss the mobile medication-assisted treatment coming to Lincoln County. When asked if it would interfere with the hospital's mobile unit, Mrs. Mills said that LCH didn't offer this type of service, although Centennial Mental Health did. They want to gather all the stakeholders together so that everyone has the same information. Mrs. Mills finished her report, and Mr. Schiffers adjourned the meeting of the Board of Public Health at 9:50 a.m.

Mr. Schiffers called the meeting back to order as the Board of County Commissioners and asked for additions or corrections to the minutes from the meeting held on January 7, 2020. Mr. Stone made a motion to approve the minutes as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the December 2019 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer, as well as the December 2019 reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool.

Mr. Burgess reported talking with Chris Monks on January 8 about possible legislation about requesting line locates before grading roads. Ice buildup on the scales at the landfill caused them not to work correctly. Representatives from Blackford showed Mick Jaques where the problem was and certified the scales for another year. Mr. Burgess and Bruce Walters explored the idea of enlarging one of their gravel pits, or at the very least, working with the landowner to get more gravel out of his permit. The property owner will send Mr. Burgess the information on what he decides. Mr. Burgess also attended the ECCOG meeting by phone on January 8. On January 9, Mr. Burgess talked with Bruce Walters about getting teeth for their blades, which would help remove the washboards on gravel roads. He also attended the hospital board meeting, where he brought up the issues with the sheriff's department billing. The hospital and Captain Yowell seem to have figured out part of the problem. Legislation now dictates that it is an inmate's responsibility to pay for all costs unless the incident occurred in the jail. Mr. Burgess reported that the hospital suffered a significant loss in December, due to contractual write-offs. Mr. Piper called Mr. Burgess on January 10 regarding a letter of support for a financial study on the 18th Judicial District segregating to form the 23rd Judicial District. Mr. Burgess said he was in favor of it. He also reviewed the weed coordinator job advertisement and said that Wayne Shade told him they could drop the hazmat endorsement requirement. Mr. Burgess attended a Baby Bear Hugs phone conference on January 13, where they discussed board members selling raffle tickets. District 4 will take the 2006 Mack truck for replacement of the 1986 International truck used on the lowboy trailer. The road crew members are still hauling millings from Arriba. Earlier this morning, they got the materials for the room enclosure at the landfill.

Mr. Stone reported checking several roads southwest of Karval on January 8. He noted that everything is extremely dry. On January 9, Mr. Stone spoke with Rick Ashcraft. The crew hauled millings for District 2 for a couple of days. He and Rick also discussed putting some of the millings on a sandy road. Mr. Stone went with Rick on January 13 to check roads southeast and east of Karval. They also stopped at the shop and looked at the new crack-sealer.

Mr. Schifferns reported calling Hugo Lumber about the carpet tiles on January 9. He also talked to hospital CEO Kevin Stansbury.

Mr. Kimble reported that he was working on the ordinance to vacate the road requested by Colorado Parks and Wildlife. Although he still needed to talk with the sheriff, Mr. Kimble said he should have the ordinance ready for the Board to review at the next meeting.

Mr. Piper said he participated in a conference call with CDPHE regarding the landfill. They will provide a statement that the county's alternative liner is acceptable for future cells. They want a couple more monitoring wells for the Alternative Monitoring Plan. Although the state

conducts groundwater monitoring in the spring, it could potentially require counties to obtain its own water samples and testing. The report submitted by CDPHE will trigger the six-month deadline to submit the compliance order for the Waste Characterization Plan. Mr. Piper invited the commissioners to attend the next phone conference on January 29, where they will discuss the specifics of the county's plan.

Mr. Piper said that Dan Hendricks stopped in to discuss the carpeting project. He'd like to start in the hallways on the administrator's side of the building. Mr. Piper asked the Board if they would need a bid from Mr. Hendricks, and they told him they would.

Lastly, Weed Coordinator Wayne Shade submitted his resignation. Mr. Burgess made a motion to accept the letter of resignation from Wayne Shade, effective May 29, 2020. Mr. Stone seconded the motion, which carried unanimously.

County Treasurer Jim Covington stopped in and asked if the commissioners would be willing to strip and wax the floors in his office and the lobby this year, as it hadn't happened in a long time. Mr. Burgess said they couldn't wax the lobby floor, but they could find a way to clean it other than mopping.

Mr. Piper provided more options for chairs for the commissioners' room, and the Board selected one and asked him to order them.

Mr. Schifferns called for old business and then asked Mr. Piper for an update on the Maglock project. Mr. Piper said they planned to be there the following day.

Mr. Stone asked if they could speak with Sheriff Nestor about the recent denial of the Red Flag law. Mr. Piper sent him a text message asking him to come over at 11:30 a.m.

During a break, Mr. Burgess caught John Mohan and asked him to come and discuss cleaning the lobby floor and waxing the tile in the Treasurer's office. Mr. Mohan said that K & K Carpet Cleaning had a new way of washing with water pressure and that they had shown him how it worked in one of the restrooms the last time they came out to clean the carpets. Mr. Burgess asked if they also stripped and waxed floors, but Mr. Mohan didn't know. The commissioners asked him to check and see if they did, and what it would cost to clean the lobby and restroom floors, and the Treasurer's office if so.

At 10:19 a.m., Mr. Burgess made a motion to adjourn for 2019. Mr. Stone seconded the motion, which carried unanimously.

Corinne M. Lengel, Clerk to the Board

Ed E. Schifferns, Chairman

The re-organization meeting of the Board of Lincoln County Commissioners convened at 10:28 a.m. on January 14, 2020. The following attended: Commissioners Ed E. Schifferns, Steve Burgess, and Doug Stone, County Administrator Jacob Piper, Clerk to the Board Corinne M. Lengel, and County Treasurer Jim Covington.

Commissioner Schifferns called the meeting back to order and dispensed with the Pledge of Allegiance. Mr. Schifferns then nominated Mr. Burgess as the chairman of the board for 2020. Mr. Burgess said he would do it if they others wanted him to, so Mr. Stone made a motion to appoint Steve Burgess as the chairman of the board for 2020. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess asked for nominations for vice-chairman, and Mr. Stone made a motion to appoint Mr. Schifferns as vice-chairman for 2020. Mr. Burgess seconded the motion, which carried unanimously.

In compliance with 24-6-402 (2) (c), C.R.S., Mr. Stone made a motion to designate the official notice board for the Board of County Commissioners as that located in the lobby hallway of the county courthouse. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to designate Doug Stone as the representative to the County Health Pool with Jacob Piper as an alternate. Mr. Stone seconded the motion, which carried unanimously.

The commissioners discussed the 2020 appointments and holidays, and then Mr. Schifferns made a motion to approve the following list of appointments and holidays for 2020. Mr. Stone seconded the motion, which carried unanimously.

APPOINTMENTS FOR 2020

| | |
|---|---|
| County Attorney | Stan Kimble |
| Official Banks | First National Bank of Hugo |
| (Other than those delineated to the right, any other qualified financial institution within the State of Colorado and within a 150 mile radius of the Lincoln County Treasurer's Office in Hugo, Colorado.) | SIGMA Financial Corporation Equitable Savings & Loan ColoTrust Csafe High Plains Bank Eastern Colorado Bank First Financial Equity Corp Colorado Statewide Investment Program (CSIP) |
| County Physician | Dr. John Fox |

Public Health Specialist

Kelly Alvarez

Fairgrounds Manager

John Palmer

Veterans Service Officer

Parker Newbanks, Jr.

Shop Foreman

Chris Monks

Road Foremen

District #1

Chris Monks

District #2

Bruce Walters

District #3

Rickie Ashcraft

Jail & Juvenile Officer

Tom Nestor

Official Newspaper

Eastern Colorado Plainsman

Hospital Board – 7 Members – 5-Year Term

2021

Lorie Coonts

2022

Jack Cross

2022

Keith James

2023

Greg King

2024

Josie Jones

2025

Linda Orrell

2025

Gary Ensign

Fair Board – 9 Members – 3-Year Term

2021

John Higgins

2021

Ryan Bush

2021

Mike Vaughn

2022

Jonathan Hart

2022

LaRay Becker-Patton

2022

Chip Reid

2023

Clinton Clark

2023

Richard Hoefler

2023

April Hollowell

Land Use Board – 9 Members – 3-Year Term

2021

Mike McCormick

2021

James Bledsoe

2021

Jamie Clark

2022

John Reid

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| 2022 | Chris Monks |
| 2022 | Paul Martin |
| 2023 | Bill Craig |
| 2023 | Curtis Dutro |
| 2023 | Mark James |
| Fred Lundy | Secretary |

Land Use Board of Adjustment – 3-Year Term

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|------|-------------------------|
| 2021 | Jamie Clark |
| 2022 | Sid Yoder |
| 2023 | Robert Boyd |
| 2023 | Chris Monks |
| 2023 | Adam Nuss |
| 2023 | Paul Jenkins, Alternate |

Weed Board – 9 Members – 3-Year Term

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| 2021 | Scott Poss |
| 2021 | Robert W. Raines, Jr. |
| 2021 | David Riemenschneider |
| 2022 | Terry Saffer |
| 2022 | Todd Thompson |
| 2022 | Wade Hollowell |
| 2023 | Shelby Britten |
| 2023 | Jamie Clark |
| 2023 | Tom LeValley |

E911 Authority Board – 5 Members – 2-Year Term

| | |
|------|-----------------|
| 2021 | Jack Cross |
| 2021 | Diane Kimble |
| 2021 | Mark McHone |
| 2022 | Patrick Leonard |
| 2022 | Mark Ward |

Bookmobile Board – 5 Members – No Term Limit

Maria Root
Cleta Hiner-Felzien
Pam Brown
Cherry Stogsdill
Lisa Miller

Prairie Development Corporation – 2 Members – 2-Year Term

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|--------|-----------------|
| 1/2021 | Robert Safranek |
| 1/2021 | Steve Burgess |

Tourism Board – 5 Members – 2-Year Term

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| 1/2021 | Tim Andersen |
| 1/2021 | Apryl Huelskamp |
| 1/2021 | Dan Merewether |
| 1/2022 | Steve Beedy |
| 1/2022 | Linda Orrell |

Karval Community Cemetery District Board of Directors

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|------------|------------------|
| 12/31/2021 | Cherry Stogsdill |
| 12/31/2022 | Vernon Stone |
| 12/31/2023 | Dennis Kravig |

Representatives for:

| | |
|---|-------------------------------------|
| Baby Bear Hugs | Steve Burgess |
| Bookmobile | Steve Burgess |
| Centennial Mental Health | Steve Burgess |
| Colorado East Community Action Agency | Doug Stone |
| County Health Pool | Doug Stone; Jacob Piper - Alternate |
| East Central Council of Local Governments | Steve Burgess |
| ECCOLG Economic Development Board Member | Gary Beedy |
| Eastern CO. Services for the Dev. Disabled | Cindy Tacha |
| EMS and RETAC | Steve Burgess |
| | Ken Stroud - Alternate |
| | Jacob Piper – Alternate |
| Foreign Trade Zone | Steve Burgess |
| Judicial Review Board for 18 th District | Steve Burgess |
| Land Use | Fred Lundy |
| Lincoln Community Hospital | Steve Burgess |
| Lincoln County Fair Board | Doug Stone & Ed Schifferns |
| Lincoln County Human Services Liaison | Doug Stone |
| Ports to Plains | Steve Burgess |
| Resources Unlimited | Ed Schifferns & Steve Burgess |
| RETAC Pre-hospital | Mark Morrison |
| Southeast & East Central Recycling | Doug Stone |
| Transit Advisory Committee | Ed Schifferns |

Human Services Region Citizen Review Panel – 3-Year Term

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| 1/2023 | Linda Messer |
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The following list of holidays was approved for 2020:

