

Board of County Commissioners of Lincoln County  
Agenda for September 20, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:15 Tony Wernsman with W. W. Enterprises to discuss a voter service and polling center
- 10:00 Kari Linker with Senator Hickenlooper's Office to provide legislative updates
- 10:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH monthly report
- 11:00 Ronny Farmer with rfarmer llc, to present the 2021 audit
- 11:30 Ty Stogsdill, Land Use Administrator, to provide a Land Use update

-To be completed as time permits-

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1. Approve the minutes from the September 8, 2022, meeting
2. Review the August 2022 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review the August 2022 Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, Road & Bridge and Individual Road Districts
4. Review the August 2022 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review a Mid-Year Loss Trending Report for CAPP and CWCP
6. Review and discuss the 2023 rates for the County Health Pool
7. Review and act upon Amended Resolution #791: a resolution to amend the Lincoln County Bidding Policy and Procedures
8. Review and act upon Resolution #1074: a resolution to adopt the Lincoln County Grant Administration Policy
9. Review and act upon an Oil and Gas Lease with W-F Production, LLC to lease Lincoln County minerals located below the E2SW of Section 20, Township 7 South, Range 55 West, of the 6<sup>th</sup> PM
10. Review and act upon a quote for carpet for the Assessor's office
11. County Commissioner reports
12. County Attorney's report
13. County Administrator's report
14. Old Business
15. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 20, 2022. Chairman Doug Stone, Commissioners Ed E. Schifferns and Steve Burgess, County Administrator Jacob Piper, Clerk of the Board Corinne M. Lengel, and Limon Leader Stephanie Zwick attended. County Attorney Stan Kimble was absent and excused, and commissioner-elect Wayne Ewing stayed until noon.

Chairman Stone called the meeting to order and asked Mrs. Zwick to lead the Pledge of Allegiance.

Mr. Schifferns moved to approve the minutes from the meeting held on September 8, 2022, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the August 2022 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer, as well as the August Statements of Revenues and Expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library Lodging/Tourism Human Services, Road & Bridge funds, and the individual road districts.

The commissioners also reviewed the August Colorado Counties Casualty and Workers' Compensation Pool reports.

Tony Wernsman, with W.W. Enterprises, met with the Board at 9:15 a.m. to discuss a voter service and polling center. He'd reviewed the courthouse plans and learned the building codes required two exits for each office: one into a public area. The plans designated the hallway between the clerk's and the assessor's and treasurer's offices as a corridor rather than a public hallway, so Mr. Wernsman felt the clerk's back door wouldn't qualify as an exit. Mrs. Lengel said if that were the case, there were no exits in the assessor's office because both of their doors open into that same corridor. The administrator, his assistant, and the land use administrator had the same problem. Mr. Wernsman wasn't sure about the assessor but said there was a difference between how the plans determined an office and a public area, which he assumed was how they designated the clerk's office. He didn't see any way to turn the empty alcove into an election room without building hallways on each side, which would make for a tiny workspace. Mr. Wernsman said he'd review more plans and contact another engineer whose area of expertise was code compliance. Mr. Wernsman left at 9:40 a.m., and the group continued to discuss other options and areas to remodel.

Mr. Ewing wanted to know the reasoning behind the discussion, so Mrs. Lengel explained that new legislation, SB22-153, required all election equipment components to have 24/7 video surveillance and keycard access by June of 2023. Her vision was to turn the empty alcove into a voter service and polling center, where the public could vote in person while storing the equipment in the room in the off seasons would still meet the legislative requirements. According to the law, remote keycard access wasn't necessary during the voting period, two weeks before the election during the general election cycle, and one week for all other elections.

The group discussed using the driver examiner's office and relocating the driver examiner, possibly even building onto the front of the clerk's office or remodeling the commissioner meeting room and lounge. Mr. Burgess said the Board could use the administrator's office for meetings if they moved the land use administrator to the office the coroner currently used. They could rent a space in Limon for the coroner for around \$700 a month.

Economic Development Corporation Director Troy McCue arrived at 9:50 a.m. to listen to the 10:00 a.m. legislative updates provided by Kari Linker from Senator John Hickenlooper's office. However, Ms. Linker failed to keep her appointment.

The group took a break to look at the driver examiner's office, the open area in front of the clerk's office, and the lounge. While in the lounge, they discussed using it as a Board room, but Mr. Stone preferred the idea of using the administrator's office. Mrs. Lengel said that if they didn't use the driver's license office or build onto her office, she might have to use the lounge for the election judges anyway. She commented that it would be a shame to leave so much space unused for most of the year, which was why she'd wanted to use the empty alcove.

Lincoln Community Hospital CEO Kevin Stansbury met with the Board at 10:25 a.m. to give his monthly report. He provided the 2021 audit, stating there had been a delay because the Provider Relief Funds required a single "compliance" audit for the federal government. Still, it was a clean, compliant audit. Mr. Stansbury also gave out the hospital's 2023 budget projections. He showed conservative assumptions of \$31 million in gross revenue, \$22 million in net patient revenue, \$24.5 million in expenses, and \$2.3 million in non-operating income, leaving a \$197,000 net income. Mr. Stansbury also updated the commissioners on the Generations Project (hospital facility replacement), stating they were working to decrease the price by at least \$5 million because the cost estimate was higher than anticipated. They also planned to start working on an MOU with the town of Hugo for sewer and fresh water capacity services for the new hospital and how to preserve Coulson's Trail. Finally, Mr. Stansbury said legislation passed last year, HB21-1198, created the Hospital Charity Care Act, which became effective September 1. What it meant for the hospital was that every patient had to be financially screened each time they came in. If the person chose to answer and fell below the guidelines, LCH would be limited to how much they could charge the patient based on a percentage of their reported income. Mr. Stansbury said they weren't allowed to question the patient or verify the information but would have to accept it as fact. Nor could they confirm the patient's address, which created several other concerns.

Former commissioner Pete Kjosness stopped by at 10:30 a.m., and when Mr. Stansbury and Mr. McCue left at 10:40, he commended the commissioners on what they were doing with the fairgrounds. Mr. Kjosness visited for a few minutes and left.

At 11:00 a.m., auditor Ronny Farmer met with the commissioners via Zoom to present the 2021 audit. Overall, Mr. Farmer said the county was better off at the end of 2021, even though the numbers showed a "loss" due to depreciation. The income statement showed strong financial positions for the four major funds (General, Road & Bridge, Human Services, and Capital

Projects) and healthy fund balances. However, Mr. Farmer cautioned against a continued decrease in the General fund balance. While he understood that the county contributed additional money to the Pension Plan, decreasing the General Fund by approximately \$600,000, he wouldn't recommend continuing the trend.

Mr. Farmer said there were comments that the county should put \$10 million toward building the new hospital, and while it was certainly possible, the cash couldn't come from any one fund. The Road & Bridge and Human Services funds had spending restrictions, and the county wouldn't remain viable if the commissioners used the General or Capital Projects funds. Mr. Farmer also noted that DHS overspent by quite a bit in 2021.

Mr. Piper asked if the county could use Conservation Trust funds to match grants, and Mr. Farmer said it was possible as long as it was for cultural or recreational purposes.

Lastly, Mr. Farmer said there were no compliance issues, and the county exhibited adequate internal controls for its size. He felt that paying off debt and adding to the pension plan were justifiable expenses, even though 2021 showed some losses. Mr. Farmer also commended the Finance Director and said the accounting had greatly improved, even though the Tyler accounting system didn't provide the best explanations.

Land Use Administrator Ty Stogsdill met with the Board at 11:30 a.m. to provide updates from his department. He'd attended the previous day's meeting in Ordway, where they discussed the potential new solar farm in Crowley County. They planned for it to be a two-year project, all in Crowley County. Mr. Stogsdill told them they would need a Road Use Agreement if they intended to use Lincoln County roads.

Mr. Stogsdill spent last week answering numerous emails and phone calls from a company asking about permits for a solar farm north of the Tri-State substation. Mr. Burgess said there was nothing in the land use regulations regarding the battery packs they used and wondered if the county should add something.

Viaero Wireless had plans to install fiber lines using the county right-of-way in the southern portion of the county, so Mr. Stogsdill said he told them to obtain all the necessary permits before starting the project.

Lastly, Mr. Stogsdill asked if they needed to replace Bill Craig on the Land Use Board and that Mr. Kimble had suggested they could have seven members if anyone else left. The commissioners said they'd thought of someone and would contact them to see if they were interested.

Mr. Stogsdill left, and the Board reviewed the mid-year loss trending report for CAPP and CWP. Mr. Piper said the information was as of June 30, so the previous weeks' claims wouldn't be listed.

Mr. Piper provided the 2023 County Health Pool rates, stating Lincoln County moved to Rate Band 1, which equaled an approximate seven percent increase for medical and prescription rates. Life, dental, and vision rates didn't change.

Mr. Burgess moved to renew the County Health Pool insurance coverage plan for 2023, and Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper said they needed to amend Amended Resolution #791 to include a section in the county's bidding policy and procedures for federal procurement requirements.

Mr. Schifferns moved to amend Amended Resolution #791 to include the requirements. 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 September 20, 2022, there were present:

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| Douglas D. Stone, Chairman         | Present          |
| Ed E. Schifferns, Vice Chairman    | Present          |
| Steve Burgess, Commissioner        | Present          |
| Stan Kimble, County Attorney       | Absent & Excused |
| Corinne Lengel, Clerk of the Board | Present          |
| Jacob Piper, County Administrator  | Present          |

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

**AMENDED RESOLUTION #791** It was moved by Commissioner Schifferns and seconded by Commissioner Burgess to adopt the following resolution:

**WHEREAS**, the Board of County Commissioners determined that a centralized bidding policy for Lincoln County would provide for the fair and equitable treatment of all persons and entities involved in the bidding process, obtain the highest possible value in exchange for public funds, and safeguard the quality and integrity of the bidding system; and

**WHEREAS**, the Board of County Commissioners also determined that not all projects or items should be placed for bid depending on the circumstances involved; and

**WHEREAS**, the Board of County Commissioners has determined it is necessary to amend Lincoln County's Bidding Policy and Procedures to include a section regarding federal procurement requirements; and

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the attached Bidding Policy and Procedures shall be amended as follows:

5. Federal Procurement Requirements

- A. For discretionary grants and cooperative agreements that are competed, the Federal awarding agency must announce specific funding opportunities in accordance with CFR 200.204.
- B. Lincoln County will expend and account for Federal awards in accordance with Colorado state laws and procedures in accordance with CFR 200.302
- C. The Lincoln County procurement procedures conform to the procurement standards identified in CFR 200.318
- D. All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with CFR 200.319 and CFR 200.320.
- E. Lincoln County will follow CFR 200.321 in regard to contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.
- F. As a political subdivision of a state, Lincoln County will comply with section 6002 of the Solid Waste Disposal Act in accordance with CFR 200.323.
- G. The Federal awarding agency may include a provision on bonding, insurance, or both in accordance with CFR 200.304 and CFR 200.326
- H. Lincoln County will provide, at a minimum, the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds in accordance with CFR 200.310 and CFR 200.447.
- I. Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a minimum period of three years in accordance with CFR 200.334. County departments may defer to any department specific policy regarding the length of time in which documents must be retained if the department specific policy is deemed more stringent than the Code of Federal Regulations' requirements.

**BE IT FURTHER RESOLVED** that this amended resolution is adopted and effective as of September 20, 2022.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schifferns, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Clerk of the Board

After the Board reviewed a grant administration policy, Mr. Burgess moved to adopt a resolution adopting the Lincoln County Grant Administration Policy. Mr. Schifferns 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 September 20, 2022, there were present:

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|------------------------------------|------------------|
| Douglas D. Stone, Chairman         | Present          |
| Ed E. Schifferns, Vice Chairman    | Present          |
| Steve Burgess, Commissioner        | Present          |
| Stan Kimble, County Attorney       | Absent & Excused |
| 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 #1074** It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, the Board of County Commissioners determined that a centralized grant administration policy for Lincoln County would provide the employees and grantors a detailed guideline for the preparation, submission, acceptance, expensing, monitoring, and reporting of federal, state and local grants; and

**WHEREAS**, the grant administration policy will include in full the bidding policy for Lincoln County adopted via Resolution #791 on July 7, 2011; and

**WHEREAS**, the grant administration policy will include the ethics policy that was adopted into the Lincoln County Personnel Manual and was made effective on December 16, 2021; and

**WHEREAS**, the grant administration policy will implement a whistleblower policy to encourage Lincoln County Employees and others to report suspected or actual occurrence(s) of illegal, unethical or inappropriate events (behavior or practices) without retribution; and

**WHEREAS**, after review of the proposed grant administration policy the Board of County Commissioners determined that it reflected the current operation of grant management within Lincoln County and would accurately articulate the county's procedures to any grantors that requested the county's grant administration procedures.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the attached Grant Administration Policy shall be the centralized policy and procedures for Lincoln County.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Schifferns, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST:

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Clerk of the Board

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The Board agreed to table further action with the W-F Production, LLC, oil and gas lease until Mr. Kimble could attend the discussion.

Mr. Burgess moved to approve a \$13,555.35 proposal from S & H Decorating for carpet and installation in the Assessor's office. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess reported attending the Eastern TPR meeting in Akron on September 12. He traveled to Big Springs, Texas, for the Ports-to-Plains conference from September 13-16. While Texas and New Mexico had designated parts of their roadway to I-27, Colorado would not commit any planning. Mr. Burgess spoke with District 2 Road Foreman Bruce Walters on September 19. They ordered a new mower for next year that cost close to \$30,000. The road crew was still mowing and grading roads. Chris Monks let him know that Rock Sol would be out on the Twenty-first to look at the bridge on County Road 109 south of Hugo. Mr. Monks was going to get asphalt and concrete prices for the bridge deck from TLM. Earlier this morning, a farmer contacted Mr. Walters to let him know a drill had damaged County Road 35.



Mr. Schiffers reported attending the Eastern TPR meeting in Akron on September 12. He checked roads on the Fourteenth and attended the Eastern District Commissioner meeting in Limon on September 16.

Mr. Stone also reported attending the meetings in Akron and Limon. On September 13, he participated in the Colorado East Community Action Agency meeting. The District 3 road crew trimmed trees in the county right-of-way and provided a loader and truck for the Karval community cleanup day. Chris Monks called him about dumpsters in the county right-of-way on September 14, which was something they needed to address. Mr. Piper had sent Mr. Stone an email about a bridge load limit sign that was down, so he had the road crew take care of it. Mr. Stone and Mr. Piper attended the County Health Pool meeting on September 15. They discussed road and bridge employees obtaining their CDLs at the district meeting on the Sixteenth. Mr. Stone reported that county sheriffs planned to write a letter to the state attorney requesting stiffer penalties for releasing inmates and might request backing from the commissioners. He checked roads south and southwest of State Road 71 on September 19.

Mr. Piper reported for Mr. Kimble that the deadline to clean up the Cameron property was September 29, or the county could do it.

Mr. Piper reported that he might not have the workers' comp and CAPP renewals before they adopted the 2023 budget since the commissioners' winter conference was later in December than usual. However, he hoped they might put the figures out early.

Mr. Burgess reported that he'd had the van's windshield fixed and that he'd also washed and vacuumed it. It still needed some detailing, which he'd like to have done at the new place in Hugo. There were no objections. Mrs. Lengel thanked him for taking care of it and said her office staff would do so in the future since they would most likely be the only ones using it.

The sheriff had picked up one new patrol vehicle in Burlington and told Mr. Burgess they could get two more. He told Sheriff Nestor to go ahead, and they'd figure out how to pay for them, even if it meant going over the budget. Mrs. Lengel commented that it didn't look like they'd be able to use the \$210,000 she'd set aside in the Capital Projects budget to build the voter service and polling center, so they might as well use it for the vehicles instead. The Board told her to figure out what she needed as far as remodeling and suggested that Wayne Nestor or Merritt Hoover might be able to do the job.

With no further business to come before the Board, Mr. Stone adjourned the meeting at 2:20 p.m. The next meeting will be at 9:00 a.m. on September 29, 2022.

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Corinne M. Lengel, Clerk of the Board

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Doug Stone, Chairman