

Board of County Commissioners of Lincoln County
Agenda for May 27, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Ty Stogsdill, Land Use Administrator, and John DeWitt, to discuss subdivision regulations
- 9:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH monthly report
- 10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 11:00 Public Hearing to act on Resolution #1064: a resolution to decline participation in the Family and Medical Leave Insurance Program
- 11:30 Elected County Officials to discuss the Lincoln County Pay Scale
- 1:00 Teena Ludwig, Custodian, to discuss custodial matters

-To be completed as time permits-

1. Approve the minutes from the May 16, 2022, meeting
2. Review and act upon the County Veterans Service Officer's Monthly Report and Certification of Pay
3. Review a quote for a Tuff Shed for the Lincoln County Maintenance Department
4. Review and act upon Resolution #1065: a resolution for the renewal of the ambulance service licenses for Community Ambulance Service, Incorporated, located in Arriba, Flagler, and Seibert, Colorado
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 May 27, 2022. Chairman Doug Stone, Commissioners Ed E. Schiffers and Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble (until 12:50 p.m.), Clerk of the Board Corinne M. Lengel, and Stephanie Zwick, a reporter for the Eastern Colorado Plainsman/Limon Leader, attended. Economic Development Director Troy McCue attended until 9:45 a.m.

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

Land Use Administrator Ty Stogsdill and former Land Use Administrator John DeWitt met with the Board to discuss subdivision regulations. In 2014, the Land Use Board asked Mr. DeWitt to revise the subdivision regulations to promote and protect Lincoln County residents' health, safety, and general welfare. That included providing integrated development and establishing uniform standards and procedures for subdivision designs while preserving natural resources. Mr. DeWitt proposed that developers should be entirely responsible for their projects. He'd taken his proposal to the ICC conference and discussed it with several attendees, including developers, who told him it was standard practice. He then put together a set of regulations that he showed to the county commissioners, Mr. Kimble, Mountain View Electric Association, and a few developers. MVEA had disagreed with some of the language, such as having all utilities in one trench, and John Reid wanted Mr. DeWitt to remove the condition regarding building in a flood plain. At that time, the county was also in line for FEMA to provide the county's flood plain information, but Mr. DeWitt didn't think it ever happened. Mr. Stone asked what John Reid's reasoning was for removing that section, and Mr. DeWitt told him he hadn't wanted a condition that could endanger human life. Mr. DeWitt provided several copies of the original proposed subdivision regulations and asked the group to review them.

Mr. Stogsdill said he'd received a phone call from a realtor and developer asking questions about the county's subdivision regulations. They were interested in subdividing approximately 800 acres off County Road 2B in the northwest corner of the lower L. Troy McCue commented that stricter rules would keep the developers on the hook longer, and Mr. Stogsdill agreed. He said all they have to do now is survey the property, sell off plots, and then they're gone, having no other responsibilities.

Mr. DeWitt said that he'd compiled regulations from other jurisdictions and that what he'd put together were meant to address the major and minor subdivisions, not the thirty-five and under acre parcels that people liked to divide off for a home or family members. He added that Chris Monks had suggested adding a provision giving the county the option of doing the roadwork if a developer paid for it. Mr. Kimble noted that the county's road policy also addresses some of those concerns.

Mr. Stogsdill said he'd satisfied the realtor and developer's questions by explaining the county only allowed what state law dictated, which was that a thirty-five-acre parcel was the least a person could subdivide at this time.

The Board agreed to review the proposed regulations and discuss them again on June 29. Mr. Kimble asked if they wanted to put a moratorium in place for sixty days, which would allow them adequate time for that purpose. He said it wouldn't stop the minor subdivision exemptions the commissioners typically allowed for landowners, but it would cease other subdivision development for a specific period.

Mr. Burgess moved to pursue a moratorium on county subdivision regulations for ninety days to allow the county commissioners to review the regulations proposed by John DeWitt and hold a public hearing if necessary. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. McCue commented that the commissioners needed to encourage young families to move to Lincoln County. If regulations jammed them up to where they changed their minds, the commissioners should do all they could to remedy that.

Mr. Kimble said they could officially adopt the moratorium at their next meeting to meet the posting requirements.

