

Board of County Commissioners of Lincoln County
Agenda for January 31, 2020

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Ken Stroud, Lincoln County Emergency Management Director, to review county plans
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Review and discuss a proposal regarding changing existing law concerning county hospitals
- 11:00 Jobeth Mills, Public Health Director, to present the January 2020 Public Health Agency's monthly report
- 11:30 Taylor Henderson representing Nereo Green Capital to discuss questions in regard to county right of way usage
1. Approve the minutes from the January 30, 2020 meeting
 2. Review and act upon an application for charging at the Lincoln County Landfill from Central States Roofing & Insulating CO.
 3. County Commissioner reports
 4. County Attorney's report
 5. County Administrator's report
 6. Old business
 7. New business
 8. Approve additional expense vouchers if necessary

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 31, 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. Commissioners Ed Schifferns was absent and excused, and Juliet Lundy with the Eastern Colorado Plainsman/Limon Leader attended until 11:45 p.m.

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

Mr. Stone made a motion to approve the minutes from the meeting held on January 30, 2020, as submitted. Mr. Burgess seconded the motion, which carried.

While the Board reviewed an application from Central States Roofing & Insulating Co. to charge at the Lincoln County Landfill, Mr. Piper explained that the company planned to replace the roof at the prison. They would have two-to-four loads of asphalt shingles to haul to the landfill each week through July and intended to use their forty-yard dumpsters. Mr. Stone made a motion to approve the application to charge at the landfill, and Mr. Burgess seconded the motion, which carried.

Mr. Burgess reported attending the economic development meeting on January 15. They had two new members, the Arriba wind farm and the Flagler bank. He and Bruce Walters toured roads and looked at the number of millings that are left for them to haul from Arriba. Ralph Bell called to tell him they'd sold 40,000 tons of millings, and there might not be many left for next year. He will keep Mr. Burgess informed. They had the Cat motor grader appraised for possible trade-in, and Mr. Burgess went by the landfill to see how things were going there. They continue to get trash from Rob's Septic Service that's coming in from out-of-county, and he wanted to know how to address it. Mr. Burgess received a call from Chris Monks on January 16, wanting to know the use of the old weather station. On January 17, Mr. Piper called to tell Mr. Burgess that the courthouse and town of Hugo had no power, so he asked Mr. Piper to put the affected county employees on a two-hour delayed start. He went by the landfill and helped them move some shelves and took a sample of the trash received from Rob Fager's trash truck, asking again how to address the issue of waste coming from outside of the county. Mr. Burgess stopped at the sheriff's office to talk to Sheriff Nestor about the fact that the emergency lights in the courthouse didn't come on when the power was out. That fact prompted concerns about what would happen with the Maglocks if the backup generator didn't work. He also picked up the carpet samples for the courthouse and asked janitor Teena Ludwig to shampoo the arms of the chairs in the commissioners' meeting room. While at the courthouse, Mr. Burgess checked with the assessor's office to ask about the old weather station. Currently, it's taxed as commercial property, \$1,500 for ten acres, so he wondered if they needed a better definition of what a storage yard is. Mr. Burgess also received the quote for trading in the 2013 Cat motor grader for a new one, which would cost \$85,252. He signed the contract with Cat on January 21. Mr. Piper called him about the forming of the 23rd Judicial District, and he said he would support the legislation at this time. After taking some measurements regarding the distance from a residence for a transmission line, Mr. Burgess

asked Land Use Administrator Fred Lundy if a transmission line could abut a county line. He also told Mr. Lundy that it appeared someone was using the old weather station for storage and asked him to look into allowable uses. On January 23, Mr. Burgess attended the CCI meeting where topics ranged from voter issues, and registration of vehicles, to utility locates when grading roads. On January 24, Mr. Burgess called the clerk's office to let Mrs. Lengel know CCI opposed HB20-1081, the multilingual bill. Mr. Burgess took a phone call on January 25 regarding a wind farm burying electrical lines in the county right-of-way. He let Chris Monks know about the phone call and left a message for Mr. Lundy. He wanted to know if the county legally owns the right-of-way or if it just has an easement to build roads on section lines. Mr. Lundy got back with him on January 27 regarding the depths of power lines and offsets. Mr. Burgess also met with Bruce Walters and discussed buying new pickups. He called Vince's Chevrolet in Burlington, where they are \$30,000, so they will shop around. The trade-in value of the Mack truck was \$25,000, and the IHC truck owned by District 4 was \$7,500. On January 28, Mr. Burgess had a call from a representative of NextEra who wanted to meet with him. He spoke with Mr. Kimble about the request, and they agreed that he should not talk with the representative due to the commissioners being in the quasi-judicial capacity regarding setbacks. Mr. Burgess, Mr. Piper, and Mark McMullan had a conference call with CDPHE on January 29 regarding the landfill. They will send a compliance letter by the first part of February dealing with paragraphs 31 and 32, which pertain to compliance for small landfills. The state will take water samples through 2022. Mr. Burgess said they also discussed using wood chips as cover and the final closure of Cell 2. He hoped the county could get an extension until they start the new cell because they'll need that dirt to cover the one they're closing. Mr. Burgess felt they'd need to hire a contractor to finalize Cell 2. Mark McMullan suggested the county use alternate cover (the spray-on) to save air space and dirt. He also checked roads around Arriba that day.

Mr. Stone reported attending the recycling meeting in Las Animas on January 15. He also had a message from Mr. Burgess regarding the possible lack of roto-millings from the I-70 project. On January 16, Mr. Stone informed Rick Ashcraft about Mr. Burgess's message. He checked roads northeast of Karval on January 17 and southwest of Karval on the Twenty-first. Mr. Stone stopped by the county shop on January 22 and commented favorably on the new road signs they've put up. On January 28, Mr. Stone checked roads southeast of Karval and the area where they hauled the millings. He also checked roads again on January 29.

At 9:15 a.m., Emergency Manager Ken Stroud met with the Board to review county plans, which he'd sent them to the commissioners and administrator via email. Mr. Stone made a motion to adopt the Lincoln County Continuity of Operations, Emergency Operations Plan, Thira Plan, and Recovery Plan. Mr. Burgess seconded the motion, which carried.

Mr. Stroud spoke briefly of the Pre-disaster Mitigation Plan, which is a FEMA requirement every five years. The nine counties in the region hope to compile everything by the end of July. The contractor they hired will do a final review and submission of the plan.

Mr. Burgess asked for an update on radios, and Mr. Stroud said they have eighteen available, although they are not 800 MHz, which are too expensive. They do have some ideas for how to

acquire funding for some, however. When Mr. Burgess asked Mr. Stroud about the tower south of Hugo, Mr. Kimble spoke up to say that he'd never heard back from Tony Hagans. Mr. Stroud said that Delbert Noakes had Mr. Hagans' contact information, so he'd ask Mr. Noakes to pass on a message for him to contact the county about the tower.

Mr. Stroud left, and Mr. Kimble reported that he'd looked into what other counties did regarding remote participation of commissioner meetings. He reminded the group that the issue came up when Mr. Burgess was out of town. Some counties agree it's permissible for board members to attend via telephone but that they couldn't vote on issues arising in the meeting. Others allow their board members to participate and vote as long as the board isn't acting in its quasi-judicial capacity or during an executive session. Mr. Kimble felt that since it didn't happen very often, the commissioners should be allowed to participate and vote, and suggested that they adopt a resolution in policy format.

Regarding the portion of County Rd 34.2 that Colorado Parks and Wildlife requested vacating or closing, Mr. Kimble asked which the commissioners preferred to do. If they plan to vacate the section, it requires a public hearing and notices sent to adjacent landowners, which is primarily CPW. At the hearing, CPW would have to present evidence or a substantial argument as to why leaving the road open impacts wildlife. Mr. Burgess said that since it was Commissioner Schiffers' district, they would need to wait and let him decide. Mr. Kimble noted that it's a unique circumstance since the state owns the majority of the land in question, but if the county planned to close the road permanently, the commissioners might as well vacate it. However, if they chose to close it instead, they'd always have the right to reopen it again in the future. If they closed it by resolution, the document wouldn't necessarily have to state the length of the closure.

Taylor Henderson, representing Nereo Green Capital, arrived at approximately 9:30 a.m., while Mr. Kimble was telling the commissioners that Fred Lundy thought they should keep the affected portion of County Road 2D open if they considered closing County Rd 34.2.

Mr. Piper reported that the year-end Revenues and Expenditures reports would be delayed while the Clerk's office continued to figure out the account mapping process with the Treasurer's office. He added that the Board would likely have to do a supplemental appropriation to the County General Fund, as it was over-budget by \$200,000, due mainly to the hospital loan. There was also the possibility that the Library budget was over in 2019 again.

Human Services Director Pat Phillips met with the Board at 10:00 a.m. to give her monthly report. The commissioners reviewed the employee timesheets, Income Maintenance, Child Welfare, and director reports, while Mrs. Phillips discussed the Child Abuse and Neglect hotline. The call center is in Lamar; however, some counties have dedicated staff that takes the calls. Smaller counties have to rely on their caseworkers to answer the hotline, continually having to stop what they're doing to do so. It takes anywhere from twenty-to-thirty minutes to complete the ten-page form associated with each call, and Mrs. Phillips said the interruptions often occur when a caseworker is driving to a meeting or visitation, or during the night. The director in

Lamar talked with Mrs. Phillips about taking over the initial hotline calls for Lincoln County. They would give her forty-eight calls for free, then charge \$23 per call after that, an approximate cost of \$1,890. Mrs. Phillips estimated that her staff received about 122 hotline calls per year. The dedicated staff in Lamar would take the initial call and then refer it to her caseworkers, who would then have to follow-up. Mrs. Phillips said she had the money in her IV-E or Parental Fees funds, so there wouldn't be an issue with paying for it. The commissioners would have to send a letter to the state requesting the action. If approved, they would sign an MOU with annual reviews.

Mr. Stone made a motion to send a letter to Director Barnes with the Colorado Department of Human Services, requesting full-time Hotline County Connection Center services for Lincoln County. Mr. Burgess seconded the motion, which carried.

Mrs. Phillips next addressed the 242 Summary for Lincoln County, explaining that a workload study several years ago resulted in funding from the state. At the time, Lincoln County didn't get any money because the department had adequate staff coverage. Mrs. Phillips said there is still quite a sum of money that the JBC wants to use up, so the state gave a proposal for rolling the funds into the Child Welfare block. She outlined three scenarios in which the department would pay less than it currently does for CW, receive more money, or get none at all. The northeast region agreed that the second scenario would benefit everyone the most; however, there is no guarantee that it will happen at all. Mrs. Phillips said that she'd wanted to inform the commissioners about it in case they heard anything when attending the CCI meetings.

Mrs. Phillips provided statistics for proposed funding splits for FFPSA regarding placement. There are state and federal incentive funds available for Families First, which is a program Colorado hopes to start up this spring. There would need to be legislation submitted, which would include funding splits between the state and county. Counties aren't always in control of placements or where kids go, and even though the courts might order specific placements, they're not always to certified homes. Mrs. Phillips said if passed, the program might cost the county as much as \$6,000 per month.

Lastly, Mrs. Phillips spoke about Wendy's Wonderful Kids, a program that actively recruits for adoption and permanent families for kids. Several counties have gone together to purchase FTEs, and others have gotten their own. Sometimes they have kids in the system who age out with nothing, but this program allows for the worker to stay with them until they turn twenty-one. The department hopes the JBC will see how useful the program is and help with funding, but for now, the cost would fall on the county. Mrs. Phillips wasn't sure exactly how much but said she'd get the information to the commissioners once she knew more.

At 10:45 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to discuss a proposal to change existing law concerning county hospitals. County Treasurer Jim Covington arrived at 10:50 a.m. for the discussion. Four county hospitals put together legislation, but Mr. Stansbury said he wasn't sure if they would make it into the 2020 session. They'd like to clean up the language regarding the acquisition of property as well as the management of board

positions. The commissioners would have to agree to the proposal before they could take it to a sponsor, which could be Senator Sonnenberg. Mr. Burgess said he didn't agree with removing the commissioners' authority to appoint the hospital board since the county puts so much money toward the organization. Mr. Kimble commented that Moffat County also had the same argument, and Mr. Stansbury said that he felt they should be allowed to appoint board members with a vested interest, regardless of where they lived.

Mr. Stansbury also brought up the Peak Health Alliance again, commenting that they'd like to get all the counties together for a meeting. There would possibly be eight or nine total counties, which might make it difficult. Mr. Burgess suggested they put something together for the CCI conference in June.

At 11:00 a.m., Taylor Henderson, representing Nereo Green Capital, met with the Board to discuss county right-of-way usage. Another gentleman, who didn't identify himself, attended the discussion as well. Mr. Piper asked Land Use Administrator Fred Lundy to join the meeting. Mr. Henderson said they want to show responsibility toward the community and that their goal is to respect the landowners, compensating them for their involvement. Mr. Henderson wondered if it would be feasible to use the county right-of-way to access the Shortgrass substation because although they have an easement, they don't own the road. It costs anywhere from \$600,000 to \$1,000,000 per mile to install the transmission lines, and Mr. Henderson said that others in the industry have blanket easements, which would force them to go out of their way almost fourteen miles to access the substation. Using the county right-of-way would alleviate those problems and save time and money. Mr. Kimble said that the law says an electric company can use the county right-of-way, but the county still has veto power in what constitutes a safe road.

Mr. Burgess adjourned the meeting as the Board of County Commissioners at 11:30 a.m. and reconvened as the Board of Public Health so that Public Health Director Jobeth Mills could give her monthly report. When she'd finished, Mr. Burgess adjourned the meeting and reconvened as the Board of County Commissioners.

Mr. Burgess called for old business and asked how many applications they'd received for the Weed Coordinator position. Mr. Piper told him there were three but that the acceptance of applications didn't close until 4:00 p.m. The group reviewed the ones that Mr. Piper received.

Mrs. Lengel asked if it would be possible to put the same vinyl flooring that they plan to put at her front counter in the driver examiner's office as well. Most of the high volume traffic is in that office, and they have a hard time keeping the carpet clean. She said that it would be better to do it all at once so that everything matched. The Board agreed to add the flooring to the driver examiner's office, and Mr. Burgess said he'd stop by Hugo Lumber and let them know. He would also try and contact Dan Hendricks and ask him to come and measure the area.

Mr. Piper said that the county had a contract with Wayne Nestor as a certified operator of the county's lift station at the fairgrounds, but it expired. Jeremy Forristall, with the town of Hugo, also has the certification and agreed to handle it for a year while John Mohan takes the classes.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 12:08 p.m. The next meeting will be at 9:00 a.m. on February 6, 2020.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman