

Board of County Commissioners of Lincoln County
Agenda for April 29, 2021

- 9:00 Call to order and Pledge of Allegiance
- 9:15 Fred Lundy, Land Use Administrator, to present the report from the April 26, 2021 Land Use Board Meeting
- 9:30 Teena Ludwig, Custodian, to present prices for new custodial equipment
- 10:00 Open Sealed Bids for electrical work at the Lincoln County Roundhouse
- 10:15 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Ken Stroud, Emergency Management Director, and Cory Stark, Colorado Division of Homeland Security Emergency Management Regional Field Manager, to present information regarding emergency management
- 1:00 Tom Nestor, County Sheriff, to discuss personnel matters
- 1:30 Corinne Lengel, County Clerk, to discuss relocating the Voter Service and Polling Center
- 2:00 Kevin Stansbury, Lincoln Community Hospital CEO, to provide a LCH monthly report
1. Approve the minutes from the April 16, 2021 meeting
 2. Review and act upon an ambulance permit for the Lincoln Community Hospital Transport Service
 3. Review and act upon a contract between James Martin with Evergreen Systems & Technology, and Lincoln County for information technology services and website design management
 4. Discuss the Colorado Counties Incorporated Summer Conference
 5. Schedule Commissioner meeting dates
 6. County Commissioner reports
 7. County Attorney's report
 8. County Administrator's report
 9. Old Business
 10. New Business
 11. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 29, 2021. The following attended: Chairman Steve Burgess, Commissioners Doug Stone and Ed E. Schifferns, County Administrator Jacob Piper, County Attorney Stan Kimble (until 12:30 p.m.), and Clerk to the Board Corinne M. Lengel.

Taylor Henderson, with the Arriba Wind Farm, and Land Use Administrator Fred Lundy were also there when Chairman Burgess called the meeting to order and asked Mr. Stone to lead the Pledge of Allegiance.

Mr. Henderson provided an update on the project's progress, or lack thereof, and asked the commissioners to extend the Special Use Permit. The owner changed hands from Nereo to Starwood Energy Group in November of 2020, but the new company kept Mr. Henderson as their representative. They continue to honor the discussions regarding the Arikaree Creek bridge and are also working through the timing of the power agreements. Mr. Henderson asked the Board to extend the permit from June of this year to June of 2022. Mr. Burgess wanted to know if he needed longer than a year when Mr. Henderson added that they couldn't start selling power until October of 2022. Mr. Lundy explained that as long as the company showed progress once the building permits were issued and the development agreement was in place before next June, it would be fine. Mr. Lundy also commented that the zoning regulations stated the request for an extension should go before the Land Use Board first. Since Mr. Henderson needed to alter the permit anyway, Mr. Lundy said he would schedule a Land Use Board meeting so that Mr. Henderson could take care of both items at once.

Mr. Henderson left, and Mr. Lundy presented the report from the Land Use Board meeting on April 26, 2021. They approved Development Permit Application #21-01 for agricultural storage sheds on Tract 1, NW4; 17-14-59, owned by Miguel and Alejandra Hernandez. The property is off State Road 94 near County Road 2, the north end of Foxx Mesa Ranch. Mr. Stone moved to approve Development Permit #21-01, and Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Lundy went on to say that there was a need for a reasonable division of land not covered in the current zoning regulations, and the Land Use Board agreed. He felt they could change the definition of RDD and remove multiple lots of development or allow the division of lots as long as they met specific requirements. A minor subdivision allowance wouldn't have to go before the Land Use Board if the commissioners felt the situation was reasonable. All Land Use Board members at the meeting agreed that single-family residences should be allowed. However, the portion addressing agriculture in the regs dictates that agriculture zoning couldn't apply to property unless it's a lot of 160 acres or more. They discussed removing the 160-acre requirement and changing the definition of agriculture but decided they didn't like that idea, feeling that a landowner needed at least 160 acres for any agricultural activities. They finally agreed that the best solution would be to allow a single-family residence on a 160-acre lot and to change the regulations to reflect that.

Also, Mr. Lundy addressed that some people don't want to buy property in Lincoln County because the Land Use Board might deny their development, even after spending money to comply with all the requirements. He felt they could alleviate many of the problems in the southern portion of the county if there were better development options for that area. It would help if the county required that landowners building homes had accessible water (either via a permitted well or a planned cistern), a wastewater treatment permit, obtainable power, and county road access through a properly dedicated and maintained road system in place.

Mr. Kimble asked if he could provide some language for the two points Mr. Lundy had made, and Mr. Lundy said he would appreciate it.

