

Board of County Commissioners of Lincoln County
Agenda for March 30, 2021

9:00 Call to order and Pledge of Allegiance

10:00 Patricia Phillips, Human Services Director, to present the Department of Human Services monthly report

11:00 Executive Session pursuant to C.R.S. §24-6-402(4)(b) to conference with the County Attorney regarding legal advice

1. Approve the minutes from the March 17, 2021, meeting
2. Review and act upon an ambulance permit application for the Limon Area Fire Protection District
3. Review and act upon Resolution #1039 a Resolution declaring April Sexual Assault Awareness Month
4. Review and act upon a lease agreement between Lincoln County and Robert Safranek
5. Review and act upon a letter of opposition regarding the Prosecutor Accountability Bill
6. Review and act upon a letter of support regarding House Bill 21-1225 concerning the Electronic Recording Technology Board and its grant program
7. Review and act upon the Retail Liquor or Fermented Malt Beverage License Renewal Application for PJ's General Store
8. Review a request for bid regarding the electrical work for the Lincoln County Roundhouse
9. Conduct a performance review for Lincoln County Janitor Teena Ludwig
10. County Commissioner reports
11. County Attorney's report
12. County Administrator's report
13. Old Business
14. New Business
15. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 30, 2021. The following attended: Chairman Steve Burgess, Commissioners Ed E. Schiffers and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble (until 12:15 p.m.), and Clerk to the Board Corinne M. Lengel.

Gary Lewman, Sheriff Tom Nestor, and Jail Captain Michael Yowell were also attending when Chairman Burgess called the meeting to order. He asked Captain Yowell to lead the Pledge of Allegiance.

The law enforcement officers were there to discuss C.R.S. Title 17, in particular, corrections to 17-26-104.5 (3) – Medical visits—charge to persons in custody—provider charges. “When a person is held in custody in a county jail, the person shall be primarily responsible for the payment of the cost of medical care provided to the person for a self-inflicted injury or condition that was preexisting prior to the person’s arrest and shall be charged for the medical care by the provider of care.” The sheriff said they came to the commissioners seeking guidance because they have to follow the state statute, but the hospital sends them bills and now wants written affidavits regarding why they haven’t paid them. They don’t want to cause a conflict with the hospital, but each time they take an inmate there, they have to go to the ER, which increases the cost significantly. Captain Yowell explained that it would be much better to set something up for outpatient procedures instead of always paying the emergency room fees. Sometimes, the bill is three or four thousand dollars just for the doctor to tell them the inmate is fine, and they can take him/her to jail. Sheriff Nestor asked Mr. Kimble if they could create a form to take with them stating any fees associated with medical care were the inmate’s obligation or the responsibility of their insurance company. The attorney’s concern was whether or not law enforcement had the authority to sign such a form or affidavit regarding preexisting conditions. He said it wouldn’t be hard to determine if the injury were self-inflicted, but the other might become an issue. Sheriff Nestor said they could pay all the bills and then let the commissioners know which ones they weren’t actually liable for, but he felt it would eventually come to a head with the hospital. Captain Yowell said their jail nurse provides an inmate’s assessment to Southern Health Partners, which helps determine preexisting conditions. The group decided to discuss the situation with Kevin Stansbury at the April 6 meeting.

Mr. Burgess asked the sheriff’s opinion of the CDOT project to widen the intersection at County Highway 109 and U.S. Highway 40/287. The state allocated \$750,000 for the project at their scoping meeting on March 24, and they hope to start construction by the spring of 2022. The sheriff said he was in favor of the idea since there have been several accidents at the intersection when motorists back up to let trucks turn onto Hwy 109. Mr. Burgess commented that the railroad owns the property, so hopefully, CDOT could keep its planned schedule.

Mr. Stone asked about the plumbing situation in the jail and if they had an update. Sheriff Nestor said it was much better news than they’d expected; the pipes under the concrete were still in good condition, which was a relief since it would cost a lot less money to fix them.

They'll have to replace all of the pipes above the concrete, but at least they won't have to tear up the floors.

Mr. Piper said that K.C. Electric Association planned to fix the transformer on Thursday afternoon, so they were shutting off power to the courthouse at 1:00 p.m. The county offices intended to close at noon to allow enough time to balance their business and shut everything down. The sheriff said everything in his department would run off the generator.

The sheriff and captain left, and Mr. Burgess asked Mr. Lewman if he had something he wanted to discuss with the Board. First, Mr. Lewman thanked the commissioners for honoring the public health director earlier and said he wanted to add his thanks for all she had done as well. Mr. Lewman left some informational handouts for the group, stating that he would like to see the commissioners spend some money on emergency preparedness training for county residents. He cited the recent United Airlines Flight 328 incident, as well as the freeze in Texas that cost billions of dollars and several lives. Mr. Lewman felt that if residents were better prepared for such incidents, loss of lives and property damage could be far less detrimental. He thanked the Board for their consideration and left.

Chris Monks arrived soon after Mr. Lewman left. He'd spoken with Mr. Piper and then with Rick Ashcraft about the county website and wondered if they should post the county's snowplowing strategy. There isn't a written policy, but Mr. Monks felt the public should be aware that the county has several tactics that the road crew follows when it plows roads. The commissioners thought it wouldn't hurt to post something on the website and said they could work together to create the information.

The trade-in value for the old landfill compactor was \$110,000, which would leave a difference of \$130,000 that the county would have to pay for the newer model that John Rowe found. Mr. Stone's concern was why they seemed to want to trade it so quickly, and Mr. Burgess asked if it would be worth taking a trip to wherever it was located to drive it. Mr. Monks said he thought it was in La Plata County, and Mr. Stone said they should go to Denver and look at it and operate it once they brought it there.

While Mr. Monks was still there, Mr. Burgess moved to agenda item two, the Limon Area Fire Protection District's ambulance permit application. Mr. Piper said they'd submitted all the proper paperwork, so Mr. Stone moved to approve the ambulance permit application for LAFPD. Mr. Schifferns seconded the motion, which carried. Mr. Piper gave the permit to Mr. Monks, and he left.

Mr. Schifferns move to approve the minutes from the meeting held on March 16, 2021, as submitted. Mr. Stone seconded the motion, which carried unanimously.

Mr. Schifferns moved to adopt Resolution #1039, declaring April Sexual Assault Awareness Month. 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 March 30, 2021, there were present:

Steve Burgess, Chairman	Present
Doug Stone, Vice Chairman	Present
Ed Schifferns, Commissioner	Present
Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

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

RESOLUTION #1039 It was moved by Commissioner Schifferns and seconded by Commissioner Stone to adopt the following resolution:

WHEREAS April is Sexual Assault Awareness Month and calls attention to the fact that sexual violence is widespread by impacting 1 in 3 women and 1 in 4 men in Colorado, and

WHEREAS rape, sexual assault, and sexual harassment impacts citizens of Lincoln County, regardless of age, race, or gender; and

WHEREAS victims of sexual assault are significantly more likely to suffer from depression, post-traumatic stress disorder, chemical dependencies, and even contemplate suicide; and

WHEREAS this crime occurs far too frequently, goes unreported far too often, and leaves long-lasting physical and emotional scars; and

WHEREAS we share the responsibility for supporting victims by believing friends, family, and co-workers when it occurs, and bringing perpetrators to justice, whatever justice means to those victimized; and

WHEREAS we must work together to educate the Lincoln County community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions impeding victims from seeking services; and

WHEREAS prevention is possible when the entire community is involved. The first step is increasing awareness through education and supporting victims. It's time to join advocates and communities across the country in taking action to prevent sexual violence and ending sexual assault.

NOW, THEREFORE BE IT RESOLVED, the Board of County Commissioners of Lincoln County declares its support of survivors of sexual violence as a means to end sexual violence in our

community and hereby proclaims April as Sexual Assault Awareness Month in Lincoln County, Colorado.

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Stone, Yes; Commissioner Burgess, Yes.
The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Stone moved to sign the annual lease agreement with Robert J. Safranek, leaving the amount per acre at \$4, for a total of \$960. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Stone moved to sign a letter of opposition regarding the Prosecutor Accountability Bill. Mr. Schifferns seconded the motion, which carried unanimously.

Human Services Director Patricia Phillips met with the Board at 10:00 a.m. to give her monthly report. The commissioners reviewed the financials, employee timesheets, income maintenance, child welfare, and director's reports. Mrs. Phillips presented the Scope of Services for the Cost Allocation Plan with MGT Consulting that she'd discussed with the Board the previous month. The firm estimated the cost at \$5,000, but Mrs. Phillips said if her department paid the bill, the state DHS would reimburse a portion of it, possibly about \$1,500.

Mr. Schifferns moved to authorize Mrs. Phillips to use MGT Consulting for a 2 CR Part 200 Cost Allocation Plan and pay the fee from their funds. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone moved to sign a letter supporting HB21-1225, the Electronic Recording Technology Board, and its grant program. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns moved to approve the Retail Liquor or Fermented Malt Beverage License Renewal Application for PJ's General Store. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed a request for bids regarding the electrical work for the Hugo Union Pacific Railroad Roundhouse. Mr. Burgess said he'd told Roxie Devers that the county would handle the trenching. The commissioners and Mr. Kimble agreed to add that a letter of credit would suffice instead of a performance bond, which would come from a bank or insurance company. Mr. Schifferns wanted to know if K.C. Electric would have to put in a meter and whether the county would pay the monthly charge or if they would be able to turn it off and on. Mr. Burgess felt they should look at using COVID funds since finishing the roundhouse would help promote tourism. The group agreed they needed more information, possibly from the engineer, Mrs. Devers, and K.C. Electric, concerning what the project would cost before deciding to request bids for the electrical work. Mr. Piper said they could go ahead and pull bids and then choose not to do it if it were too expensive.

The Board conducted a performance review for janitor Teena Ludwig.

At 11:06 a.m., Mr. Schifferns moved to go into executive session per 24-6-402 (4) (b), C.R.S. to conference with the County Attorney regarding legal advice. Mr. Stone seconded the motion, which carried unanimously. Those remaining for the session were the commissioners, Mr. Piper, Mr. Kimble, and Mrs. Lengel, who recorded the session. The recording will remain on file in the County Clerk's vault for the statutory ninety days.

Upon coming out of the executive session at 11:25 a.m., Mr. Burgess called for the commissioner reports. Mr. Stone reported talking to Chris Monks about the compactor on March 18. John Rowe needed a signature to hold it, so Mr. Stone told Mr. Monks he could go ahead and sign it. On March 22, Chris Monks called Mr. Stone requesting a saw to help with the gas leak. They also got two inches of snow in Karval that day. Mr. Stone came to the courthouse on March 23 to check on the natural gas project and attended the weekly public health Zoom call. He went with Rick Ashcraft on the Twenty-fourth and looked at bridges in District 3; they want to take out a couple of the smaller ones. He said they also looked at the oiled roads where they were thinking about chip-sealing. Mr. Stone checked roads west of State Road 71 on March 26, and he talked to Kara Hass about the landfill agreement on March 29. She said she thought she and Brenda Howe had it worked out, so an agreement wasn't necessary. John Palmer also called him about the wind damage to the rabbit barn.

Mr. Schifferns reported discussing the landfill compactor on March 18. He learned about the gas leak and talked to Chris Monks and Mr. Burgess on the Nineteenth. He also checked roads. Mr. Schifferns attended the Meat-in BBQ on March 20 and said it was very well-attended. Chris Monks called him on March 22 to let him know they were still working on the gas line. Mr. Schifferns spoke with Allen Chubbuck and Mr. Burgess at the landfill on March 23, and they toured the area. Mr. Chubbuck hired J.P. Juranek. Mr. Schifferns called Mr. Piper about the natural gas situation on March 24, and he checked roads on March 26 and 29.

Mr. Burgess reported that John Mohan called him about the gas leak at the courthouse on March 18. He informed Mr. Stone and Mr. Schifferns about it and contacted Chris Monks and Roy Brossman for help with equipment. Between then and March 23, Mr. Burgess also spoke with Bruce Walters about one of their road graders and learned that Allen Chubbuck hired J.P. Juranek. Limon Town Administrator Greg Tacha called to ask if the county would have a free day at the landfill this year since it didn't happen in 2020. Mr. Burgess attended the weekly public health Zoom call and reported that of the 298 vaccines given at the drive-through clinic on March 19, only fifty-four were county residents. He stopped by the courthouse and looked at the gas line project and then went to the Genoa shop and talked to Bruce Walters. Mr. Burgess attended the CDOT scoping meeting for the 40/287 and County Hwy 109 intersection project on March 24. They've set aside \$750,000 and hope to have a design by this fall and start construction by next spring. Mr. Burgess got word that the county moved to the green COVID-19 level, meaning all courthouse employees could go back to work. At the PDC meeting in Stratton, they approved one small loan for a business in Limon. On March 25, Mr. Burgess came to Hugo and spoke with Sheriff Nestor about the jail billing. They agreed to discuss it with Mr. Kimble at the next board meeting. Allen Chubbuck seemed to be doing a good job at the landfill, and they'd finished the work on the shop there. Mr. Burgess went to Denver on March 26 and picked up parts for the Genoa shop. Mr. Chubbuck called from the landfill about a customer who wanted to use his Limon office address instead of the address where the material came from when he brought trash in, thus avoiding the out-of-county fees. Mr. Burgess went to the landfill on March 27 and talked to them about a possible free day. He spoke with Bruce Walters again on March 28; they were still waiting on parts for their John Deere grader.

Mr. Kimble had nothing else to report, and Mr. Piper said he'd gotten some information on the county's PayFlex account regarding the liability when an employee with a preloaded debit card quits working for the county. He thought the overage was the county's responsibility, but he learned that PayFlex holds excess employee contributions in an account and uses them to backfill when an employee leaves employment. There is currently \$16,000 in the account, but since PayFlex manages it, they keep the interest. Mr. Piper said if the commissioners wanted to change that so that the county got the interest, he could see about opening another bank account. The Board agreed to leave it the way it was.

Mr. Piper reported that the voice mails weren't working on the Public Health phones, but Frontier Telephone's cost to fix it was quite a bit. Since he is still working with Eastern Slope to get a new phone system hopefully next month, he felt it wouldn't be worth the expense. He hoped to have an accurate bid from ESRTA soon.

Mr. Piper asked if closing at 12:30 p.m. was early enough on Thursday for K.C. Electric to shut down power to the courthouse at 1:00 p.m. Mrs. Lengel said she'd prefer to close at noon, so they had time to balance their daily business and shut the computers down. If a customer came in at 12:25, they'd have to let them conduct their business, and then her staff might not have time to finish everything before the power went out.

The unemployment fraud notices have now been filed on twenty-three county employees, and Mr. Piper said it didn't seem like they were slowing down. Also, Chris Nestor called him again to see if the Board decided on allowing marijuana grow facilities in the county. The commissioners said they were not in favor of it.

Mr. Piper asked if the Board wanted him to file an insurance claim on the rabbit barn since the high winds blew the south end and east side down, about fifty-to-sixty feet. John Palmer thought he could fix it, so the cost would probably only be for labor and a few materials. Mr. Stone said that depending on the deductible amount, filing a claim might not be worthwhile.

Mr. Burgess called for old business, and Mrs. Lengel asked if Mr. Piper contacted Eastern Slope to disconnect the Veterans' Service Officer's line, which he had. She also asked about painting and carpeting her office. Mr. Burgess gave her the phone number for Bruno Painting, and she said she'd requested a quote from S & H Decorating for the carpet and installation.

As for new business, Mr. Burgess asked if the group wanted to have a county picnic this year since they didn't last year. Mr. Piper said he would check with the department heads. Mr. Burgess also felt it was necessary to see if COVID funds were available for some of the projects they wanted to complete. Mr. Piper said he hadn't heard anything regarding when or how the additional funds would come.

Mr. Burgess asked about the courthouse parking lot again, stating that John Mohan planned to move some of the drainpipes aboveground. Mr. Piper said he'd spoken with Court Clerk Kim Graham about the parking lot, and she requested that they extend the sidewalk on the southwest side of the building, so jurors didn't have to walk on the rocks. Mr. Burgess asked if they should only take care of the drainage pipes now, but Mr. Schiffers said he thought they should only tear up the parking lot once.

Before approving the March payroll, Mr. Burgess said that Elbert County adopted a resolution on the PAWS legislation and asked if Lincoln County should do the same. The others agreed it would be a good idea.

Mr. Piper said he'd received a text message from Sheriff Nestor asking that they hold off on setting up a meeting with Kevin Stansbury until he could get some more information.

The Board called Chris Monks in at 12:30 to discuss a personnel issue.

Before Mr. Burgess adjourned the meeting at 12:50 p.m., Mr. Monks said that the asphalt in the courthouse parking lot over by the trash dumpsters had gotten pretty rough. The next meeting will be at 9:00 a.m. on April 6, 2021.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman