

Board of County Commissioners of Lincoln County  
Agenda for March 18, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Kelly Meier, Public Health Director, to provide a Public Health Update
- 10:00 Andrew Lorensen, Human Services director, to discuss Department of Human Service matters
- 11:00 Ty Stogsdill, Land Use Administrator, to discuss Land Use matters

-To be completed as time permits-

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1. Approve the minutes from the March 7, 2024, meeting
2. Review February 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review February 2024 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 February 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon an agreement with RockSol Consulting Group, Inc. to perform geotechnical services at the Lincoln County Roundhouse
6. Review a quote from Statistical Research, Inc. to perform archeological services at the Lincoln County Roundhouse
7. Discuss a potential match of funds for a DOLA grant to perform an energy impact study in coordination with the East Central Council of Governments
8. County Commissioner reports
9. County Attorney's report
10. County Administrator's report
11. Old Business
12. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on March 18, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk of the Board Corinne M. Lengel attended. Limon Leader reporter Stephanie Zwick attended until 11:55 a.m.

John Mohan was there to discuss the fire suppression system when Chairman Burgess called the meeting to order, led the Pledge of Allegiance, and asked Mr. Ewing to say a short prayer.

Mr. Mohan reported that while testing the fire alarms last week, they couldn't silence or reset the system without disconnecting the batteries in the fire panel at the jail dispatch center. NE Safety and Fire agreed to replace the panel and upgrade the system to the new codes. Mr. Mohan wasn't sure of the cost or how much work they would do but said they'd have to replace the duct detectors. He'd been looking for the blueprints for the fire alarm system but hadn't had any luck. Mr. Mohan promised to keep the commissioners informed on any progress and left.

Mr. Stone moved to approve the meeting minutes for March 7, 2024. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed the February 2024 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer.

The commissioners also reviewed the February 2024 statements of revenues and expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, and Road & Bridge funds, individual road district reports, and the February 2024 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools.

Mr. Ewing moved to sign an agreement with RockSol Consulting Group, Inc., to perform geotechnical services at the Hugo Union Pacific Railroad Roundhouse. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone moved to accept a quote from Statistical Research, Inc., to perform archeological services at the Hugo Union Pacific Railroad Roundhouse. Mr. Ewing seconded the motion, which carried unanimously.

Public Health Director Kelly Meier arrived, and the chairman recessed the Board of County Commissioner meeting and opened the Lincoln County Board of Public Health meeting. Mrs. Meier provided updates on the state's new vital records system, Medicare reimbursements she hopes to receive soon, and their new vaccine refrigerator. She is awaiting approval to move the vaccines from the storage facility in Limon. They should finish the Community Health Assessment in August or September, and Public Health and CSU Extension will sponsor a youth health fair. She has an employee taking a medical coding class and another taking a breastfeeding class. Mr. Ewing didn't want the latter to overlap with what the hospital

provided, but Mrs. Meier said they had the funding, and the employee wanted to learn the counselor portion of it. She will have another employee on maternity leave at the end of June. Mrs. Meier asked Mr. Piper to email other employees asking for annual or sick leave if they had extra or would lose it. Mr. Burgess said Mrs. Meier's employee would have to deplete her own time before using donated time from others, which Mrs. Meier understood. The group briefly discussed COVID-19, and then Mrs. Meier left.

At 9:35 a.m., Mr. Burgess adjourned the Board of Public Health meeting and reconvened the Board of County Commissioner meeting.

Mr. Piper said DHS Director Andrew Lorensen needed to push his appointment time to 10:30 a.m., so Mr. Burgess asked him to ask Land Use Administrator Ty Stogsdill if he could take Mr. Lorensen's 10:00 a.m. time slot.

The Board discussed a DOLA grant to perform an energy impact study for ECCOG, and Mr. Burgess said they might need to talk to Greg Etl or Candace Payne. Mr. Piper called Ms. Payne, but she wasn't available.

Land Use Administrator Ty Stogsdill arrived at 9:45 a.m.

Mr. Stone reported receiving a text from a resident on March 8, requesting a moratorium on solar farms. He attended the Fair Board meeting on March 12 and reported they had sixty-eight steers at their weigh-in, they would move the rabbit/poultry show to Monday during fair week, and the 4-H Club would announce the parade. Land Use Administrator Ty Stogsdill arrived as Mr. Stone reported they were drawing up the rodeo contract, and John Palmer ordered the tents for approximately \$12,000. The Extension office applied for a shooting range grant, and Mrs. Baylie said Extension would have an intern this summer.

At 9:48 a.m., Candace Payne with the East Central Council of Governments called back and explained that the idea of the energy impact grant application stemmed from the impacts of renewable energy in four COG regions. They discussed the eighteen counties in the regions partnering to develop better land use codes, although she emphasized that they would not all *have* to follow them. However, pulling together would provide a stronger voice for rural Colorado. Greg Etl suggested applying for a Colorado Resiliency grant to help meet the fifty percent match they would need for the impact study. He felt they needed a stronger application, but Ms. Payne said three southern counties couldn't come up with more than ten percent. They decided ECCOG and PDC would cover the \$6,260 ten percent match and not worry about the fifty percent match, so counties didn't need to do anything right now.

Mr. Burgess told Mr. Stogsdill that he'd received a call from a resident reporting someone was hauling solid waste from Denver and dumping it west of where Jeremiah Higgins had lived. Mr. Burgess asked Mrs. Lengel to search old commissioner minutes to see if she could find anything about dumping solid waste in the county. Although research turned up minutes from 2015,

2022, and 2023, Mr. Burgess said he thought the county had adopted regulations in 1996. Mr. Stogsdill affirmed it was in July 1996.

Mr. Kimble noted that when the town of Hugo hauled solid waste from their old sewer pond, the commissioners decided they couldn't stop it. He felt the state preempted county regulations. Mr. Stogsdill said someone had dumped solid waste about a year ago, but it turned out it was in Elbert County, not Lincoln County. He had left a message and was waiting for someone from the state to call him back. Mr. Kimble said he would check and see if he'd done a brief on it and noted that Kipp Parker had a lot of information on the subject back in 2015. Although Mr. Parker had explained how solid waste was good for the soil, Mr. Kimble noted many people didn't like the idea of it.

Mr. Ewing commented that it might eventually cause damage to county roads. Mr. Burgess said Chris Monks had told him they billed the last group, but the company never paid the invoice. Mr. Stogsdill suggested requiring a Road Use Agreement similar to what they made the wind farm companies sign, but Mr. Burgess said that was hard to do when no one knew they were there.

Mr. Kimble noted the town of Limon would infuse solid waste into town property every four or five years, but they had to test for lead and other substances before they could spread it. He mentioned that what the town hauled from the Hugo sewer ponds had no odor.

Mr. Stogsdill didn't know how they could require disposers to notify the county but said it would be nice. Mr. Ewing asked if a Cease and Desist order would work, but Mr. Kimble told him it wouldn't if the state had a preemption.

Mr. Stogsdill had found the county's Solid Waste Regulations, which he gave to Mr. Kimble, stating they were not part of the county's zoning regulations.

Mr. Stogsdill had received numerous calls and an email regarding a rumored solar farm south of Hugo. The resident incorrectly believed that the Land Use meeting on March 26 was to approve the rumored solar farm. Even though Mr. Stogsdill has heard about three separate proposed solar farms in the county, only one company filed a permit—the one that will go before the Land Use Board on March 26. Mr. Stogsdill repeated it was *not* the area the caller voiced concerns about.

Mr. Burgess wasn't in favor of a moratorium, stating he didn't believe in infringing on people's property rights. He felt the resident Mr. Stogsdill referred to wasn't aware the county had solar farm regulations. Mr. Stogsdill noted the setbacks were even better in Lincoln County's regulations than in Logan County's. He added that they still needed to adopt regs for batteries but felt they wouldn't be better than those the insurance companies followed. Still, the county needed to develop a decommissioning plan.

Mr. Kimble commented that the problem with imposing a moratorium was that it was supposed to adopt new regulations or fix something that was a problem. The company meeting with the Land Use Board on March 26 based their application on Lincoln County's regulations, and the commissioners couldn't change them now. However, if so inclined, they might be able to place a moratorium on batteries since the county had no regulations concerning them.

Mr. Stogsdill also noted that a taxpayer told him the county doesn't charge enough for development permits for renewable energy. The price of a development permit is \$250, no matter what the project is. Mr. Stogsdill said the Dunaway solar project took at least seven days to complete. He agreed the renewable energy special use permits should cost more; Morgan County charges a dollar per acre with a minimum of \$5,000. However, they don't charge a use tax like Lincoln County. Mr. Kimble stated permit fees weren't designed to make money but to cover administrative costs. Mr. Stogsdill said the ads alone were \$180 and felt \$1,000 wouldn't be out of line.

Mr. Burgess asked if changing the fee would require a hearing, and Mr. Kimble said they might be able to do it via resolution, but he would find out for sure. He felt they should add a provision allowing the commissioners to adjust the fees annually if necessary. Mr. Stogsdill suggested keeping the \$250 permit fee for homes but charging more for commercial and energy permits.

Gene Vick arrived at 10:25 a.m. and asked how long the commissioners had been speaking with Mr. Stogsdill; he had several questions. Mr. Burgess reviewed what the commissioners and Mr. Kimble had discussed with Mr. Stogsdill so far, and then Mr. Vick said the county could have stricter regulations regarding solid waste than the state. Mr. Kimble told him he planned to find that out because it sometimes depended on what it was. When Mr. Vick was a commissioner, they copied some of the New York state landfill regs and added a prohibition to the county regulations against depositing solid waste on farmland.

Moving on to why he'd come to the commissioner meeting, Mr. Vick said he wasn't against solar panels but didn't want them appearing on hillsides. Mr. Stogsdill said they had to follow NRCS regulations, so they wouldn't. Mr. Vick noted the county needed regulations for solar farms with at least 500-foot setbacks, and Mr. Burgess told him they were already in place, with 1,000-foot setbacks. Mr. Stogsdill clarified that the 1,000-foot setbacks applied to inhabited structures, but property lines and roads had 100-foot setbacks. Mr. Vick noted that livestock owners shouldn't be liable if their cattle got out and rubbed against a solar panel since Colorado is a "fence-out" or open-range state. Mr. Burgess told him most solar farms have six-foot fences around them, and Mr. Kimble added that the county's regulations highly suggest the Land Use Board recommend fencing. Mr. Vick stated they should all be the same, and Mr. Ewing felt they should all be chain-link. Mr. Stogsdill said the landowners' lease agreements with the company putting in the solar farm should cover fencing. Mr. Kimble noted that the regulations recognized different circumstances depending on the area; if the company located the solar farm on grazing property, there needed to be a fence.

Human Services Director Andrew Lorensen arrived at 10:30 a.m.

Mr. Vick felt there should be a time limit on the permit, and Mr. Stogsdill told him development permits are good for one year. Mr. Kimble said applicants can receive one permit extension upon presenting the commissioners with a viable reason.

Mr. Vick asked if the company planning to build the solar farm in his area was Chinese-owned, and Mr. Stogsdill told him it was and that they had bought the property. Mr. Ewing commented that he'd testified on HB24-1029, Prohibit Foreign Ownership Agriculture & Natural Resources, but the bill lost. Mr. Vick said another house bill he couldn't remember the number of passed and went into effect January 1, 2024. After searching, Mr. Lorensen said it was HB23-1152 but that it, too, had failed.

Mr. Vick didn't think \$100 per acre was unreasonable for a development permit fee. Mr. Kimble reiterated that an application fee was supposed to be related to the application's administrative costs. Mr. Stogsdill said Morgan County's application fee for principal solar collectors was a dollar per acre with a minimum of \$5,000. They also charged \$1,000 per megawatt for the permit. He informed Mr. Vick that Lincoln County charges a two percent use tax on the building materials and that he requires an itemized list of such with the application.

Mr. Vick thanked the group and left at 11:00 a.m.

Mr. Kimble said he would draft a resolution to increase the development permit fee on commercial and energy to \$1,000 but leave all others at \$250. The Board had no other questions for Mr. Stogsdill, who left at 11:10 a.m.

Mr. Lorensen asked to promote his Child Support Administrator, Tricia Borns, with a two-step increase from Level 5, Step 8 to Level 5, Step 10, a \$110 monthly raise. He noted Mrs. Borns had done the job for ten years, but the state recently implemented the requirement that Child Support Administrators become certified. Mr. Lorensen said the county's portion of the cost was thirty-three percent, or \$36 a month.

Mr. Stone moved to allow Mr. Lorensen to give Tricia Borns a two-step raise from \$4,350 to \$4,460 a month, effective April 1, 2024.

Mr. Ewing said the county spent a lot of money on employee wages and didn't favor the raise. Mr. Lorensen said many other counties were losing their Child Support techs because of the environment they work in, dealing with hostile parents and clients' livelihood and money. He added that he only asked because of the additional state requirements, but Mr. Ewing said other employees do a good job and don't get raises.

Mr. Stone said Mr. Ewing could still vote against it if he seconded the motion, so Mr. Ewing seconded the motion. Mr. Stone and Mr. Burgess voted yes, and Mr. Ewing voted no. Mr. Burgess stated he shared Mr. Ewing's concerns about wages but didn't know the answers. Mr.

Stone agreed, saying he continued to have difficulties finding people to work, even with the wage increases at the first of the year.

Mr. Lorensen thanked the Board and left, and Mr. Stone continued his commissioner report. He talked to Judd Kravig about the FEMA projects on March 12. The road crew put in a cattleguard for a resident and would charge him for it. Mr. Stone attended the Weed Board meeting on March 13, where they discussed chemicals and what worked versus what didn't. After discussing the pros and cons, they decided not to spray wider than the county right-of-way. On March 14, Mr. Stone went to the Karval shop, checked roads, and attended the Republican county assembly. He reported they learned they wouldn't receive the new truck they'd ordered a year ago until at least mid-April. John Rowe looked at the machine they wanted to trade in and would get them an estimated worth.

Mr. Ewing reported signing the hospital deeds and resolutions at Mr. Piper's office on March 11. While there, he spoke with Mr. Piper about budgets. Later, he talked to hospital administrator Kevin Stansbury about Medicaid and Medicare ambulance reimbursements. The road crew finished crack-sealing the school parking lot during spring break. On March 12, Mr. Ewing talked to Chris Monks about a constituent's concerns with the county trimming trees in a right-of-way. He attended the Fair Board meeting with Mr. Stone, noting they approved the Fair Book with additions and changes. May 4 will be the sheep, swine, and goat weigh-in, and there will be no rabbit and poultry show restrictions. They also discussed special awards. Mr. Ewing attended the FEMA meeting concerning County Roads 3C and 2T on March 13 with Emergency Manager Ken Stroud, Chris Monks, Judd Kravig, FEMA representative Anson Olmos, and CDPS rep Ted Lucero (via phone). He attended the Weed Board meeting that night, where they discussed the weed truck and the continued pre-emergent use of Pramitol, Tordon, Amine, and Banvel. Wade Hollowell agreed to continue as the chairman. On March 14, Mr. Ewing and Patrick Leonard attended a meeting for continuing education and obtaining credits with their spraying licenses. Mr. Ewing later obtained all core credits needed to renew his Commercial Certified Operator's license in 2025. At the Republican county assembly that night, Mr. Ewing spoke with Congressional District 4 candidate Jerry Sonnenberg about Logan County solar regulations. Mr. Ewing talked to Crowley County Commissioner Blaine Arbuthnot on March 15 regarding Crowley County solar regulations and then spoke with Land Use Administrator Ty Stogsdill about Lincoln County's.

Mr. Burgess reported that the three commissioners, John Mohan, Chris Monks, and Roy Brossman, met at the roundhouse when the February 28 commissioner meeting adjourned to discuss concrete removal. They agreed the drilling should occur before removing the concrete, and Mr. Ewing said he would notify Travis Miller. On February 29, Mr. Burgess toured roads north and east of Genoa. He and Bruce Walters checked out the trail to Chester Ewing's house since they'd closed the road. They decided to put asphalt millings instead of a pipe in the low water crossing. They completed the Scope of Work for the bridge on Hell Creek at County Road 33, and Mr. Burgess contacted Ken Stroud to let him know. Mr. Stroud had questions about the County Highway 109 bridge and agreed to discuss it later in the week. A resident called requesting a moratorium on solar farms, and Mr. Burgess said he'd mention it. Due to

increasing calls at the dispatch center, Mr. Burgess asked if they should consider charging for outside calls. Douglas County charges \$45 per call to the Simla Police or Elbert County Sheriff's Office. Ken Stroud called Mr. Burgess on March 1 to let him know FEMA reps would look at the County Road 4C project again on March 5 at 11:00 a.m. Mr. Burgess also looked at the low water crossing District 2 fixed for Chester Ewing, checked roads north of Limon, and contacted Robert Safranek about design work. Mr. Burgess attended the Eastern TPR meeting in Akron on March 4, where they supported the bill Mr. Ewing testified on and learned about various projects on I-70 around Burlington. The Hugo intersection project could start in April. Mr. Burgess stopped in Genoa to talk to Bruce Walters; the road crew was busy hauling gravel. He called in on a Ports-to-Plains meeting, but they canceled it because of connectivity issues and agreed to have a Zoom meeting later in the month. Mr. Burgess met Chris Monks, Ken Stroud, and FEMA representatives on March 5 to discuss County Road 4C mitigation. They also discussed District 2 projects; they did not have the pipes on County Road 3V north of Genoa. Mr. Burgess wasn't sure they could justify the low water crossings; they would have to prove a positive impact. He took the commissioners' pickup to NAPA for a service job. The District 2 crew tried to remove sand from a farmer's field on March 6, but it was too wet, creating bigger problems. Other crew members hauled gravel north of Genoa on Highway 109. Mr. Burgess called M7 Construction about crushing material; they were looking into buying a crusher and having it operating by June. Mr. Burgess participated in a COG Zoom meeting. Allen Chubbuck called to say he'd contacted a company to pick up the metal at the landfill that would pay \$30 a ton. Mr. Burgess got the bill to repair the road grader; Wagner charged \$35,000. He planned to see if he could talk them down a little. Mr. Burgess reported receiving several complaints concerning solar farms. On March 11 and 12, Mr. Burgess sold an A-plow to Baca County for \$2,500, the road crew hauled gravel, and a resident contacted him about someone spreading human waste on farm grounds. He asked Ty Stogsdill to look for a resolution against it. Mr. Stogsdill also told him he did not have an application on the rumored solar farm south of Hugo. Mr. Burgess spoke with Craig Bailey about the cemetery board. He signed the hospital deeds in Hugo on March 13 and talked to the assessor about taxes on solar farms; they are state-assessed like wind towers. After speaking with the other commissioners, Mr. Piper, and Mrs. Lengel, Mr. Burgess changed the commissioner meeting from March 15 to March 18 because of a possible storm. Mr. Burgess went to Genoa, talked to Bruce Walters about the Cat repair bill, called the Wagner service manager, and asked him to review the bill. Mr. Walters took the John Deere motor grader to Burlington and traded it for the new Cat 140 motor grader. Mr. Burgess notified the treasurer how much money would pay off the grader and other bills. On March 14, Mr. Burgess attended a Centennial Mental Health Zoom meeting, where they discussed increasing expenses and how to stop the high employee turnover. He also attended an ECCOG Zoom meeting about applying for an energy impact grant for the eighteen counties. They thought of joining together to keep the state from passing a statewide land use for renewable energy. Mr. Burgess also received a call from Greg Etl.

Mr. Kimble reported that Kelly Lowery would meet with the commissioners on April 29 to discuss his potential replacement. Although he'd finished the Fair Book contract between the county and Limon Leader, he'd forgotten to bring it. Extension Agent Emily Baylie planned to clear it with Catherine Thurston at the Leader before getting the Board's final approval.



Mr. Kimble said Karval Water Users had one more payment to the county, after which the county could transfer any assets to the Karval Water Authority. Mr. Kimble said he would draft a resolution and make sure it met the DFR loan criteria. He also intended to draft a resolution to raise the permit fees and check for information regarding solid waste disposal.

Mr. Piper reported that the Washington County IT person wanted Lincoln County to reconsider having CSU remap and designate certain counties as underserved concerning internet and cell service. Doing so would allow providers to pursue additional grant funds. Mr. Burgess asked if it cost anything, and Mr. Piper didn't believe so but didn't know how much work it would involve or who would be responsible for it. Mr. Stone felt they should refuse if it meant more work for Mr. Piper.

Mr. Piper had not received a response from Washington County regarding the VSO agreement, so Mr. Burgess called Commissioner Kent Vance, who said his board would approve it the following day.

Stephanie Zwick left, and Mr. Burgess asked if they should ask Jamie Giellis to put in an FY25 Congressionally Directed Spending request for the roundhouse. He had received an email from Senator Hickenlooper's office regarding the mechanism through which members of Congress could request funding for specific projects in their home states. Mr. Ewing asked if it would mean a \$50,000 match, and Mr. Piper said they typically ask for all \$2 million.

Mr. Burgess called for other business. Mr. Stone asked if the county's FEMA money would go into the General Fund or each road district to help offset the reconstruction or repair costs. Mr. Piper said it wouldn't go to each district, and Mr. Burgess wasn't sure the county would receive any funds this year.

Mr. Stone asked the others if they planned to lease tractors again this year, and Mr. Burgess said Mike Vaughn told him to keep theirs until they used the hours. Mr. Burgess called Mike Vaughn to ask about the lease program, and Mr. Vaughn said the tractors would be available soon; they were getting better models. Mr. Stone said District 3 still had a few hours left on one of theirs, and Mr. Vaughn told him they would bring the new one when it was ready.

Mr. Ewing asked Mrs. Lengel if she'd spoken with Andrew Pellett about the ADA-accessible counter redesign in her office, and she said he planned to start work either the third or last week in May. He honored the price on the original bid.

With no other business to discuss, Mr. Burgess adjourned the meeting at 12:20 p.m. The next meeting will be at 9:00 a.m. on March 28, 2024.

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Corinne M. Lengel, Clerk of the Board

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Steve Burgess, Chairman