

Board of County Commissioners of Lincoln County
Agenda for January 28, 2021

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Tom Nestor, Lincoln County Sheriff, and Michael Yowell, Sheriff's Captain, to discuss Jail Based Behavioral Services funding
- 10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide a LCH monthly report
- 11:00 Chris Monks, District 1 road foreman, to discuss road and bridge matters

1. Approve the minutes from the January 12, 2021, meeting
2. Review and act upon a designation of representative to the County Health Pool
3. Discuss personnel policy matters
4. Review outdated job descriptions for multiple Lincoln County positions
5. County Commissioner reports
6. County Attorney's report
7. County Administrator's report
8. Old Business
9. New Business
10. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on January 28, 2021. The following attended: Chairman Steve Burgess, Commissioners Doug Stone and Ed E. Schiffers, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel. Juliet Lundy, with the Eastern Colorado Plainsman and Limon Leader, attended until 11:40 a.m.

Chairman Burgess called the meeting to order and asked Mr. Piper to lead the Pledge of Allegiance.

Mr. Stone moved to approve the minutes from the meeting held on January 12, 2021, as submitted. Mr. Schiffers seconded the motion, which carried unanimously.

The Board had already designated Mr. Stone as the representative to the County Health Pool, but Mr. Piper said they needed to sign the form.

Mr. Burgess asked Mrs. Lundy to step out while the Board discussed the personnel policy, specifically the Alcohol and Drug Abuse Policy, which hadn't been updated since 2000. Mr. Kimble noted that most entities allow drug or alcohol testing if the supervisor has a suspicion that an employee has violated the policy. Employees who carry CDL licenses or hold other safety-sensitive positions can be subject to mandatory random testing. HIPPA law prevents the county from obtaining test results unless the employee shares them, and the commissioners felt there should be something in the policy that counteracted that. Mr. Kimble said that an employee refusing to share their test results could lead to their termination. He added that the county didn't have supervised trainees who could determine whether an employee was under the influence of drugs or alcohol unless it was a sheriff's deputy.

Sheriff Nestor arrived for his 9:30 appointment, and Mr. Burgess asked him to come in and speak with them for a few minutes. When asked about training for drug and alcohol detection, Sheriff Nestor said that it was standard training for law enforcement officers when they went through the academy. He felt that other counties probably had policies, and Mr. Kimble said the county already had a policy, it just needed updating. The sheriff said attaching a HIPPA waiver to the policy would suffice, as long as it was specific to drugs and alcohol.

Captain Yowell and Mrs. Lundy joined the meeting, and the sheriff provided an update on the Jail Based Behavioral Services (JBBS) funding. They now have a fully operational mental health control substance system to comply with the new law—almost eighty percent of the jail population deal with mental health issues. JBBS reimburses 100% of money spent on behavioral services, and Sheriff Nestor said they'd returned over \$160,000 to the county so far. There is money available for a case manager, but he wanted to meet with the commissioners before hiring another full-time person. Duties would include arranging for controlled substance care and follow-up care and the required paperwork, something the captain has handled. Captain Yowell put in that what was once called substance abuse is now termed substance use disorder and falls into the mental health disorder category. That change is what generated the funding. Lincoln County could potentially receive a quarter of a million dollars. Sheriff Nestor

commented that he has turned down quite a bit of money because he didn't think the expenses were necessary or beneficial to the county. Captain Yowell said that if they were to hire the case manager, JBBS would require the statistics to go with the position, which would require a lot more time involved with charting the cases. The sheriff explained that they'd put it in the 2021 budget, so the money was there for a full-time position. He would prefer to use one of his current employees if they were interested in the job and then backfill whoever took it. The captain added that JBBS would pay for the position in full as long as it didn't exceed \$69,000.

Mr. Burgess wanted to know if they had the room for another person, and the sheriff responded that the case manager would work in the existing medical area. They would not need any new computers or other equipment. The Board agreed to allow the sheriff to hire a case manager for jail-based behavioral services, and the sheriff said he'd put together a job description.

Mr. Kimble asked the sheriff if he felt the road policy had made things easier for his department since its adoption in 2014. Sheriff Nestor said he honestly hadn't noticed much difference since the courts resolve most of the cases. He noted that if section lines were public roads, it would be a much different story, as his department would then have to enforce laws on them.

Mr. Burgess asked if there was any new information on the high-profile trial the sheriff mentioned early last year. Sheriff Nestor said the case was again continued, this time until June.

Captain Yowell shared a bit of good news: they received a letter that the lawsuit filed against them was dismissed and settled out of court.

At 10:00 a.m., Robert Kraxberger, with the Department of Human Services, met with the Board in place of Director Patricia Phillips. He provided the employee timesheets and the financial, income maintenance, child welfare, and director's reports and then asked for a signature on the annual grandparenting grant.

Mr. Schifferns moved to sign the annual National Family Caregiver Support Services Contract between the East Central Council of Local Governments' Senior Services Program and Lincoln County Department of Human Services for 2021. Mr. Stone seconded the motion, which carried unanimously.

At 10:30 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to provide a monthly report. Revenues were down in November, but because the PPP loan was forgiven in December, they showed a \$2.2 million YTD gain. The hospital administered over four hundred COVID-19 vaccinations so far, and with the numbers from Public Health, Mr. Stansbury felt they'd vaccinated roughly ten percent of the county's eligible population. Mr. Stansbury also gave a brief update on strategic planning and asked if the county had seen many recent unemployment scams on its employees. The hospital has had six. Mr. Piper told him there had been a few.

Mr. Stansbury left, and the Board discussed outdated job descriptions, mainly for landfill employees. Mr. Kimble asked if they needed to add a lifting requirement to the operator and assistant operator descriptions as they'd done for the clerk. He commented that if they add it and the current employees couldn't meet the demand, the commissioners had to try and accommodate them if possible. However, if no other positions were available, they would have cause for termination.

Mr. Burgess called for commissioner reports. Mr. Stone attended the recycling meeting via Zoom on January 13. He stopped by the shop and talked with Rick Ashcraft on the Fourteenth. Another of their graders had a broken hydraulic hose. After the high winds on Friday, January 15, Mr. Stone checked roads. He signed papers at Colorado East Community Action Agency on January 18 and attended the fair board meeting on the Nineteenth. Apparently, Aaron Watson could only perform on Friday, August 13, so John Palmer said they'd move the concert east of the arena instead of having it in the show barn. They were also considering changing rodeo contractors. Mr. Stone received a complaint about a field off of County Road 3A blowing onto the neighboring property. He called Mr. Kimble about it and checked the area a couple of times. The landowner lives out of state, but they've since chiseled the property. Hopefully, that, combined with the recent snow cover, would alleviate the problem. Mr. Stone also checked roads that day. On January 21, he received a call about the roughness of another road they'd recently graveled, so they fixed it on January 22. District 3 got between two-and-three inches of snow on January 25 and another two inches on the Twenty-sixth, so the road crew was out plowing. Lastly, Mr. Stone said he'd gotten a call about the Monks' water pit.

Mr. Schifferns reported that all three commissioners took a trip to the landfill in the new pickup after the meeting on January 12. They also stopped by the fairgrounds to see the progress there. An employee called asking if the county took January 18 as a holiday, so Mr. Schifferns contacted Mr. Piper to be sure. Winds of 50-60 mph blew on January 15, causing a terrible accident on the interstate between Genoa and Arriba. Mr. Burgess called him on January 16 regarding a county employee. Mr. Schifferns attended the weekly public health call the morning of January 19 and the fair board meeting that evening. On January 21, he spoke with Sheriff Nestor about occurrences in Limon. Chris Monks called him on January 22 to discuss an issue with County Road 22. Mr. Schifferns also checked roads that day. He spoke with Chris about the snow on January 25—they'd had five or six inches. He also got a call wondering why no one had updated the county website, so he contacted Mr. Piper. EMS and fire personnel received their second round of COVID-19 vaccine on January 26.

District 1 Road & Bridge Foreman Chris Monks met with the Board at 11:00 a.m. He presented the annual state HUTF report, and Mr. Schifferns moved to sign it. Mr. Stone seconded the motion, which carried unanimously.

Mr. Monks said they scheduled an eight-hour MSHA refresher training that will take place at the fairgrounds on February 26.

CSP Trooper Dwayne Massner came out again and told them they were about seventy-five percent compliant with the new DOT reporting. The county previously used Forward Edge for random drug testing kits, but they sold to DISA in Houston, and Mr. Monks said they've since had several issues with the new company. Trooper Massner suggested Toxmed Services in Burlington. The drug kits were six dollars cheaper, although the alcohol testing kits were the same as DISA's. Mr. Monks thought they would need all new pre-employment tests, but Kris Smith found paperwork for their old ones, so Toxmed waived the requirement. Mr. Burgess thought they went to the hospital for testing. Mrs. Smith actually puts the kits together, notifies the employee, and then the hospital contacts the employee and administers the test. They then send the kit to the processing company for the results. The same person at Toxmed could help with the clearinghouse, so Mr. Monks said he hoped to get more information from her.

After discussing replacing the old blue-and-white pickup and patrol car, Mr. Schifferns moved to allow District 4 to purchase a 2021 2-wheel drive, half-ton Chevy pickup from Dellenbach Chevrolet for \$24,170. Mr. Stone seconded the motion, which carried unanimously. Mr. Monks said he couldn't order it until May and asked what to do with the other two vehicles. The patrol car still runs well and would make a decent vehicle for another department, possibly the landfill. They agreed they could try and sell the pickup at the fairgrounds auction.

Mr. Burgess suggested they forward-contract for 2022 fuel if they could, as he felt the price would go up considerably. Mr. Monks asked if he wanted them to lock in another six loads if he could get it under \$2 a gallon, and the Board agreed.

Taylor Henderson called Mr. Burgess and told him that the Arriba Wind Farm was still on track, and they would need to do something with the bridge up north. He wondered if they would need a mining permit to take the soil off first.

Mr. Schifferns asked Mr. Monks the status of the scraper, but they hadn't decided for sure which one they wanted and hadn't picked it up yet.

Mr. Burgess said there was a bridge up north with live water on it, and he wasn't sure what to do with it but was open to ideas. He was sure some of the timber underneath might be rotting out with possible damage to the columns. A preliminary cost estimate for a forty-two-foot clear-span bridge was \$100,000, which didn't include abutments or setting the structure. Mr. Monks said District 1 had a bridge that they worked on almost fifteen years before. They dug it out, put down rock, and then set tubes on the rock. It has held up very well.

Mr. Monks left, and Mr. Burgess gave his report, starting with their trip to the landfill and fairgrounds in the new pickup on January 12. He went by Transwest and then on to Genoa on the Thirteenth. He looked at the damaged bridge on County Road 22, north of County Road 3H, and took several pictures, planning to compare them with the photos taken in 2018. Mr. Burgess talked with John Rowe about the lights they hadn't received for the last Cat grader they got. They also discussed pricing on a lowboy trailer. Mr. Burgess attended the Centennial

Mental Health Zoom meeting on January 14 and spoke with Bruce Walters about the bridge. They agreed to try and pump some of the water out to see how the support columns looked. Mick Jaques called Mr. Burgess on January 15 to let him know they'd finally received the check for the steel. Winds were up to 83 mph at the landfill, and there was a fatal accident west of Arriba. Mr. Burgess received a call that a county employee fell on January 16, so he checked it out, but no one knew how it had happened. He contacted Mr. Stone, Mr. Schifferns, and Mr. Piper to let them know. On January 18, Mr. Burgess spoke with Kevin Stansbury. He also went by Mr. Kimble's office and dropped off a copy of the county's drug and alcohol policy. On January 19, Mr. Burgess spoke with Bruce Walters, who told him they'd finally gotten their backhoe back. He also went to Hugo to talk to Mr. Piper, spoke again with Mr. Kimble, and attended the weekly public health Zoom call. Mr. Burgess went back out to the bridge on County Road 33 on January 20. They were pumping the water out to see the damage underneath, but it appeared the worst of it was above the waterline. Mr. Burgess stopped by the landfill on January 21. The sheriff is extremely pleased with the new shooting range. On January 22, Mr. Burgess took workers' comp papers to Mr. Piper to send to CTSI. He also spoke with Mr. Walters, stopped in Seibert and checked on the cutting edge for the road grader, and received a call from Taylor Henderson about the Arriba Wind Farm. Mr. Burgess reported that Hauling Hass picked up 711 tires at the landfill on January 26. He attended the weekly public health Zoom call; there were ten active COVID-19 cases, which keeps the county in the orange category. Mr. Burgess also got some price quotes on the running board for the new Ram pickup. Mr. Burgess attended the Economic Development meeting on January 27. He also received a call from Limon Superintendent John McCleary, praising Public Health Director Jobeth Mills for her diligence and efforts with the pandemic. Mr. Burgess let her know.

Mr. Piper reported that he'd had several complaints about the county not moving back to the yellow category and said that the county would have to be below ten active cases for a full two weeks before that would happen. He also reported that the county received approximately \$60,000 in CVRF funds for the touchless water fountains and HVAC adjustments.

Mr. Burgess called for new business, and Mr. Stone said that Rich Hoefler wanted off the fair board. Casey Wiersma agreed to replace him. Mr. Stone moved to appoint Casey Wiersma to the fair board to replace Richard Hoefler. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess provided the quotes for the running boards, and they agreed to accept the bid from Witt Boys for \$529. Mr. Burgess also asked Mr. Piper to have Mark McMillan come out either in March or April so they could figure out what they wanted to do at the landfill.

Mrs. Lundy left, and Mr. Kimble gave the attorney report. He'd spoken with Brian Betner, the hospital's attorney, about the proposed legislation regarding rural hospitals. Mr. Betner had heard that Montrose County was pushing something, so Mr. Kimble alerted the Sedgwick and Moffat county attorneys.

Mr. Kimble reported on the land dispute case set for trial in March and said that oral arguments would occur in February via the web.

The commissioners approved the January 2021 payroll, and then with no further business to come before the Board, Mr. Burgess adjourned the meeting at 12:20 p.m. The next meeting will be at 9:00 a.m. on February 5, 2021.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman