

Board of County Commissioners of Lincoln County
Agenda for September 30, 2020

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Fred Lundy, Land Use Administrator, to present the report from the September 29, 2020 Land Use Board Meeting
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Executive Session pursuant to C.R.S. §24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations
- 11:30 Robin Halley, CSU Extension Director, to provide a CSU Extension Update
1. Approve the minutes from the September 17, 2020 meeting
 2. Approve the minutes from the September 21, 2020 meeting
 3. Review and act upon Proposed Resolution #1025, a resolution certifying costs of prosecuting crimes alleged to have been committed by persons in the custody of the department of corrections
 4. Review and act upon a memorandum of understanding for control of confidential data regarding sales and use tax and lodging tax for 2021
 5. Review and act upon an application for charging at the Lincoln County Landfill for Colorado RV Parks LLC
 6. Review and act upon a letter for the Colorado Oil and Gas Conservation Committee regarding helium resources
 7. Review a bid for a pick-up from Transwest Chrysler Dodge
 8. County Commissioner reports
 9. County Attorney's report
 10. County Administrator's report
 11. Old Business
 12. New Business
 13. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 30, 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 Mr. Piper to lead the Pledge of Allegiance.

Mr. Schifferns moved to approve the minutes from the meeting held on September 17, 2020, as submitted. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone moved to approve the minutes from the meeting held on September 21, 2020, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns moved to adopt a resolution certifying costs of prosecuting crimes alleged to have been committed by persons in the custody of the department of corrections. 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 September 30, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
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:

**A RESOLUTION CERTIFYING COSTS OF PROSECUTING CRIMES
ALLEGED TO HAVE BEEN COMMITTED BY PERSONS IN THE CUSTODY
OF THE DEPARTMENT OF CORRECTIONS**

RESOLUTION #1024 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, C.R.S. § 16-18-101(3) provides that the Colorado Department of Corrections (CDOC), from annual appropriations made by the general assembly, shall reimburse the county or counties in a judicial district for the costs of prosecuting any crime alleged to have been committed by a person in the CDOC; and

WHEREAS, C.R.S. § 16-18-101(3) provides that the county or counties shall certify these costs to the CDOC; and

WHEREAS, C.R.S. § 16-18-101(3) provides that the provisions of C.R.S. § 16-18-101(3) shall apply to costs that are not otherwise paid by the State; and

WHEREAS, Exhibit A to this resolution summarizes the costs of prosecuting crimes alleged to have been committed by persons in the custody of the CDOC, in matters prosecuted by the Office of the District Attorney for the Eighteenth Judicial District, which serves Arapahoe, Douglas, Elbert and Lincoln Counties; and

WHEREAS, the Office of the District Attorney for the Eighteenth Judicial District has confirmed the accuracy of these costs to Arapahoe, Douglas, Elbert and Lincoln Counties, and the Counties are now forwarding and certifying such costs to the CDOC relying on such District Attorney confirmation.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of the County of Lincoln, State of Colorado, as follows:

1. The costs in Exhibit "A" are certified to the CDOC.
2. The costs in Exhibit "A" have not otherwise been paid by the state.

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 of the Board

The Board reviewed the Memorandums of Understanding for Control of Confidential Data for lodging tax and sales and use tax for 2021. Mr. Schifferns moved to appoint Mr. Piper as the party to receive confidential information for Lincoln County. Mr. Stone seconded the motion, which carried unanimously.

Mr. Schifferns moved to accept an application from Colorado RV Parks LLC to charge at the Lincoln County Landfill. Mr. Stone seconded the motion, which carried unanimously.

After reviewing the information, Mr. Schifferns moved to sign a letter to The Colorado Oil and Gas Conservation Committee supporting helium drilling and expediting the permitting of new wells to develop the critical resource. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed a \$23,079.20 bid from Transwest Chrysler Dodge for a 2021 RAM 1500 and a \$35,998.60 quote from Vince's GM Center for a 2021 Chevy Silverado. Mr. Schifferns moved to buy the 2021 RAM pickup from Transwest Chrysler Dodge. Mr. Stone seconded the motion, which carried unanimously.

Tony Bandy, with Black Hills Energy, arrived at 9:20 a.m. for the discussion at 9:30 a.m.

Mr. Burgess called for commissioner reports, and Mr. Stone said he'd attended the county budget hearings on September 21, checked roads south of Karval on September 23, and checked roads northeast of Karval on September 25. He stopped by the shop on the Twenty-eighth, and he and Rick Ashcraft brought their new truck to Hugo to see what modifications they needed to make to hook it to the chipper. Mr. Stone didn't attend the Public Health Zoom call on September 29 but said he hadn't heard anything new from Director Jobeth Mills afterward. He also talked to Sheriff Nestor about the Ford Explorer and went to Limon to sign some papers for the Colorado East Community Action Agency.

Mr. Schifferns reported that he, too, attended the budget hearings on September 21. He received a phone call on the Twenty-second from someone asking if District 1 was hiring, and he told him they currently have two openings. Mr. Piper called Mr. Schifferns on September 24 to ask him to sign the papers for the audit extension, which he did. Sheriff Nestor called him on September 28 to discuss the Ford Explorer. Mr. Schifferns said he'd also called the sheriff at another time about a prospective employee for the sheriff's department.

Mr. Burgess reported that he and Bruce Walters went to Arriba on September 17 to look at material Castle Rock Construction had for sale. On September 18, he called Ralph Bell to tell him they would buy the material. Mr. Burgess attended the budget hearings on September 21 and had a call on September 22 from the gentleman who picked up the TVs at the landfill. There was some confusion about who was supposed to make out the invoice to pay him, so Mr. Burgess took care of it. Bruce Walters called Mr. Burgess on September 28 about the backhoe repairs. He also received a complaint about the conditions of County Road 63, so he let Mr. Walters know. Mr. Burgess went to look at the Bain pit on September 29 and reported there is a lot of work to do to meet state mining pit regulations. He checked roads and talked to Mr. Walters about several items. He also participated in the Public Health Zoom meeting. Mr. Burgess reported that Sheriff Nestor had also contacted him about the Ford Explorer.

At 9:30 a.m., Land Use Administrator Fred Lundy met with the Board to present the report from the September 29 Land Use Board meeting. Jena Lee and Kwang Jay Yu also attended part of the discussion.

First, Mr. Lundy said that the Land Use Board voted unanimously to appoint Bill Craig as the new chairman. They also unanimously approved Development Permit #20-05 for Black Hills Energy's Hugo Transmission Mainline Replacement. BHE will replace an existing six-inch natural gas transmission pipeline with a new six-inch line outside of the High Consequence Areas (the Lincoln Community Hospital, Genoa-Hugo School, and ball field) where the line is currently located. The new route will take the pipeline around the east side of the fairgrounds, and Tony Bandy asked the commissioners if they had any specific requests of BHE when they start the project. There will be numerous sign postings. Mr. Bandy said they would have to bore under the highway and railroad tracks, and since the railroad dictates the depth, he assumed it would be quite deep. They are currently waiting for the permit from the railroad. Mr. Lundy stated that he would work on a Development Agreement between the county and Black Hills Energy that afternoon and issue an address.

Mr. Bandy left, and Mr. Lundy informed the commissioners that the Land Use Board saw no reason not to approve Development Permit #20-06 for a subdivision exemption for Ephron Brent, but that Mr. Brent still had some things to complete before the final approval. Mr. Lundy raised several concerns about the county's zoning regulations regarding subdivision exemptions. He felt there was no clear path in the resolution and explained that the inconsistency of previous land use administrator's over the years had resulted in the creation of many non-conforming lots without review. Those lots have become issues because some have no access to a roadway or any way of installing a well for water. Mr. Lundy went on to say that Section 4-130, Non-Conforming Lots, forbids this type of division unless it is declared a Rural Development District (RDD). RDDs are defined as areas ideal for developing multiple lots for homes or commercial, industrial uses, which Mr. Brent's application is not. Although Mr. Lundy felt a discussion should occur to clarify the current resolution standards, he saw no reason to deny Mr. Brent's application since it didn't create an inaccessible lot or lots that would be unusable for its current purpose.

As for Development Permit #20-07, an application from Jena Lee for a single-family residence on eighty acres in the Lower L, the Land Use Board voted unanimously to approve it as written. The property has access to a county road, there is already an existing well, and the wastewater treatment is complete. The only opposition was from a neighbor who felt Ms. Lee's house would be too close to theirs. However, Ms. Lee met all the setback requirements, so the Land Use Board saw no reason to deny the application.

After a brief discussion of whether the Board should move to accept the Land Use Board's decision or do nothing, Mr. Schiffers moved to approve Development Permit #20-07 for Jena Lee. Mr. Stone seconded the motion, which carried unanimously. Mr. Kimble said that if the commissioners didn't act, the Land Use Board's decision would automatically take effect in thirty days.

Mr. Stone then moved to approve Development Permit #20-05 for Black Hills Energy to relocate a natural gas pipeline. Mr. Schiffers seconded the motion, which carried unanimously.

Ms. Lee and Mr. Yu left, and Mr. Lundy said he'd discussed the subdivision exemption issue with the Land Use Board at the previous night's meeting. They all felt that the county needed to develop policies and procedures, and Mr. Lundy asked the commissioners if they would prefer that the Land Use Board review them first once he'd done so, which they did.

At 10:00 a.m. Human Services Director Patricia Phillips met with the Board to give her monthly report. The commissioners reviewed the timesheets, financials, and Income Maintenance, Child Welfare, and directors' reports. Mrs. Phillips asked for another signature on the Signal Behavioral Health contract and then informed the Board that she'd applied for \$26,000 for LEAP outreach. They were approved for the funds, which she said would help with the department's administrative expenses. While she hopes to have existing staff complete the additional workload, Mrs. Phillips wasn't sure if they could do everything without hiring someone. She also learned that they would be able to use up the \$15,000 of Child Welfare Prevention funds that they didn't use last year, which would also help offset some of the admin costs. Mrs. Phillips noted that they'd had five-to-six adult protection referrals in the past couple of weeks, which they don't typically see in a year. Mr. Stone wondered if increased mental health issues due to COVID-19 was causing the spike.

At 10:30 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board for an executive session but first gave a short hospital report. He provided a financial update; the hospital has seen a year-to-date gain of a little over \$477,000. He also updated the Board on COVID-19 and commended the commissioners and county overall for the low number of COVID-19 cases. Mr. Stansbury briefly discussed their strategic planning and then commented that they might need to replace a hospital board member.

Mr. Stansbury sent the hospital's attorney, Brian Betner, a text message to call the commissioners' meeting room while Mr. Kimble announced the executive session. Mr. Kimble said the purpose of the session was to seek legal advice and develop a strategy for negotiations related to the possibility that the Board of Trustees of Lincoln Community Hospital may be exploring financing to construct a new facility.

At 10:40 a.m., Mr. Schifferns made a motion to go into executive session, per C.R.S. 24-6-402 (4) (e), to determine positions relative to matters that may be subject to negotiations. Mr. Stone seconded the motion, which carried unanimously. In addition to the three commissioners, those remaining for the session were Mr. Piper, Mr. Kimble, Mrs. Lengel, Kevin Stansbury, and Brian Betner (via telephone). Mrs. Lengel recorded the executive session, and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

After coming out of executive session at 11:20 a.m., Mr. Stansbury left, and Mr. Burgess called for the attorney's report. Mr. Kimble asked if the commissioners had a chance to review the proposed agreement with Karval Water Users, but they asked him to email it again for a discussion on October 7. Mr. Piper said that KWU needed a budget and asked Mr. Kimble if he should incorporate it into the county's budget, similar to how the hospital works. Mr. Kimble said it would be a good idea since it would be the county's Enterprise.

Mr. Piper reported that he'd like to have a department head meeting the following week. He was also setting up dates with CHP to discuss the new health plan/HSA and said they would probably have to do several sessions so that all county employees could attend. Open enrollment will start in November, and the First National Bank of Hugo will hold individual meetings with employees at the courthouse. Mr. Piper had written policy but still needed Mr. Kimble to look it over before the Board approved it. He also verified the rule for new hires regarding the HAS with the commissioners. Sheriff Nestor hired Fred Wyler to replace Jim Day at the metal detector. Lastly, Mr. Piper said that he'd gathered almost \$19,000 in items for the COVID Relief funds and hoped they would accept everything.

Mr. Burgess said that Sheriff Nestor wanted to know if he could order the new vehicles since it would take a while to get them, and the commissioners all agreed that he should go ahead.

As for new business, Mr. Burgess said that the sheriff also found someone willing to pay \$10,000 for their Ford Explorer. Mr. Stone felt that it was a good deal since Chris Monks told him he could no longer get parts to fix it.

At 11:45 a.m., CSU Extension Director Robin Halley met with the Board to provide a CSU Extension update. First, Mr. Halley reported that he thought they'd fixed the issue with an employee's comp time that they'd had the previous year. Going forward, they will reorganize the office, and Christine Schinzel will take over more of the 4-H duties, which is in line with her job description. She will also be in charge of Annie's Project. Mr. Halley said he would fulfill the County Council and livestock duties. He also hopes to increase programming for general projects. As for CSU, Mr. Halley told the commissioners that whenever they want to complete an activity, CSU asks if they can do it virtually, so he's recently overloaded them with COVID plans. Several events have been approved, and they are waiting for a couple more signatures on others. They will have a Beef Quality Assurance, Dare to Be You youth camp, and an Achievement Night. They're also looking to hold some in-person club meetings as long as they follow the guidelines. Mr. Halley said he put in for a Livestock Judging Youth Expo Contest, which they are awaiting signatures on; however, the Public Health Director had some concerns with it. As for the 4-H program, Mr. Halley said they need to do a better job of recruitment in the schools because the county doesn't meet the demographics very well.

The group discussed that several events, such as the National Western Stock Show and the NFR, have decided to move to other, less COVID-restrictive states. Mr. Halley said that it's hard to make organizations understand they are just trying to do their jobs.

Mr. Halley left, and Mr. Burgess said he would go to the landfill and discuss raising the rates with Brenda Howe. The Board would need to decide what they wanted to do before January, but Mr. Burgess suggested increasing the fees to \$20 per ton.

Mr. Schiffers asked if the county could purchase the Lutheran Church on Third Avenue in front of the courthouse. He felt it would make an excellent parking lot. Mr. Burgess asked Mr. Piper to look into the sale price.

Mr. Schiffers moved to appoint Steve Burgess as the CCI Legislative Committee representative for the October 9, 2020, meeting. Mr. Stone seconded the motion, which carried unanimously.

The commissioners approved the September 2020 payroll, and then, with no further business to come before the Board, Mr. Burgess adjourned the meeting at 1:00 p.m. The next meeting will be at 9:00 a.m. on October 7, 2020.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman