

Board of County Commissioners of Lincoln County

Agenda for June 19, 2012

9:00 Call to order and Pledge of Allegiance

9:00 Open bids on the 1999 Dodge van

9:15 Discuss the Governor's Executive Order on the Ban on Open Burning in the State of Colorado

10:00 Public Health Director Sue Kelly to present the EPR contract for signature

10:15 County Clerk Corinne Lengel to discuss vital statistics records

1. Approve the minutes from the June 7, 2012 meeting
2. Review the May reports from the Assessor and the Clerk
3. County Commissioners' reports
4. County Administrator's report
5. County Attorney's report
6. Old business
7. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 19, 2012. The following attended: Chairman Steve Burgess, Commissioner Ted Lyons, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. Commissioner Gary Beedy was absent and excused.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance, and then the one bid received for the purchase of the 1999 Dodge van was opened. Lloyd Grauberger was awarded the van in the amount of \$2,511.

At 9:15 a.m., Sheriff Tom Nestor arrived to discuss the Governor's Executive Order on the Ban on Open Burning in the State of Colorado. John Theisen was present at the time. Mr. Burgess said he had asked if something could be put in this week's paper about the burning ban, and was told that if the Board got it in first thing this morning, it would still make the paper. According to the governor's order, counties may be more restrictive if the sheriff so chooses to be, but Sheriff Nestor said he was fine with the order the way it is. Mr. Burgess said the county usually provides dump trucks and/or dumpsters around the county when there is a countywide fire ban in order to help out those residents who normally burn their trash, but the commissioners have come to the conclusion that doing so simply causes some residents to think they can bring all of their trash, tires, batteries, mattresses, and furniture to be dumped off in the trucks, thus avoiding landfill fees. Therefore, Mr. Burgess told the sheriff the commissioners would like to allow residents to take only their *bagged, household* garbage to the landfill free of charge while the fire ban is in effect, or until further notice. Sheriff Nestor felt that was more than fair and also told the commissioners that he intends to allow commercial fireworks displays since they are put on by the fire departments. His reasoning was that people would then have somewhere to go and would be less tempted to set off their own fireworks. He would also like to prepare for a stage or permit process that will allow for local control when the governor lifts the ban. The discussion ended with Ms. Devers calling the newspaper to let them know what the Board had decided.

John Theisen then informed the commissioners and Sheriff Nestor that the posts are still up in the middle of the road they have been discussing. The sheriff told him he gave Ravenkamps and Hollowells a week from the date the papers were served to remove the blockage, and if they do not, the county will do it. Mr. Lyons said he'd already spoken with Chris Monks about it, as well as about repairing the hole in the road. Sheriff Nestor told Mr. Theisen that the county would have the hole fixed and the posts removed the week of June 25, if it's not done before.

After Mr. Theisen left, Sheriff Nestor said that he had budgeted \$5,000 for a new intoxilyzer machine, but learned that the state has asked that Lincoln County pay \$2,000 and they will pay the remainder. Mr. Lyons made a motion to allow Sheriff Nestor to spend \$2,000 for a new intoxilyzer machine. Mr. Burgess seconded the motion, which carried.

Once the sheriff had gone, the commissioners called County Attorney Stan Kimble for his report. Mr. Kimble had attended a land use board meeting regarding the 1041 regulations and

learned that most of the members are in favor of the regs. Shawn Smith was concerned with the definition of development and the unending fee, so Mr. Kimble said they could work on changing the language in several places. There was also different language requested concerning pipelines. Mr. Kimble said he would work on it and mentioned that the commissioners will need to hold at least one public hearing.

Mr. Kimble also reported that he had received an outline for open meeting executive sessions, which he would forward on to everyone, and added that in regard to the road situation, those he had spoken to authorize their sheriffs to remove any obstacles placed on county roads. He did add that it still might be beneficial to develop a policy for future circumstances.

At 10:00 a.m., Public Health Director Sue Kelly met with the Board to request a signature on the EPR contract. She stated that she also had the MOU for the regional portion with Kit Carson and Cheyenne counties, but apparently the other two counties are not happy with the way Lincoln County has been handling the administrative support. Ms. Kelly said that Patricia Miller is in charge of it and never received enough training, so when she (Ms. Kelly) attended the meeting yesterday, she asked them to spell out exactly what they expected from Lincoln County in the way of administrative support. Ms. Kelly also had learned that the regional deliverables are actually tied to a person, not duties, which she was not aware of. It seems that Kendra Mulch, Linda Roth, Darcy Janssen, and Dawn James want the position to be moved back to either Cheyenne or Kit Carson County, even though Lincoln County is supposed to have it for a total of three years; two of which are left in the MOU. She added that she agrees that right now her department may not have what it takes to complete the regional deliverables, but last year was the first year Lincoln County received any money, and she doesn't want to lose that \$14,000. Her fear is that if the position goes back to one of the other counties, Lincoln County will never see that money again. The suggestion was made that, just for this year, the two FTEs could be given to Dawn and Darcy, but Lincoln County would still remain part of the MOU. The other two counties would provide mentoring to Ms. Kelly, meaning they would "bring her along" when working on core deliverables.

Ms. Devers asked what specifically Lincoln County hasn't done, and exactly what the other two counties would do for Lincoln County for the \$14,000 if they were to get the position back again. Ms. Kelly responded that they didn't specifically mention anything other than training, but it seems they no longer want Patricia to be responsible. They also told her they have spent most of their time trying to teach Patricia what to do. Ms. Kelly said she told them if they had spelled out what they wanted in terms of administrative support, it may have been much easier.

Mr. Burgess felt that control needed to be back in the hands of the three boards of commissioners, as was originally the intention, as the lead agency is supposed to be passed from county to county every three years. He added that he thought the contract should stay the same as it is written, and that all three boards need to meet about the MOU. Mr. Lyons made a motion to approve the Approved Task Order Contract – Waiver #154 for EPR in the amount of \$30,662. Mr. Burgess seconded the motion, which carried.

Discussion then turned to the future of the Vital Statistics/Registrar department; Ms. Lengel stating that, with the passage of HB 12-1041, all counties with Vital Statistics departments will be required to utilize the statewide electronic death registration system as of November 1, 2012. According to a draft policy from CDPHE, if existing offices wish to discontinue vital records services, they must notify the state within one week of the issue date of the final version of the policy. The state will then work with the county public health agency to determine where vital records will be moved and provide the transport of the records and training to the new office. Ms. Lengel's main concern with her office taking over the new responsibilities is the lack of privacy and security in her vault. In past conversations with the state vital records department, Ms. Lengel said that they were told confidentiality is the priority with these documents. She added that there really is not any other place in her office where a computer could be set up just for the purpose of issuing death certificates.

Ms. Kelly spoke up to say that vital statistics really is a public health function anyway, and they would be more than happy to take over the duties, feeling that they would have a place and the time to do so.

Ms. Lengel stated that she did not want to cause any inconvenience to Love Funeral Homes, and felt that allowing public health to take over would at least keep them from having to do all of their work online or directly through the state. Another benefit to using the COVIS, or electronic, system may be that the county would be allowed to issue birth certificates again, a huge advantage to county residents. However, Ms. Lengel did not know if that would be the case, as she said she didn't really know anything about the system. She added that she would contact Michelle Cowell with CDPHE and begin the process of moving the vital statistics department over to public health. Ms. Kelly obtained Ms. Cowell's contact information and said she would e-mail her as well to let her know that they would accept the transition.

Before leaving, Ms. Kelly asked if the Board wanted her to do something about the MOU or if they wanted to set up a meeting with the Cheyenne and Kit Carson County boards of commissioners first. Mr. Burgess said the more he thought about it, the more he felt they should go ahead and sign the MOU again with Lincoln County holding its position and not giving up the \$14,000. Mr. Lyons agreed and Ms. Kelly left to change the contract to reflect the new 2012/2013 information, saying she would return for signatures later on.

Mr. Lyons made a motion to approve the minutes from the meeting held on June 7, 2012, as submitted. Mr. Burgess seconded the motion, which carried.

The Board reviewed the May reports from the Assessor and the Clerk, and then Mr. Lyons reported checking roads on June 11, and receiving a call from the sheriff on June 12 about the posts in the Theisen, Ravenkamp, Hollowell road issue. He drove out and looked at the road again and stated that it would be fixed, hopefully by the end of the month. On June 15, he attended an RC & D meeting at which they disbanded the organization.

Mr. Burgess reported receiving a call from a party in Arriba on June 10 regarding issues with water on a county road. He contacted Chris Monks, who had a new pipe put in yesterday. On June 11, Travis Taylor contacted him to let him know that the golf cart the Extension Office uses wasn't running. He took it to the county shop to have them fix it. On the Twelfth, he opened the doors of the roundhouse for Merrill Wilson, Dave Wittman, and two contractors, and they spent a couple of days deciding what they wanted to do about replacing the doors there. On June 13, Mr. Burgess said he watered the arena for the Federation of Christian Cowboys Bible Camp and worked the track and hauled water again on the Fourteenth. He also attended a Centennial Mental Health meeting in Wray. On June 15, Mr. Burgess called the insurance adjuster about the damage caused to county vehicles in the hail storm the night before, and on the Sixteenth when he came back from Colorado Springs, he took Highway 94 and checked to make sure Kent Dyer's gate was open. On June 18, Mr. Burgess signed a check for Ms. Devers, called Mary Andersen about the bill received for the painting of the bookmobile, and found out they have just applied for their grant. The county will pay the bill and will be reimbursed if the grant is approved. Mr. Burgess said he also spoke with Kevin Karney from Otero County about changes in their driver examiner's office.

Ms. Devers reported that she'd heard back from the woman with the Rawhide and Dusty Show, and they will come out just the Friday night of the fair for \$500. Since the stock contractor does not provide entertainment, the commissioners agreed to have them come. Ms. Devers will ask them to send a contract.

Mr. Burgess called for old business but there was none, so he moved on to new business. Mr. Lyons submitted a proposal from Wagner Equipment for a Rylind VP-10 V-Plow in the amount of \$8,894.00 for District One. They will trade in their old V-Plow for \$2,000. Mr. Lyons made a motion to accept the proposal from Wagner Equipment and Mr. Burgess seconded the motion, which carried.

Mr. Burgess submitted a list of expectations from the Ranch Rodeo Committee and commented that he felt the requests were possibly too excessive, especially since the county had reduced their fees. Particularly, they had asked for access to a tractor to work they arena when they want to, as well as to the Skidster. Mr. Burgess said he didn't believe they wanted just anyone operating county equipment. He has taken care of most of their other requests.

Mr. Burgess added that since the county has the man lift rented for two more days, they might want to consider having some of the dead trees topped out at the fairgrounds, as some are hanging and could possibly be a liability. He spoke with Lyndall Houser, who charges \$25 an hour. Mr. Lyons wanted to know if there were other things that need taken care of that have a higher priority, and Mr. Burgess said they could go out at lunchtime and take a look.

Mr. Burgess said that Ken Morrison was going to measure the courthouse parking lot, but he felt the county should put the project out for bid and have the contractor look at it before they start tearing it up.

Mr. Burgess produced a contract from Big R Bridge for the bridge on the Arikaree at Walks Camp, stating that the single Super Cor box culvert will be \$54,310 and the anchored sheet pile headwalls will be \$54,600. Since it will take four-to-six weeks for delivery, they would be looking at September before they could start work if they chose to do it this year. Mr. Lyons asked if they needed to wait for Mr. Beedy to make the decision, but Mr. Burgess said he felt sure Mr. Beedy would agree that it needs to be replaced.

At that time, Public Health Director Sue Kelly returned with the Memorandum of Understanding between Lincoln, Cheyenne, and Kit Carson Counties for the 2012/2013 EPR deliverables. Mr. Lyons made a motion to sign the MOU for the 2012/2013 EPR deliverables, Mr. Burgess seconded the motion, and it carried.

Mr. Lyons then made a motion to accept the proposal from Big R Bridge for the replacement of the bridge at Walks Camp. Mr. Burgess seconded the motion, which carried unanimously.

Ms. Devers had received a proposal from Plains Heating and Air Conditioning to replace unit #18 in the sheriff's office with a Lennox, five-ton A/C unit. Mr. Lyons made a motion to accept the proposal in the amount of \$6,192. Mr. Burgess seconded the motion, which carried.

Ms. Devers also said she'd gotten a phone call from Larry Nickell, and Karval Water Users would like a letter from the commissioners acknowledging that the property and equipment belongs to the county.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on June 28, 2012.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman