

Board of County Commissioners of Lincoln County  
Agenda for May 18, 2020

THIS MEETING WILL BE HELD AT THE LINCOLN COUNTY COURTHOUSE, BUT WILL ALSO BE ACCESSIBLE VIA CONFERENCE CALL. THE PUBLIC IS WELCOME TO CALL IN, ALTHOUGH THE PUBLIC WILL BE MUTED UNTIL THE COMMISSIONERS ASK FOR ANY PUBLIC COMMENT. PLEASE SEE BELOW FOR THE CALL IN NUMBER AND THE ACCESS CODE.

- **Call in number: 1 (646) 749-3122**
- **Access Code: 996-551-869**

9:00 Call to order

9:30 Jeremiah Higgins, Lincoln County Assessor, to discuss the homestead exemption

10:00 Public Hearing regarding Resolution #1013, A Resolution of the Board of County Commissioners of Lincoln County, Colorado, closing that portion of Lincoln County Road 34.2 running between County Road 2G and County Road 2D, as identified on the Lincoln County Road Map

10:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide a LCH monthly report

11:00 Katie Zipperer with the Lincoln County Bookmobile, to discuss a plan for reopening the Bookmobile

11:30 Robin Halley, CSU Extension Director, to provide CSU Extension updates

1. Approve the minutes from the May 6, 2020 meeting
2. Approve the minutes from the May 13, 2020 meeting
3. Discuss the screening process for employees and the public regarding entering the Lincoln County Courthouse during the Coronavirus Pandemic
4. Discuss the sale of Sheriff Office vehicles
5. Review the April, 2020, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
6. Review the April, 2020, 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
7. Review the job description for a full time Landfill Clerk
8. Review the Lincoln County 2020 thirty-five hour pay scale to include the Landfill Clerk
9. Review the Lincoln County Personnel Manual to include changes regarding employees being active in volunteer fire departments and emergency medical services
10. Discuss a letter received from Dufford Waldeck Law regarding the Hoffman gravel pit
11. County Commissioner reports
12. County Attorney's report
13. County Administrator's report
14. Old Business
15. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 18, 2020. The following attended: Chairman Steve Burgess, Commissioner Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Commissioner Ed E. Schiffers and Juliet Lundy, with the Eastern Colorado Plainsman and Limon Leader, attended via conference call.

When Chairman Burgess called the meeting to order at 9:00 a.m., others attending were Sheriff Tom Nestor and Undersheriff Gordon Nall, Assessor Jeremiah Higgins, Treasurer Jim Covington, and Logan Wilkins with Colorado Parks and Wildlife.

Mr. Burgess asked Undersheriff Nall to lead the Pledge of Allegiance.

Sheriff Nestor said he'd only received two bids for the vehicles he wanted to sell, even though he'd had quite a bit of interest in them. It would cost the county \$1,000 each to decommission them, but the sheriff said that Costilla County offered a bid of \$7,500 for the 2016 Dodge pickup, and the town of Hugo wanted the 2016 Charger for \$3,500.

Mr. Stone made a motion to accept the bids from Costilla County and the town of Hugo for the sheriff's 2016 Dodge pickup and 2016 Dodge Charger. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Burgess said he'd like to discuss courthouse protocol regarding COVID-19 since there were several department heads in the room. Sheriff Nestor remarked that no other counties were requiring members of the public to take their temperatures when entering the courthouse, but many still required them to wear masks. He added that his employees self-monitor and fill out a form each time they arrive for a shift, which has worked very well. Mr. Burgess asked if they should allow employees to begin using the employee entrance again the following day as long as they followed the self-screening process, and the group agreed. As for the courts, Sheriff Nestor said that they have a plan in place for social distancing beginning on May 26, as that will be a heavy court day. Jeremiah Higgins said that Governor Polis's order expires on June 15, so he would like to continue the practice at least until then. He added that it was easier for employees if they followed the state orders, and Mr. Schiffers agreed. Mr. Burgess asked Mrs. Lengel if she had plans to open the driver's license office, and she said they've discussed taking appointments beginning June 1, but she'd like to hear what the governor had to say on May 25 before making a decision. Public Health Director Jobeth Mills still hadn't heard whether or not the state granted the waivers she applied for regarding gatherings of up to fifty people and the reopening of restaurants.

Mr. Piper received a sales call from Enterprise asking if the county would like to discuss fleet vehicles. The sheriff said he'd heard of the plan and that some counties use it, but he'd never personally looked into it. Mr. Piper advised that the company would automatically rotate vehicles into and out of the fleet, and Mr. Burgess commented that he'd never been a fan of leasing. He felt it would be worrisome if the county hit a tight budget year. Mr. Stone said they'd never tried it before, and Mr. Schiffers wanted to know if the county would have to pay

for the damages if a leased vehicle were involved in an accident. Sheriff Nestor noted that he hoped they'd be able to trade cars instead of selling them in a couple of years. The group agreed it wasn't worth Mr. Piper putting in the work to do further research.

The sheriff and undersheriff left, and Jeremiah Higgins met with the Board at 9:30 a.m. to discuss the homestead exemption. Mr. Higgins said that, unfortunately, he felt the state would take it away. Mr. Burgess agreed, explaining that they'd been on a CCI conference call on Friday, and they felt the same. He added that the state would face severe budget issues because of the pandemic, and were already projecting that they would have to cut at least twenty-five percent of the 2021 budget. Mr. Burgess also said that the prediction is that oil and gas values will drop thirty-eight percent, while commercial property values will decrease by twenty-eight percent.

Mr. Higgins noted that the state would have to backfill \$95,902 for the 301 seniors and two veterans that Lincoln County currently covers under the homestead exemption. He also said that Fremont County passed a resolution attempting to keep the exemption, but he didn't believe the commissioners should follow suit. The county's home sales are still on track, and Mr. Higgins reiterated that he felt oil and gas values would rise as soon as people started going places again. Mr. Covington spoke up to say that the Treasurer's Association decided not to take a position on it, and Mr. Higgins said the Assessor's Association hadn't either.

Mr. Higgins and Mr. Covington left, and Mr. Schifferns made a motion to approve the minutes from the meetings held on May 6 and May 13 as submitted. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess passed over agenda item numbers five and six, stating that they would review the reports at the end of the meeting. After discussing the job description for the landfill clerk, the group realized that they needed to amend it to include lifting restrictions. Mr. Stone made a motion to approve the revised job description for the landfill clerk, and Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the updated 35-hour/week pay scale to reflect the addition of the landfill clerk, and Mr. Stone made a motion to approve the pay scale. Mr. Schifferns seconded the motion, which carried unanimously.

The commissioners reviewed the addition to the Lincoln County Personnel Manual regarding employees' activity in volunteer fire departments and emergency medical services. Mr. Piper said they'd discussed it at the department head meeting. Most agreed that employees should take annual leave or comp time when responding to a call-out unless they were doing it on behalf of the county. In that instance, the county's insurance would cover the employee; otherwise, the entity they responded with should provide insurance coverage. Mr. Stone made a motion to approve the addition to the Lincoln County Personnel Manual, effective May 18, 2020. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed a letter from Dufford Waldeck Law regarding the Hoffman gravel pit. Checks written in December of 2017 and January of 2018 were never cashed, due to the passing of Charles Hoffman. The county didn't reissue the payments because of the new budget year and the fact that they hadn't set up the estate yet. The Board agreed that the county owed the Hoffman heirs \$3,123 for gravel, so Mr. Burgess said it would have to come out of the 2020 District 1 gravel budget.

Mr. Burgess called for commissioner reports, and Mr. Stone said he'd received a call regarding one of the road grader operators after the meeting on May 6. He took care of the issue. He also had a call on May 7 requesting the county attach magnets to road graders to pick up nails or other sharp objects damaging to tires. Mr. Burgess said they'd considered it at one time, so tested one to see how much debris they could pick up. It wasn't worth the \$1,200 per grader that it would cost the county to purchase magnets. Mr. Stone added that the caller also told him it wasn't constitutional for businesses to require their patrons to wear masks. On May 12, Mr. Stone participated in the weekly public health call but said he missed the CSU call that day. He called into the commissioner meeting on May 13, and he attended the roundhouse workshop on May 15. Mr. Stone also called into an eastern region CCI meeting that evening. He checked roads on May 16 and reported that they could pick up their new road grader the following week.

