

Board of County Commissioners of Lincoln County
Agenda for May 28, 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 (571) 317-3122**
- **Access Code: 714-133-517**

9:00 Call to order and Pledge of Allegiance

9:30 Ken Stroud, Lincoln County Emergency Management Director, to provide updates

10:00 Robert Kraxberger, Human Services Supervisor, to present the Department of Human Services monthly report

10:30 LaRay Patton with the Ranch Rodeo Committee to discuss the Ranch Rodeo for 2020

11:30 Executive Session pursuant to C.R.S. §24-6-402-(4)(f)(I) for personnel matters

1. Approve the minutes from the May 18, 2020 meeting
2. Review the April, 2020, report from the Colorado Counties Workers' Compensation Pool
3. Review and act upon Resolution #1014, a Resolution of the Board of County Commissioners of Lincoln County, Colorado, approving the participation in the Small Business Administration Paycheck Protection Loan for Lincoln Health
4. Review and discuss the High Deductible/HSA Health Plan through County Technical Services INC. and the County Health Pool
5. County Commissioner reports
6. County Attorney's report
7. County Administrator's report
8. Old Business
9. New Business
10. Approve payroll and expense vouchers
- 11.

The Board of Lincoln County Commissioners met at 9:00 a.m. on May 28, 2020. The following attended in person: Chairman Steve Burgess, Commissioner Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble (until 1:00 p.m.), and Clerk to the Board Corinne M. Lengel. Others attending via conference call and identified at the start of the meeting were Commissioner Ed Schifferns, Juliet Lundy with the Eastern Colorado Plainsman and Limon Leader, Gillian Laycock, LaRay Patton, and Renita Thelen. Public Health Director Jobeth Mills also attended the first part of the meeting.

Chairman Burgess called the meeting to order and asked Mrs. Mills to lead the Pledge of Allegiance.

Mrs. Mills then gave a COVID-19 update, starting with the mass testing on June 3. Pending results, she will apply for another variance through the state to increase the size of gatherings from 50 to 175 people. The state has still not provided guidance regarding swimming pools, public parks, or other recreational events, but it should come on June 1. There is pressure regarding rodeo and county fair guidelines, but again, the state has given no direction. Mrs. Mills said that the turnaround time should be quicker on the June 3 testing, free to residents. They've now opened it to everyone, even people who are not experiencing symptoms of the virus. Still, Mrs. Mills warned that anyone who gets the test would immediately have to self-quarantine until the results come back. She explained that they would make sure people waiting in line understood that before getting the test.

Emergency Manager Ken Stroud had also arrived when the meeting started, so at 9:10 a.m., he met with the Board to discuss the emergency declaration. Regional OEM staff have encouraged county commissioners to acknowledge that they want the order to continue, although some counties with little impact are letting theirs expire. Mr. Stroud said that he wanted the Board to decide on record what they wanted to do. He felt it prudent to keep the resolution in place as written, at least for the next thirty days.

Mr. Schifferns made a motion to keep the emergency declaration in place as written until at least June 29, 2020. Mr. Stone seconded the motion, which carried unanimously.

Mr. Piper wanted to know if the Board would have to adopt a resolution to end the emergency, and Mr. Kimble verified that it should be in writing.

Mr. Stroud updated the group on the message board he'd requested, stating that he should know something in a week or so. As for the 911 migration, CenturyLink is preparing to work in Lincoln County, possibly in August or September. They will need some electrical work done first. Mr. Stroud said the grants are in place to reimburse the county and will pay for the service.

The building housing the repeater in Genoa needs some maintenance work, and Mr. Stroud said he'd talked to John Mohan about helping with it. The county now owns the building.

Mr. Stroud said he'd still not heard anything from Tony Hagans about the radio tower south of Hugo.

Mr. Stroud left, and Mr. Stone made a motion to approve the minutes from the meeting held on May 18, 2020, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the April 2020 report from the Colorado Counties Workers' Compensation Pool and then discussed adopting a resolution previously requested by Lincoln Community Hospital CEO Kevin Stansbury.

Mr. Stone made a motion to adopt a resolution approving the participation in the Small Business Administration Paycheck Protection Loan for Lincoln Health. 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 28, 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 #1014 It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

**RESOLUTION APPROVING PARTICIPATION IN THE
SMALL BUSINESS ADMINISTRATION PAYCHECK PROTECTION LOAN**

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus disease 2019 ("COVID-19") to be a global pandemic, and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus; and

WHEREAS, at this time, the Governors of most states have ordered citizens to stay-at-home and that elective medical procedures may not occur, subject to certain exceptions; and

WHEREAS, on March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"); and

WHEREAS, the CARES Act includes provisions for various forms of assistance for individuals and businesses; and

WHEREAS, included within the CARES Act is the Paycheck Protection Program (“Program”) which expanded section 7(a) of the Small Business Act to provide “covered loans” with a 100% SBA loan guarantee to assist small businesses and other organizations that have been adversely affected by COVID-19; and

WHEREAS, under the Paycheck Protection Program, the maximum loan amount for a covered loan is generally the lesser of (i) 2 ½ times the average total monthly payments by the applicant for payroll costs incurred during the one-year period before the date on which the loan is made, or (ii) \$10 million; and

WHEREAS, the Paycheck Protection Program provides for the forgiveness of covered loan amounts equal to the amount the borrower spends during an 8-week period after the origination date of the loan on payroll costs, interest payment on any mortgage incurred prior to February 15, 2020, payment of rent on any lease in force prior to February 15, 2020, and payment on any utility for which service began before February 15, 2020; however, the forgiveness is to be reduced proportionally by formulas related to the borrower’s retention of full-time equivalent employees compared to the prior year and by the amount of any reduction in pay of any employee beyond 25% of their prior year salary or wages; and

WHEREAS Lincoln Health is committed to supporting the communities we serve by maintaining appropriate services during this crisis; and

WHEREAS Federal and State policies responding to the Coronavirus / COVID-19 pandemic have significantly negatively impacted the financial viability of Lincoln Health; and

WHEREAS Lincoln Health, through the Eastern Colorado Bank has applied and been approved for participation in the Program; and

WHEREAS, by committing the proceeds from the Program to ensure that eligible expenses, including salaries, will be fully funded for at least eight weeks, the loan shall convert to a grant; and

WHEREAS such a grant shall have a significant positive impact on the financial well-being of Lincoln Health and support its Mission.

NOW THEREFORE BE IT RESOLVED that

- The Board of County Commissioners of Lincoln County agrees the Board of Trustees of Lincoln Community Hospital should direct the Chief Executive Officer, the Chief Financial Officer, and their designees, to take all necessary actions, including the execution of all necessary documentation to facilitate Lincoln Health’s participation in the Program;

- That the proceeds from the Program shall be used for authorized expenditures including payroll, benefits, utilities, leases and rent;
- That at least 75% of the proceeds of the Program shall be used to fund payroll and related expenses;
- That Lincoln Health will take all steps necessary to ensure compliance with the terms of the Program so as to convert the Loan to a Grant as specified by the terms of the Loan.

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk to the Board

Mr. Piper explained that he'd done quite a bit of research on the High Deductible/HSA Health Plan through County Technical Services, Inc. and the County Health Pool. The county would deposit the employees' deductible into an HSA account at the start of each year and issue debit cards. The HSA would not be reported as income as long as employees used the money for medical expenses and were under the age of 65. The funds would roll over each year if unused. Mr. Piper said that after the age of 65, employees could use the money for whatever they wanted without being penalized; however, they would be subject to taxes. Mr. Piper said that the county would have to discontinue the current PayFlex FSA, but they could still have a modified FSA through the same entity providing the HSA if they wanted to. It would mainly cover dental and vision expenses.

County Treasurer Jim Covington joined the meeting to listen to the remainder of the insurance discussion.

Mr. Burgess wanted to know the cost savings to the county, but Mr. Piper said he didn't know yet. He thought it would be best to wait until CHP came out with the new rates first, but he said when he did a calculation the previous year, it seemed it could save anywhere from \$150,000 to \$200,000 a year. He added that although the county might lose money if there were a lot of employee turnover in one year, he felt it would still be cheaper in the long run. The Board agreed that putting some restrictions on new hires, such as only depositing a portion

of the deductible, possibly quarterly, might also help. Mr. Piper said it could all run through CTSI or Anthem, but American Fidelity would be another option for the HSA and limited FSA. The plan would be mandatory, but Mr. Piper said that it seemed moving to a higher deductible would be beneficial and save money. The commissioners all stated they didn't want to decrease the employee benefits in any way. Mr. Piper said he still needed to find out what American Fidelity charged for their services, and he also wanted to schedule a time for CTSI to come out and speak with employees about it.

At 10:00 a.m., Human Services Supervisor Robert Kraxberger met with the Board to present the monthly Department of Human Services report. He provided the financial sheets for April and then said that Director Phillips was gone and hadn't left him anything else to discuss with the commissioners.

At 10:30 a.m., members of the Ranch Rodeo Committee met with the Board to discuss the 2020 Ranch Rodeo. LaRay Patton and Tina Waite spoke for the group. Mrs. Patton asked the commissioners what the county would allow for the June 26 and 27 events and said they had an alternate date. Sheriff Tom Nestor also attended the discussion.

Public Health Director Jobeth Mills joined the call and explained that the state granted the county a variance for gatherings of up to 50 people. However, she wanted to wait until after receiving the June 3 community COVID-19 testing results before requesting another one. At that time, Mrs. Mills said she planned to ask for a variance of up to 175 people in a single gathering. If the committee would wait until August to hold the Ranch Rodeo, chances improved for Mrs. Mills to have the state agree to a group of 250 or 300. She said she hoped to apply each month and gradually increase the size. Mrs. Mills explained that the last time she submitted the request, it took about two weeks. If she can't send it until around June 5, the committee might not know anything until June 19, only a week before the rodeo.

Mrs. Patton said that they could move to August as there was a different event that would be willing to switch weekends with them, but Mrs. Waite said they would prefer to keep it in June. Megan Mosher asked Mrs. Mills if there was any value in getting started with the request for variance now, but Mrs. Mills said it was better to do it all at once, so she didn't have to wait in line each time.

Mrs. Waite said they have 70 to 100 contestants, which didn't include any family members, so allowing 50 people at a time wouldn't work for them. She suggested they go ahead and apply for the variance in June, and if they didn't get it, they could always push the Ranch Rodeo to August.

Gillian Laycock spoke up to say that the Ranch Rodeo has significant impacts on the county economy, and if the governor is urging outside events, there should be no reason why they couldn't do it. She added that the rodeo would be a much smaller event than some of the places opening in the cities, such as malls or large lumber/hardware stores.

Mrs. Patton asked Mrs. Mills if she could request a special variance for only the Ranch Rodeo or if it had to be countywide. Mrs. Mills told her they would have to put together a social distancing plan if she asked for a special event variance. If they were out of compliance, the liability could come back on the event itself.

When someone asked if contestants could sign a waiver, Mr. Kimble commented that the assumption of risk is what a waiver means. He added that they had to try and be safe, but no one could ever waive gross negligence.

Sheriff Nestor was worried that the county might start losing some of its events, and Mr. Stone told him that CCI was pushing on the state to allow more control to counties. The main concern is that counties might lose funding if they don't follow the state's orders.

Mr. Burgess asked the sheriff to stay while the Ranch Rodeo Committee left and then asked if he had anything else to discuss with the commissioners. Sheriff Nestor said that the town of Hugo and Costilla County picked up the vehicles they sold to them. He also received word that the Colorado Courthouse Security Cash Fund Commission denied his request for a full-time courthouse security guard. They have actually cut funding, but he said he would keep trying.

Mr. Burgess asked if there were any discussion about a fire ban, but Sheriff Nestor said that everything was at Stage 2, and the fire chiefs were comfortable with that.

After the sheriff left, Mr. Stone reported that he went by the Karval shop on May 18 to check out the new road grader. He attended a Livestock Sales Committee meeting on May 19, where they talked about options for the livestock show and sale during the county fair. John Palmer called Mr. Stone on May 20 about canceling the bounce house and Ninja Warrior attractions. The commissioners agreed that they should. Mr. Stone also had a call from Jobeth Mills about COVID-19, and he talked to Rick Ashcraft about grading a road west of Punkin Center. On May 21, Mr. Stone went to the overlay project site on County Road 109 and then checked roads. Mr. Stone received a call from Jim Lundy on May 23. He'd received a grant for a summer meal program and wanted information on who to call in the Lower L, so Mr. Stone gave him the number for the pastor of the Kendrick Church. Mr. Stone also had a phone call about the Ranch Rodeo. He checked roads on Monday, May 25, after Sunday's rain, and on May 26, stopped by the County Road 109 job site again. Mr. Stone called Kit Carson County Commissioner Dave Hornung and asked how they were handling special events. Mr. Stone went by the overlay project again on May 27 and also checked roads.

Mr. Schifferns reported discussing an employee with Mr. Burgess on May 20. He also attended the Arriba Memorial Day celebration and received a call about the rodeo in Kit Carson County. The caller asked what Lincoln County planned to do. Mr. Schifferns talked with Chris Monks on May 26 and said they are still waiting on their trucks. The road crew did some paving on County Road 2W, and Mr. Schifferns also checked roads and talked to Robin Halley about the fair on May 26.

Mr. Burgess reported that District 2 put in some pipes on County Road 3N on May 18. On May 19, he spoke with Mr. Piper about the free landfill day. Jim Lundy called him about the Methodist church receiving grant funding from the rotary and the Roundup Fund for the summer meals program. He attended the Economic Development Zoom meeting on May 20 and also toured roads for the upcoming wind farm project with Bruce Walters. Mr. Burgess visited with Jobeth Mills on May 21 about the COVID-19 testing and with Mr. Piper about adding an executive session to the May 28 meeting. Robin Halley called to tell him that CSU still believed they should adhere to groups of ten people, so he planned to write a letter and express that counties should follow public health guidelines instead of state guidelines. On May 22, Mr. Burgess participated in a Zoom meeting with CCI and other commissioners about current budget projections and cuts to the state budget. On May 23, Mr. Burgess listened in on the Zoom meeting with Jobeth Mills and set up a meeting with Troy McCue for May 24. Mr. Burgess worked on his presentation for the executive session and checked roads on May 26. The road crew chip-sealed on May 27, and Mr. Burgess attended a PDC call-in meeting that afternoon. Candace Payne was to send a request to Mr. Piper regarding the CDBG Business Loan Fund Contract. Mr. Piper said he didn't see anything that morning but would check again.

Mr. Kimble said he'd like to request an executive session to discuss county use tax, and Mr. Burgess asked if they could do both sessions when the callers left the meeting. Mr. Kimble said that would be fine, so Mr. Piper reported that the state cut \$4 million from the marijuana grant program. The VALE grant wasn't affected, but the state also cut funding from the Homestead Act and Tobacco grant.

Mr. Piper also reported that Dan Merewether wanted to have a roundhouse cleanup day on June 13 and asked for John Mohan's help. Mr. Mohan preferred they did it on Friday, June 12, and Mr. Stone felt they should work with John's schedule. The question of liability arose, and Mr. Kimble said that insurance usually covers volunteers, but it would be good to check with CTSI.

Lastly, Mr. Piper said that the company taking care of the contaminated pipe required additional samples to complete the waste profile for a different company to accept it.

Mr. Burgess called for other business, and Renita Thelen asked if the county planned to have a free day at the landfill. Mr. Burgess said there was no way to keep up the social distancing protocol at this time, so the commissioners agreed to wait until the fall to reevaluate the idea. Gillian Laycock asked if they would consider allowing each community to have a free day since they wanted to clean up the town of Hugo. Mr. Burgess said they hadn't ever done it before, but they could discuss it.

Mrs. Lengel asked if the commissioners had any indication of when county staff could all return to work. She said she planned to open the driver's license office by appointment only on June 1 but wanted to know if all of her employees could come back as well. The Board agreed to have all county employees return to work on June 1.

Mr. Piper returned and said he'd received the email from Candace Payne that Mr. Burgess had mentioned earlier.

Mr. Schifferns made a motion to sign a letter to the Office of Economic Development and International Trade requesting an amendment to the existing CDBG Business Loan Fund Contract, adding the additional \$80,874 in business assistance funds from the CARES Act. Mr. Stone seconded the motion, which carried unanimously.

As for new business, Mr. Stone said that he'd received an email from Attorney General Weiser's office requesting a meeting with the commissioners.

There was no other business, so Mr. Burgess ended the conference call at 11:45 a.m.

At 11:51 a.m., Mr. Stone made a motion to go into executive session, per 24-6-402 (4) (e), C.R.S., to discuss negotiations. Mr. Schifferns seconded the motion, which carried unanimously. Attendees of the meeting were Mr. Burgess, Mr. Stone, Mr. Schifferns (via telephone), Mr. Piper, Mr. Kimble, Mrs. Lengel, and Land Use Administrator Fred Lundy. Mrs. Lengel recorded the executive session, which will remain on file in the County Clerk's vault for the statutory ninety days.

The Board came out of executive session at 12:25 p.m., and at 12:28 p.m., Mr. Schifferns made a motion to go into executive session, per 24-6-402 (4) (f) (I), C.R.S., to discuss a personnel issue. Mr. Stone seconded the motion, which carried unanimously. Those remaining for the session were Mr. Burgess, Mr. Schifferns (via telephone), Mr. Stone, Mr. Piper, Mr. Kimble, and Mrs. Lengel. The employee subject to the executive session knew of its content and arrived later. Mrs. Lengel recorded the executive session, and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

The commissioners came out of executive session at 1:00 p.m. Mr. Kimble left, and Mr. Stone made a motion to move Public Health Director Jobeth Mills to a forty-hour workweek with a two-step wage increase starting June 1. The new salary would be \$4,443 per month, and Mrs. Mills would have until the end of the year to use up her administrative hours. Mr. Schifferns seconded the motion, with carried unanimously.

Mr. Burgess told Mrs. Mills that they'd agreed to have all county employees return to work on June 1. Mrs. Lengel asked if they would still require employees to take their temperatures at the employee entrance. The Board agreed that staff taking their temperatures before reporting for work would be sufficient. Mrs. Mills said that they should make every effort to maintain social distancing when possible, and while the wearing of masks might not be as critical, employees should still wear them when interacting with the public. Mr. Piper asked about sick leave, and the Board agreed that if an employee experienced symptoms of COVID-19, they wouldn't have to take sick time, but they would if they were staying home as a preventative measure.

Mrs. Mills said that she planned to increase her variance request to 250 people instead of 175 when she submitted it to the state on June 5.

Mrs. Mills left, and the commissioners approved the May payroll and A/P expenses, and then, with no further business to come before the Board, Mr. Burgess adjourned the meeting at 1:50 p.m. The next meeting will be at 9:00 a.m. on June 4, 2020.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman