

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

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Robin Haley, CSU Extension Director, and John Palmer, Fairgrounds Manager, to discuss the 2020 Lincoln County Fair
- 10:30 Fred Lundy, Land Use Administrator, to discuss land use matters
- 11:00 John Palmer and LaRay Patton to discuss Fair Board matters
1. Approve the minutes from the August 5, 2020 meeting
  2. Review the July 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
  3. Review the July 2020, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
  4. Review the July 2020, reports from the Colorado Counties Casualty and Property Pool and the Workers' Compensation Pool
  5. Review and act upon the Second Amendment of Compliance Order for the Lincoln County Landfill
  6. Discuss options for employee health savings accounts
  7. County Commissioner reports
  8. County Attorney's report
  9. County Administrator's report
  10. Old Business
  11. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 18, 2020. The following attended: Chairman Steve Burgess, Commissioners Ed E. Schifferns and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

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

Renita Thelen arrived as Mr. Burgess explained several modifications to the agenda due to scheduling conflicts.

Mr. Schifferns made a motion to approve the minutes from the meeting held on August 5, 2020, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the July 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. They also reviewed the July 2020 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer, and the Colorado Counties Casualty and Property and Workers' Compensation Pools. Mr. Piper said that CTSI sent insurance adjusters out the previous day to check out the damage to the county vehicles. The preliminary report was that each claim would be anywhere from \$1,500 to \$2,000. Mr. Piper will share the full report with the commissioners when he gets it.

LaRay Patton and the Fairgrounds Manager, John Palmer, arrived at 9:20 a.m. and discussed several items concerning the fair and fair board. The tent received extensive praise, but they would prefer one a little smaller if they continued to get it in the future. Mr. Palmer suggested asking the Buyer's Club to contribute to the cost, but Mrs. Patton said the Sales Committee might be a better option. One of the requests for the 2021 fair was for a mountain man rendezvous. If the Board approved, Mr. Palmer said he could set them up in an area that no one else used. The commissioners agreed it would be an interesting addition. Mr. Palmer asked the commissioners not to split up the road crews that helped with the fair/rodeo; he preferred to have one group responsible for a specific night. They need lights on the south side of the track for the gymkhanas, Mr. Palmer said it is too dark there. He didn't think it should cost much for a couple of poles, and K.C. Electric agreed to put them up. Mr. Burgess asked him to get prices. They were also putting in a new roping chute donated by the Roping Club in honor of Keith James.

Mr. Palmer discussed the responsibilities of the fair board. He had little, if any, help from members during fair week, and he asked the commissioners what they could do about it. There should be a person to help with the rodeo, one for the vendors, one for entertainment, and one for the show barn. Mr. Palmer stated he hadn't even seen three of the members at all, and there was no way he could do everything by himself. Mrs. Patton helped as much as she could, but they felt they were making decisions that should have been made by the fair board. Mrs. Patton asked if the commissioners could replace members, and Mr. Kimble wanted to know if

meeting with the fair board and explaining the problems would help. Mr. Palmer said he'd tried that last year, and it didn't seem to have any effect. Mr. Kimble commented that maybe bylaws were in order, and Mr. Burgess said that the county needed to have active, supportive fair board members.

The dates for future fairs was another issue brought up. Mr. Palmer said the fair occurred the second full weekend of August as far back as he could remember. Mrs. Patton said it's the first week after the first full weekend, which would be August 9 through August 15 in 2021. Limon School has indicated they will start on August 12, which could be a problem for the kids with show animals. The CPAM already re-scheduled the Aaron Watson concert for August 7, 2021, so Mr. Palmer said they could either move the fair up to July 31 through August 7 or try kicking off the week of fair with the concert instead. Mr. Palmer offered to contact Limon's superintendent to see if they'd set their start date yet. Hugo School doesn't do it until January, and he wasn't sure about Karval. Mrs. Patton added that Kit Carson County scheduled its 2021 fair for late July, and the two wouldn't interfere with each other.

