

Board of County Commissioners of Lincoln County
Agenda for July 18, 2013

9:00 Call to order and Pledge of Allegiance

9:00 Open bids for work on the courthouse complex roof

10:00 Human Services Supervisors Patricia Phillips and Mimi Lyons will discuss the role of Centennial Mental Health in regards to case work and Human Services Director Colette Barksdale will conduct training on child welfare statistics

11:00 County Assessor Jeremiah Higgins will present the preliminary values for the county and discuss a hearing before the Board of Equalization

1:00 Public Health Director Sue Kelly to give her monthly report

1. Approve the minutes from the July 8, 2013 meeting
2. Review the June reports from the County Clerk, Treasurer and Sheriff and the Public Health report of revenue and expenditures
3. Cancel County General check #22914 written on June 6, 2013 to Office Works, Inc. since the bill had already been paid
4. Review two grant funding change letters approved by the Colorado Department of Public Health and Environment for the Women, Infants and Children (WIC) program for training. Both are for the 10/1/2012 – 9/30/2013 budget year, with one an increase of \$831 and the other \$187.
5. Review and act on an agreement with the LC Derby Club for the demolition derby to be held on August 10, 2013 at the county fairgrounds
6. Review the preliminary 2013 state assessed Notice of Valuation
7. County Commissioners' reports
8. County Administrator's report
9. County Attorney's report
10. Old business
11. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 18, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel. Will Bublitz with the Limon Leader and Eastern Colorado Plainsman attended until noon, and County Attorney Stan Kimble attended in the afternoon.

Chairman Lyons called the meeting to order and asked Mr. Bublitz to lead the Pledge of Allegiance.

No bids were received for work on the courthouse complex roof, so the Board agreed to have Ms. Devers advertise in The Daily Journal. Travis Nall is on vacation, so Ms. Devers said they would have to determine another date for interested parties to come and look at the roof once Travis returns.

Mr. King made a motion to approve the minutes from the meeting held on July 8, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the June reports from the County Clerk, Treasurer, and Sheriff, as well as the Public Health Agency Fund report of revenues and expenditures.

Mr. Stone made a motion to cancel County General check #22914 written to Office Works, Inc. on June 6, 2013, in the amount of \$208.50, since the bill was already paid. Mr. King seconded the motion, which carried unanimously.

The Board reviewed two grant funding change letters approved by the Colorado Department of Public Health and Environment for the Women, Infants and Children (WIC) program for training. Both were for the 10/1/2012 – 9/30/2013 budget year; one an increase of \$831 and the other an increase of \$187.

Also reviewed was the agreement with LC Derby Club for the demolition derby to be held on August 10, 2013, at the county fairgrounds. Mr. King made a motion to sign the agreement and Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the preliminary 2013 state assessed Notice of Valuation, and then Mr. Stone reported attending the Eastern TPR meeting the morning of July 8, after the commissioner meeting. All three commissioners attended that meeting, as well as the 51st state meeting in Akron that afternoon.

Will Bublitz asked at that time if the commissioners would share some information as to the 51st state meeting, such as why they attended and what they hoped to gain. Mr. Stone responded that they had gone for informational purposes only and added that the focus may have changed from forming a 51st state to seeking an increase in representation instead. The idea arose to change legislation to allow each county to have one representative, which would mean representation by area rather than population. Mr. King put in that Lincoln County has

not officially joined the group; in fact, he does not support the 51st state idea at all, mainly because of the cost. He commented that it would merely be a change in bureaucracy from the metro area to Weld County, and added that he believes the group may go forward with an attempt to put the representative idea on the ballot so that everyone in the state will have the opportunity to vote on it; however, it may be three or four years before anything actually gets accomplished.

Mr. Bublitz asked if the commissioners felt that Lincoln County, or even the eastern portion of the state, was not being fairly represented in the state legislature, and Mr. Lyons said that he personally feels that Lincoln County never gains anything, particularly in the northeast transportation meetings, as it always appears that decisions have been made prior to the meetings. Mr. Bublitz asked if they believe the Front Range dominates the state and Mr. King affirmed that he felt that way simply because that region has the higher number of votes. Mr. Stone put in that he believes the eastern/northeastern region has representation, just not enough of it.

Mr. Stone also reported checking roads on July 10 with David Seymour, as they had some rain in the area and some of the roads were washed out in places. There was also quite a bit of damage due to high winds. On the Fifteenth, he attended the oil and gas meeting in Karval and said that it was very well attended.

Mr. King reported attending the Eastern TPR and 51st state meetings on July 8, and a video conference with Centennial Mental Health and the quarterly bookmobile meeting on July 11. On July 16, he sat in on a RETAC webinar and mentioned that all counties will have to sign a new intergovernmental agreement. There were concerns with Cheyenne County being the fiscal agent but Mr. King stated that he felt it was fine where it was. He had a phone call from the mail carrier in Arriba about finding some Canadian thistle and a couple of roads damaged after the rain, so District Two foreman Mark McHone checked on them but didn't find any serious problems, although he did contact Wayne Shade about the weeds. Finally, Mr. King said he'd had several other phone calls from residents stating that the commissioners should not get further involved in the wind tower issues, as there are definitely landowners who want wind towers on their property and they should be allowed to make their own decisions.

Mr. Lyons reported attending the CDOT meeting on July 8. He received a phone call from Clinton Clark on July 9, who wanted it placed on record that he is opposed to spraying the Tamarisk that grows along the creek. Mr. Lyons told him it would probably not be an issue unless the state forces the county to spray at some time. That evening, Mr. Lyons attended the fair board meeting, stating that they were still discussing issues related to the Rodeo Bible Camp event. Apparently, Dave Hubbard was contacted by someone complaining about the arena and track not being watered during the event when it was extremely hot and dry and felt Mr. Lyons should look into the complaint, stating he believed that the county may have a liability issue if someone wasn't there providing water. Mr. Lyons told Mr. Hubbard he would check with the county attorney to see if the county would indeed be liable. Julie Joffe had been gone, as well as her back-up help, but said she had asked earlier if they needed her to water it

and was told they didn't. Mr. Lyons said the Vision Plan was also discussed in further detail, and Julie mentioned the fact that the septic had to be pumped again. Mr. Stone said he thought it sounded like it doesn't drain properly and that there may be something wrong with the leach line and Mr. Lyons commented that it won't be an easy fix. Mr. King put in that it is likely the whole thing was under-designed for the use it now gets. Mr. Lyons also said he would like to go by the fairgrounds and look at the signage when they come back from lunch. On July 10, Mr. Lyons said Bill Crossman stopped by and reminded him that nothing had been done regarding Carol Garrison's sewer, and if it backed up again, the county would be sued. Mr. Lyons contacted Sheriff Nestor, who told him he is getting nowhere with the plumber. After the July 13 rains, Mr. Lyons went out to look at roads and discovered that County Road 33 was washed out in portions. He went to the landfill on Monday and again checked the washed-out area, but Chris Monks had already replaced the tube. On July 15, Mr. Lyons received a call from Jeff Wiekking explaining that the company was in violation of several AQCC regulations and was being heavily penalized. However, because they were cooperating with Air Pollution Control Division to correct the violations, the fine was reduced considerably. Ms. Devers drafted a letter commending Wiekking-Fullerton for their support of community activities in Lincoln County and asking for a further reduction in their penalty. Mr. Lyons signed the letter on July 16, and also called the woman with the EPA to further discuss the issue. On July 17, Mr. Lyons attended the Southeast Colorado Recycling meeting and then checked roads, oil activity, and the progress of K.C. Electric's new power lines on his way home.

At 10:00 a.m., Human Services Director Colette Barksdale and Supervisor Patricia Phillips met with the Board to discuss the role of Centennial Mental Health in regards to casework, and to conduct training on child welfare statistics. Although she feels the relationship with CMH has improved 100% since 2006-2007, Ms. Barksdale said they still have a few issues and asked Ms. Phillips to explain them.

Ms. Phillips stated that CMH Director Terri Jensen has been very responsive to their requests and has worked diligently to help get them the things they need, and she commended the director at Elizabeth Centennial Mental Health, as well. Discussions have been very positive with the therapists at CMH, but the biggest issue is the turnover in their organization. DHS will start a client with a therapist only to have the therapist leave once they obtain their license and get some experience because they can get a higher paying job somewhere else. Ms. Phillips added that when CMH does hire locally, the employee is expected to travel to Elizabeth, Sterling, Fort Morgan, or wherever they are needed in the region, which also causes employee turnover. Another issue is that response times are based on where the therapist is coming from since the person on call might be from Sterling or Fort Morgan. Often, they don't want to travel the distance so they try to do it over the phone, which isn't nearly as effective as face-to-face contact. Ms. Phillips stated that it is frustrating for law enforcement to sit and wait, as they have things they need to be doing and feel that sitting and waiting for a therapist for two hours keeps them from their duties.

Mr. King asked if the department logs the call times and response times, but Ms. Barksdale said that although it is logged into the system, there really isn't a way to pull a report. Ms. Phillips

added that law enforcement calls DHS to come and “babysit” but they cannot do so if it’s not “their kid.” Ms. Barksdale put in that there are a couple of CPA (Child Placement Agency) homes in Lincoln County, but if kids from other counties come to the hospital in Lincoln County, Lincoln County DHS does not respond. Ms. Phillips included that since they do not have custody of the child, they cannot make decisions in a hospital situation—the CPA worker in that county’s agency is supposed to respond. Ms. Barksdale commented that law enforcement officers and the hospital staff don’t understand that they will have to wait for the proper agency.

Mr. King said that he was told law enforcement officers sometimes wait five or six hours rather than the required two hours and Ms. Phillips agreed that many agencies are not as responsive as they should be. Another problem is that cities like Denver and Colorado Springs certify homes out in rural agencies, and Ms. Phillips said that, unfortunately, they have no way of doing anything about it. Mr. King asked if law enforcement agencies could complain to the state and Ms. Barksdale said that they could. Mr. King asked if they knew that and she stated that she thought Mimi Lyons had explained it to the hospital staff at one time. She added that Lincoln County had a child in Delta once and they used a secondary worker assigned in Montrose County to help them. It is a best practice to work with other counties, but she stated that doesn’t always happen.

Ms. Barksdale said a solution for Centennial Mental Health would be to hire people who could stay and work in their own community rather than having to take call in other parts of the region, as well as paying their therapists higher wages. She added that if they would complete a turnover report and factor it into their pay grade they may be surprised. If the turnover issue was as bad in Sterling or Elizabeth, Ms. Barksdale said they would most likely be doing something about it.

Mr. King felt there needed to be a change in the attitude of the leadership position and Mr. Lyons wanted to know if the salaries are the same across the region. Ms. Phillips said she would be interested to know that as well, and Mr. King said that they need to pay comparable to what the metro area pays, but didn’t know if they had the money in their budget to do that.

Ms. Barksdale said they’d had the same discussion with Elbert County and felt that they may need to put CELKC together for CMH and let the northern counties have their own region.

County Assessor Jeremiah Higgins met with the Board to present the preliminary values for the county and to discuss a hearing before the Board of Equalization. Mr. Higgins went over the values and then mentioned that he had received twenty-nine protests this year. The BOE hearing was scheduled for 9:00 a.m. on July 26, and Mr. Higgins explained the process to the commissioners and what their part would be in the hearing.

At 1:00 p.m., Public Health Director Sue Kelly met with the Board to give her monthly report. Several updates on EPR included a conference call with CDPHE for establishing a Medical Reserve Corps for Lincoln County. Ms. Kelly said the application is in progress and it’s a

possibility that they will get funding for the deliverables that they complete. Ms. Kelly was excited to inform the Board that her department received \$2,900 for last year's flu shots from Medicaid, adding that she should hear soon as to whether or not they will be able to bill for vaccinations.

Ms. Kelly had received a correction to the addition of Amendment 35 Immunization funds originally signed on June 7, 2013, stating that the \$5,193 increase was an error and it would actually be an increase of \$2,597. Mr. Stone made a motion to sign the Amendment 35 Immunization Funds correction form. Mr. King seconded the motion, which carried unanimously.

Ms. Kelly wanted the Board to know that the new requirement of the Vaccines for Children program is that vaccines must be stored in a free-standing medical grade freezer unit, so she will purchase one for roughly \$260.

There will be a Bookend Celebration on August 30 for the Reach Out and Read program that Ms. Kelly would like for the commissioners to attend. They asked if it could be done during their regular meeting that day, which she said it could. All healthcare providers in Lincoln County participate in the program, which gives them the "bookend" status.

Ms. Kelly had received a purchase order increasing the 2013 Core Services for Immunizations by \$830. Also, she wanted the Board to know that WIC funding is being cut for the upcoming year and she has offered to help Dee Kaster with some of her duties since Ms. Kaster's hours will be cut. Ms. Kelly added that most likely there will be less reimbursement for the Limon office as well, but she hopes to know more after next week's meeting.

Ms. Devers reported that she had received information from Jo Downey that there have been no contributions to the Fairgrounds Enterprise Project. If there are none in the following year, it will be discontinued by the State Office of Economic Development. Patsie Smith had commented during a prior board meeting that people will not donate until they know what the county is going to spend the money on. Ms. Devers asked if the commissioners would like for her to set up a display at the fair to try and obtain contributions, but wanted to know first what they anticipate doing first in the way of improvements. The Board felt it may be okay to set up a display with some general information concerning an Enterprise Zone project and the forms used for donations.

Ms. Devers also wanted to know if the Board wanted to do a poll at the fair concerning starting a 51st state, or requesting that each county have one senator and one representative, but the commissioners agreed that the poll would be skewed by people only attending the fair, so they would not get an accurate count of how all county residents felt about it anyway.

Since it is almost time to start working on the 2014 budget for the county, Ms. Devers asked if the commissioners wanted her to tell the department heads to include raises for their employees and, if so, what amounts. Mr. Lyons stated that a business is only as good as its

employees and those employees need to be adequately compensated. Although the health insurance is a great benefit, Mr. Lyons said, it can't be used to pay the grocery bill. Mr. King asked where the county salaries fall in comparison to other counties, and Ms. Devers said that Phillips County does a salary survey every two years, but she hasn't gotten anything from them yet. However, in the past, Lincoln County has fallen somewhere in the middle. Mr. King stated that happy employees perform better and Mr. Stone agreed, so the commissioners said they would like to have the department heads figure in a two-step increase for their employees, as has been done for the past two years.

Courthouse janitor Dean Waite is due a step raise in August and Ms. Devers wanted to know if the commissioners would like to complete his performance evaluation or if the department heads should do it. The Board agreed to have the department heads complete Mr. Waite's evaluation.

Joe Kiely had contacted Ms. Devers to ask if the county would share a break sponsorship with the town of Limon at the Ports-to-Plains Alliance annual meeting in the amount of \$250. The Board agreed.

The Hugo Fire Department is having their annual auction at the fairgrounds sale barn this coming weekend and Ms. Devers said she had asked Fire Chief Ken Stroud for a \$40 usage fee, since she didn't feel charging the full amount for a building with a dirt floor seemed fair. Mr. Stroud said they had not ever paid a fee in the past to use the grounds, so Ms. Devers asked the commissioners what they wanted to do. Also, the Colorado Country Music Hall of Fame is having a community event on Sunday to honor Lloyd Parmalee, but when Ms. Devers called to ask for their funds she was told if they had to pay they would cancel the event. Jessica Borns actually paid \$400 out of her own pocket; \$300 for the deposit and \$100 to use the building, but Ms. Devers didn't feel that Ms. Borns should have to do that. After some discussion, both Mr. King and Mr. Stone agreed that both entities should have to pay for the usage and that \$40 and \$100 were adequate amounts.

Bill Noyce wanted to know if the commissioners would like to meet with Kyle Wiggs with Curian to discuss the county's retirement plan, and they agreed that they would.

Finally, Ms. Devers said that the county commissioners usually ride in the county van during the fair parade and throw candy to the kids, and she wanted to know if the new commissioners would like to continue that practice. They do not.

County Attorney Stan Kimble reported that he had followed up on several things, one of which was contacting NextEra's attorney, Tony Ryan, to let him know that their issues with Prairie Minerals would have to be resolved prior to the beginning of Limon Wind Phase III, and also that the county was considering a different requirement for setbacks. Mr. Ryan told Mr. Kimble that they were extremely close to a settlement with Prairie Minerals, and then later that same evening sent him an email stating they had come to an agreement. Polly Jessen, attorney for Prairie Minerals, verified that fact as well. Mr. Kimble added that Mr. Ryan believes they will

have to go through the permit process again and that they will have to change some things. Mr. Kimble told Mr. Ryan that he was sure the county wouldn't object to a lessor requesting less than a 2,000 foot setback; it was the surrounding landowners that may be the problem. On that same note, Mr. Kimble said he'd spoken with Kit Carson County Attorney Wade Gateley, who said that they would be reluctant to reduce the setbacks as it would consequently reduce the amount of area the wind companies could build on, and they want as much development as they can get.

Ms. Lengel had asked Mr. Kimble to check on whether or not a county-owned hospital is required to publish their claims like the county has to, since she had heard the question asked at conference, but he said he could find nothing to support that fact.

As for the time-sharing concept for camper hook-ups at the fairgrounds, Mr. Kimble said he'd gotten quite a few responses over the county List-Serve; most agreeing that it would probably not be a very good idea. One response suggested that tying county property up for an extended period of time would not be wise if it was considered to be a private alienable interest, while another thought property taxes may have to be assessed. Still another thought it might have to be treated as a lease. Also, if the area is somehow deemed a "campground," state park or campground site requirements may apply.

Mr. Lyons explained the discussion from the fair board meeting and asked Mr. Kimble if the county could be held liable for not providing water for the track or arena areas at the fairgrounds during a scheduled event. Mr. Kimble responded that the county is protected to a certain extent and there are very few exceptions where the county could be sued for negligence.

Mr. Stone asked if the requirement for a Road and Bridge employee to have a Commercial Driver's License is listed in the county's personnel policy, as employees had been unable to find it, but Ms. Devers told him it is listed on the job description, not in the policy.

Mr. King would like to order a couple of "No Livestock" signs, one for each end of the bridge that District Two built at the fairgrounds. He would also like to order another "No Parking" sign to be placed at the gate on the north side of the road into the west entrance of the fairgrounds.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on July 30, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman