

Board of County Commissioners of Lincoln County
Agenda for July 17, 2020

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Jobeth Mills, Lincoln County Public Health Director, and Dr. Brianna Fox with Lincoln Health, to discuss the Protect Our Neighbor Public Health Order
- 9:45 Ross Hansen to request a subdivision exemption
- 11:00 Paul Johnson to call in to discuss road matters
1. Approve the minutes from the July 7, 2020 meeting
 2. Review the June 2020, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
 3. Review the June 2020, reports from the Colorado Counties Casualty and Property Pool and the Workers' Compensation Pool
 4. Review and act upon Resolution #1017, a Resolution in Opposition to National Popular Vote Compact, which will appear on the 2020 General Election Ballot
 5. County Commissioner reports
 6. County Attorney's report
 7. County Administrator's report
 8. Old Business
 9. New Business

The Board of Lincoln County Commissioners met at 8:58 a.m. on July 17, 2020. The following attended: Chairman Steve Burgess, Commissioner Doug Stone, Commissioner Ed Schiffers, County Administrator Jacob Piper, County Attorney Stan Kimble, and Acting Clerk to the Board Mindy Dutro.

When Chairman Burgess called the meeting to order as the Board of Public Health at 9:00 a.m., others attending were Public Health Director Jobeth Mills, Emergency Manager Ken Stroud, Treasurer Jim Covington, Chief Deputy Treasurer LaRay Patton, Gillian Laycock with the Colorado Prairie Arts and Music Council and Hugo Liquors, and Will Bublitz with the Eastern Colorado Plainsman/Limon Leader.

Mr. Burgess asked Jacob Piper to lead the Pledge of Allegiance.

Mr. Burgess asked Public Health Director Jobeth Mills to clarify if the COVID-19 variance goes away with two or four positive cases in the county for the commissioner meeting minutes from July 7. The minutes should reflect the following correction: "If there were two separate outbreaks within a two-week period, the state could put the county on probation. Then, if there were two more separate events, the state would pull the variance." Mr. Stone made a motion to approve the minutes as corrected. Mr. Schiffers seconded the motion, which carried unanimously.

Next, the Board reviewed the June 2020 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer.

Mrs. Mills presented a WIC contract to renew funds, including an amendment to the previous contract that makes more funds available to Lincoln County. Mr. Schiffers made a motion to approve the new WIC contract. Mr. Stone seconded the motion, which carried unanimously.

Mrs. Mills updated the commissioners on the Protect Our Neighbor public health order that she is applying for, which would increase the gathering limit to 500 people. With the application, she would request an as-needed position in case there were an outbreak of COVID-19 in the county and she and Kelly Linnebur could not handle all the contract tracing. So far, they've been able to handle it themselves. In order to adopt the new public health order, she said the hospital would have to be able to handle a 20% surge in hospital admissions, which it could. It also currently has a 90-day supply of PPE, but they would like to get to 120 days. Mrs. Mills said there is no shortage of tests in the county right now, but she said that she is getting some kickback from people who have to quarantine due to contact exposure. Mrs. Mills stated that if the people will not stay home then she could issue a public health order. It's a three-strike type rule, and after the three strikes, law enforcement gets involved and the person could be fined or issued a misdemeanor citation. It is not something she wants to do, but if the kickback continues, Mrs. Mills feels they will have to issue the public health order.

Stan Kimble asked Mrs. Mills what would happen to the county if found out of compliance. Mrs. Mills told him that one county in Colorado lost up to 3 million dollars in emergency preparedness funding, and they would get no help from the state if they were to have an

outbreak. The commissioners all said that they have gotten calls from county residents about the mask mandate Colorado Governor Jared Polis put into place. Mrs. Mills said that businesses are at risk for having their business license pulled if they are found to be breaking the mandate. The commissioners decided that it is not up to local law enforcement to enforce the mask ordinance, and although they highly recommend wearing masks, they will not be enforcing it themselves. Mr. Piper said he would issue a statement regarding the mask mandate. LaRay Patton asked for clarification if everyone would be required to wear masks at the gymkhanas held at the Lincoln County fairgrounds, and Mr. Burgess said no, masks are not required outside.

At 9:45 a.m., Mrs. Mills, Ken Stroud, Jim Covington, Mrs. Patton, Gillian Laycock, and Will Bublitz all left the meeting. Ross Hansen, Dude Kissel, Land Use Administrator Fred Lundy, and Juliet Lundy, with the Eastern Colorado Plainsman and Limon Leader, joined the meeting. Mr. Burgess adjourned the meeting as the Board of Public Health and reconvened as the Board of County Commissioners.

Mr. Hansen asked the commissioners to approve a subdivision exemption for a piece of property that he had sold to Mr. Kissel. Mr. Schifferns made a motion to adopt a resolution granting the subdivision exemption. 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 July 17, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Mindy Dutro, Acting Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION #1018 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, application has been made by Ross Hansen for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

A parcel of property located in the Southeast quarter of sections 32, Township 8 South, Range 54 West of the 6th Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Commencing at the South East quarter of said Section 32 and considering the East line of said Section 32 to bear North 00° 00' 00" East; Thence North 00° 00' 00" East along the East line of said Section 32, a distance of 2,295.12 feet to the point of beginning; Thence North 85° 49' 56" West, a distance of 931.33 feet; Thence North 70° 08' 01" West, a distance of 323.91 feet; Thence North 04° 47' 14" West, a distance of 159.30 feet to a point on the North line of the South East Quarter of said Section 32; Thence North 89° 54' 14" East, a distance of 1246.79 feet

to the East quarter-corner of said Section 32; Thence South 00° 00' 00" West along the East line of said Section 32, a distance of 338.60 feet to the point of beginning, said parcel containing 8.00 acres, more or less.

Said tract of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, the request for this exemption did not include a request for a change of use of the property; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the parcel as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

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:

Acting Clerk of the Board

After Mr. Hansen, Mr. Kissel, and Mr. Lundy left, Mr. Schifferns made a motion to adopt a resolution in Opposition to National Popular Vote Compact, which will appear on the 2020 General Election Ballot. 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 July 17, 2020 there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present

Stan Kimble, County Attorney Present
Mindy Dutro, Acting Clerk of the Board Present
Jacob Piper, County Administrator Present

When the following proceedings, among others, were had and done, to-wit:

RESOLUTION #1017 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

A Resolution in Opposition to National Popular Vote Compact, which will appear on the 2020 General Election Ballot

WHEREAS, America’s Founding Fathers created a system of checks and balances to ensure that each state would have a unique voice in the election of a President; and that no city, state, or region would consolidate too much political power; and

WHEREAS, adoption of the National Popular Vote compact concentrates political power in a few large cities located in the most populous states; and

WHEREAS, Colorado’s 9 Electoral Votes are highly coveted and pursued by presidential candidates, ensuring candidates listen to Colorado’s unique interests on issues such as water, infrastructure, and taxes; and

WHEREAS, National Popular Vote compact requires Colorado’s Presidential Electors to cast their votes for the candidate for President who received the most votes nationally, even if that candidate did not receive the most votes in Colorado; and

WHEREAS, requiring Colorado’s Presidential Electors to cast their votes this way would give away Colorado’s votes for President to more populated areas like Chicago, Los Angeles, New York and Washington, D.C., relegating Colorado’s electorate to a mere bit play in Presidential elections; and

WHEREAS, National Popular Vote compact contains no majority requirement and would allow a candidate with a plurality, however small, to become President;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Lincoln County, Colorado, officially declares its’ opposition to National Popular Vote compact for the purpose of ensuring proper checks and balances against accumulation of political power and to protect Colorado’s unique political voice in presidential politics.

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:

Acting Clerk of the Board

Mr. Burgess asked Mr. Kimble if there was any of his attorney's report that he needed Mr. Schifferns to hear before Mr. Schifferns left. Mr. Kimble told the Board that the Bode/Brent pre-trial conference will take place at the end of July, and the commissioners discussed possible solutions to the dispute. Mr. Schifferns left the meeting at 10:00 a.m.

The Board reviewed the June 2020 reports from the Colorado Counties Casualty and Property Pool and the Workers' Compensation Pool.

Mr. Stone reported that he attended the recycling meeting call on July 8, and on the Ninth, Paul Johnson called and wanted the county to oil the road in front of his store in the southern part of Lincoln County. Mr. Stone also spoke to Public Health Director Mills on the Ninth. On July 13, he stopped at the Karval shop and talked to Rick Ashcraft. Mr. Stone checked roads on July 15.

Mr. Burgess reported District 2 started paving County Road 109 north of Genoa on July 8. He also measured the low water crossing on County Road 41, south of County Road 3X, which is 160' long. Also, on the Eighth, Taylor Henderson called about the bridge on County Road 63, and Mr. Burgess told him that he had been in contact with a company about pricing for four half-pipe structures for the bridge. On the Ninth, District 2 was hauling asphalt out of the Limon plant when they broke down, so they started hauling it from Stratton. He also spoke with Mrs. Mills about a fifth positive COVID-19 case in the county and learned that somebody put out to the news media that there would be a concert at the fair, despite trying to keep a low profile.

On July 10, Mr. Burgess helped flag while the road and bridge crew laid asphalt. He went by the landfill where Brenda Howe was trying to get the computer set up for reports, and he also spoke with Bart O'Dwyer about the low water crossing rough estimate of \$40-45,000.00. On the Eleventh, Mr. Burgess went by the courthouse where Dan Hendricks was laying carpet in the probation office, and he said he would replace the one bad carpet tile down the hall from Mr. Piper's office.

On July 14, Mr. Burgess had a zoom meeting with Mrs. Mills about whether the county should mandate masks countywide and who would be responsible for enforcing it. Chris Monks called and said he needed to haul trash from County Road 2W to the landfill, so Mr. Burgess called the landfill to let them know that he would be hauling the following week. Mr. Burgess ordered two new Chevy half-ton, four-wheel drive work pickups on July 15, and his road crew was working on some wash-out spots on County Road 3X. Mr. Burgess also received a call about County Road 4A off of County Road 31, and he had Bruce Walters go look at it.

Mr. Burgess reported meeting with Roxie Devers and the engineer on July 16 to discuss plans on the roundhouse. He stated that it looks like they will have to install a small lift station, because the sewer lines in the roundhouse area are too shallow. Also, on the Sixteenth, Mr. Burgess and three road crew employees went to Fort Collins to pick up three new Chevy pickups, two for District 2 and one for District 3. Lastly, Mr. Burgess stated that John Palmer called and told him that the county would be getting a rebate of over \$1,000.00 for the lights at the fairgrounds parking lot. They have the pens set up, and the 60' by 200' tent will go up on the east end of the show barn at the fairgrounds.

Mr. Kimble continued his attorney's report and stated that the town of Basalt had lost a court case concerning an executive session, so the commissioners need to take into consideration how executive sessions are announced on the agenda.

Mr. Piper reported that after talking to Ronny Farmer, it looks like the county is good to continue with the Karval Water Users agreement.

At 10:53 a.m., the commissioners called Paul Johnson, owner of PJ's General Store, to discuss the dust on the county road in front of his store. They told him that the county could not afford to oil all the roads in the county; all the dirt roads are dusty, and there really is not any lasting solution the road crews can do about it. After the call, Mr. Stone said he would try to go down and visit with Mr. Johnson.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 11:02 a.m. The next meeting will be at 9:00 a.m. on July 30, 2020.

Mindy Dutro, Acting Clerk to the Board

Steve Burgess, Chairman