

Board of County Commissioners of Lincoln County  
Agenda for February 16, 2021

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Kevin Stansbury, Lincoln Community Hospital CEO to provide a LCH monthly report
- 10:00 Chris Nestor to discuss the marijuana moratorium
- 11:00 Ken Stroud, Lincoln County Emergency Management Director, to present the annual review of county plans
- 11:30 Gillian Laycock with the Town of Limon to discuss the DOLA Resiliency Road Map program
1. Approve the minutes from the February 5, 2021, meeting
  2. Review the January 2021 Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Human Services, Road and Bridge and Individual Road Districts
  3. Review the January 2021 reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
  4. Review the January 2021 reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
  5. Review the Semi-Annual Schedule of Receipts and Disbursements from the Lincoln County Treasurer
  6. Review and act upon the Colorado Retirement Association Deferred Compensation Plan Participation Agreement
  7. Review and act upon a letter of interest to CDOT concerning the intersection of County Highway 109 and US 40/287 in Hugo, Colorado
  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 February 16, 2021. The following attended: Chairman Steve Burgess, Commissioners Doug Stone (at 9:15 a.m.) and Ed E. Schifferns, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Chairman Burgess called the meeting to order and asked Mr. Piper to lead the Pledge of Allegiance.

Mr. Schifferns moved to approve the minutes from the meeting held on February 5, 2021. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the January 2021 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, as well as for the individual road districts. The commissioners also reviewed the January 2021 reports from the Assessor, Clerk and Recorder, Sheriff, and Treasurer.

At 9:20 a.m., Lincoln Community Hospital CEO, Kevin Stansbury, met with the Board to give his monthly report. The hospital showed a gain of \$1.6 million in December due to the forgiveness of the PPP loan. Their cash collections are substantial, and the AP is up to date. So far, the preliminary gross revenue for January is showing \$2.1 million, but Mr. Stansbury didn't know yet what the expenses were for the month.

The hospital received prepaid Medicare but will have to start paying back the approximate \$4 million in April. Although the hospital has two years to pay it back, Mr. Stansbury said they'd been trying to get Senators Bennet and Hickenlooper and Congressman Buck to agree to forgive the Medicare accelerated payment for rural critical access hospitals. He hoped to hear something by June. Mr. Stone wanted to know why they would prepay Medicare, and Mr. Stansbury said it was all a result of the pandemic. With the realization that small hospitals needed cash quickly, Medicare calculated six months' worth and allowed them to withhold their payments for a while. Since they knew they would have to pay it back, Mr. Stansbury said they kept the money separate and never used it.

Although LCH won't qualify for the second round of PPP funds because the hospital never laid off any employees, Mr. Stansbury asked the commissioners to do what they could through legislators so that the rural hospitals weren't forgotten.

Mr. Stansbury provided a COVID-19 update, saying that they weren't getting the number of vaccines they had initially. He felt it had to do with the fact that Walgreens and other retail drugstores are now offering the vaccine. He asked the commissioners to mention it if they talked to someone with the state.

Mr. Stansbury also provided a list of the hospital's strategic goals. As for the facility replacement, USDA would loan them \$50 million, but he hoped to get it to \$70 million, which

should cover everything. HUD loans are also available, and they would like to refinance the CoBank loan.

Mr. Burgess asked Mr. Stansbury if he were still going forward with the legislation to change the statute that would allow out-of-county residents to sit as hospital board members because the commissioners weren't in favor of it. Mr. Stansbury said he would get more information and see if he couldn't change their minds.

Gillian Laycock arrived at 9:35 a.m., and Mr. Burgess asked if they could move her up on the agenda. First, he said they would discuss a letter of interest to CDOT concerning the intersection of County Highway 109 and US 40/287 at 3<sup>rd</sup> Avenue in Hugo. The letter to Rhianna Poss, P.E., CDOT Limon Resident Engineer, expressed the county's support of widening the intersection that poses safety concerns when trucks turn onto County Highway 109 (or 3<sup>rd</sup> Avenue). Mr. Stone asked if the railroad owned the right-of-way, which it does. Mrs. Laycock said the town of Hugo was also working with Greg Etl and Darlene Carpio to get through to the railroad. They'd like to put up shade gazebos in the park as well. She said it might never happen, but it didn't hurt to try.

Mr. Schiffers moved to sign the letter to CDOT Engineer Rhianna Poss. Mr. Stone seconded the motion, which carried unanimously.

Mrs. Laycock said her 11:00 a.m. appointment involved her representing the town of Limon concerning the DOLA COVID-19 Recovery & Resiliency Roadmaps program, and Mr. Burgess told her to go ahead. Though not a grant program where communities automatically received discretionary funds, a Regional Community Team would obtain a fully funded consultant to facilitate the development of an economic recovery action plan. DOLA would fund approximately sixteen regional plans, wherein an unlimited number of projects could develop. The town of Limon agreed to be the lead applicant, but Mrs. Laycock said they would like the county as a partner, which would improve the overall chance of the application's acceptance. ECCOG has also agreed to be a partner, and they are waiting to hear back from Kit Carson County.

Mr. Kimble wanted to know if the commissioners would have obligations or veto power regarding the projects, and Mrs. Laycock said they could if the county wanted to be the lead applicant. Having a seat at the table didn't give one local government authority or control over another. Mrs. Laycock told him that if the county decided that its greatest need was better drainage, they could plan a better drainage system that would create more resilient roadways. The criteria that identified the region was that the partners all had similar needs or issues, such as broadband, agriculture, and drought.

Mr. Kimble felt the commissioners would want the county to join the partnership, and Mr. Burgess said he didn't want it to cause more work for county employees. Mrs. Laycock said it shouldn't since the town would take the lead.

Mr. Stone moved that Lincoln County become a partner in the Colorado Department of Local Affairs COVID-19 Recovery & Resiliency Roadmaps program. Mr. Schifferns seconded the motion, which carried unanimously.

At 10:00 a.m., Chris Nestor met with the Board to discuss the county's marijuana moratorium. Jeff Sveinsson, Michelle Nestor, Dave Smith, Gillian Laycock, Nile Smith, and Land Use Administrator Fred Lundy also joined the discussion. Mr. Nestor introduced Mr. Sveinsson and said he would be the spokesperson.

Mr. Kimble clarified that the county no longer had a moratorium in place but had adopted an ordinance on January 31, 2013. Ordinance 2013-01 prohibited the operation of marijuana cultivation, product manufacturing, testing facilities, or retail marijuana stores within the unincorporated boundaries of Lincoln County. At that time, the commissioners could have held an election to ask residents their opinion, but the overwhelming opposition to Amendment 64 that legalized marijuana in Colorado was enough for them to adopt an ordinance instead.

Mr. Sveinsson said he was the owner of three dispensaries and a grow operation and had been involved in the marijuana business since 2010. He provided a proposal for allowing commercial marijuana cultivation facilities in the county, claiming that some of the benefits were tax revenue, infrastructure upgrades, and street improvements. Mr. Sveinsson also alleged there was no increase in crime or vagrancy issues in the areas that permitted grow facilities. He went on to say that he wasn't asking the county to allow dispensaries or to sell or grow outdoors but to authorize the farming of marijuana in greenhouses. Mr. Sveinsson added that it was a commercial operation, and the annual fees were costly, so there weren't too many people who could afford to do it.

Mr. Schifferns asked if Mr. Sveinsson would fund it himself. He would, through capital and his other investors. If the county allowed only indoor cultivation facilities in clearly identified areas that the sheriff could easily check on, they would see it was a legitimate business. Mr. Sveinsson said that criminals would always be around, but authorities could verify the information if anyone claimed they had a "grow license."

Mr. Burgess wanted to know how big of an operation Mr. Sveinsson would have. He currently has two 3,500 square foot greenhouses on County Road 2B outside of Rush and tried to grow hemp but didn't have any luck. Mr. Sveinsson said he could turn the two buildings into marijuana grow facilities with approximately 700 plants in each greenhouse. He would need to hire about ten people to start with, and if able to expand, they would build a bigger facility.

Mr. Burgess told him they would not make any decisions until they had time to do further research. Mr. Sveinsson suggested they call Crowley County.

Dave Smith asked what made Lincoln County ideal if he currently had operations in other counties. Mr. Sveinsson responded that he was already invested in Lincoln County since he has buildings here.

Nile Smith wanted to know how many counties in the state had ordinances against commercial growth, but no one had that information.

Gillian Laycock asked the Board to consider several points such as zoning, county residents' health and well-being, water sources and water rates, and the quality of life. She asked the commissioners to consider how many total marijuana businesses they would allow countywide and the next steps if residents decided the commissioners should open it up to include retail operations.

Mr. Piper asked if it would be the commissioners' decision or if the people would have to vote on it. Mr. Kimble said the Board could put it on the ballot if they were so inclined because public opinion may have changed in the past eight years.

Again, Mr. Sveinsson said he wasn't asking for retail stores. They just wanted to grow marijuana indoors using the security mandated by the state. Once produced, they would ship it out of the county for sale elsewhere.

Mr. Burgess asked if the commissioners could tour his hemp farm, but Mr. Sveinsson said the windstorm in 2020 destroyed a lot of it.

Mr. Schifferns asked Mr. Nestor what his interest was; he owned property southeast of Hugo and wanted to be involved with it at his place if the commissioners granted permission to Mr. Sveinsson.

Mr. Sveinsson repeated that the state vetting process was extensive. Many people wouldn't tackle growing marijuana because it was vastly different to produce something in a greenhouse versus farming outdoors.

The commissioners promised to look into it, and the group left.

The Board reviewed the January 2021 reports from the Colorado Counties Casualty and Property Pool and County Workers' Compensation Pool and the semi-annual Schedule of Receipts and Disbursements from the Lincoln County Treasurer.

Mr. Schifferns moved to sign the Colorado Retirement Association Deferred Compensation Plan Participation Agreement permitting designated Roth Deferrals. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stone reported signing papers for the Colorado East Community Action Agency on February 5. He also received a call from Janell Reid regarding county resident fees at the landfill. Mr. Stone attended the fair board meeting on February 9, where they signed an MOU between the state and county extension office. He checked roads east of Karval on February 11 but missed the Republican Central Committee meeting on February 12. There were several power outages

that day. Mr. Stone got a call from Rick Ashcraft on February 14, asking how the roads were after the snow. Mr. Stone checked, and they agreed to send a plow to some of the areas. Mr. Schifferns talked with Chris Monks on February 8. They'd picked up the grader tire and gotten a new trailer from Lamar. The crew had finished up graveling on County Road 2W and County Road 2R. Mr. Schifferns reported that he received a query asking why there wouldn't be an opener for the Aaron Watson concert at the fair this summer, so he explained that there wouldn't be time between the rodeo and the show. Chris Monks called him about one of the trucks on February 10, and he spoke with him about the weather on the Eleventh. Mr. Schifferns checked roads and said they were ready for the weather coming in. He and Chris discussed the blowing snow and wind on February 15.

Mr. Burgess reported receiving an e-mail from John Reid on February 5 concerning county residents' addresses regarding the landfill. He told Mr. Reid he would take care of it. Mr. Burgess and Bruce Walters called Ranch Supply in Lamar about a new trailer. On February 6, Mr. Burgess received a call from Mr. Stone about the Reids' questions. Mr. Burgess said he'd get the landfill a plat book from the Clerk's office. Mr. Burgess participated in a Zoom meeting with Congressman Ken Buck about possible money for county roads from stimulus funding. They discussed concerns about the gun bill introduced in legislation and the fact that marijuana legalization would have to be done by Congress, not the President. Mr. Burgess attended the weekly public health Zoom call on February 9. He and Bruce decided to buy the trailer from Ranch Supply, and he got the invoice for it on February 10. On February 11, Mr. Burgess attended the Centennial Mental Health Zoom meeting and contacted Mr. Piper to draft a letter regarding widening the intersection at Highway 40/287 and 3<sup>rd</sup> Avenue in Hugo. He also reported that the frigid temperatures had the road crew working on equipment in the county shop since they couldn't do anything outdoors. February 15 also brought bitter temperatures below zero, but they hadn't gotten much snow up north, even though Limon had around three inches. Mr. Burgess tried to look at the area in question in the landowner dispute, but the wind was blowing snow across the roads, and he decided to save the project for another day. He received a call from the Flagler Co-op manager, asking if they could tie into the county's sewer line at the manhole in Genoa for a new office they're building. Mr. Burgess told him he didn't have a problem with it if the engineers were okay with it.

Mr. Kimble reported receiving a letter regarding the settlement agreement on the jail lawsuit. He also said that Steve Monks had discovered a road petition filed in November of 1915, which was granted on July 11, 1916. However, it didn't appear on the road map in later years, so the county didn't consider it a road. Still, Mr. Kimble said it would be best for the judge to give an opinion on section line county roads. Lastly, Mr. Kimble said he was still waiting to see if CTSI had updated its substance abuse policy.

Mr. Piper had nothing to report, so Mr. Burgess called for old business. The group discussed capital improvement expenditures, including new paint and carpet for the Assessor's and Clerk's offices. Mrs. Lengel said it was the Assessor's turn, but she preferred to do her office during an odd year when there were fewer elections. The Board agreed to consider doing both offices in 2021.

As for new business, Mr. Burgess asked Mrs. Lengel if she planned to replace the employee who resigned, but she told him she didn't intend to right away. She wondered if they would approve a county credit card for an employee who didn't have one.

Mr. Stone moved to issue a county credit card with a \$1,000 limit to Jason Bandy. Mr. Schiffers seconded the motion, which carried unanimously. Mr. Piper said he'd bring the form to the next meeting, and Mr. Burgess could sign it then.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 12:30 p.m. The next meeting will be at 9:00 a.m. on February 25, 2021.

---

Corinne M. Lengel, Clerk to the Board

---

Steve Burgess, Chairman