Mr. Stone commented that the sound system was much better than in prior years, and Mr. Schifferns asked if they could get the same announcer in 2021. Mr. Palmer told them that the stock contractor brought the announcer, so it would depend on whether they obtained that company next year. The announcer also brought his own system and speakers, which also helped.

Mr. Palmer and Mrs. Patton left, and the Board reviewed the compliance order for the landfill. Mr. Piper said the EDOP changed some of the due dates, and Mark McMullen seemed to think it was fine. Mr. Stone made a motion to approve the Second Amendment of Compliance Order for the Lincoln County Landfill. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper said he'd hoped to have more information for the meeting regarding health savings accounts, but First National Bank of Hugo hadn't gotten back to him yet. However, he spoke with a representative of American Fidelity Insurance. They offer both an HSA and an FSA, so they would replace the PayFlex cafeteria plan if the county chose them. There is no fee, and employees could contribute up to the IRS limit either through payroll or on their own. AFI also offers a limited FSA for employees on the higher deductible, but they could only use it for dental and vision claims. American Fidelity would handle employee meetings, there would be no minimum balance and no overdraft fees, and the HSA would be an interest-bearing account once it reached \$2,500.

On the negative side, Mr. Piper explained that the county couldn't decide which plan a new hire would be on, the employee would have that choice. However, if the commissioners were concerned with turnover, they could prorate monthly installments of the deductible for new hires. He added that the average employee turnover was twelve per year, but there would still be savings to the county by changing plans.

Land Use Administrator Fred Lundy arrived at 10:20 a.m. Mr. Burgess asked if they could re-schedule him until later in the morning so the commissioners could participate in the weekly Public Health conference call at 10:30 a.m. Mr. Lundy agreed to come back.

Mr. Piper went on to say that one of the negative aspects of American Fidelity was that they required participants to use their mobile app to send in their claim receipts. If the employee chose to email the receipts, they wouldn't be able to use their HSA again until AFI received the receipt. Another possible downside would be that AFI would completely replace AFLAC, which many employees might not like.

Lastly, Mr. Piper said that employees on Medicare might not be able to participate in the high deductible/HSA plan, depending on what Medicare part they were enrolled in.

At 10:30 a.m., the group joined the weekly COVID-19 Public Health conference call.

John Palmer and CSU Extension Director Robin Halley arrived around 10:50 a.m. Mr. Halley reiterated what Mr. Palmer had said earlier, that they needed help with the fair. He explained several adjustments they'd need to make to the Round Robin and other items to make everything run more quickly and smoothly. Mr. Halley also recommended that the county purchase new poultry and rabbit cages that would be easier to manage and clean. They'd had a discussion with the Sales Committee about viewing rabbits and poultry as marketable items since all kids don't have the opportunity (because of their location or budget) to raise larger livestock.

Mr. Halley told the Board there is a need to increase judging fees, and the handles on the sheep and goat pens need fixing. He reported the total of the sale and that over six hundred people viewed the live streaming. Mr. Halley requested help during and after the sale and told the commissioners that they need the fair board to help during the fair. He added that people had asked him what they needed to do to become a member. Mr. Palmer put in that he understood the commissioners' desire to spread the representation throughout the county, but he didn't care where they were from as long as they were willing to do what needed doing. Mr. Halley said that the committees take care of the regional representation and that the fair board is less about the region and more about active help. Mr. Palmer added that he'd like them to be as passionate as he is about the fair, at least for one week a year.

The discussion turned to the dates for the 2021 fair/rodeo, and Mr. Palmer said he'd like to try having the Aaron Watson concert on August 7 kick off the fair the following week.

At 11:30 a.m., John Mohan stopped in with a couple of items to discuss with the Board. They'd discovered a significant plumbing issue in the jail concerning all the pipe under the floor. Captain Yowell called Jess Solze and learned about a company that will grind the rust out of the pipe and re-line it. Mr. Mohan said it would be considerably cheaper than re-plumbing the entire jail.

Mr. Mohan said he didn't think he'd have time to complete the project at the landfill and suggested hiring a contractor. As for the ongoing problems in the men's restroom, he felt the solution would be to go back to buying the urinal mats and pads for around the toilets.

Mr. Piper asked if the commissioners still wanted to have the tile in the courthouse lobby cleaned. He had contact information for a company in Elizabeth who offered to provide a quote and demo. Mr. Piper gave the information to Mr. Mohan, who said he'd get in touch with them.

Since it was almost noon, Mr. Burgess asked Mr. Kimble to give his report so that he could leave if necessary. However, Mr. Burgess first wanted to explain an issue with a landowner putting up a fence on the shoulder of County Road 3X about a mile west of County Road 38. He contacted Sheriff Nestor, who will give the party a week to remove the fence. If he doesn't, the county will remove it and charge accordingly. Mr. Burgess had given the information to Mr. Kimble for him to review. Mr. Kimble commented that the issue is that the fence is in the county right-of-way. People often wonder why the county has rights in the ditches when it doesn't own the roads, but the law allows for it.

Mr. Kimble reported that the county adopted the Model Traffic Code several years ago, and now there is an updated version. CDOT no longer prepares the document but must approve it when adopted. Sheriff Nestor, Limon PD, and the Hugo and Simla marshals all want to implement it, so they'd like to do it at the same time, which they hope will work in their favor.

Mr. Kimble also reported that he'd drafted an Enterprise Zone resolution for the Karval Water Users and sent it to Mr. Piper. He would also send it to Dave Frisch with GMS.

The road dispute up north continues, and Mr. Kimble said he'd tell the attorney that he could file a petition to have the road declared a secondary county road. Still, the commissioners' intent is not to open new roads unless they serve a public purpose.

Land Use Administrator Fred Lundy met with the Board at noon, and Mr. Kimble stayed for the discussion. Mr. Lundy provided copies of a monumented land survey for the E2 of Section 8, Township 9 South, Range 56 West of the 6<sup>th</sup> P.M., or nine parcels west of north Highway 71. The transaction, done in 1995, occurred before the county zoning resolution went into effect. At that time, the county agreed that the plots were ready for development, and as far as Mr. Lundy could tell, everything was done correctly. He asked if the county would still recognize the fact or if buyers would have to apply for a development permit on each parcel. Potential buyers have expressed a concern that the Land Use Board could deny their development even after they've spent quite a bit of money on the parcel. Mr. Lundy said that some of them walk away because they're afraid of that possibility. He added that the county intended those parcels for development, provided owners didn't subdivide each parcel, only built one residential dwelling, and didn't allow more than fourteen hooved animals on the property.

Mr. Kimble asked if Mr. Lundy could foresee any problems if the county didn't require development permits, but he couldn't. Mr. Schifferns said he'd prefer to see the development happen, and the other commissioners agreed with him.

Mr. Stone asked how the expansion on his gravel pit was coming, and Mr. Lundy said he had another six days for them to reach a decision.

Mr. Kimble left, and Mr. Burgess called for commissioner reports. Mr. Stone reported they'd received hail in Karval on August 5, which damaged a couple of vehicles. He also stopped by the fair each day that week. Mr. Stone checked roads on August 7 and went by the Karval shop on August 11. District 3 had a tractor break down, so he and Rick Ashcraft discussed replacing it. They decided to try and fix it instead since it only had 4,000 hours on it. They also discussed other vehicles. On August 13, he and Rick spoke with a salesman about prices on a tandem and a grader. Mr. Stone also received a complaint about their mowing operations and explained to the party that it was too early to do it twice. He checked roads west of Highway 71. On August 14, Mr. Stone checked roads to the east and had a complaint of someone farming too close to the road. He later discovered the farmer was only worried about the weeds and felt it wouldn't happen again. Mr. Stone went by the shop on August 17 to meet with the insurance adjusters on the hail damaged vehicles. They ordered a mirror and a windshield. Mr. Stone reported that the road crew kept busy with mowing, hauling gravel, and working on things in the shop.

Mr. Schifferns reported going to the fairgrounds each day during the week of the fair. He talked with John Palmer and rode in the parade. Members of the District 1 road crew found more TVs in the ditches while mowing on August 10. Mr. Schifferns participated in the August 11 Public Health COVID-19 call, checked roads on August 12, and received a call about the county vehicle bids on August 13. He also talked to Robin Halley about meeting with the commissioners. Mr. Schifferns talked to Chris Monks on August 16, and they agreed to buy some chips for the Arriba project. A member of the Hugo Fire Department called him on August 17 to ask where the trash dump truck at the courthouse was. Mr. Schifferns said they'd had to borrow it but brought it back.

Mr. Burgess reported stopping at the fairgrounds after the meeting on August 5, and several times throughout the week. He also participated in the COG call-in meeting. On August 6, Mr. Burgess went to Genoa to look at roads with Bruce Walters. He also contacted Bart O'Dwyer and Roy Brossman about renting a machine to tear out concrete on a bridge. The hospital held a Zoom meeting on August 7 that Mr. Burgess participated in. He also checked some roads and spoke to Bob Johnson with CDOT about milling at the Arriba rest area. On August 8, Mr. Burgess received a call from the person picking up the TVs at the landfill. He also spoke with someone who said the county got into his electric fence while mowing, and his cattle got out. Mr. Burgess promised to investigate. He and Bruce Walters looked at the area on August 10, but Mr. Walters said the road crew hadn't mowed in that area. They also discussed details of replacing the bridge on County Road 39. On August 11, Mr. Burgess looked at the Gaede pit. He found a couch in a ditch and asked Bruce to pick it up and haul it to the landfill. Mr. Burgess checked on the price of their Case IHC tractor for Rick Ashcraft, called Hannibal Grain about

hauling chips to Genoa and spoke to Sheriff Nestor about putting in a dirt berm for a shooting range out by the landfill. He also talked to Transwest about a new pickup. Mr. Burgess met with Mick Jaques and Sheriff Nestor at the landfill on August 12 to discuss the shooting range. He called Mark McMullen to see if there would be a violation of state regulations if the county went forward with the project. Mr. McMullen didn't believe so but said he'd find out. Mr. Burgess checked on prices for a pickup at Vince's Chevrolet. On August 13, Mark McMullen called back and said he would make a list of what the county needed to do for the shooting range. Mr. Burgess got the spec sheet for the pickup from Vince's on August 14, but they told him they wouldn't have a price until later. Mr. Burgess received the call on August 15 about the fence on the shoulder of County Road 3X, so he went to look at it on August 17. He then shared the information with the sheriff and Mr. Kimble. The District 2 road crew was preparing to remove the bridge on County Road 39. Mr. Burgess signed a lease agreement to transfer a gravel pit from Bain Farms to Lincoln County. District 2 sent a blade and water tanker to a fire north of Limon. Earlier today, Mr. Burgess talked with Ralph Bell about rock. He also called Hannibal Grain to see if they would deliver rock to Genoa.

Mr. Piper reported that the sales tax collected in July was down 16%, but overall, the numbers were up compared to this time last year. There will be a Zoom meeting or conference call on September 3 for the CVRF (coronavirus relief) funds if the commissioners want to participate.

The Board discussed what other entities might be willing to help pay for renting a tent during the 2021 fair. Mr. Stone asked the others if they planned to attend the eastern region meeting in Phillips County or would call instead.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 12:55 p.m. The next meeting will be at 9:00 a.m. on August 28, 2020.

---

Corinne M. Lengel, Clerk to the Board

---

Steve Burgess, Chairman