Mr. Schifferns reported speaking with the sheriff on May 6 about an armored vehicle they got from Elbert County. He talked to Chris Monks about the delayed delivery date on their new trucks on May 7. On May 9, Mr. Schifferns received a call from a resident who told him they thought there was a state mandate for people to wear masks. Mr. Burgess said that according to Public Health Director Jobeth Mills, that was incorrect. Mr. Schifferns participated in the May 12 public health conference call, and he also received a call from Sheriff Nestor on May 17 regarding high school graduation.

Mr. Burgess reported that there was a fire in Genoa on May 6, and the sheriff requested assistance from Road and Bridge. They used four loaders and a motor grader, along with four hours of manpower, which Mr. Burgess said he reported to Emergency Manager Ken Stroud. Mr. Burgess also went by the landfill and talked with Mick Jaques about putting up a fence around the contaminated pipe. The District 2 road crew hauled gravel on County Road 3H from County Road 27 to County Road 31. He participated in a phone conference with the Council of Governments and learned that they are serving meals, but they are all carry-out. Although COG received federal funding for its programs, it appeared there would be several cuts next year because of the budget shortfalls. On May 7, Mr. Burgess took pictures of the contaminated pipes to show the state that the county is storing them properly. He sent the files to Mr. Piper. Mick Jaques received a bill from Clean Harbors for approximately \$560 for testing the pipes. Chris Monks called Mr. Burgess about patching the courthouse parking lot, and he and the other commissioners agreed they needed to do it. Mr. Burgess received the same call about masks being mandatory, so he contacted Jobeth Mills. CSU Extension Director Robin Halley also called Mr. Burgess to ask if the county applied for a variance regarding public gatherings. Mr. Burgess received a call from Taylor Henderson with the Arriba Wind Farm on May 8. Mr.

Henderson inquired about wind farms funding fire departments, so Mr. Burgess called Teresa O'Dwyer about what the Limon Fire Protection District received. She told him they applied for a \$5,000 grant from Enbridge each year. Sometimes they get it, and sometimes they don't. Mr. Burgess contacted Troy McCue and asked him to discuss it with Mr. Henderson and Mrs. O'Dwyer. Mr. Burgess participated in a Zoom meeting with CCI regarding PPE and testing. He also received a call regarding the Limon Museum opening and how many people they would allow inside.

Dan Hendricks called Mr. Burgess on May 11 to tell him that they'd finished carpeting the hallways in the courthouse. They will complete the project when they get a schedule from probation employees and the court clerk. Mr. Burgess also participated in a Baby Bear Hugs conference call and said they received CARES funding for eight weeks of payroll. On May 12, Mr. Burgess talked with Bruce Walters about the road crew preparing to chip-seal a portion of County Road 109. He learned on the public health call that there were no new COVID-19 cases reported in Lincoln County in the past three weeks. Various officials from CSU participated in a conference call regarding county fairs in the state. Kate Greenberg, the Colorado Ag Commissioner, felt that livestock sales were essential, and Colorado State Fair General Manager Scott Stoller suggested making decisions at least sixty days before the fair. County fairs are the statutory responsibility of county commissioners. Still, public health will have a lot of input regarding what conditions they will operate under if a county decides to have a fair. Weld County planned to go ahead with their 4-H and FFA exhibits, but they agreed to have no open class events, no vendors, and no entertainment. They would not be open to the public, and their livestock sale would be online via video. CSU agreed to decide by June 24 whether or not to hold the State Fair.

Mr. Burgess called into the department head meeting on May 13 and asked them to defer to John Mohan for any maintenance work on county-owned property. He attended the commissioner meeting/phone conference with CPW regarding opening campsites, talked with the FSA office about the drought in the county, and called the landfill about shingles coming to them from the prison. On May 14, Mr. Burgess participated in a phone conference with Centennial Mental Health. They also got CARES funding for payroll, which would help with some of the foreseeable budget cuts. Mr. Burgess stopped by to look at the chip-seal project and also at County Road 3R, where the road crew installed a couple of pipes. A "Safer-at-Home" Zoom meeting with CCI occurred on May 15, and Mr. Burgess said there was a lot of concern on how the state handles the variance requests. They denied Logan County's because of the number of COVID-19 cases in the prison, and Mr. Burgess felt that someone would have to address the premise issue. Giving back some local control would be his recommendation. Also on the Fifteenth, Mr. Burgess attended the roundhouse workshop. They met at the roundhouse with Roxie Devers and the contractor to discuss the painting needs. Spectrum will do the warranty work and then decide what to do next. Mr. Burgess said the county might need to purchase a lift for future use since they might be able to use employees to finish the painting. He said they did not need to go through the Historical Society for it. Mr. Stone put in that they could also put the project out for bid. Lastly, Mr. Burgess participated in the eastern region meeting with CCI that evening.

At 10:00 a.m., the Board conducted a public hearing to close a portion of County Road 34.2 between County Road 2G and County Road 2D for purposes of a wildlife study. No members of the public appeared in person or identified themselves on the conference call. District Wildlife Manager Logan Wilkins asked that they clarify the portion of the road as roughly one-and-a-half miles between the interior cattle guards. He didn't want people to think that the county planned to close the road to anyone trying to get to the ponds or campsites.

Mr. Piper went to his office to change the verbiage on the resolution, and Mr. Schifferns asked if CPW would post signs to let people know why they had closed the road. Mr. Wilkins said they would put up some of the signs with their logo on them, either stating, "Road Closed" or "Authorized Personnel Only."

Mr. Piper returned, and Mr. Stone made a motion to adopt a resolution closing a portion of County Road 34.2 for a period of two years to assess the resulting benefit or effect upon wildlife in the subject area. The closure affects that portion of County Road 34.2 running in a southeasterly direction from County Road 2G to County Road 2D, containing approximately one-and-a-half miles between two interior cattle guards. Mr. Schifferns 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 May 18, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present Via Telephone
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 #1013** It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

### **RESOLUTION NUMBER 1013**

#### **THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO, CLOSING A PORTION OF LINCOLN COUNTY ROAD 34.2 RUNNING BETWEEN COUNTY ROAD 2G AND COUNTY ROAD 2D FOR APPROXIMATELY ONE AND A HALF MILES BETWEEN THE TWO INTERIOR CATTLE GUARDS, AS IDENTIFIED ON THE LINCOLN COUNTY ROAD MAP**

**WHEREAS**, the Lincoln County Road Map reflects that County Road 34.2 runs in a southeasterly direction from County Road 2G to County Road 2D; and

**WHEREAS**, the Colorado Parks and Wildlife, hereinafter referred to as the "CPW", owns the land upon both sides of the county road right-of-way designated as County Road 34.2; and

**WHEREAS**, the land is located in the Hugo Wildlife Area and, accordingly, supports wildlife native to Eastern Colorado; and

**WHEREAS**, the CPW has requested that Lincoln County close a portion of County Road 34.2 for approximately one and a half miles between the two interior cattle guards for preservation of wildlife reasons, including stopping vehicle traffic along the road as such traffic tends to interfere with the flow of wildlife, particularly during hunting and breeding seasons; and

**WHEREAS**, few, if any, residents use the road for the purpose of access to their property and the CPW agrees to work with those who may require the road for access to their property; and

**WHEREAS**, closing of the above-described county road right-of-way for a set period of time will allow the CPW to assess the positive effects, if any, of the closed road on local wildlife; and

**WHEREAS**, Colorado Revised Statutes 30-11-107(1)(h) give the Board of County Commissioners the authority to lay out, alter, or discontinue any road running into or through such county; and

**WHEREAS**, the Board has determined that extraordinary circumstances exist for the closing of the described section of County Road 34.2 for a period of two (2) years to assess the resulting benefit or effect upon wildlife in the subject area,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lincoln County, Colorado, the county road right-of-way particularly described as a portion of County Road 34.2 running in a southeasterly direction from County Road 2G to County Road 2D containing approximately one and a half miles between two interior cattle guards, is hereby closed and shall remain closed from the date of the passage of this Resolution for two (2) consecutive years. At the end of the two year period the Board shall meet with the representatives of the Department of Wildlife to assess and determine if the road should re-open, be vacated, or remain closed for an additional period of time.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Schiffers, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

ATTEST:

---

Clerk of the Board

At 10:30 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to give his monthly update, most of which related to COVID-19. He commented that Public Health Director Jobeth Mills is doing an excellent job with the pandemic, and they are collaborating with her to provide drive-through testing on May 27. Anyone experiencing symptoms or who believes they've been exposed to the virus can get the test, but that person will then have to self-quarantine until the results come back.

Mr. Stansbury spoke about the stimulus funding they received but said they were unsure how much they would have to pay back. He also provided a potential resolution for the Board to adopt regarding participation in the Small Business Administration Paycheck Protection Loan program. Mr. Stansbury said that the hospital needed county commissioner approval because it would be a two-year note. The Board agreed to review the document and have Mr. Piper transfer it to the typical county resolution form. They asked if Mr. Stansbury could wait until the next meeting on May 28 for them to adopt it, and he said that would be fine.

Since it is the busiest site for their mobile clinic, Mr. Stansbury said they'd been working on a possible permanent clinic in Deer Trail. The school offered to provide some land if the hospital could put up a building. They discussed asking Arapahoe County to construct something that LCH could use a couple of days a week. Mr. Schiffers asked why they felt they needed a clinic in Deer Trail, and Mr. Stansbury said that the mobile clinic staff sees between seven and eight patients a day when they are there, and he felt that the area shows a good possibility for a long-term need.

Mr. Stansbury left, and Mr. Kimble reported that the federal case concerning a former Lincoln County inmate was still pending. The court system is trying to reschedule trials put on hold because of the pandemic, and Mr. Kimble said that it could be next March before the case regarding the land dispute up north comes up. Lastly, Mr. Kimble said he would leave it up to the Land Use Administrator to continue working through wind energy processes.

Mr. Piper said that Katie Zipperer called to tell him that she wouldn't be able to make her appointment with the Board, but she had provided a proposal to resume bookmobile services, which the Board reviewed. The commissioners agreed to allow her to implement Stage 2 (Modified Service) until further notice.

Mr. Piper reported that Brenda Howe asked if she could wait until June 1 to begin working full time, which was acceptable to the Board.

Mr. Schifferns asked for an update on the contaminated pipe at the landfill, which Mr. Piper provided.

Mrs. Lengel said she'd sent Robin Halley an email asking if she could use the extension office meeting room as a back-up Voter Service and Polling Center, but she hadn't heard back from him. Since the building is a county facility, she felt she should also get approval from the commissioners. No one had a problem with the request.

The Board reviewed the April 2020 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer. They also reviewed the April 2020 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.

CSU Extension Director Robin Halley met with the Board at 11:30 a.m. to provide updates. First, Mr. Burgess said that Mrs. Lengel had asked about using the meeting room in his office as a back-up VSPC if necessary, and Mr. Halley said he had no problem with it.

Mr. Halley said that it appeared that Kit Carson County planned to have a full fair this year and that Jobeth Mills was extremely worried about it. There have been many differing opinions on what to do, and Mr. Halley said that it is up to them as extension agents and a fair board to provide the opportunity for a fair. What the commissioners and the public do with that opportunity is up to them. He felt that they needed to start offering some workshops so that the kids can get out and do something as long as they do it safely. Mr. Halley added that they'd received no guidance for 4-H at this point, but extension must be present if they hold any type of 4-H event. There is a meeting of the sales committee scheduled for May 19, and Mr. Halley said they should find out much more at that time. He invited the commissioners to attend, and Mr. Stone said he should be able to. Mr. Halley also noted that the public health director believed they should have a live auction, which they could hold in the arena/grandstands. They would have to get creative to sell pigs in that manner, but he thought they could probably come up with something that would work. Mr. Stone suggested putting up a screen on the track and playing a video of the exhibitor showing their animal, which Mr. Halley thought was a good idea.

Mr. Burgess said that everything hinged on whether or not the state granted the gatherings variance to the county, and Mr. Halley responded that if the state deems the livestock sale essential, they shouldn't have any problems with that. He added that the auctioneers are booking now and filling up quickly, so Mr. Burgess told him that he should get on their schedule one just to be on the safe side.

Mr. Halley commented that if there is no variance, they might have to issue tickets for the events to make sure that people leave before they allow the next group inside. He added that

the number of animals didn't matter; it was the number of people they had to control. Also, since the state funds the State Fair, he felt there probably wouldn't be one this year. Mr. Halley said that Mrs. Mills wanted to apply for a variance for the fair as soon as possible because he understood that they would have to apply for a waiver for every event.

Mr. Halley left, and with no other business to come before the Board, Mr. Burgess adjourned the meeting at 12:05 p.m. The next meeting will be at 9:00 a.m. on May 28, 2020.

---

Corinne M. Lengel, Clerk to the Board

---

Steve Burgess, Chairman