

Board of County Commissioners of Lincoln County
Agenda for August 20, 2013

9:00 Call to order and Pledge of Allegiance

10:00 Tony Lyons to request an exemption from Subdivision Regulations

11:00 Cathy Shull, Executive Director of Progressive 15, to give an update on the organization's activities

1:00 Liz Hickman, Executive Director of Centennial Mental Health, to give an update

1. Approve the minutes from the August 8, 2013 meeting
2. Review the July reports from the Assessor and the County Clerk
3. Review the July reports of revenues and expenditures for Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge, the individual road districts, and Public Health
4. Review and sign the 2012 Cost Allocation Plan as prepared by the County Auditor
5. Review and act on the paperwork to renew the license for the Karval Fire Protection District Ambulance Service
6. Discuss the \$75,000 budgeted in road district 2 for special oil projects
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 August 20, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, and County Attorney Stan Kimble, in the afternoon.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance. Mr. King asked Ms. Devers if she had any further information regarding the county's state assessed valuation. She responded that she'd spoken with Deb Meier who told her that the information that was presented to them made it appear that the value was for an entire year, when it was actually for three months, as the towers went on line in October. Therefore, things should look better next year at this time.

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

The Board reviewed the July reports from the Assessor and County Clerk, as well as the July reports of revenues and expenditures for the Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Public Health, and Road and Bridge funds, as well as the individual road districts.

At 10:00 a.m., Tony and Lauren Lyons met with the Board to request an exemption from subdivision regulations on a ten acre parcel in the northwest quarter of Section 12, Township 12 South, Range 54 West for the purpose of building a home. Mr. Stone made a motion to adopt a resolution granting an exemption from subdivision regulations on the above-mentioned property for Tony and Lauren Lyons. Mr. King seconded the motion, and it carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on August 20, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION #856 It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

WHEREAS, application has been made by Tony and Lauren Lyons for exemption from the Lincoln County Subdivision Regulations on a tract of land in Lincoln County described as follows:

A tract of land situated in the Northwest Quarter of Section 12, Township 12 South, Range 54 West of the 6th Principal Meridian, Lincoln County, Colorado, more particularly described as follows:

Beginning at the northwest corner of said Section 12 and considering the west line of said Section 12 to bear south 00° 00' 00" east; thence south 00° 00' 00" east along the west line of said Section 12, a distance of 660.00 feet; thence south 89° 51' 35" east, a distance of 660.00 feet; thence north 00° 00' 00" west, a distance of 660.00 feet to a point on the north line of said Section 12; thence north 89° 51' 35" west along the north line of said Section 12, a distance of 660.00 feet to the point of beginning; said tract containing 10.00 acres, more or less.

Said tract of land is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said tract of land; and

WHEREAS, this request for an exemption is due to a requirement by the lender to approve a loan for the construction of a home on a maximum of only 10 acres; and

WHEREAS, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the tract as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property;

BE IT FURTHER RESOLVED that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, 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 2012 Cost Allocation Plan as prepared by the county auditor, and Mr. King made a motion to sign the plan. Mr. Stone seconded the motion, which carried unanimously.

Also reviewed was the paperwork to renew the license for the Karval Fire Protection District Ambulance Service. Ms. Devers commented that she still has not received the paperwork for either the Hugo Ambulance Service or the Limon Ambulance Service, even though both have expired. Mr. King made a motion to adopt a resolution authorizing the Karval Fire Protection District Ambulance Service to provide ambulance service in Lincoln County with permitted basic life support ambulances. 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 August 20, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION #857 It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS, pursuant to the Colorado Emergency Medical Services Act, Section 25-3.5.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

WHEREAS, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

WHEREAS, the Karval Fire Protection District has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic life support vehicles; and

WHEREAS, upon review, the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the Karval Fire Protection District Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. King then stated that he'd asked Ms. Devers to put the next item on the agenda because District 2 is currently over the Road Oil line item in their 2013 budget, and he wanted to know what the Special Oil Projects line item was for. She had explained to him that Mr. Burgess had wanted to keep additional money in the budget in case District 2 needed to extend, or add oil to, an existing road. Mr. King said that at this point he needs another 100 ton of road oil which will cost at least \$7,500 and wanted to know if he could use the funds in the Special Oil Projects line item, but Ms. Devers had informed him that overextending in one line item is acceptable as long as the entire district's budget is not overextended. Mr. King asked if either of the other commissioners intended to add more oiled roads in their districts and was told that they do not, so he would prefer to do away with the Special Oil Projects line item in the 2014 budget.

Mr. Lyons asked the others how they felt about fixing more of the courthouse parking lot this year, but they decided to wait until after August 30, when they open the bids for the repairs to the courthouse roof to see how much that will be first.

Mr. Stone reported attending the fair on August 8, 9, and 10, and having lunch with the fair royalty on the Tenth. Mr. Lyons asked if either of the other two commissioners had received any complaints during the fair, but the only comment had been that there are just not enough things for the kids to do. The group discussed the problems with carnivals and the liabilities, and Mr. Stone again brought up the jump houses, stating that he had spoken with a resident over the weekend who would like to contribute in some way. Mr. Lyons said it was always a place to start and if they had someone willing to look into it, then that was a good thing. On August 13, Mr. Stone checked on roads that had been washed out, and on the Fifteenth he did more of the same. He also attended the lunch meeting with DOLA representatives that day. On August 16, he attended the meeting in Karval concerning the drought, and also was asked if the county has regulations against using waste fertilizer, to which Mr. Lyons replied that it is not allowed. On August 18, Mr. Stone received a complaint about County Road 63 south of Road 94 so he checked on it and said it did need some gravel, which his road crew took care of. On the Nineteenth, he received a phone call from Gene Vick about pursuing the idea of NextEra contributing a building at the fairgrounds. He also stopped at the county shop and reported that only one more of his road crew needs to obtain his CDL.

Mr. King reported attending the county fair on August 8, 9, and 10 also, and walking the arena on August 11 after the demolition derby to see if Mike Vaughn and his crew had done a decent job of cleaning up any metal wreckage from the vehicles. Mr. Stone said he had been there as well. On August 12, he attended an Economic Development meeting where they discussed their master plan and the new budget, and methods to return the organization to the way it was meant to be. On the Fifteenth, he attended the same DOLA meeting as Mr. Stone and discussed energy impact grants. Mr. King would like for the county to apply for one to help with the roads up north that have been impacted by oil and gas production. On August 16, Mr. King spoke with Mark McHone about the amount of patching material they need for roads in District 2. Joe Kollath spoke to him about a couple of roads in south Limon that need some attention; County Road 3H and the one that runs by Jennifer Jackson's house. No one knew exactly where that was, so Mr. Lyons said he would ask Chris Monks. Mr. King said that County Road 3H is actually an unmaintained county road, which is what he told Mr. Kollath. Lastly, Mr. King stated that road crew members are fixing the road torn up by Andrew Johnson today. Mr. McHone will keep track of the time spent and equipment and material usage and will turn it in to Sheriff Nestor.

Mr. Lyons reported attending fair and receiving no complaints about anything. He mentioned that only one person had talked to him about the 51st state issue. Mr. King said he'd had two comments but they were both from people he'd already spoken to about it, and Mr. Stone said he'd had one comment also. Mr. Lyons received a complaint about the cattle guard on the Compton Road on August 12, and on the Thirteenth he got a complaint about a road up in District 2. He told the person to contact Greg King or Mark McHone about it. He also stopped and spoke with Allen Chubbuck at the landfill.

At 11:00 a.m., Cathy Shull, Executive Director of Progressive 15, met with the Board to give an update on the organization's activities. Del Beattie, board representative for Lincoln County,

was also present. Ms. Shull said the organization was formed in 2001 to give the northeast region a unified voice to influence public policy and enhance economic viability and quality of life. The organization was modeled after Club 20 on the western slope and Action 22 in southeast Colorado and the San Luis Valley, and Progressive 15 still works actively with the two groups on rural issues. Ms. Shull said that they watch legislation and policies that may apply in the region, and added that they are not lobbyists, but are simply trying to build partnerships in northeastern Colorado. Their current objectives are to build an active, diverse, and renewable membership base, develop policy positions and resolutions, advocate and affect legislation, promote and improve relationships among member counties, and advance commercial and economic interests of northeastern Colorado. Ms. Shull went on to say that Progressive 15 is a non-partisan, all-inclusive partnership of business, government, agriculture, education, health care, individuals, and non-profit organizations working together for the good of the region. Some of the benefits of membership are: becoming a part of a larger organization with a stronger voice to protect individual interests; access to Progressive 15's resource center; opportunities to interact one-on-one with the governor, state legislature, state agency heads and the congressional delegation through Progressive 15 events; and the ability to shape and influence policy. As for what Progressive 15 does, they develop resolutions and letters of support or opposition of specific policies, rules, or legislation at state and federal levels, and advocate and educate through white papers, press releases, blogs, newsletters, and social media. Ms. Shull explained that members in each county select the person they want to represent them on the Board of Directors. There is one vote per member and members provide input on which issues they want to address through their board representative.

Ms. Shull asked if there were any problems that the commissioners were aware of that they would like to address, but they could not think of anything specific at the time. The Board thanked Ms. Shull and Mr. Beattie for their time.

Ms. Devers reported an incident during fair that she wanted the commissioners to be aware of; apparently, there is a set of steps that little girls can use to reach the sinks in the women's restroom, and someone had moved the steps closer to the door, where an elderly woman tripped over them. The woman did report the incident. Ms. Devers said that Julie Joffe will need to have the steps bolted in place by the sink furthest from the door so they cannot be moved in the future. Ms. Devers had also received a phone call from Alan Carr stating a group wants to have a benefit at the fairgrounds for the family that recently lost their house due to a fire, and would like for the commissioners to waive the fees for use of the facilities. They want to have bull riding and other events in the arena and a silent auction under the awning, which would normally cost a total of \$225. Ms. Devers told Mr. Carr they would have to provide proof of liability insurance, as well.

Mr. King commented that although it is a worthy cause, he feels that if they start waiving fees for one group or event, they will have to do it for everyone, and Mr. Lyons asked how it would differ from the request from the Hugo Fire Department when they asked that the fees be waived for their annual sale. The Board agreed not to waive the fees for the benefit event.

Ms. Devers also asked the Board to look over the evaluation for Dean Waite and decide whether or not to give him a step raise.

At 1:00 p.m., Executive Director of Centennial Mental Health Liz Hickman met with the Board to give an update. She said she tries to provide an annual visit prior to the eastern district meeting. The goal of CMH is to provide a full continuum of care in all twelve of the counties in the region, and to have an active presence in them as well. Ms. Hickman wanted the commissioners to know that the state legislature has authorized a considerable amount of funding to expand crises centers in the regions, and they are currently working on the bid process and an application to provide Crisis Stabilization Services, Mobile Crisis Services, and Crisis Residential/Respite Services in response to the RFP issued by the Colorado Department of Human Services, Office of Behavioral Health. Additional funding will increase the number of beds by at least one hundred, which will decrease the number of clients being left stranded when placement cannot be found. She added that crisis stabilization units are based on population and part of the enhancement in Lincoln County would be to expand the mobile crisis team. The new funding will also expand emergency response in the twelve counties in the region. Ms. Hickman asked the commissioners to send a letter of support that can be included with the RFP when it is sent into the state, commenting that this will be the first designated crisis or emergency funding that CMH has seen in ten-to-twelve years.

Mr. Lyons told Ms. Hickman that he and Mr. Stone had recently met with several judges and probation officers and one of the questions they had dealt with was the issue of offenders attending adequate domestic violence counseling classes. They felt that it was Centennial's responsibility, but Ms. Hickman explained that, actually, it is not. She said that, at one time, Steve Gilbertson was their substance use clinical coordinator, but only in the interim while it was transferred over to Genesis. She added that she had just recently learned that Genesis seems to no longer be active in Lincoln County, and although it is definitely a community need, the problem is in the credentialing of certain individuals to provide the service. Gale Huff and Sandy Patrick-Hendricks have offered to do what they can to help with the DV classes, but it may not be feasible with the number of hours of training requirements there are.

Mr. King wanted to know if the help from Mr. Huff and Ms. Patrick-Hendricks would alleviate some of the burden put on local law enforcement to "babysit" individuals at the hospital until someone from CMH can get there to assess them, and she said she hoped that it would. They hope to work with locals who can be trained as monitors so that law enforcement doesn't have to. He also mentioned that it seems turnover is bad because the employees are required to travel to Elizabeth, Sterling, Fort Morgan or other areas in the region, but Ms. Hickman said that is not necessarily true, as the region is actually split into smaller regions and most employees in Lincoln County are sent mainly to Elbert County, not multiple locations. She admitted that they have had changes in staffing recently but are trying to stabilize that, and when Mr. Lyons asked about video conferences for DV classes, stated that CMH does have Tele-Health interactive vid-cam for substance use treatment, which is an excellent option. She added that if domestic violence was in their normal scope she could answer questions more easily but as it is not, she really cannot help with those issues.

Ms. Hickman went on to say that they will review the 2012-2013 data and protocol at the eastern district meeting which will outline each county's request for the calendar year. She cautioned that Lincoln County's request will be higher due to increases in assessed valuation and units of service, which are two of the three criteria that contribution percentages are based on. The requested contribution for 2014 is \$10,628, whereas 2013 was \$10,052.

Mr. Lyons asked if there is actually an increase in indigence or if we are just becoming more aware of it and Ms. Hickman responded that smaller counties tend to be more aware than some of the larger counties. She added that they have seen an increase in people coming in, but she is not sure if it is related to financial crises or something else. They do serve a higher percentage of Medicaid clients than a year ago, but more qualify than before also.

Mr. King stated that he does not see the need for the new facility in Fort Morgan, as he believes in spending money on services more so than on bricks and mortar. Ms. Hickman responded that the facility in Sterling is still the same one that they have always been in, and they did do some remodeling in the Elizabeth clinic, but the board will need to vote on whether or not to move forward with the new facility in Morgan County. She explained that they have never had all of their services together under one roof in Morgan County, and although they may be able to remodel the current facilities, there is no room for expanding them. They do have potential funding options through USDA. Mr. King reiterated his comment and Ms. Hickman said that all of the Medicaid funding they receive is tied to programs and they must prove that a certain percentage is spent on services, and they do hope to obtain other funding for the new facility if the board agrees to move forward with it.

Ms. Hickman again asked the commissioners for a letter of support to be sent in with the RFP and thanked them for their time.

Sheriff Tom Nestor met with the Board at 2:00 p.m. to discuss a complaint he received against Kent Dyer's access gates off of Highway 94 down by Rush. The sheriff said that Linda Simmons, a property owner in the Halls Station area, complained to him that Mr. Dyer has gates that prohibit her from accessing her property. Sheriff Nestor explained Colorado's open range/fence-out laws to her and told her that he has been in the area several different times since the gates were put up and they are never locked. He has also spoken with Mr. Dyer who said that he had to put the gates in to keep his horses in and has mentioned numerous times that other landowners are welcome to open and close the gates when they need access to their properties. The sheriff stated that Ms. Simmons has said she will look into obtaining a permit for an access directly from Highway 94 onto her property so that she can avoid using Mr. Dyer's gates.

County Attorney Stan Kimble asked if the complaint was of livestock on the roads, and Sheriff Nestor said that he had actually spoken with Ms. Simmons' daughter as well, who was concerned for her mother's safety because of the animals. He added that Ms. Simmons does not live on the property, as there is nothing there, but visits it a couple of times a year, as she actually lives in Colorado Springs. He went on to say that Mr. Dyer's gates were approved a

year ago and law enforcement has had no problems since the gates were put in, and always have free access. The sheriff added that he did inform Ms. Simmons' daughter that the road is an unmaintained access road into the subdivision and, therefore, not a maintained county road which would need to be left open.

Mr. Kimble said that the issue seems to be the livestock on the roads and whether or not the county is liable, but he believes that it is not since Colorado does have open range laws.

The sheriff concluded that the matter seems to be resolved since Ms. Simmons is going to try and obtain access to her own property from Highway 94.

Sheriff Nestor addressed the matter of the janitors at the jail, stating that Susie Monks has been filling in and doing an excellent job since he let the others go. She works three days a week now and the sheriff said she gets done in those three days what it took the others much longer to accomplish. He would like to retain her and asked if she would agree, which she will as long as she can be paid the same hourly rate that she makes in her normal janitorial duties at the courthouse. The Board agreed that Susie Monks can continue to clean the jail lobby and administrative offices three days each week for \$13.47 per hour.

The sheriff also said that he'd met with Gale Huff about the domestic violence counseling issue, and was told that accreditation requires a minimum of 1,000 hours of counseling with another counselor before he or Ms. Patrick-Hendricks could work on their own. They can get a temporary provisional license but it would take approximately two years to obtain it, so the sheriff said they would do more checking, but it may be impossible. Mr. Huff suggested contacting Robin Leaf, who is the supervisor of probation, to see if they could somehow come up with funds for a part-time counselor.

Mr. Kimble reported speaking with the Weld County Attorney about the 51st state issue after the last commissioner meeting and said he had told him Lincoln County will not be putting the issue on the 2013 ballot. He also spoke with Steve Frank, the gentleman appealing his assessed valuation, a couple of different times and believes he will take his appeal to the next level. Finally, Mr. Kimble said he'd spoken with Spencer Korman with Limon Wind, LLC, who was worried that the county would require agreements with every mineral owner in the area to be developed, but Mr. Kimble told him that the Board's main concern is that all mineral interest owners are protected.

Ms. Devers had asked Mr. Kimble if there is a liability to the county if ambulance licenses expire, so he asked if she had the statute cite so he could look into it.

There was no old business to discuss, but Ms. Devers asked the Board to cancel County General check #23609 in the amount of \$1,122.00, as the amount paid for hay at the fair was actually only \$462.00 and Mr. White had asked that the check be reissued for the lesser amount. Mr. Stone made a motion to cancel County General check #23609, issued on August 8, 2013, to

Eastern Colorado Hay in the amount of \$1,122.00. Mr. King seconded the motion, which carried unanimously.

Ms. Lengel provided a 2014 recommendation fact sheet from the County Elected Officials' Salary Commission regarding possible salary increases for elected officials beginning with the 2015 term. She explained that the commission has been working diligently for the past three years to come to an agreement on how to best approach increases, which have not been granted since 2006. The thirteen volunteer members of the commission are appointed by the President of the Senate, the Speaker of the House, and one representative from the Department of Local Affairs (DOLA), and are responsible for studying, evaluating and making recommendations to the legislature regarding future salary levels for county elected officials. The last increase granted by HB06-1295 only addressed cost of living raises, and several counties are running into cases where their second and third in command are earning salaries higher than the elected officials themselves. Ms. Lengel stated it makes it difficult for members of an office to run for the higher position in instances where officials are term-limited, and asked if the commissioners would consider supporting a bill concerning the implementation of the salary commission's recommendations in the 2014 legislative session. Since an elected official's salary cannot be increased during the four-year period in which they hold office, Ms. Lengel stated that she and a couple of the other elected officials will have gone twelve years without a salary increase (should they chose to run for re-election in 2014) if something isn't passed for the term commencing 2015. While the county continues to give cost of living increases to other employees each year, elected official salaries fall further and further behind.

Mr. King asked what the commissioners can do to show support, asking if they would need to pass a resolution. Ms. Devers said it would be best for them to show support at the upcoming Eastern District meeting first, and Ms. Lengel added that it will take a huge amount of support all over the state for anything to pass.

Mr. Stone said the only other item he wanted to mention was that Mike Vaughn asked that he let Ms. Devers know they had approved the clean-up of the fairgrounds after the derby and see if she would return his damage deposit. Ms. Devers said she would take care of it.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on August 29, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman