

Board of County Commissioners of Lincoln County
Agenda for March 31, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:15 Chris Monks, District 1 Road and Bridge Foreman, to discuss the Highway 109 intersection project
- 9:30 Robin Halley, CSU Extension Director, to discuss extension office matters
- 10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Greg Etl, Northeast Regional Manager for the Department of Local Affairs, to discuss the Karval Water Users project
- 11:30 Kelly Meier, Public Health Director, to discuss EHR System and public health flooring

-To be completed as time permits-

1. Approve the minutes from the March 18, 2022 meeting
2. Review and act upon the County Veterans Service Officer's Monthly Report and Certification of Pay
3. Review and act upon the Retail Liquor or Fermented Malt Beverage License Renewal Application for PJ's General Store
4. Review and act upon a professional services agreement for the Karval Water Users project
5. Review bids regarding aerial lifts
6. Review and act upon a contract proposal for a sally port door for the Lincoln County Sheriff's Office
7. Discuss a sign for the Lincoln County Public Health office
8. Discuss the American Rescue Plan final ruling
9. Discuss Land Use matters
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 31, 2022. The following attended: Chairman Doug Stone, Commissioners Ed E. Schifferns and Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble (until noon), and Clerk of the Board Corinne M. Lengel. Wayne Ewing also attended until noon, John DeWitt attended until approximately 11:30 a.m., and Stephanie Zwick with the Limon Leader/Eastern Colorado Plainsman attended until the Board approved the payroll at 12:45 p.m. Deputy Assessor Renita Thelen stopped in briefly at the beginning of the meeting.

Chairman Stone called the meeting to order and led the Pledge of Allegiance.

Mr. Schifferns moved to approve the minutes from the meeting held on March 18, 2022, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

District 1 Road & Bridge foreman Chris Monks met with the Board at 9:15 a.m. to discuss the interchange project at Highway 40/287 and County Road 109. He'd attended the F.O.R. meeting on March 15 and learned that it would be April of 2023 before CDOT would start construction on the project. They planned to move the utilities first and then tear out the road, providing as narrow a window as possible for the detour. Mr. Monks said a positive note was that they agreed to remove the raised median, making snow plowing easier. He added that the state budgeted \$750,000 for the project.

Mr. Monks also informed the Board that the gas company needs to replace some lines in two or three weeks and will close County Road 2S for a couple of days. He asked that they avoid weekends since the road sees considerable traffic, so they agreed to run a day shift and a night shift.

Mr. Burgess asked Mr. Stone if they could address Agenda Item #5 while Mr. Monks was there, so the group reviewed three quotes John Mohan had gotten for aerial lifts. Mr. Mohan thought a forty-foot lift should be enough, and Mr. Burgess said they might want to budget for the item next year. He added that he knew next to nothing about them, and John DeWitt spoke up, saying he'd run one quite a bit if they had questions. He explained there wasn't much upkeep or maintenance on them but suggested looking into the price difference for a sixty-foot lift instead. Mr. DeWitt said it might be possible a project would come up that the lift operator couldn't get close enough to reach with a forty-foot unit. Wayne Ewing asked what it would cost to lease or rent one, and Mr. Burgess said that might be an option.

The Board reviewed the County Veterans Service Officer's monthly report and certification of pay. Mr. Piper said Joy Johnson started on March 21 and today was Laurie Rodgers' last day.

After Mrs. Lengel said that she'd spoken with the sheriff, who'd had no problems with the owner of the establishment, Mr. Burgess moved to approve the Retail Liquor or Fermented Malt Beverage License Renewal application for PJ's General Store. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Kimble had reviewed the professional services agreement for the Karval Water Users project and said it looked good. Mr. Piper added it was the standard engineering agreement that covered the scope of the proposed project and that GMS was looking into the same grant funding that Jamie Giellis had. However, they weren't sure it was worth it because it might cause issues with the loan forgiveness program.

Mr. Burgess moved to sign the professional services agreement for the Karval Water Users project. Mr. Schiffers seconded the motion, which carried unanimously.

CSU Extension Director Robin Halley met with the Board at 9:30 a.m. LaRay Patton also attended the discussion. Mr. Halley asked for a supplemental to his budget, stating that Amy Solomon planned to retire, and he wanted to hire someone who would receive adequate training from her before she left. Mr. Halley asked for a full-time person to start by June 1 and said he would try to get Ms. Solomon to give him a more specific date. Mr. Burgess told him to start by creating a job description. Mr. Piper said Mr. Halley wouldn't need a supplemental appropriation to his budget since the Extension budget was part of the County General Fund.

Mr. Halley also wanted to discuss the shooting range in Limon, stating that the 4-H shooting sports participants had increased dramatically, and it was hard to find time for all of them to complete their practices. He asked if they could add dirt or crushed asphalt to the backstop, increasing it by another one hundred feet. Mr. Stone told him to contact the town of Limon since they owned the facility. Mr. Halley didn't know a lot about it since Christine Schinzel handled it, but she had told him they were four targets short, so the kids didn't get much practice when they had to rotate all the time. While the participants can go on their own with their families, the more supervised practices they can get in, the better. Mr. Burgess told him to ask the town if they could haul it from their stock at the town wells, but Mr. Kimble said that area might be off-limits now. He added that the town would have to contact CIRSA about possible liabilities.

Ms. Zwick, a parent of one of the 4-H members who participated in shooting sports last year, commented that she felt there were safety issues with so many kids practicing at the same time and agreed that increasing the backstop area would help.

Mr. Halley also asked for guidance regarding employees with health issues. He explained he didn't know if or when the department head stepped in if an employee planned to be gone from work for a while. Mr. Piper told him the county had the option to place the employee on FMLA, which runs consecutively with sick and vacation leave and gives them twelve weeks of job protection. Mr. Piper would start the paperwork at either the department head's or the employee's request.

Mr. Stone asked if they'd discontinued the hog weigh-in, and Mr. Halley responded that they would continue with goat, sheep, and hog nominations as it seemed to work well.

Mr. Halley said he'd found silver metal plates inscribed with "Lincoln County" and a number attached to some items he wanted to get rid of and asked if anyone knew what they were. Mrs. Lengel told him it was the county's old inventory system. She asked Mr. Halley to let the finance director know what he was getting rid of in case she had the items on the inventory list she kept for the auditor.

Mr. Halley and Mrs. Patton left, and the Board reviewed a \$22,987.36 contract proposal from Overhead Door Company of Colorado Springs for a sally port door at the county jail. Mr. Kimble reviewed the contract and noted several items of concern, mostly having to do with paying a higher price if the material costs increased before delivery. He also read that either party could terminate the contract, but the county would still have to pay the seller's costs up to the point of termination, including a percentage of their profits. Mr. Burgess asked if signing the contract locked in the price and if they had to pay for it upfront. Mr. Piper didn't know, so the commissioners decided they would like to speak with the sheriff about it, and Mr. Piper called him.

Mike Vaughn with Central Plains Equipment stopped in with the paperwork for the tractor leases, but before the commissioners could talk to him, Sheriff Tom Nestor, Undersheriff Gordon Nall, and Jail Captain Michael Yowell arrived.

The sheriff said their west sally port door broke and fell in, so they've been using the east side. They are the original doors, and even though they tried to fix the west one, the repairs only lasted a couple of days. Mr. Kimble voiced his concerns with the contract addendum, and Sheriff Nestor deferred to the undersheriff, who had been working with the company. Mr. Nall said it would take at least six weeks to get the door, so signing the contract guaranteed the company would order it; they didn't want any money upfront.

Mr. Burgess moved to sign the \$22,987.36 contract proposal with Overhead Door Company of Colorado Springs to replace the west sally port door at the jail. Mr. Kimble noted the contract wording seemed to be turning into a standard practice, and Sheriff Nestor said he'd check with the company before sending it to them. Mr. Schiffers seconded the motion, which carried unanimously.

The sheriff's officers left, and Mike Vaughn handed out the tractor lease agreements. Mr. Burgess noticed that the prices were wrong, so they corrected them and initialed the documents. Mr. Vaughn said they had delivered all the tractors, but Mr. Stone said they only had one and were supposed to have two. Mr. Vaughn told him the county originally ordered a total of four, but then Rick Ashcraft had later called and asked for another one. Mr. Stone said they wouldn't need it until June, and Mr. Vaughn assured him he would take care of it. Mr. Burgess asked when they needed to send the payment, and Mr. Vaughn said they could do it anytime but asked that the county include a copy of the county's insurance policy.

Patrick Leonard, Ken Stroud, and Troy McCue arrived at 10:20 a.m. for the 10:30 discussion.

Mr. Piper had received an email from the hospital asking if the county would purchase a new sign for Public Health. The public can't find the county office and go to the hospital looking for it. Mr. Piper said Mrs. Meier thought she could use COVID funds to buy a new sign. When Mr. Burgess suggested putting one near the sign on Main Street that points to the courthouse, Mr. Leonard commented that the commissioners could have CDOT put one up since the courthouse sign belongs to the state. Mr. Piper said Mrs. Meier planned to discuss it at 11:30 but had to cancel her appointment with the Board. Mr. Stone tabled further discussion until the next meeting.

Mr. Burgess mentioned that District 2 hadn't gotten an invoice for the new Mack truck yet because the price was \$5,000 higher than the contract they signed last April. Mr. Burgess had taken the contract to Mr. Kimble for him to review. Mr. Kimble said it was a binding contract if both parties had signed it, but the one he had seen wasn't, so unless there was another one floating around somewhere, he couldn't be sure.

At 10:30 a.m., DOLA Northeast Regional Manager Greg Etl and Robert Thompson joined the meeting via Zoom. Jerry Farrell and Patrick Leonard represented the Karval Water Users. The DOLA reps said they wanted to go over the grant application before the pro/con hearing in late May or early June. Mr. Thompson noted that the date and amount depended on when the feds released the funds and how they split them. He provided the project number, 22-525, and asked that the group use it in any correspondence regarding the project. Mr. Etl commented that GMS does numerous CDGB grants and is always on top of things, so the county picked an excellent engineer for the project. Mr. Thompson asked if the commissioners held a hearing and had meeting minutes, which they did on February 7.

When asked to summarize the project, Mr. Leonard said CDPHE had strongly suggested that Karval have a backup well and line upgrades. Mr. Thompson wanted to know if the state issued a citation or if KWU violated any codes, but Mr. Leonard told him CDPHE merely recommended a second well. He explained that the current well was also high in nitrates, so they had to remove them and felt it would be an added benefit if they could find a nitrate-reduced well. Mr. Leonard noted that the nitrates were above ten parts per million two years ago, so they changed the media, which reduced them to four. They had to raise the consumer rates from \$35 to \$55 and also charge \$1.50 per one thousand gallons for anything over 7,500 gallons used per month.

Mr. Etl wanted a detailed breakdown of the items and costs since there were eligible and ineligible expenses related to the CDBG grant funding. He asked if KWU applied for DWRF (Drinking Water Revolving Funds), which would give up to \$250,000 for design and engineering fees. Mr. Piper told him they had, and he would send Mr. Etl the information. Mr. Etl said to ask GMS for estimate updates around the first of May since product prices were fluctuating so much. He asked if the county had fees and if the commissioners were waiving them, stating that they would add that information to the grant application, which would show the county's commitment to the project if so.

Mr. Leonard and Mr. Farrell left after the call, and Casey Love came down to discuss land use matters. Since Mr. Kimble had to leave at noon, Mr. Stone asked him to give his report first.

Mr. Kimble provided the deed for the property encroachment Dave Smith spoke about at the last meeting, informing the Board that the Hugo town board needed to approve the document before they could record it. However, the commissioners could sign it since they'd approved it at their last meeting.

Mr. Kimble also reported that he'd been dealing with a CORA request with the sheriff. He then asked if he could email a report regarding the property owner dispute so that the Board didn't have to go into an executive session. The commissioners agreed. Mr. Kimble had nothing further to report.

Mr. Burgess commended Mrs. Love and Mr. Piper for stepping into the Land Use Administrator role and taking care of things overlooked or not done under the prior administration. Mrs. Love said former Land Use Administrator Trey James came in the previous Friday to help, and they made a list of upcoming permits. Mrs. Love contacted all land use board members to set up a meeting at the fairgrounds on April 19, and she said Mr. James would help her put together a meeting agenda when he came back. There were a couple of pending development permits, one that seemed relatively uncomplicated. The other was for the gentleman who wanted to put in a racetrack out east but didn't show up to the Land Use Board meeting when it was on the agenda. Mrs. Love said he'd resubmitted the application and paid the fees again. She said they would also discuss the old weather station, and Mr. Burgess asked if Mr. Lundy ever sent the letter that they'd asked him to send. Mrs. Love had the letter and signed certified mail receipts, which she showed to Mr. Kimble, who said it was ample notice for the land use board to discuss the matter on the Nineteenth.

Mr. Burgess said he wanted to open a new gravel pit and asked if he had to send letters to all the adjacent landowners. Mr. DeWitt spoke up and said he did need to send letters but that it wasn't a matter for the land use board since it was a county issue. Mr. Burgess thought it could wait until they hired someone to fill the position.

Mr. DeWitt commented that they needed to advertise anything going before the land use board a month ahead of time. Mr. Piper said they'd been doing two weeks, not a month, but Mr. DeWitt felt sure the county zoning regulations required a month's notice.

Lastly, Mrs. Love said that Ed Waite hadn't done what the land use board asked before their last meeting, so they hadn't considered his development permit application. She wanted to know if she should include it on the agenda for the April 19 meeting or if it, too, could wait until the commissioners hired a new land use administrator. Mr. DeWitt commented there were properties in the county grandfathered into the new junkyard or salvage regulations, but Mr. Waite wasn't one of them. He asked if the county had provided the new regulations to Mr. Waite and suggested they do so if not. Mr. Kimble asked Mrs. Love to send him the application and other information, and he would communicate with Mr. Waite. Mr. Stone felt they

shouldn't put him on the agenda until he completed everything. Mr. Piper commented that the letters to Mr. Waite's surrounding landowners never went out, and Mr. Kimble said it would be a service to Mr. Waite to make sure he had the proper regulations.

Mrs. Love also said she'd received a call from the state about the Eichmann pit check, and apparently, they were missing much more than just the payment. They planned to return the check and asked the county to resubmit the payment with the proper paperwork.

Mr. DeWitt said he knew the county adopted transmission line regulations and asked if the commissioners had adopted any other regulations since he left. Mr. Kimble mentioned the solar regs but said they hadn't gotten around to the subdivision regulations yet. Mr. DeWitt said he'd rewritten them to put more responsibility on the developers and thought both boards had approved them. Mr. Kimble told him there had been no interest in adopting them at the time because the oil and gas activity was going on.

A couple of land use board members had told Mr. Stone they hadn't received mileage checks for almost two years. Mr. Burgess suggested taking vouchers to the April 19 meeting, and Mrs. Love said she would try and find out the last time Mr. Lundy paid them. Mr. Burgess asked Mr. DeWitt if the county could employ him part-time to help the new administrator once they hired one, and Mr. DeWitt agreed. Mrs. Love left at that time, and Mr. DeWitt left shortly afterward to see if he could help her with anything.

Mr. Piper discussed the American Rescue Plan final ruling, stating it was his understanding the county could take the standard allowance of up to ten million dollars for revenue replacement or choose to calculate it. He had done the calculation before learning about the ruling and came up with \$535,000. However, if the commissioners chose the standard allowance, he felt they could call the entire allocation revenue replacement if they wanted to.

Human Services Director Andrew Lorensen met with the Board at noon to give his monthly report. The commissioners reviewed the February financials, employee timesheets, and the Income Maintenance, Child Welfare & Adult Protection, and director's reports.

Mr. Lorensen said there was still no indication the state planned to end the public health emergency but reminded the Board that the food assistance funding would decrease quite a bit when it did. He also wanted the commissioners to know that the Income Maintenance requirements were becoming more stringent, particularly Medicaid. He now has to update policies, create an action plan, develop a Civil Rights plan, and designate someone to keep up-to-date with civil rights legislation and rules. Mr. Lorensen said the smaller counties have been very vocal toward the state regarding the difficulties of keeping up with the recent rule changes for Child Care Assistance and Colorado Works as well. While he didn't need anything from the Board at this time, Mr. Lorensen said he might at some point.

Regarding proposed House Bill 22-1131, the Reduce Justice-involvement for Young Children bill, Mr. Lorensen said counties were trying to reach a neutral position but still opposed it at this

time. Under current law, the juvenile courts can prosecute children ten and older, but this bill removes those aged 10-12 from the juvenile court's jurisdiction, except in the case of a homicide. Mr. Lorensen said that although ten-to-12-year-olds may be taken into temporary custody by law enforcement for safety, they would then get referred to DHS for placement. He said it would be costly to the state and counties because there would be no federal money to support them. Those higher costs would then affect the following year's allocations. He hoped the bill wouldn't pass and said it might not if CCI and the counties didn't support it.

After Mr. Lorensen left, Mr. Piper went back to the discussion regarding the ARP funds, stating that the Board could choose to put the entire \$1.1 million in the General, Road & Bridge, or Public Health funds, but the latter didn't need the money. Mr. Burgess wanted to know if the county would have to distribute some of it to the towns, but Mr. Piper said they would have to since it wasn't a tax.

Mr. Burgess brought up the VSPC relocation, stating that he'd let Bart O'Dwyer know the county would have to seek bids since the project would be over \$50,000. Brad Olsen had already spoken with Mr. O'Dwyer about the roof plans, but Mr. O'Dwyer didn't have them. Mrs. Lengel said she and her staff had looked in the clerk's office but hadn't found anything. She'd even checked with Roxie Devers to see if she knew where the plans might be, but Mrs. Devers only remembered that Mr. O'Dwyer had done the work. Mr. Olsen told Mrs. Lengel he would do what he could for free as long as he could since his roots were in Lincoln County. Mr. Burgess offered to find out when Mr. Olsen might be back in Limon, and Mrs. Lengel said she would call him too.

Mr. Piper reported receiving only one response to his request from other counties for Road & Bridge salaries. Yuma County pays less than Lincoln County in most cases. He felt they might know more after CTSI did its salary survey.

Mr. Burgess moved to sign letters of support to Senators Hickenlooper and Bennet for FY23 Congressionally Directed Spending for the Hugo Union Pacific Railroad Roundhouse. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns left for an appointment at 12:45 p.m.

Mr. Stone reported checking roads for mud on March 19. He spoke with Mr. Piper about the storm on March 21 and went by the Karval shop. He and Rick Ashcraft checked roads on March 22, and Mr. Stone attended the land use work session on March 23. Mr. Stone spoke with Mr. Ashcraft about the wind on March 24. He attended the Colorado East Community Action Agency meeting in Limon on March 25. Mr. Ashcraft picked up parts in Rocky Ford on March 28, and District 3 also got their leased tractor that day. Mr. Stone went by to look at it on March 29, and then he and Mr. Ashcraft checked out some trees growing in a right-of-way. Mr. Stone said he'd had a couple of people ask him to attend the Xcel Energy meeting regarding transmission lines, but he wasn't sure if he should since the project might eventually come before the commissioners.

Mr. Burgess reported talking to Bruce Walters on February 22 about Mack Trucks not sending them an invoice for their new truck. He also spoke with Mr. Piper about the land use department and let Jamie Giellis know that all three commissioners and Mr. Piper must be involved when she communicated with them about the roundhouse. On February 23, Mr. Burgess went to Genoa and talked to Mr. Walters about gravel pits and the new Mack truck. Mr. Burgess called Mack and learned the truck was ready and the county could pick it up the following day. They were working on the extra charges. Mr. Burgess went by the landfill and then to Hugo to discuss the land use department. On March 24, Mr. Burgess informed Superior Builders they should call Mr. Piper for inspections, and he would contact the town of Limon. Mr. Walters picked up the new Mack truck, but they still hadn't straightened out the additional charges. Mr. Burgess went to Hugo and then Genoa on March 25. He called Kenny Mills on the Twenty-eighth to install new locks on the doors at the Genoa shop. He also checked roads north of Limon and Genoa and talked to Bart O'Dwyer about the enclosure at the courthouse. Mr. O'Dwyer told him he and Brad Olsen had already touched base regarding the plans for the existing roof. Casey Love had set up a land use board meeting for April 19 and called to let Mr. Burgess know. On March 29, Mr. Burgess learned their 2012 Mack truck was having def problems again. The road crew worked on soft spots on County Road 3V east of County Road 27. He also attended a Prairie Development Corporation phone meeting. Mr. Burgess participated in the Baby Bear Hugs directors' Zoom meeting on March 30. They agreed to offer the director position to Jennifer Deam when Ruth Seadorf retires.

Mr. Piper reported contacting the newspaper about an article regarding the donated wheelchairs. Kevin Stansbury was going to come down for a picture but had to cancel, so Mr. Piper said they'd do it another time.

Mr. Burgess wondered how much they would need John DeWitt when they hired a new land use administrator, and the commissioners decided it might be best to sign a contract if they planned to use him very much.

There was no old or new business to discuss, so the Board approved the March payroll, and then Mr. Stone adjourned the meeting at 1:10 p.m. The next meeting will be at 9:00 a.m. on April 6, 2022.

Corinne M. Lengel, Clerk of the Board

Doug Stone, Chairman