Lincoln Health CEO Kevin Stansbury met with the Board at 9:25 a.m. to give a monthly report. While March was a good month for gross revenue at \$2.64 million, expenses of \$2.1 million were higher than the net revenue of \$1.95 million. Mr. Stansbury provided an update on the Generations Project (hospital facility replacement), stating he was pleased to report that Senator Bennet earmarked \$10 million and Senator Hickenlooper submitted a request for an additional \$3 million on the hospital's behalf. They continue to seek bipartisan legislative support on the Hospital Revitalization Act, which could bring in another \$12 million. Mr. Stansbury said they continue to move forward with the Byers Clinic and had no other significant details to report. As for Lady Bird Park, Mr. Stansbury asked Mr. Schifferns for help from District 1 road crews to clear an area for the helicopter pad, but he said he'd like to look at it first. Lastly, Mr. Stansbury asked the commissioners to send a thank-you letter to Stu and Cathy Barnes, a couple who had provided generous donations over the years to support the hospital, and the Board agreed.

Mr. McCue left his monthly report for the commissioners, and then Mr. Burgess moved to approve the minutes from the meeting held on May 16, 2022, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The commissioners reviewed the County Veterans Service Officer's monthly report and certification of pay. They also reviewed a quote for the maintenance department for a 20' x 20' Tuff Shed. Mr. Burgess said he had difficulty approving an office in the building if it would cost over \$20,000 between the shed and the concrete pad. Mrs. Lengel remembered them adding it to the Capital Projects budget and asked how much they had set aside. Mr. Piper looked at the 2022 budget and said they'd earmarked \$40,000. Before the commissioners could discuss it further, Human Services Director Andrew Lorensen arrived for his appointment. Mary Solze accompanied him.

The Board reviewed the April financials and employee timesheets for May and then looked over the Income Maintenance, Child Welfare & Adult Protection, and director's reports. Mr. Lorensen asked for signatures on the state-approved Colorado Works policies. Mr. Burgess moved to sign the Colorado Works Policies 2022-01 through 2022-07, effective March 1, 2022. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Lorensen said he'd completed interviews for the new Income Tech the previous day and planned to offer the position to one of them later today. If accepted, the new hire would start in mid-June.

Discussion returned to replacing the maintenance storage shed, and then Mr. Burgess moved to approve the \$16,678.40 proposal from Tuff Shed for a 20' x 20' building for the maintenance department, and the \$4,074.68 quote from K & S Enterprises, LLC, for a 22' x 22' concrete pad. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess reported that between May 18 and 23, he received a phone call from Bruce Walters about COVID; he contacted Kelly Meier with questions about the isolation process. He also had the District 2 road crew check roads after the county's heavy snow. Mr. Burgess called the landfill on May 24; they'd taken care of the wood and furniture piles. He went by the Genoa shop; the crew built a shield for their rental tractor to protect the back windows. They planned to chip-seal the Twenty-fifth. John Rowe contacted Mr. Burgess to let him know the district's new motor grader would be in port on June 15, but they had to depend on the trucking company for its delivery. Mr. Burgess called the land use office regarding property on County Road 109; the issue will go before the land use board on June 2. He also signed the lease agreement with Mark Bain for a gravel pit. Mr. Burgess attended the Economic Development meeting at Mountain View Electric on May 25. They've had inquiries from businesses wanting to locate in Lincoln County, but now the workforce is the issue. Mr. Burgess went to Genoa to check out the chipping project and ran the loader for a while. He commented that Cobitco intended to start charging demurrage when the county doesn't take full loads, when projects don't start on time, or when crews don't unload promptly. Bruce Walters called Mr. Burgess on May 26 to let him know someone had stolen diesel fuel from a road grader parked at the intersection of County Roads 109 and 3X. He contacted the sheriff, and they assigned it a case number. Mr. Burgess also asked Mr. Walters to send the word to local farmers and ranchers.

Mr. Schifferns reported that the District 1 road crew worked on County Roads 2W and 63, and he is still looking for employees. They chipped on May 25 and planned to do more oiling south of Hugo. Mr. Schifferns said Districts 1 and 3 were checking into prices on a new belly dump rock trailer.

Mr. Stone reported interviewing a potential new employee on May 17 who ended up taking the job. He checked roads that afternoon. Ty Stogsdill called him on May 18 to ask for the day off, so Mr. Stone told him to contact Mr. Piper and let him know. Mr. Stogsdill told him there had been some interest in solar development. After the snowstorm, Mr. Stone checked roads on

May 20—they were in good shape. He spoke with Chris Monks and Judd Kravig about getting a truck and trailer. Since vehicle delivery still seems to be a problem, Mr. Stone said although they'll order this year, it might not come in until next March or April.

The Board conducted a public hearing regarding the Family and Medical Leave Insurance Program (FAMLI) at 11:00 a.m. Mrs. Lengel recorded the hearing, and the recording will remain on file in the County Clerk's vault. Sheriff Tom Nestor arrived at 11:15 a.m.

After a lengthy discussion regarding the best option for the county, Mr. Burgess said he preferred to opt out and let the employees opt in if they wanted to, rather than opt in and force the employees to pay for the coverage. The others agreed, and Mr. Burgess moved to adopt a resolution declining participation in the Family and Medical Leave Insurance Program. Mr. Schifferns seconded the motion, which carried unanimously. Mr. Stone ended the hearing at 11:25 a.m.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on May 27, 2022, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, 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 #1064 It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO TO DECLINE PARTICIPATION IN THE FAMLI PROGRAM AND PROVIDE NOTIFICATION TO THE STATE OF COLORADO OF SUCH DECLINATION OF PARTICIPATION

WHEREAS, The Lincoln County Board of County Commissioners has the authority under Colorado law, including but not limited to C.R.S. 30-11-103 and 107 to make decisions regarding the County budget, personnel benefits, and employment policies in the unincorporated areas of the County; and

WHEREAS, the Colorado General Assembly enacted legislation known as the Paid Family and Medical Leave Insurance Act (FAMLI) in 2021 C.R.S. 8-13.3-501, et seq., the provisions of which will become operative in 2023; and

WHEREAS, the Board has reviewed and considered the advantages and disadvantages of participation in FAMLI, and the current benefits provided by the County to its employees; and

WHEREAS, the Board has concluded that current benefits provided to employees including paid time off that can be accrued or received via donation, and current Family Medical Leave Act eligibility are comparable to the benefits provided under FAMLI; and

WHEREAS, an employee of a local government that has declined participation in the program pursuant to statute may elect coverage and individual participation; and

WHEREAS, a local government may decline participation by formally notifying the division of family and medical leave insurance in writing and providing the date of the vote and the local government's decision to decline participation in the FAMLI program.

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners the following declarations shall be adopted:

1. As of the date of adoption of this Resolution, Lincoln County by and through its Board of County Commissioners provides written notice that it is declining participation in the Paid Family and Medical Leave Insurance Program (FAMLI) by sending a copy of this Resolution to the division of family and medical leave insurance.
2. For purposes of compliance with the regulations promulgated concerning local government participation with FAMLI found at 7 CCR 1107-2, and in particular, Section 7 CCR 1107 2.5. A, the date of the vote of the Board of County Commissioners to decline participation is the date below identified as "Adopted and Effective".
3. Staff is directed to provide county employees with information regarding the FAMLI program as is required by statute and regulation.
4. Lincoln County is electing to not provide payroll deduction processing or provide assistance to employees who elect to participate in FAMLI as individuals.
5. The County will renew this declination no later than eight years from the adopted and effective date or may elect coverage in the future as provided by statute and regulation.

ADOPTED AND EFFECTIVE THIS 27TH DAY OF MAY, 2022

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schiffers, 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. Piper informed the Board that the Community Ambulance Service would have two of its four ambulances ALS certified once the commissioners renewed their licenses. Mr. Schifferns moved to adopt a resolution approving the ambulance service licenses for Community Ambulance Service, Inc. Mr. Burgess 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 May 27, 2022, there were present:

Douglas D. Stone, Chairman	Present
Ed. E. Schifferns, Vice Chairman	Present
Steve Burgess, 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 # 1065 It was moved by Commissioner Schifferns and seconded by Commissioner Burgess to adopt the following resolution:

WHEREAS, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, 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, Community Ambulance Service, with ambulances based in Flagler and Seibert in Kit Carson County and Arriba in Lincoln County, has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic and advanced 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 Community Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Stone, Yes; Commissioner Schiffers, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

County Coroner Andy Lorensen joined the meeting at 11:30 a.m. to discuss the county pay scales. Assessor Jeremiah Higgins and Treasurer Jim Covington were unavailable for the meeting. The sheriff provided three options, and the group reviewed the information and discussed what they felt was the best proposal. Mr. Piper also had another possibility but said it would be pretty costly. Sheriff Nestor admitted that his proposals would increase the sheriff's and jail budgets by approximately \$150,000 in salaries alone. Mr. Lorensen said his department had its own pay scale, so he didn't have much input. The result of the meeting was to put together a working group for further discussion, and the sheriff and Mr. Lorensen left.

Mr. Kimble commented that while the county needed new subdivision regulations, they might not necessarily be those proposed by John DeWitt. He pointed out that when Mr. DeWitt presented the proposed regs, the Mountain View Electric attorney felt there were a lot of problems with them. At that time, the commissioners were also discussing 1041 regulations, proposed oil and gas regs, solar regs, transmission line setbacks, and the new road policy and county road map, so they were extremely busy and didn't get around to delving deeply into the subdivision regulations. Mr. Kimble said it might be a good time to bring them forward again.

Mr. Kimble reported on the Bode/Brent trial, stating that the judge upheld the county's road map and policy and agreed that section lines weren't public roads just because they were section lines. Mr. Kimble felt confident in the outcome but said he wouldn't be sure until the judge issued the final order. Mr. Kimble added there could always be an appeal. Mrs. Lengel asked him if the official road map should be recorded in the real estate records at some point, which might help future researchers. Mr. Kimble felt it wouldn't hurt to record it or the original resolution.

Mr. Kimble had learned that the Union Pacific Railroad donated the roundhouse to the county in 1922. The deed carried a restrictive covenant that the county could only use the building for offices or a museum. He explained that he'd sent a letter to the UP requesting a release of the covenant, but it might be a while before he got a response. Mr. Kimble felt the process would

have to go through the proper channels, even though Anadarko Petroleum acquired the railroad and Chevron subsequently purchased Anadarko.

Mr. Kimble asked the commissioners if there had been any further damage to county roads from the person dumping debris on them, but there hadn't been. He said it was a Class 2 misdemeanor to interfere with county roads, so the activity was illegal. He added that the county brought a civil action against a party in 2014 for that reason and suggested having the sheriff's department take pictures if it happened again.

Lastly, Mr. Kimble said he'd reviewed the public health contract that director Kelly Meier sent him.

Mr. Piper informed the Board that he'd scheduled further discussion on allowing marijuana grow facilities in the county for the June 17 meeting. He asked if the commissioners planned to put the question on the November ballot, and Mr. Burgess asked Mrs. Lengel what it would cost to do so. She responded it wouldn't be much since every active, registered voter would get a ballot anyway. The commissioners agreed they didn't want to put a question on the ballot this year.

Mr. Piper asked Mr. Kimble to look into some information he'd received regarding the Health Families and Workplace Act leave protection relating to COVID and a court case involving forfeiture of earned vacation leave. Mr. Kimble said he would.

The CLG Group, a company hired to help split the 18th Judicial District into the 18th and 23rd districts, formed a steering committee. Somehow, Mr. Piper said he became a committee member. He asked if a commissioner would be willing to take on that role so he could do as other county administrators and serve as the project liaison. Mr. Burgess offered to be the steering committee member for Lincoln County.

Dave Smith had asked Mr. Piper if the county would be willing to apply to become a FedEx drop-off. It would involve putting in a box at the courthouse driveway, and the commissioners said they did not want to do that.

At 1:00 p.m., the Board met with custodian Teena Ludwig to discuss cleaning issues. Mr. Stone told her the commissioners received complaints about how she cleans certain areas, such as the annex, and how she handles taking time off. He told her the commissioners heard she hadn't let anyone know she would be gone and didn't have anyone cover for her. Ms. Ludwig said she could find someone to cover her shifts when she took time off but didn't feel the commissioners wanted her handing her keys over to just anyone, especially when the maintenance person had always handled picking up trash. Ms. Ludwig explained that when she recently took time off, she told John Mohan that if she didn't come to work on a particular day, she'd be gone the rest of the week and presumed that was sufficient notice.

Mr. Stone asked Ms. Ludwig how many hours she spent cleaning the annex each week, and she said it was approximately five hours with the mopping, vacuuming, and picking up trash. She used to do it on Sundays but prefers to come in early each morning, spreading the duties throughout the week so that she doesn't have to work on weekends.

Mr. Stone told Ms. Ludwig to inform Mr. Piper if she planned to be gone, and Ms. Ludwig left.

As for old or new business, Mr. Burgess commented that he'd heard a rumor that there might be a diesel fuel limit coming in the future.

Mr. Stone had received a call about a sewer permit outside of Arriba, so he told the party to contact Mr. Piper or Ty Stogsdill. Mr. Piper said that Mr. Stogsdill spoke with the party.

The commissioners approved the May 2022 payroll, and then, with no further business to come before the Board, Mr. Stone adjourned the meeting at 2:10 p.m. The next meeting will be at 9:00 a.m. on June 7, 2022.

Corinne M. Lengel, Clerk of the Board

Doug Stone, Chairman