Before leaving, Mr. Lundy commented that instead of doubling the size of the gravel pits, they should consider releasing what the county hasn't used, thus paying half the fees.

At 9:35 a.m., Custodian Teena Ludwig met with the Board to present prices for new custodial equipment. First, she provided quotes for toilet paper and dispensers, stating that purchasing the former from Sam's Club instead of Waxie would give the county ten additional rolls for almost twenty dollars less. Ms. Ludwig also wanted to replace the hand soap from 750 ml bags to 1,250 ml bags, which would also save money. She had checked on prices for a cordless vacuum but said that most of what she'd found only had a sixty-minute run time, so she would have to have a backup battery pack if they got one. The cheapest she'd found was \$600, but she didn't know how much the extra battery would cost. Ms. Ludwig wasn't in favor of buying the vacuum since it would provide more convenience than anything else. Mr. Stone said cordless vacuums don't typically have the suction power that regular vacuum cleaners do. The Board agreed to allow Ms. Ludwig to buy different toilet paper, dispensers, and hand soap but skip the cordless vacuum.

After Ms. Ludwig left, Mr. Stone moved to approve the minutes from the meeting held on April 16, 2021, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns moved to approve the ambulance permit for the Lincoln Community Hospital Transport Service. Mr. Stone seconded the motion, which carried unanimously.

At 10:00 a.m., Roxie Devers called to listen as the Board opened sealed bids for the electrical work at the Hugo Union Pacific Railroad Roundhouse. Fox's Electric, LLC was the only bidder and sent one for \$43,014.79 using the requested copper wire and an alternate for \$26,247.05 for aluminum wire, which the company assured would work as well as copper wire. Mr. Burgess asked if the engineer specified copper wiring and then commented that before the county would accept the bid, the commissioners needed to know if aluminum wiring were acceptable. Mrs. Devers said she'd forward the bids to Brett so that he and the electrical engineer could look them over. She asked if the company had included the required performance bond or letter of credit and the insurance, but there was no paperwork with the bids.

Human Services Director Patricia Phillips met with the Board at 10:15 a.m. to give her monthly report. The group discussed where to advertise for her position, and then Mrs. Phillips said she'd planned to continue working until the end of June but that she might be out of leave time by then. She asked the commissioners to expedite the advertisements and subsequent interviews as quickly as possible. They agreed to advertise the first two weeks in May and hoped to conduct interviews at their last May board meeting. Mr. Burgess asked if the county could hire her as a consultant to help the new director periodically, and Mrs. Phillips agreed to do so starting in July.

The Board reviewed and accepted the official letter of resignation from Department of Human Services Director Patricia Phillips. Mrs. Phillips asked if the commissioners needed to appoint an acting director, but they felt it unnecessary.

The Board reviewed the DHS financial report from March and the employee timesheets.

As for replacing the DHS employee who quit, Mrs. Phillips said that her staff felt she should fill the vacancy. They have several new obligations coming up in the fall to implement the Family First law, which has to do with placing kids in care facilities. She believed there would be quite a bit of additional work to execute the new law. The commissioners said they would think about it and let her know.

At 10:30 a.m., Emergency Manager Ken Stroud and Colorado Division of Homeland Security Emergency Management Regional Field Manager Cory Stark met with the Board to present information regarding emergency management. The Board had no questions for Mr. Stark or Mr. Stroud after the PowerPoint presentation, so they took a quick break and then set prospective meeting dates for the remainder of the year.

Mr. Kimble gave a brief update on the landowner dispute and then said he'd received a call from Stuart Knight, Jeff Sveinsson's attorney. They'd discussed the issue of a citizen petition for allowing marijuana grow facilities in Lincoln County. Mr. Kimble informed the group that the state constitution dictates that no one can bring a referred measure to the ballot unless it would prohibit what the commissioners had already banned with the ordinance they passed. He also said he didn't believe a state statute could undo what the constitution dictated, but he would look into it further. If the marijuana law allows citizen-referred measures, the group would have to obtain signatures from at least fifteen percent of the county's registered electors, which would be approximately four hundred and fifty.

Mr. Kimble also promised to look into Home Rule counties. He then left at 12:30 p.m., and the Board took a thirty-minute lunch break.

At 1:00 p.m., Sheriff Tom Nestor met with the Board to discuss personnel matters, reiterating his proposal to move the jail corporals from Level 2 to Level 3. He added that they would no longer need Deputy on Level 3 or Chief Deputy on Level 5, but Mrs. Lengel said that those descriptions were for other departments, as she had both deputies and a chief deputy. The

sheriff said it might be best to discuss it at a department head meeting, and the commissioners felt it would be better to change it with the new budget year.

Sheriff Nestor said that his courthouse security personnel wanted a couple of mirrors placed in blind hallways and that they would also like to have a master key to the courthouse. The commissioners felt the latter would be the sheriff's decision. Lastly, he said that Trevor Williams would take over LeRoy Yowell's position on May 10.

The sheriff stayed while County Clerk Corinne Lengel presented arguments for moving the Voter Service and Polling Center in her office and vault to the empty alcove between the commissioners' and the administrator's offices. Jason Bandy joined the discussion as well.

Mrs. Lengel provided preliminary plans, stating that the 2020 elections changed the voting climate considerably and caused a lack of trust of election processes. She cited lack of security, accessibility, confidentiality, customer traffic within the office, increased contact and spreading of germs, and decreased levels of concentration as some of the problems with the current location of the voting center. Creating a separate office where voters would not have to go through security to vote or drop off a ballot would be beneficial in many ways: it would decrease security issues when the building is open on the Saturdays required by law for voting, it would permanently house the election equipment so that staff wouldn't have to move it, creating possible hazards to equipment and personnel, and would establish a less dangerous work area for staff and election judges. Replacing the roof would solve the leakage and drainage problems. Constructing a separate room would keep the birds from building nests and debris from blowing into the alcove while utilizing the wasted space practically and necessarily. Most importantly, Mrs. Lengel felt it would re-establish voter trust by creating a transparent, visible area for ballot processing and design a more secure section of the building for the sheriff's department. Mrs. Lengel said they would keep costs as minimal as possible using the existing brick, doors, and windows.

Sheriff Nestor spoke up to say that he approved the project for two reasons: it would solve the problem of blind spots, which would help with courthouse security, and it would provide a potential training room for county offices when it wasn't in use.

Jason Bandy explained the ideas for constructing the room, including roofing, flooring, electricity, and ductwork.

Mrs. Lengel said she had no idea what the project would cost but that the commissioners wanted to enclose the area anyway, so they might as well build something useful. Mr. Stone said that it was going to cost money no matter what they did, even if it was installing a garage door, as they'd discussed at one time. Mr. Burgess agreed, stating that they had talked about fixing the drainage problems as well. Mrs. Lengel suggested buying a storage shed for John Mohan's equipment, and Mr. Schifferns said maybe they could build a garage for him instead and let Mrs. Lengel have the commissioner room and lounge. Mrs. Lengel said they'd thought of that as well, but that it would displace the commissioners, giving them no meeting room, and

had seemed to create more issues the longer they talked about it. They'd concluded that building a room in the empty space seemed the most logical and least disruptive for everyone.

The commissioners told Mrs. Lengel to see if she could get a rough estimate of what the project would cost, and Mr. Bandy said he would contact Bart O'Dwyer to ask if it were feasible.

At 1:30 p.m., CSU Extension Director Robin Halley met with the Board to discuss installing a large fan in the show barn. Farm Credit would possibly donate the approximately \$8,500 unit if the county could have someone put it up. Mr. Halley talked to John Palmer, who told him they would hang it, but it might cost around \$2,000 for installation. The fan would cover about 5,000 square feet. The commissioners agreed it sounded like a good idea and said they would be interested to hear if Farm Credit decided to pay for it. Mr. Halley gave a couple of updates on the livestock judge and programming and then left.

At 1:45 p.m., County Assessor Jeremiah Higgins stopped by to give preliminary assessment figures, stating that residential valuations increased by twenty-eight percent. He asked the commissioners to direct complaints to his office once landowners begin receiving their NOV's, as he was sure they would get phone calls. He added that as long as people continue to pay exorbitant prices for homes in the county, the values will continue to go up.

At 2:00 p.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to give his report. He said he'd missed a meeting and provided the January and February financials as well as an update on COVID vaccination figures and relaxed mask rules. Mr. Stansbury discussed upcoming legislative issues such as the Colorado Option regarding rural rates and insurance premiums and added that he still wanted Peak Health Alliance to give a presentation to the eastern plains commissioners. Mr. Stansbury felt that the Colorado Option would pass, which would be okay for rural hospitals, but the insurance rates would have to go down. Mr. Burgess told him that commissioners from the eastern region would have a meeting at the CCI conference in June if he wanted to have the Alliance give a presentation. Mr. Stansbury said they'd discussed doing that in 2020, and then the pandemic hit, so he would contact Gini Pingnot again to see if they could get on the agenda. Mr. Stansbury discussed the facility replacement; they will have an update meeting on May 24. The biggest challenge with building a new hospital is the nursing home. They are also still talking about putting in a clinic in Byers and have discussed using the former Kelter Library building at the Byers school. The hospital sent a letter to CDOT asking them to donate the land at Lady Bird Park to the hospital and the Hugo Fire Department as a staging area for ambulances and emergency personnel. Mr. Stansbury said he would let the commissioners know when he heard back from CDOT.

Mr. Stansbury discussed the Medicare accelerated payment and then said that their auditor completed the 2020 audit.

After Mr. Stansbury left, Mr. Stone reported checking roads on April 19. The road crew put in a detour for the bridge they want to remove. They also discovered the slope was too steep on the Stone Pit for drilling, so they worked on it on April 22. On April 26, Mr. Stone stopped by

the shop and then checked some roads. The crew was busy hauling gravel. Pat Vice called him about a county-owned 2002 Chevy Malibu that Colorado East Community Action Agency had used and said they brought it back. On April 28, Mr. Stone checked the areas where they'd hauled gravel.

Mr. Burgess reported going to Genoa on April 19. They still hadn't heard what was wrong with the Mack trucks, received a quote for the new Mack truck, or found out what their trailer is worth. He went by the landfill and had a call from a resident north of Arriba concerning roads that needed elevating before next winter. Mr. Burgess attended a Resources Unlimited Zoom meeting on April 20. He called Jenise May to ask for help interviewing a replacement Human Services Director, and she said she could help via Zoom if necessary but had retired in France. Mr. Burgess joined a meeting with Kate Greenberg, Colorado's Commissioner of Agriculture, where they discussed PAUSE and its effects on statewide tourism and agriculture. He missed the Public Health meeting but reported five new COVID-19 cases in the county. On April 21, Mr. Burgess attended the Economic Development meeting, where they talked about the annual meeting and went over Troy McCue's performance evaluation. The District 2 road crew tried to crack-seal asphalt, but the machine's hoses were plugged. They started hauling gravel. Mr. Burgess and Bruce Walters toured roads on April 22. He also talked with John Mohan and Sheriff Nestor about progress on the jail plumbing issues and buying a lift to help with work in the jail, at the courthouse, and in the fairgrounds' buildings. He spoke with Mr. Walters about the duties of the road crew the following week and with Taylor Henderson about the Arriba Wind Farm extension and the Arikaree Creek bridge. On April 23, Mr. Burgess went to the landfill, after which he spoke with Mr. Stone and Mr. Schifferns about allowing the town of Limon to dump their roll-off at no charge. He also talked with Pete about the Arikaree bridge north of Arriba and received two phone calls thanking the Genoa crew for working on roads. Mr. Burgess stopped at the fairgrounds on April 24, and John Palmer had stabilized the rabbit barn. On April 26, Mr. Burgess went to Genoa and picked up the new road crewman and brought him to Hugo to do his paperwork and get an ID badge from the sheriff's office. He also went by the landfill and ordered two switches for the overhead doors. They had three roll-offs from Limon for clean-up day. Mr. Burgess checked County Road 30, where the road crew hauled gravel. Robin Halley called Mr. Burgess on April 27, letting him know they had a possible donator of a large fan for the show barn. Mr. Burgess called Mr. Piper to ask him to include the discussion on the agenda. On April 28, Mr. Burgess checked on County Road 30 and went by the landfill again. They had the pipe installed for the tire machine and had received quite a bit of furniture from Limon's free dump day. Mr. Burgess went to Genoa on April 29 and then took information regarding fold-up produce stands to the Extension Office. They also ordered parts for the John Deere blade.

Mr. Schifferns reported speaking with Chris Monks on April 16. He checked roads on April 19 and talked to Chris Monks about the new road grader on April 20. Mr. Schifferns received a complaint about road grading on April 21, checked roads on April 22, and received a call from Mr. Burgess about allowing Limon to dump their roll-off on April 23. He talked to Chris Monks about the pending weather on April 26, received a call on April 27 from a landowner wanting sand, and called Chris Monks about the district's grading policy on April 28.

Mr. Piper said that James Martin wanted to speak with the Board about his annual contract for IT services and website design management at the next meeting, so they skipped agenda item #3.

Mr. Burgess felt that all three commissioners should plan on going to the summer CCI conference since they'd been unable to attend anything for over a year.

Mr. Piper reported that Human Services purchased new laptops but that the county paid for them using COVID money. The total was around \$5,700. He also provided information on the new COBRA law but said there were no eligible county employees at this time.

As for old or new business, no one had anything to discuss. Mr. Burgess said he would definitely like to have someone with experience help them with the interviews for the new DHS director.

The commissioners approved the April 2021 payroll, and then, with no further business to come before the Board, Mr. Burgess adjourned the meeting at 3:40 p.m.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman