

Board of County Commissioners of Lincoln County
Agenda for October 30, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Accept the resignation of Lincoln County Treasurer James Covington and appoint Ashley Erwin as Lincoln County Treasurer for the remainder of the 2022-2026 term
- 10:00 Public hearing to review and act upon proposed Resolution #1137; a resolution to amend the Lincoln County regulations concerning domestic septage applied to agricultural lands in Lincoln County, State of Colorado
- 10:30 Ty Stogsdill, Land Use Administrator, to discuss land use matters
- 11:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report

-To be completed as time permits-

1. Approve the minutes from the October 17, 2024 meeting
2. Review and act upon an application from the Eastern Plains Cowbells, for a Malt, Vinous, and Spirituous Liquor Special Events Permit for the November 23, 2024, Belles Ball at the Lincoln County Fairgrounds
3. Review and act upon a Letter of Support for the Town of Hugo's WaterSMART Grant application
4. Review preliminary 2025 budgets
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 October 30, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, and commissioner candidates Wendy Pottorff and Terry Jaques attended. County Treasurer Jim Covington and deputies LaRay Patton and Ashley Erwin were there when the meeting started.

Chairman Burgess called the meeting to order and asked Mr. Covington to lead the Pledge of Allegiance and Mr. Ewing to say a short prayer.

Mr. Covington read his letter of resignation, effective October 31, 2024, after forty-two years as the Lincoln County Treasurer and Public Trustee. The Board thanked him for his service, and Mr. Ewing moved to accept James Covington's resignation letter. Mr. Stone seconded the motion. Mr. Burgess called for a voice vote; all three commissioners voted yes.

Mr. Burgess read the resolution that Mr. Piper prepared and asked if the Board needed to appoint Mrs. Erwin as the Public Trustee in addition to appointing her as the County Treasurer. Mr. Covington said state statute requires that the county treasurer in specified counties serve as the public trustee for the county, which made it unnecessary.

Mr. Stone moved to adopt a resolution appointing Ashley Erwin as the Lincoln County Treasurer, effective November 1, 2024. Mr. Ewing seconded the motion, and Mr. Burgess again called for a voice vote; all three commissioners voted yes.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on October 30, 2024, there were present:

Steve Burgess, Chairman	Present
Wayne Ewing, Vice Chairman	Present
Douglas D. Stone, 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 #1137 It was moved by Commissioner Stone and seconded by Commissioner Ewing to adopt the following resolution:

WHEREAS, pursuant to C.R.S. 30-10-105 (1)(b) every county office shall become vacant before the expiration of the term of office upon the resignation of the incumbent; and

WHEREAS, Lincoln County Treasurer, James Covington, has given notice that he will retire and leave office on October 31, 2024; and

WHEREAS, pursuant to C.R.S. 30-11-117 in case a vacancy occurs in any county office by reason of resignation, the Board of County Commissioners of such county has the power to fill such vacancy by appointment, subject to Section 9 of Article XIV of the State Constitution until an election can be held as provided by law; and

WHEREAS, the Board of County Commissioners of Lincoln County allowed interested parties within the Lincoln County Treasurer’s Office to come forward and seek appointment as the Lincoln County Treasurer, with Ashley Erwin being the only individual who did so;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that Ashley Erwin shall be appointed as the Lincoln County Treasurer effective November 1, 2024, with her term of office continuing until the General Election in 2026 and the swearing in on the second Tuesday of January 2027 of the candidate for Lincoln County Treasurer selected by the voters of Lincoln County for the next term of office.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Ewing, 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

The commissioners presented Mr. Covington with a framed photo, and then the Treasurer and his staff left at 9:30 a.m.

Mr. Ewing moved to approve the meeting minutes for October 17, 2024. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed an application from Eastern Plains Cowbells for a Malt, Vinous, and Spirituous Liquor Special Events Permit for the November 23, 2024, Belles Ball at the Lincoln County Fairgrounds. Mr. Ewing moved to approve the Special Events Permit application, and Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone moved to sign a letter supporting the town of Hugo’s WaterSMART grant application. Mr. Ewing seconded the motion, which carried unanimously.

The group reviewed the preliminary 2025 budgets; Mr. Piper relayed the disheartening news that the General Fund's fund balance would drop from \$4.7 million to \$1.7 million at the end of 2025 if the commissioners adopted the budget as departments requested. It was unacceptable, but Mr. Piper had some ideas to modify the situation for at least a year. He highlighted revenue other than property taxes and the expenditures summary, commenting that he budgeted a million dollars more for 2025 than the projected General fund expenditures in 2024.

Moving on to the Road & Bridge fund, Mr. Piper noted that the county didn't have significant control over revenues, considering much of it was Highway User's Tax. He mentioned the FEMA money, and Mr. Burgess felt each road district should have a special projects line item for those funds. Mr. Stone thought they should put the money toward next year's road oil projects, and Mr. Burgess felt the new commissioners should have input. Mr. Piper said he would discuss specific details with Emergency Manager Ken Stroud, create one line item in the budget, and split the incoming funds among the districts. Mr. Burgess noted that he shouldn't split the income equally since each district had spent different amounts.

Mr. Piper repeated that the General fund balance concerned him, but alternately, all other fund balances were healthy. He had figured out the Conservation Trust audit discrepancy he mentioned in a previous meeting, noting that he and Mrs. Erwin had a plan moving forward. It was important to note that the E911 fund balance would drop from \$400,000 to \$144,000 if the E911 Board spent all it projected in 2025, but the county didn't contribute county dollars. If the commissioners completed all projects listed in the Capital Projects fund, it would leave \$1.6 million, which was still a healthy fund balance.

Mr. Burgess commented that they would have to fix the front courthouse parking lot before completing any other projects, which would likely cost half a million dollars, including drainage. Mr. Piper said he could add more if they didn't think \$450,00 was enough, and the Board agreed to raise it to \$750,000.

The Landfill, Lodging/Tourism, and Public Health budgets seemed fine, although Mr. Piper wanted to speak with Public Health Director Kelly Meier about her department's projected fund balance. Since the department runs primarily on grant funding, he wasn't sure when it would receive those funds.

Emergency Manager Ken Stroud arrived at 9:48 a.m., and Land Use Administrator Ty Stogsdill arrived a few minutes later.

Mr. Piper said the hospital wanted him to generate a report reflecting how much money mill levies had contributed in the past twenty years. Four of the seven mills the hospital receives from the county appear in the General fund, but the other three are discretionary. Mr. Piper said he would present his budget adjustment recommendations after the 10:00 a.m. hearing.

Mr. Stroud provided a \$21,024.98 proposal from RockSol Consulting Group, Inc. for geotechnical services for the County Road 33 over Hell Creek bridge replacement project. Mr. Burgess noted it was for soil testing requested by the Colorado School of Mines engineering students.

At 10:00 a.m., Mr. Burgess opened the public hearing to amend the Lincoln County regulations concerning domestic septage applied to Lincoln County agricultural lands. Other than those already in the room, the only person attending the hearing was Wagner Equipment sales rep Ryan Saxton. Mrs. Lengel recorded the hearing; the recording will remain in the County Clerk's vault for the statutory period. Mr. Stogsdill said that the only recommended change since the workshop came from Public Health Specialist Kelly Alvarez, who suggested allowing county residents to surface apply personal septage on their property, provided they raked it into the ground within six hours. Mr. Burgess read the proposed changes discussed during the workshop and asked if there were any others to add.

Mr. Stone moved to adopt a resolution amending the Lincoln County regulations for applying domestic septage to agricultural lands.

Mr. Ewing asked Mr. Stogsdill to clarify the difference between applying septage within 500' of a domestic well when a septic and leech field could be within 100'. He said it was confusing and wanted to know why it wasn't the same. Mr. Stogsdill said the first pertained to commercial applications, while the latter concerned personal septic systems.

Mr. Ewing seconded the motion.

Mr. Burgess asked Mr. Kimble if he had anything to add before the commissioners voted on the resolution; Mr. Kimble felt the regulations were adequate and that Jason with Columbia Sanitary had agreed.

Mr. Burgess called for a voice vote; all three commissioners voted yes. Mr. Burgess concluded the hearing at 10:08 a.m.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on October 30, 2024, there were present:

Steve Burgess, Chairman	Present
Wayne Ewing, Vice Chairman	Present
Douglas D. Stone, 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 #1138 It was moved by Commissioner Stone and seconded by Commissioner Ewing to adopt the following resolution:

A RESOLUTION TO AMEND THE LINCOLN COUNTY REGULATIONS CONCERNING DOMESTIC SEPTAGE APPLIED TO AGRICULTURAL LANDS IN LINCOLN COUNTY, STATE OF COLORADO

WHEREAS, Lincoln County has previously adopted Solid / Liquid Waste Regulations which regulations address a number of solid waste and disposal concerns, all identified in Sections 360-1.1 through 360-1.15 of the Lincoln County Solid and Liquid Waste Regulations; and

WHEREAS, the Board of County Commissioners, hereinafter referred to as the “Board” has determined that some of the regulations should be amended to represent the current state of local, state, and federal law; and

WHEREAS, the Board particularly desires to address the application of domestic septage since this is an area that is not monitored by the State of Colorado and would be subject to County regulations; and

WHEREAS, the Board has reviewed the regulations of other Colorado counties and now wishes to adopt regulations solely applicable to the storage and application of domestic septage upon agricultural lands within unincorporated Lincoln County;

NOW THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS:

1. Upon adoption of this Resolution, any regulations set forth in the original Lincoln County Solid and Liquid Waste Regulations concerning the storage and application of domestic septage on agricultural lands in unincorporated Lincoln County are hereby revoked. Henceforth, all regulations concerning domestic septage shall be by separate regulations set forth as follows:

ARTICLE I Domestic Septage

Division 1 Definitions

Sec. 1-1. Definitions.

As used herein, the following words have the following meanings:

Adjacent, when used to indicate land in the immediate vicinity of a lot, means land which shares a boundary line with the lot in question or which would share a boundary line were it not for the separation caused by a street or alley.

Agronomic rate means the rate of application of nitrogen to plants that is necessary to satisfy the plants' nutritional requirements, accounting for any applicable nitrogen credits, as published in the most current guidance by the Colorado State University Cooperative Extension Service and such that the amount of nitrogen which passes below the root zone of the crop to groundwater is minimized.

County means the County of Lincoln, a statutory county in the State of Colorado.

Development means the placement, construction, erection, reconstruction, movement and/or alteration of buildings and/or other structures, the placement of paved areas, drainage improvements or alterations on the historic flow of drainage patterns or amounts and the placement of lighting and/or other appurtenances related to any and all uses.

Domestic septage means liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

Dwelling, multi-family means a building containing four (4) or more dwelling units, other than mobile homes or manufactured homes, arranged, designed, and intended to be occupied by four (4) or more living units.

Dwelling, single-family (single-family dwelling) means a dwelling unit or manufactured home, other than a mobile home, arranged, designed, and intended to be occupied by not more than one (1) living unit. The projected view of any exterior wall of a dwelling unit or manufactured home shall not be less than twenty (20) feet.

Dwelling, three-family or triplex means a building containing three (3) dwelling units, other than mobile homes or manufactured homes, arranged, designed, and intended to be occupied by not more than three (3) living units.

Dwelling, two-family or duplex means a building containing two (2) dwelling units, other than mobile homes or manufactured homes, arranged, designed, and intended to be occupied by not more than two (2) living units.

Master plan or Comprehensive plan means a document or series of documents prepared and adopted according to state law which sets forth policies for the future of a county.

Neighborhood, when used in this Chapter in reference to a particular lot, is intended to describe in a general way the land area which is in the vicinity of the lot in question and which will be affected to a greater extent than other land areas in the County by uses which exist on the lot or are proposed for it. A neighborhood always includes lots which are adjacent to the lot under consideration and, depending upon the land use in question, may include more remote areas as well.

Nonpublic contact sites means sites that are not frequently visited by the public. This includes but is not limited to agricultural land, forests and reclamation sites located in unpopulated areas (e.g., a strip mine located in a rural area).

Structure means an object constructed or installed by man, including but not limited to buildings, towers, smoke stacks, overhead transmission lines, signs, drill rigs and cranes. (This definition applies only to structure when used in the A-P [Airport] Overlay District defined in Chapter 23 of this Code.)

Suitable soil means a soil which will effectively filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravel or very coarse soils and which has percolation rates slower than five

(5) minutes per inch and has a vertical thickness of at least five (5) feet beneath the plow line of the site and the top of the high groundwater table.

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied and also any activity, occupation, business or operation which is carried on in or on a structure or on a tract of land.

Division 2 Domestic Septage Regulations

Sec. 1-2-. Intent and applicability of domestic septage regulations.

- A. The intent of the domestic septage permit procedure is to ensure that the quality of material applied on land in the County for beneficial uses is applied in a manner which will protect and promote the health, safety, and general welfare of the present and future residents of the County.
- B. A domestic septage permit shall be required for the application of domestic septage in the unincorporated areas of the County.
- C. Any contiguous parcels, up to six hundred forty (640) acres, which are owned by the same individual or group of individuals may be permitted one (1) domestic septage permit. The required evaluations and analysis results shall be submitted for each one hundred sixty (160) acres or fraction thereof.

There shall be an initial application fee of \$100 (one hundred dollars), and a permit fee of \$2.50 (two dollars and fifty cents) per acre. The County may require more intensive sampling where multiple crops are grown and may assess the applicant with the cost of the County analysis.

- D. Domestic septage disposal sites and facilities that have been issued a certificate of designation from the Board of County Commissioners are exempted from the provisions of this Section of the Code.
- E. Any person filing an application for a domestic septage permit shall comply with the County procedures and regulations in this Article.
- F. Applications for a domestic septage permit shall be completed as set forth in Section 1-3 of this Article. The completed application and application fee shall be submitted to the Lincoln County Land Use Administrator.
- G. A domestic septage permit shall be for a period of one (1) year and is renewable for additional one-year periods only by grant of the Board of County Commissioners. The permit shall be considered for renewal upon submittal sixty (60) days prior to the expiration date of the permit. Any expansion or enlargement of the area for which the domestic septage permit is issued shall require a new application under the provisions of this section. The applicant shall be entitled to twenty-one (21) days' notice prior to any hearing at which the Board of Public Health may refuse to renew any portion of the permit.
- H. The Board of County Commissioners hereby delegates the authority to review, issue and revoke domestic septage permits to the Lincoln County Land Use Administrator.

The Lincoln County Land Use Administrator may enlist the assistance of an expert familiar the Department of Public Health and Environment and the technical requirements of the septage application industry. The cost of review, analysis, or other assistance shall be the responsibility of the applicant.

Sec. 1-3 Operating standards for domestic septage permit.

Prior to incorporation of the domestic septage into the soil, an applicant for a domestic septage permit shall demonstrate conformance with the EPA 40 C.F.R. Part 503 Rule for land application of domestic septage to nonpublic contact sites and with the following operation standards. The applicant shall continue to meet these standards if the domestic septage permit is approved, including all of the terms and conditions set forth in the permit.

- A. Domestic septage must meet one (1) of three (3) conditions in order to meet the requirements for pathogen destruction and vector attraction reduction.
 - 1. The domestic septage must be subsurface injected.
 - 2. County residents may surface apply their own collected domestic septage to their own associated land without filing an application. The domestic septage must be surface applied and incorporated into the soil within six (6) hours of application.
 - 3. The pH of the domestic septage must be raised to twelve (12) or higher by alkali addition and, without the addition of more alkali, shall remain at twelve (12) or higher for thirty (30) minutes. It is recommended that all applications of domestic septage be incorporated into the soil.
- B. Domestic septage shall not be applied on saturated soil during precipitation events.
- C. No domestic septage shall be applied in a quantity which would result in the domestic septage running off the application site identified in the domestic septage permit.
- D. No domestic septage shall be applied to frozen or snow-covered land.
- E. No domestic septage shall be applied in a manner which results in ponding of the septage or overloading of a portion of the field with nutrients, or be allowed to collect in low areas and road ditches and create a nuisance condition.
- F. A domestic septage application site shall not be irrigated within twenty-four (24) hours after domestic septage application has taken place.
- G. No domestic septage shall be applied to land which is currently receiving biosolids from a wastewater treatment plant, has received such material within the previous eighteen (18) months or is permitted for such use under this Section.
- H. Food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface shall not be harvested for fourteen (14) months after application of domestic septage.

- I. Food crops with harvested parts below the surface of the land shall not be harvested for thirty-eight (38) months after application of domestic septage.
- J. Animal feed, fiber and those food crops that do not touch the soil surface shall not be harvested for thirty (30) days after application of domestic septage.
- K. Animals shall not be grazed on the land for thirty (30) days after the application of domestic septage.
- L. Turf grown on the land where domestic septage is applied shall not be harvested for one (1) year after application of the domestic septage when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- M. Domestic septage shall only be applied on land with a low potential for public exposure. Access shall be restricted for thirty (30) days after the application of domestic septage.
- N. Domestic septage shall be applied uniformly by either subsurface injection or surface application. If applied on the surface, a deflector must be used on the discharge tube of the vehicle to sufficiently and evenly spread the domestic septage.
- O. Domestic septage applied on the surface shall be incorporated into the soil within six (6) hours of application, with the exception of lime-stabilized domestic septage. Surface application can only be done for in-county residents who are surface applying domestic septage to their own land associated to their in-county property.
- P. Annual domestic septage application rates shall not exceed twenty-five thousand (25,000) gallons per acre, per year.
- Q. No domestic septage shall be applied:
 - 1. Within a minimum of five hundred (500) feet of a residence, business or recreational area.
 - 2. Within a minimum of fifty (50) feet of the property line of the application site.
 - 3. Without the depth of the annual high groundwater level having been established as greater than five (5) feet in depth.
 - 4. Within five hundred (500) feet of the wellhead of any water well.
 - 6. On land located upgradient, and within one (1) mile of the point at which surface waters are diverted for use in a public water system.
 - 7. Within the boundaries of a one-hundred-year floodplain.
 - 8. On land within three hundred (300) feet of any body of surface water.
 - 9. On land within fifty (50) feet of a dry streambed.
 - 10. With pollutant levels in excess of the following maximum septage pollutant concentration limits contained in the Table, below:

Maximum Septage Pollutant Concentration Limits

Pollutant	Mg/kg, dry weight basis
Arsenic	41.0
Cadmium	39.0
Copper	1,500.0
Lead	300.0
Mercury	17.0
Molybdenum	
Nickel	420.0
Selenium	100.0
Zinc	2,800.0

11. On land having a trace element level that equals or exceeds the following maximum cumulative standards contained in the Table below:

Maximum Cumulative Soil Standards (Mg/kg)

Pollutant	Mg/kg
Arsenic	20.0
Cadmium	2.0
Copper	60.0
Lead	150.0
Mercury	1.0
Molybdenum	4.0
Nickel	25.0
Selenium	5.0
Zinc	125.0

- R. Soil sampling shall be conducted prior to septage application and on a once-per-application basis thereafter. Sampling conducted subsequent to the initial application event shall occur after completion of the cropping cycle, i.e., after harvest, but prior to any additional application.
- S. Soil samples shall be analyzed for pH, nitrate as N, phosphorus and those metals described in the second Table above.
- U. All domestic septage applied at permitted sites shall be analyzed using a method approved by the Lincoln County Land Use Administrator (through his or her public health expert), for the following parameters: pH, nitrate as N, phosphorus, potassium, sodium, arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc. Composite samples of domestic septage from different septic tanks may be tested to determine the character of the sludge. Composite samples shall be taken in a manner that provides for a good representation of all domestic septage included.
- V. All foreign and nonorganic objects must be screened from the domestic septage prior to land application.

Sec. 1-4 Duties of Lincoln County Land Use Department for issuance of domestic septage permit.

- A. The Lincoln County Land Use Administrator, through his or her Public Health and Environment expert, shall be responsible for processing all applications for domestic septage permits in the unincorporated areas of the County.
- B. The Board shall approve all or any portion of the domestic septage permit unless it finds that the applicant has not met one (1) or more of the standards or conditions of Paragraphs 1 through 9 below. The applicant has the burden of proof to show that the standards and conditions of Paragraphs 1 through 9 below are met. The applicant shall demonstrate:
 - 1. That the septage will be applied either by direct injection or surface application with immediate incorporation into the soil.
 - 2. There shall be no application of domestic septage during the Winter season.
 - 3. That a minimum of sixty (60) feet from County roads will be maintained when off-loading.
 - 4. That at no time shall an application site have an odor reading of greater than a seven-to-one (7:1) dilution/threshold according to Regulation #2 of the Colorado Air Quality Control Regulations.
 - 5. That the ability to prevent, control and abate spillage of domestic septage shall be maintained.
 - 6. That the methods of handling, storage, and application of the domestic septage shall control fugitive dust, blowing debris, odor, and other potential nuisance conditions.
 - 7. That the use will be compatible with the existing surrounding land uses.
 - 8. That the use will be compatible with the future development of the surrounding area as permitted by the existing zone or the adopted master plans of affected municipalities.
 - 9. That there is adequate provision for the protection of the health, safety, and welfare of the inhabitants of the neighborhood and the County.
- B. Where reasonable methods or techniques are available to mitigate any negative impacts which could be generated by the approval of the domestic septage permit upon the surrounding area, the Board may condition the decision to approve all or any portion of the permit upon implementation of such methods or techniques, and may require sufficient performance guarantees to be posted with the County to guarantee such implementation.
- C. Upon the Board making its decision on the domestic septage permit, a record of such action and a copy of the permit shall be kept in the files of the Lincoln County Land Use Department and a copy sent to the Clerk to the Board's office.
- D. If the Board determines that the applicant has not met the standards or conditions of Paragraphs B.1 through B.9 above and denies all or any portion of a domestic

septage permit, the applicant may address the Board's concerns and reapply for the permit following a follow up hearing.

Sec. 1-6 Permit renewal application for domestic septage permit.

- A. The purpose of the renewal application for a domestic septage permit is to give the applicant an opportunity to demonstrate, through written and graphic information, how the renewal complies with the standards of this Chapter. The following information shall be submitted as a part of the renewal application to renew all or any portion of a domestic septage permit:
 - 1. A renewal application form as provided by the Lincoln County Land Use Administrator.
 - 2. An explanation of any changes that are requested or that have occurred since the issuance of the domestic septage permit.
 - 3. All other domestic septage permit renewal requirements shall be the same as outlined in this Article.
- B. The Lincoln County Land Use Department shall be responsible for processing all applications for the renewal of domestic septage permits in the unincorporated areas of the County. The duties of said Department for processing a domestic septage permit renewal shall be the same as outlined in this Article. At the discretion of said Department upon the request of the permittee, the notice and posting requirements on all or any portion of the permit may be waived when a domestic septage permit is considered for renewal based upon the remoteness, nature of the domestic septage, characteristics of the soil, type of crop, enforcement actions and prior public comments or complaints.
- C. The duties of the Board of Public Health for considering a renewal of a domestic septage permit shall be the same as outlined in this Article.

Division 3 Enforcement and Penalties

Sec. 1-7 Enforcement and Penalties.

- A. Notice of violations. Whenever the County representative determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the responsible person. Such notice shall be in writing, specify the violation, provide a reasonable time for correction, and be addressed to the owner and occupant of the property. Service of such notice shall be as provided by the Colorado Rules of Civil Procedure or by certified mail, return receipt requested, deliverable to the addressee only. Service by certified mail shall be completed upon receipt by the County of the return receipt or upon refusal to accept delivery by the addressee. If the property owner cannot be found or served after a reasonable effort to do so by the County, service may be made by posting a notice in a conspicuous place on or about the property affected by the notice. A

statement by the County representative as to why the posting was necessary shall be included in the county records.

- B. Cease and desist orders. The County representative or his or her designee may issue an order to cease and desist from the improper applications of septage upon real property which is found by the County representative to be in violation of these regulations or is found to constitute a hazard to public health. Such an order may be issued and enforced immediately. Thereafter, a hearing shall be conducted by the County representative in the Lincoln County Court not less than forty eight (48) hours after written notice thereof is given to the owner or occupant of the property on which the application of septage has occurred. The order shall require that the owner and occupant cure the faulty application or bring the application into compliance or eliminate the health hazard within thirty (30) days. A cease and desist order issued by the County representative shall be reviewable by the Lincoln County Court wherein the system is located and upon a petition filed not later than ten (10) days after the order is issued.
- C. Penalties. Any person who commits any of the following acts or violates any of the provision of these regulations commits a Class 1 petty offense as defined in Colorado Revised States 18-1.3-503:
 - 1. Applies domestic septage to real property within Lincoln County without first obtaining a permit pursuant to these regulations and complying with all requirements herein.
 - 2. Applies septage in a manner which involves a knowing and material variation from the terms or specifications contained in the application or permit.
 - 3. Fails to adequately test or analyze the septage in a way required by these regulations to confirm compliance with these regulations prior to applying the septage.
 - 4. Violates the terms of a cease and desist order that has become final under the terms of these regulations or state law.
- D. In addition to the penalty that may be imposed pursuant to the regulations, the County representative, may assess a monetary penalty as set forth herein.
- E. Upon a finding by the County representative that a person is in violation of these regulations, a penalty of up to fifty dollars (\$50.00) for each day of violation may be assessed. In determining the amount of the penalty to be assessed, the County representative shall consider the seriousness of the danger to the public health caused by the violation, the duration of the violation, and whether the person has previously been determined to have committed a similar violation.
- F. A person subject to a penalty assessed pursuant to these regulations may appeal the penalty to the Lincoln County Board of Commissioners. The request must be

filed within thirty (30) days after the penalty assessment is issued. The local board of health shall conduct a hearing upon the request of the fined landowner.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Ewing, 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

Ryan Saxton introduced himself to the Board and left at 10:10 a.m.

Mr. Stogsdill updated the group on his meeting with Mr. Kimble regarding the property in southern Lincoln County. The buyer feels he's exempt from county regulations because the parcels he intends to sell are thirty-five acres. The county's subdivision regulations dictate that a developer must install water, electricity, and roads before selling parcels.

Mr. Stogsdill said the gentleman had several lots on hold but still hadn't closed on the property and didn't own it yet. Mr. Kimble mentioned that the County Road Standards and Policy adopted in 2014 addressed access to county roads; developers must obtain an access permit from the county. Mr. Stogsdill and Mr. Kimble would continue to update the commissioners on the situation since it would eventually be the Board's decision to approve or deny the subdivision.

Mr. Stogsdill left, and Mr. Burgess moved to accept the \$21,024.98 proposal from RockSol Consulting Group, Inc. for the County Road 33 bridge. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stroud said he would inform Travis Miller and left.

Mr. Piper told the commissioners that the bat removal company had just finished and asked if they wanted to do a walk-through of the roundhouse before they left. Since it was only 10:30, and the Board had no other appointments until 11:00, the group (except for Mrs. Lengel and Mr. Kimble) went to the roundhouse.

At 11:00 a.m., the chairman recessed the Board of County Commissioner meeting and opened the Lincoln County Board of Human Services meeting. DHS Director Andrew Lorensen presented his monthly report.

Mr. Burgess asked how often DHS used the house they leased at Dairy Lane and State Highway 71 in Limon. They call it the Family Time Center, which they lease fully furnished for \$1,300 a month. Mr. Lorensen said they use it almost daily for families to spend time together. He noted that DHS absorbed most of the cost into its allocation; the county covered only twenty percent. Mr. Lorensen asked the Board if he could sign the renewal agreement for the lease that expires at the end of December, and the commissioners gave their permission.

The Board reviewed the September financial statements and the October employee timesheets, Income Maintenance, Child Welfare and Adult Protection, and director's monthly reports.

DHS applied for a \$20,000 reimbursable LEAP Outreach grant for October 1, 2024, through September 30, 2024. The department's goal is to increase LEAP applications by ten percent. Although they had until the end of September to spend the grant funds, Mr. Lorensen said they would buy ice scrapers imprinted with the program information now since the LEAP season runs through April.

The Child Welfare Memorandum of Understanding with Cheyenne County expires at the end of the year, and Mr. Lorensen didn't feel comfortable extending it. He stated it was the Board's decision but recommended not renewing it based on the amount of time he spends helping the neighboring county; they constantly exceed the limits within the MOU. Mr. Lorensen noted that the state sent Cheyenne County a letter requiring a stability plan. Mr. Stone commented that he hated to see another program suffer but felt Lincoln County had done all it could to help and suggested they take Mr. Lorensen's advice. The others agreed, and Mr. Lorensen said he would let Cheyenne County know that Lincoln County wasn't renewing the MOU.

Mr. Lorensen left, and Mr. Burgess adjourned the Board of Human Services meeting and reconvened the Board of County Commissioner meeting.

The discussion returned to the 2025 budget, and Mr. Piper said the commissioners had a few options for addressing the General fund shortages. He proposed moving four and a half mills from other funds to cover the projected deficits. He noted that it wouldn't fix the declining fund balance; only additional, consistent tax revenue would solve that problem. However, it would help to cover the fund for at least a year, possibly giving potential developers time to further their projects. They could move 2.5 mills from the Road & Bridge fund, dropping the fund balance to approximately \$1.7 million, a quarter of a mill from the Library fund, leaving it a \$35,000 fund balance, and 1.75 mills from the Capital Projects funds. Although there were only 1.75 mills dedicated to the Capital Projects fund, Mr. Piper said it wouldn't hurt it for a year; it would still carry a million-dollar fund balance even if the county completed all the projects listed. Four and a half mills equaled approximately \$800,000, increasing the General fund

balance to around \$2.4 million. He added it was the most feasible solution without cutting individual department budgets, most of which had no excessive or unnecessary requests.

Another option would be to reduce the property tax credit to county taxpayers. Mr. Burgess hoped that some of the proposed energy projects would come to fruition to avoid that extreme measure. Mr. Piper said removing the twelve-mill property tax credit would generate just over \$2 million, which still would mean a hit to the General fund balance of approximately \$300,000. Ideally, Mr. Piper would like an ending fund balance of \$3.5 million. He noted that reducing the property tax credit by six mills would hit commercial property owners much harder than residential property owners, according to County Assessor Jeremiah Higgins.

Mr. Stone asked if banking \$1 million of the FEMA funds would help. Mr. Piper said they could transfer up to eight mills from the Road & Bridge fund for a year, but Mr. Burgess felt the FEMA money needed to go back into the individual road districts. He suggested cutting the equipment line items and not buying anything new in 2025. Mr. Stone agreed they could probably go without purchasing new equipment for a year, and Mr. Piper asked if the commissioners wanted to meet with Mr. Higgins before deciding. He noted they should do so before their winter CCI conference since they would adopt the budget on December 6. He commented that it might be worth looking at the difference in County Health Pool Plan A and Plan B next year. Mr. Burgess tabled further discussion until the November 8 meeting.

Mr. Kimble reported that Xcel Energy's attorneys still hadn't served the county over the transmission line conditions and advised waiting to see if they did. He had reviewed the minutes from the hearing; Mr. Piper had noted that if the commissioners wanted to place any conditions on the project, they would have to do so during their approval of the development permit.

Regarding the court case in which the landowner damaged the county right-of-way, the party had until October 30 to respond. Mr. Kimble said they'd hired an attorney at the last minute, so he would contact her; a resolution would likely take another three weeks.

Mr. Kimble met with Kelly Lowery via Zoom and discussed the November 20 solar farm hearing. He asked if the commissioners wanted her to attend the Land Use Board meeting before that date; they confirmed they did. Mr. Kimble and Miss Lowery discussed her practices with other counties with quasi-judicial responsibilities; she agreed that the commissioners could review the materials before the hearing as long as they didn't discuss them. Mr. Kimble thought it was also acceptable for the commissioners to examine the area individually.

Mr. Stone reported talking to Judd Kravig on October 21; they discussed pipes and the recommended netting and concrete slurry to cover the rip-rap on their County Road T project. Admitting he didn't know much about it, Mr. Stone contacted Mr. Burgess, who didn't understand why the FEMA representative suggested fabric. Mr. Stone hoped to discuss it more at the following day's meeting. Mr. Stone checked several roads on October 23 and reported that their leased International tractor quit working while they were mowing. It had a DEF

problem, so they made plans to replace it. On October 28, the District 3 road crew discovered a hole in the oil on County Road T. They returned the tractor on October 29, and the road crew attended a flagging class at the courthouse on the Thirtieth.

Mr. Ewing reported attending an ETPR MOFF scoring committee Zoom meeting on the afternoon of October 17, where they readjusted the scoring criteria. He planned to attend the October 19 Town Hall meeting with Congressman Greg Lopez but had other obligations. On October 21, Mr. Ewing and Chris Monks discussed patching on County Road 2W, which the road crew completed on October 22. Mr. Ewing and Mr. Monks discussed FEMA dollars, oil, asphalt, and chipping projects on October 22; a landowner contacted Mr. Ewing to praise one of the District 1 blade operators. Mr. Ewing spoke with Roy Brossman about his telehandler. Mr. Ewing talked to Chris Monks on October 23 and again on October 24 about landowners praising the District 1 blade operators. Mr. Monks took the damaged traffic message board in for repairs. District 1 finished the mowing and cutting weeds on October 28, and Mr. Ewing and Mr. Monks discussed weed eaters; Mr. Ewing suggested looking at cordless units. On October 29, Mr. Ewing checked several roads and then spoke with Chris Monks. Surveyors were surveying the Big Sandy Bridge and planned to get samples from the Ravenkamp pit on October 30.

Mr. Burgess reported going to the landfill on October 18; it was extremely windy. He went to Hugo on October 21, where he spoke with Human Services employees about elder abuse. Afterward, Mr. Burgess went to Genoa, and he and Bruce Walters toured some roads and looked at the Broken Arrow pit. He also asked Assessor Jeremiah Higgins if a death required changing the name on a gravel pit lease. Mr. Walters obtained a chip price of \$33/ton from A&E in La Junta. On October 23, Mr. Burgess and Mr. Walters discussed ordering 1,000 tons of aggregate for chipping next year. He also spoke with Robert Safranek about a lease on a gravel pit, but he and the finance director had taken care of it. Mr. Piper called Mr. Burgess to let him know he'd figured out the Conservation Trust fund discrepancies. Mr. Burgess spoke with Land Use Administrator Ty Stogsdill about subdivision regulations. Blue Tick Pest and Wildlife Control started working on the bat problem at the roundhouse. On October 24, Mr. Burgess informed Mr. Walters that they could haul gravel from the Gaede pit. Mr. Piper called to say Blue Tick was ahead of schedule and needed the dump truck; Mr. Burgess asked Mr. Walters to take it to Hugo. Mr. Burgess spoke with Emergency Manager Ken Stroud about possibly leasing the old building south of Hugo for the Road & Bridge repeater. Stu McFarland called for more information on coordinating seeding using CDOT specs. On October 25, Mr. Burgess asked Travis Miller, who determined the type of seeding used on highway projects; Mr. Miller forwarded the information, and Mr. Burgess sent it to Mr. McFarland. On October 28, Mr. Burgess and Mr. Walters discussed hauling chipping material next year. He got his flu shot from Public Health in Hugo. Mr. Burgess reported that the bat removal project was ahead of schedule. He asked the clerk if voters from other counties could drop their ballots in the Limon drop-box. Mrs. Lengel said voters can use any drop-box statewide. Counties use a web-based secure ballot return to transmit scanned images of the ballot envelopes to the voter's home county before sending the envelopes via USPS or other means. Mrs. Lengel noted that her office uses Priority Mail envelopes to forward out-of-county ballots, but others use FedEx. In this election, voters from Adams, Arapahoe, Elbert, Kit Carson, and Jefferson counties deposited

their ballots in Lincoln County drop-boxes. Mrs. Lengel said they also typically receive ballots from El Paso County voters.

Mr. Burgess reported that District 2 continued to haul material on October 29, with help from other districts. He met Mr. Walters on County Road 41, west of Arriba, an unmaintained county road with a hazardous wash-out. Wind farm workers use the road; the county blades it once yearly. Mr. Burgess contacted a farmer, who agreed to try and patch it with large pieces of concrete. Mr. Burgess attended the PDC meeting in Limon; they need a \$25,000 match for a housing needs assessment. They plan to give ten percent of a down payment (up to \$25,000) to qualified borrowers having trouble getting funding.

Mr. Piper reported receiving the notice to proceed on the County Highway 109 bridge project.

There was no other old or new business to discuss, so the Board approved the October payroll, after which Mr. Burgess adjourned the meeting at 1:05 p.m. The next meeting will be at 9:00 a.m. on November 8, 2024.

Corinne M. Lengel, Clerk of the Board

Steve Burgess, Chairman