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|--------------------------|------------------------|
| January 20, 2020 | Martin Luther King Day |
| February 17, 2020 | President's Day |
| May 25, 2020 | Memorial Day |
| July 3, 2020 | Independence Day |
| September 7, 2020 | Labor Day |
| October 12, 2020 | Columbus Day |
| November 11, 2020 | Veterans Day |
| November 26 and 27, 2020 | Thanksgiving |
| December 24, 2020 | Christmas Eve |
| December 25, 2020 | Christmas Day |
| January 1, 2021 | New Year's Day |

Mr. Stone made a motion to set the county's vacation and sick leave policy for 2020, according to the personnel policy adopted on January 1, 2019. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to set the E-911 surcharge at \$.70, per 29-11-103 (3) (a), C.R.S. Mr. Stone seconded the motion, which carried unanimously.

County Treasurer Jim Covington presented the Lincoln County Investment Policy, explaining that it had not changed from 2019. Mr. Stone made a motion to adopt the Lincoln County Investment Policy for 2020. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns made a motion to adopt a resolution appointing the Lincoln County Administrator as the budget officer who will complete the preparation of the 2021 budget, per 29-1-104, C.R.S. 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 January 14, 2020, there were present:

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| Steve Burgess, Chairman | Present |
| Ed Schifferns, Vice-Chairman | Present |
| Doug 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 #1005 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, C.R.S. 29-1-104 states that the governing body of each local government shall designate or appoint a person to prepare the budget and submit the same to the governing body; and

WHEREAS, one of the duties of the County Administrator is to act as the budget officer for Lincoln County;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the Lincoln County Administrator is designated as the person to prepare the 2021 budget.

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Stone, 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

At 11:00 a.m., Roundhouse Coordinator Roxie Devers called in to discuss the interior screens for the windows at the roundhouse. She offered two options, and the commissioners asked for her recommendation. Mrs. Devers said she couldn't see the need for having someone take them down and put them up each year, so she would suggest having the screens permanently attached. Since the building belongs to the county, Mrs. Devers added that she had to have the Board's permission to move forward.

John Palmer stopped in to discuss buying a few panels for the area where the kids tie up their steers. He said it would probably cost about \$1,500 and asked if they could use Conservation Trust funds to pay for them. Mr. Piper stated that would probably be okay.

Mr. Burgess asked if the speakers were still a problem. Mr. Palmer told him that the rodeo announcer is the worst, so they're looking into what it would cost to have a sound person come out for the two days that they hold the rodeo.

There were no commissioner reports, the attorney had already gone, and Mr. Piper said he'd confirmed that Leo's Electric would finish up the Maglocks the following day.

As for old business, Mr. Schifferns asked that they have John Mohan clean up the area under the awning outside the clerk and commissioner offices.

At 11:25 a.m., Sheriff Tom Nestor and Undersheriff Gordon Nall met with the Board to discuss the Red Flag law and the judge's denial of the one case brought forth in Lincoln County so far. The sheriff said the district court judge denied the petition after determining there wasn't enough evidence to support removing the guns from the residence. Sheriff Nestor added that he'd had several calls from the media about it already. Since it is unconstitutional to go into someone's house and search for guns, the sheriff said it would be difficult for him to enforce the new law unless someone invited him in and showed him where they were. He added that the parties must turn their weapons over to a dealer or law enforcement and that the guns have to remain in the condition in which they receive them. There isn't room at the sheriff's office to store anything for the required period, which could be up to a year. Sheriff Nestor also said that much of what the new law contains has been in older statutes for years, such as a person bound by a restraining order having to surrender their weapons and prove that they've done so.

Mr. Burgess informed the officers that the hospital was supposed to start sending monthly statements instead of only a couple of invoices a year.

Sheriff Nestor spoke about upcoming legislation and potential issues as their result if some of the bills pass.

There was no new business to discuss, so Mr. Burgess said they would complete the evaluation for Public Health Director Jobeth Mills. He adjourned the meeting at 12:15 p.m. The next meeting is at 9:00 a.m. on January 30, 2020.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman