

Board of County Commissioners of Lincoln County
Agenda for May 16, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Travis Miller with RockSol Consulting Group, Inc. to discuss potential in-kind work on the Big Sandy Creek Bridge Rehab project
- 10:30 Review quotes for riprap and pipe for multiple FEMA funded projects
- 11:00 Ty Stogsdill, Land Use Administrator, to discuss Land Use matters

-To be completed as time permits-

1. Approve the minutes from the May 7, 2024, meeting
2. Review April 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review April 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 April 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon Resolution #1123; a resolution for the renewal of the ambulance service licenses for Community Ambulance Service, Incorporated, located in Arriba, Flagler, and Seibert, Colorado
6. Review the Lincoln County Employee Pension Plan 2023 GASB Statement No. 68
7. County Commissioner reports
8. County Attorney's report
9. County Administrator's report
10. Old Business
11. New Business

The Board of Lincoln County Commissioners met at 8:58 AM on May 16, 2024. District Two County Commissioner and Chairman of the Board Steve Burgess, District One County Commissioner Wayne Ewing, District Three County Commissioner Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, and Acting Clerk of the Board Ryan Davis attended. Limon Leader reporter Stephanie Zwick and Road Foreman Chris Monks were also in attendance when the meeting was called to order. County Clerk and Recorder and Clerk of the board Corinne M. Lengel was absent and excused.

Mr. Burgess called the meeting to order and led the Pledge of Allegiance. Mr. Ewing led a short prayer.

Mr. Burgess informed the board that he had requested a correction be made in the minutes from the May 7, 2024, meeting changing "ACE Hardware" to "ACE Irrigation" under the agenda item "Review quotes for riprap and pipe for multiple FEMA funded projects". Mr. Davis reported that the changes had been made.

Mr. Ewing moved to approve the minutes from the May 7, 2024, meeting with corrections. Mr. Stone seconded the motion which carried unanimously.

The board reviewed April 2024 reports from the County Assessor, County Clerk and Recorder, County Sheriff, and County Treasurer. Mr. Ewing asked what the \$65,236.07 for the Title and Registration line item in the County Clerk and Recorder's monthly report was. Mr. Davis said that it was a collection of state administered fees that were due to the Colorado Department of Revenue (CDOR).

The board reviewed the April 2024 Statements of Revenues and Expenditures for the County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, Road & Bridge, and Individual Road District funds.

Mr. Burgess distributed a report prepared by Landfill Clerk Brenda Howe detailing the activities of the landfill's Free Dump Day held on May 11, 2024. According to the report, ninety-five (95) vehicles delivered an estimated forty-three (43) tons of refuse material to the landfill. The refuse contained an estimated 37.75 tons of trash, wood, and metal, 9,800 pounds of discarded furniture, and 900 pounds of discarded appliances. The report estimated the savings to Lincoln County residents to be \$2,143.50.

The board reviewed the April 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool.

The board reviewed Resolution #1123; a resolution for the renewal of the ambulance service licenses for Community Ambulance Service, Incorporated, located in Arriba, Flagler, and Seibert, Colorado. Mr. Piper said that the resolution was identical to the resolution they had passed last year.

Mr. Ewing moved to adopt Resolution #1123; a resolution for the renewal of the ambulance service licenses for Community Ambulance Service, Incorporated, located in Arriba, Flagler, and Seibert, Colorado. Mr. Stone seconded the motion which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on May 16, 2024, there were present:

Steve Burgess, Chairman	Present
Wayne Ewing, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Present
Ryan Davis, Acting Clerk of the Board	Present
Jacob Piper, County Administrator	Present

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

RESOLUTION #1123 It was moved by Commissioner Ewing and seconded by Commissioner Stone 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 Stone, Yes; Commissioner Ewing, Yes; Commissioner Burgess, Yes.

The Chairman declared the motion carried and so ordered.

ATTEST:

Acting Clerk of the Board

The board met with Travis Miller from RockSol Consulting Group INC to discuss potential in-kind work on the Big Sandy Creek Bridge Rehabilitation project. Mr. Miller arrived at 9:30 AM. Mr. Miller reported that the county would be responsible for the following in-kind work: clearing and grubbing, removal of trees, removal of guardrails, removal of fence, mowing the wetland areas, stockpiling embankment materials, and removal of the detour once the project had been completed. He said that the county could be responsible for purchasing and transporting Aggregate Base Course (ABC), but that Colorado Department of Transportation (CDOT) would need to provide approval first. He said that the county would not be permitted to retain excess construction material for its own benefit outside of the scope of the project.

Mr. Burgess asked what the item ‘aggregate bags’ was on RockSol’s estimate and Mr. Miller said that they were bags full of porous material to be used as an erosion control measure.

Mr. Burgess asked about the concrete used for the construction and Mr. Miller said that it had to be a registered concrete mix.

Mr. Burgess asked where the field lab was to be located as they would need access to utilities. Mr. Miller suggested it be sited in Hugo.

Mr. Burgess said that although they had discussed it earlier, he thought the county hauling asphalt was a bad idea and Mr. Miller agreed that it would expose the county to more liability.

Mr. Piper and Mr. Miller said that they would meet with CDOT later in the day to further discuss in-kind work, to establish a timeline for the project, and to discuss opening an account on behalf of the county on BidNet, a government project bidding platform.

Mr. Burgess asked if there was any benefit to using concrete for the detour instead of asphalt, but Mr. Monks said that he was concerned about the difficulties in removing the concrete. Mr. Burgess and Mr. Monks decided that they would go get samples from the gravel pits to test.

Mr. Burgess said that they would need to consider how much time the in-kind work would take as the Road and Bridge crews would be occupied with other fall tasks like mowing. Mr. Miller added that it was important that the county closes out their project by the end of the year, including the removal of the detour.

Lincoln County residents Terri Spencer and Office of Emergency Management Director Ken Stroud arrived at 10:00 AM. Mr. Miller and Mr. Monks left.

The board reviewed quotes for riprap and pipe for multiple Federal Emergency Management Agency (FEMA) funded projects. Mr. Burgess reported that Aggregate Industries had not submitted any bids for riprap.

Mr. Piper read the bids received from Skyline Steel for pipe. The bid for the project in Road District One was \$33,170.51. The bid for the project in Road District Two on County Road 38 north of County Road 4C was \$83,976.75. The bid for the project in Road District Two on County Road 38 south of County Road 4C was \$72,231.75. The bid for the project in Road District Two on County Road 3V east of County Road 31 was \$48,154.50. The bid for the project in Road District Three was \$85,424.40.

Mr. Piper read the bids received from ACE Irrigation for pipe. The bid for the project in Road District One was \$24,737.00. The bid for the project in Road District Two on County Road 38 north of County Road 4C was \$42,798.00. The bid for the project in Road District Two on County Road 38 south of County Road 4C was \$36,822.00. The bid for the project in Road District Two on County Road 3V east of County Road 31 was \$24,548.00. The bid for the project in Road District Three was \$44,755.20. Mr. Piper said that the bid included an item for additional freight at \$10,395.00.

Lincoln County resident Linda Orrell arrived at 10:20 AM.

The board called Tom Bokenkamp with ACE Irrigation to inquire as to the purpose of the additional freight item and the specifics of the bid as it was substantially lower than that of Skyline Steel. Mr. Bokenkamp said that freight was included in the bid and that his figures were for spiral pipe. The board asked Mr. Bokenkamp to resubmit the bids with angular pipe instead of spiral pipe since that was what Skyline Steel's bid was for and was what they preferred to use. The board also asked that Mr. Bokenkamp ensure the bids included freight so that they would be comparable to Skyline Steel's bids.

Mr. Piper said that he would defer reading the bids for riprap until the next commissioner meeting when they would have comparable bids for pipe and to give Aggregate Industries an opportunity to bid for riprap.

Mr. Stroud announced that Road District One had been approved for funding and that he anticipated it would be obligated in the next week. The county's portion would be \$67,000.00. Mr. Stroud said that the county would be applying for a scoping project for the bridge on County Road 33 to identify needed work. The total cost of the project would be \$240,000.00 with a 12.5 percent state match of \$30,000.00. Mr. Burgess said that they might need to apply for a 25% state match at \$60,000.00.

The board reviewed the Lincoln County Employee Pension Plan 2023 GASB Statement No. 63. Mr. Piper distributed drafts on the Lincoln County Employee Pension Plan GASB Statement No. 68 Employer Reporting and accounting schedules for December 31, 2023, prepared by Gabriel,

Roeder, Smith & Company (GRS) Consulting and copies of an email from Thomas Lyle, a GRS consultant.

Mr. Piper highlighted the key figures presented in the report, beginning with the executive summary with attention paid to the net pension liability of \$3,127,031.00, which he said was down two percent from last year. The Statement of Pension Expense showed the total pension expense to be \$264,716.00. The Schedule of Changes in Net Pension Liabilities for 2023 showed that the total of benefit payments was \$876,194.00. Employer contributions totaled \$366,980.00 and employee contributions totaled \$195,284.00. The planned net investment income was \$399,400.00. The plan's net fiduciary position increased by \$69,122.00 from \$3,472,675.00 to \$3,541,797.00.

Mr. Piper called the board's attention to the Schedule of Contributions which showed the plan's contribution deficiencies over the years. Mr. Piper noted that while the county's actual contributions were short compared to the actuarially defined contributions (ADCs), the plan was funded for longer than it had been in previous years. He discussed the email he had received from Mr. Lyle which explained how GRS calculated the figures for ADC. The email said that if the county were able to meet the ADC going forward, the plan would be fully funded in nine years.

Mr. Burgess asked if allowing new hires less than one year from date of employment to participate in the plan would help fund the plan any faster, but Mr. Piper said that the amount they would contribute the first year was negligible and that there could be other reasons for preventing new hires from participating including difficulties calculating employee contributions without twelve months of payroll history or other logistical problems.

Mr. Burgess asked Mr. Piper to schedule a time for GRS to meet with the commissioners to further discuss the plan.

The board heard from Land Use Administrator Ty Stogsdill concerning land use matters. Mr. Stogsdill arrived at 10:45 AM.

Mr. Burgess issued a welcome to Lincoln County residents Linda Orrell and Terri Spencer as guests. Mr. Stogsdill reported they would consider matters relating to Dunaway Solar Farm LLC's proposed construction of a solar farm during a permit hearing during the commissioner meeting on May 31st at the Ellis Allen building at the Lincoln County fairgrounds.

Mr. Stogsdill said that he would have Wayne Ramey from Ramey Environmental talk to him and the board about human waste applications during the meeting on June 7th. Mr. Kimble said that he would be at a conference that day and the board told Mr. Stogsdill to reschedule for June 18th at 11:00 AM. Mr. Kimble thought that Kelly Lowery, the county's prospective new attorney, should attend the meeting or teleconference.

Mr. Burgess asked Mr. Stogsdill about solar farm regulations covering batteries. Mr. Stogsdill explained how Alamosa and Morgan counties had structured their regulations and provided the board with examples of other countries' published regulations. Mr. Kimble thought there would

need to be a new set of Lincoln County regulations drafted that covered the batteries specifically. Mr. Stogsdill explained some of the safety features built into the batteries commonly employed by solar farms and said that some county's regulations required sites with batteries to house a 26,000-gallon water tank to cool battery units.

Mr. Kimble wondered if the fire protection districts had any training that would allow them to fight fires involving solar farm batteries. Mr. Ewing added that the solar farms would need to communicate and train their respective fire protection districts. Mr. Burgess said that all the fire departments in the county should know how to fight fires at solar farms.

Mr. Stogsdill discussed the zoning setbacks that should be required for solar farm batteries. He said that he was comfortable with one-thousand-foot setbacks and that setbacks as low as five hundred feet were common. Mr. Kimble remembered that they had heavily referenced other counties' existing regulations when developing the Lincoln County regulations on wind farms and suggested that Mr. Stogsdill apply the same tactics for drafting solar farm regulations.

Mr. Stogsdill discussed application fees, building permit fees, development fees, and use tax collection regarding commercial solar farms. He gave an example of an application fee used by another county where the applicant would pay one dollar per acre with a five thousand dollar minimum. He said that they structured building permit fees using a fixed \$1,000.00 per megawatt and did not collect a use tax on the materials covered under the permit. Mr. Burgess commented that the dollar fee per megawatt model would produce more revenue than a flat permit fee. Mr. Burgess asked Mr. Stogsdill to research the value of the batteries used so that they could find a fair amount for the fees.

Mr. Burgess called for public comment and Mrs. Orrell said that she was concerned about the fire risk posed by tumbleweeds getting too close to the batteries. She also worried about the health risk of smoke from the batteries in the event of a fire. She asked Mr. Stogsdill to explain what the different land use fees were and Mr. Stogsdill detailed the purpose of each fee. Mr. Kimble explained why the payment of use tax was often a prerequisite of the issuance of a building permit. Mr. Kimble added that the commissioners should not make any final decisions on the matter outside of a public hearing.

Ms. Spencer said that she was concerned about the health effects caused by living near a solar farm and Mr. Burgess said they would discuss it at the hearing.

Mr. Kimble advised the commissioners to expect resistance from solar companies if they decided to enforce the collection of a use tax. He said that he would be interested in knowing how the land would be valued once developed and what kind of property tax revenues they could expect to see.

Mr. Kimble added that the permit fees are intended to cover costs incurred by the county and not to generate excess revenues.

Mr. Stroud asked if other energy companies such as oil & gas pipelines were required to provide annual safety training and suggested that solar farms could be held to such a requirement. He

added that they could be required to provide an emergency plan to the Office of Emergency Management annually. Mrs. Orrell asked if railroads held annual safety training and Mr. Stroud said that they did.

Mr. Kimble and Mr. Stogsdill decided they would meet on Wednesday morning to further discuss solar farm regulations.

Mr. Stone said that Joe Higgins had contacted him about building a new temporary structure at the fairgrounds to sell concessions out of. Mr. Stone said that Mr. Higgins had been told by Mr. Stogsdill that the County's building codes required a concrete pad to be laid underneath the structure because the proposed structure was over two hundred square feet. Mr. Stone said that he thought the concrete pad was unnecessary and Mr. Kimble asked if the county would need to issue a variance. Mr. Stogsdill would contact Mr. Higgins to discuss the matter further.

Mrs. Orrell, Ms. Spencer, Mr. Stogsdill, and Mr. Stroud left at 11:45 AM.

Mr. Burgess called for the reading of commissioners' reports.

Mr. Stone gave his report. On the ninth, he spoke with Road Foreman Judd Kravig about FEMA projects and about the bridge. On the 10th, Mr. Stone received a call from a Lincoln County resident about trash blowing from the landfill. On the 14th, he reported checking roads, meeting with Mr. Kravig, and that his district's International tractor was delivered. He attended a fair board meeting where he spoke to Mr. Higgins about construction of a new temporary building at the fairgrounds from which to sell concessions. Mr. Higgins told him he did not want to construct a concrete slab under the building. Mr. Higgins asked Mr. Stone if he would be required to purchase an insurance policy for the structure. Mr. Piper said that he thought the insurance for a temporary structure would be the responsibility of the owner of the structure, but he would need to do some research to confirm and contact Mr. Higgins to inform him of what he found out. Mr. Stone reported that the fair board had not yet entered into a contract with the rodeo and that Aubrey White would be the new 4H intern. The Fair Board discussed making updates to their bylaws and signing a memorandum of understanding.

Mr. Ewing reported having a meal with former Lincoln County commissioner Ed Schifferns on the seventh. On the eighth, one of the district's road graders broke down and displayed maintenance codes. He reported that he had received good news concerning the painting of the roundhouse. On the 10th, he discussed items to be discarded during the landfill's Free Dump Day. On the 14th, Mr. Ewing and his road crew replaced a tube on County Road 2G, Mr. Ewing worked on a problem at the landfill, and he and his crew did more work on County Road 2P with riprap and road blading. On the 15th, Mr. Ewing went with Mr. Burgess to Limon to look at a dump truck.

Mr. Burgess gave his commissioner's report. On the eighth, he spoke with Road Foreman Bruce Walters about hauling gravel on County Road 46. They talked about when they would do chipping in the third week of June. He spoke to Diane Kimble about contacting Ms. Lowery to have her start early to become familiar with how the county operated. Mr. Monks called Mr. Burgess about work items they might consider for the bridge project. On the ninth, Mr. Burgess

had a zoom call with Centennial Mental Health who were working on ways to improve contact with clients and providing pay incentives. Mr. Burgess reported that Centennial was still struggling with high turnover. Mr. Burgess later had lunch with the Limon Chamber of Commerce and listened to a presentation from CDOT concerning having Bustang bus services in Eastern Colorado. Bustang had ridership in 2023 of 280,000 for the State of Colorado. He reported that the fees Bustang charged cover \$0.30 of each dollar of costs. Later, he took the county's Ford 550 to Interstate Diesel for repairs on the turbo. He reported that his road crew was hauling gravel. Mr. Burgess said that they were unable to locate the paperwork for the C&D gravel pit. Mr. Walters gave Mr. Burgess a price quote for grader tires from Witt Boys at \$1,100.00 instead of the \$1,500.00 they normally paid. On the 10th, Mr. Burgess spoke with Mr. Stogsdill, who said that he had contacted the state inspector who sent a map of the C&D gravel pit. Mr. Burgess received a phone call from Mr. Stone, who said that he had received a complaint about trash blowing from the landfill. On the 11th, Mr. Burgess visited the landfill for free dump day where they received over forty loads by 10 AM. He later toured roads. On the 13th, Mr. Burgess retrieved the Ford 550 from Interstate Diesel. He called Mr. Piper and put the bill on his credit card. He took the truck to Genoa and had Mr. Walters take him back to Limon. He then went to the Limon town shop to look at a truck, but no one was available, so he decided to try again later. He spoke with Mr. Stroud about the bridge on County Road 33. The county would be applying for a scoping project to determine what needed to be done with it. The total cost of the grant would be \$240,000.00 with a 12.5% state match of \$30,000.00. Mr. Burgess said they might need to go to 25% at \$60,000.00. He spoke with Mr. Ewing and Mr. Stone, who decided they should proceed with the grant application. Later, Mr. Burgess attended a CSU meeting where he spoke with Extension Agent Travis Taylor. On the 14th, Mr. Burgess went to Genoa to speak with Mr. Walters about grader tires again, and they decided they would purchase them from Witt Boys. On the 15th, Mr. Burgess attended an economic development meeting at Mountain View Electric Association in Limon. They discussed housing and funding. Mr. Burgess reported that Cheyenne County may be helping with housing in Kit Carson County. Mr. Burgess attended a meeting at Lincoln Community Hospital concerning ambulances. They talked about forming a single organization to manage all the ambulances in the county. They discussed the difficulties they were having finding volunteers for all the fire departments and ambulances. Yuma County pays their ambulance services five dollars per hour to be on standby. Mr. Burgess and Mr. Ewing went to drive a dump truck that the Town of Limon had for sale. Mr. Burgess spoke to Mr. Miller about getting soil samples performed to test for R value. There is a company in Colorado Springs called CMT that does the tests for \$330.00 per sample.

Mr. Kimble gave the County Attorney's report. He talked about the county's agreement with Ms. Lowery. Mr. Burgess said that he would like her to be present at the meeting on the 31st. Mr. Kimble said that Columbia Sanitary would send documents to him to prove their work would not adversely affect pasture ground. Mr. Kimble reported that Balanced Rock Power wanted to introduce their solar farm project on June seventh. He said that would be fine, but that the commissioners would not be able to directly discuss their applications outside of a public hearing and that the commissioners should exercise caution about what they discussed at the meeting. Mr. Piper mentioned that Balanced Rock had already contributed to local organizations like 4H and fair.

Mr. Piper gave the County Administrator's report. Mr. Piper said that Finance Director Andrea Hendricks had called him regarding a sales call she had received from a commercial vehicle leasing company. Mr. Piper would call them and tell them they were not interested. He said that he received an email from Jamie Giellis about another historic fund grant for the roundhouse. Mr. Piper said that he was worried about taking on more obligations for the roundhouse considering the difficulty of the current project.

The commissioners discussed getting bids for the painting work that still needed done on the Roundhouse. Mr. Piper would schedule a walkthrough of the job site for June seventh and place ads in the newspaper next week to run the week of May 30th and June seventh.

Mrs. Zwick left at 12:37 PM.

With no further business to discuss, Mr. Burgess adjourned the meeting at 12:42 PM. The next meeting will be at 9:00 AM on May 31st at the Ellis Allen Building at the Lincoln County Fairgrounds in Hugo, Colorado.

Ryan Davis, Acting Clerk of the Board

Steve Burgess, Chairman