

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

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report
- 10:00 Jeff Sveinsson and Chris Nestor to discuss marijuana regulations
- 2:00 Representative Holtorf to discuss the House of Representatives District 64 round table meeting
1. Approve the minutes from the April 6, 2021, meeting
  2. Review the March 2021 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
  3. Review the March 2021 reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
  4. Review the March 2021 reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
  5. Review and act upon Resolution #1040 a Resolution in opposition to the Protect Animals from Unnecessary Suffering and Exploitation (PAUSE) initiative
  6. Discuss a free dump day for 2021
  7. County Commissioner reports
  8. County Attorney's report
  9. County Administrator's report
  10. Old Business
  11. New Business

Due to inclement weather, the Board of Lincoln County Commissioners met at 10:00 a.m. on April 16, 2021, instead of at 9:00 a.m. The following attended: Chairman Steve Burgess, Commissioners Doug Stone and Ed E. Schifferns, County Administrator Jacob Piper, County Attorney Stan Kimble, and Acting Clerk to the Board Mindy Dutro. Juliet Lundy, with the Eastern Colorado Plainsman and Limon Leader, attended as well.

Chairman Burgess called the meeting to order and asked Mrs. Lundy to lead the Pledge of Allegiance.

Jeff Sveinsson and Chris Nestor met with the Board to discuss the county's marijuana regulations. Mr. Sveinsson told the commissioners that allowing retail marijuana cultivation in Lincoln County closes the door to the Mexican drug cartel by taking away a big source of their income and could close the door to them trafficking illegal drugs and substances in the county. He stated that by making retail marijuana cultivation illegal, the county is missing out on a lot of tax revenue, he stated that Crowley County and Rocky Ford both have seen the benefit of making it legal. Mr. Stone told Mr. Sveinsson that he spoke with a lot of his neighbors, and they were against Mr. Sveinsson's retail marijuana cultivation because of the traffic and crime that it could bring to their area. Mr. Nestor stated that the neighbors would benefit with the extra cameras and security that Mr. Sveinsson would have to have. He encouraged the commissioners to speak with the Crowley County and Rocky Ford communities and see if legalizing retail marijuana has increased the homeless population or increased crime rates. He stated that it has not, and that Rocky Ford has made hundreds of thousands of dollars from the taxation of retail marijuana cultivation.

Mr. Kimble stated that after the passage of Amendment 64, counties and municipalities could prohibit or allow commercial marijuana cultivation by enactment of an ordinance or by a ballot measure in an even-year election. Lincoln County prohibited marijuana cultivation through the adoption of an ordinance. If the question were to go before the electors, the commissioners would have to place the referred measure on the ballot allowing retail marijuana cultivation, citizens could not. Mr. Nestor asked if they could circulate an informal petition to see if there was any interest within the community in pursuing it. The Board agreed that they could circulate an informal petition but that it would not be legally binding in any way. Mr. Stone asked how much tax revenue the county would see if the marijuana would only be grown and not sold. Mr. Sveinsson stated that it would all be tracked by the marijuana enforcement agency, they keep track of what you grow and sell, and you are taxed on it no matter where you sell it. Mr. Burgess asked how the county guaranteed they got the tax money, Mr. Sveinsson said he thought that the county would set the taxes with a separate ballot question, such as Rocky Ford has an excise tax as well as a sales tax. Mr. Burgess told the Board that he would check with Rocky Ford to see how they set it up and how they collect their money from the marijuana cultivators. Mr. Sveinsson and Mr. Nestor left at 10:45 a.m.

Troy McCue met with the Board at 10:45 a.m. to give the Lincoln County Economic Development Corporation monthly report. He told the Board that Rural Philanthropy Days would be June 9-11, 2021, and the group would be limited to 150 people. It will start with a welcome on Wednesday the 9<sup>th</sup> at the LaQuinta in Limon from 5-7 p.m. in the hotel's indoor/outdoor open area. Then on Thursday, the group would be at the fairgrounds in Hugo

under the awning where they would be in breakout groups and could possibly be at the Garage, the Ellis Allen building, and possibly the depot. On the last day, they would be taking a tour to Karval.

Mr. McCue also reported on the Arriba windfarm currently on hold for energy sales issues. Last, he reported on Denver Cutlery, Inc. making progress on the old ALCO building in Limon where they should be operating by May 1, 2021.

After Mr. McCue left, Lincoln County Human Services Director Patricia Phillips joined the meeting at 11:15 a.m. to announce that after the passing of her husband the previous week, she had decided to take an early retirement but would continue as the director until June 30, 2021. Mrs. Phillips also informed the Board that one of her caseworkers has resigned and that the department could probably handle the caseload without hiring a new caseworker, but she hated to lose the position in case they needed it in the future. Mr. Burgess stated that they could always reevaluate the position if they needed it again. Mrs. Phillips thanked the Board and left the meeting.

Mr. Stone moved to approve the minutes from the meeting held on April 6, 2021, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the March 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 and the individual road districts. Also reviewed were March 2021 reports from the Assessor, Clerk and Recorder, Sheriff, Treasurer, and the Colorado Counties Casualty and Property and Workers' Compensation Pools.

Mr. Stone moved to adopt a resolution opposing the Protect Animals from Unnecessary Suffering and Exploitation (PAUSE) initiative. Mr. Schifferns seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on April 16, 2021, there were present:

Steve Burgess, Chairman	Present
Doug Stone, Vice Chairman	Present
Ed Schifferns, Commissioner	Present
Stan Kimble, County Attorney	Present
Mindy Dutro, Acting Clerk of the Board	Present
Jacob Piper, County Administrator	Present

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

**RESOLUTION #1040** It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, on March 17, 2021, a citizens initiative entitled "Protect Animals from Unnecessary Suffering and Exploitation (PAUSE) was approved by the Title Board of the

Colorado Secretary of State for petition to the November 2022 General Election as Initiative 16; and

**WHEREAS**, the initiative would broadly redefine animal sexual abuse in a manner that would criminalize many common and necessary veterinary and animal husbandry practices; and

**WHEREAS**, the initiative would additionally require tremendous delays, in some cases years, prior to the humane slaughter of livestock for food; and

**WHEREAS**, these delays (of up to one-quarter of an animals statutorily defined lifespan) would greatly increase the costs to ranchers to feed and care for these animals, which at slaughter would produce meat of low value to the consumer at much higher purchase costs; and

**WHEREAS**, for many meat producing animal varieties (specifically poultry) bred for rapid weight gain, the result of delayed slaughter will be the suffering of morbidly obese animals unable to support their own body weight for years prior to processing; and

**WHEREAS**, it has been reported that the Governor of Colorado stands in solidarity with Colorado farmers and ranchers in opposition to the PAUSE ballot initiative because it would hurt Colorado and destroy jobs; and

**WHEREAS**, this board abhors the infliction of needless suffering of animals and recognizes that our cattle and livestock producers take great effort to treat their animals humanely.

**NOW, THEREFORE BE IT RESOLVED**, the Board of County Commissioners of Lincoln County opposes this Initiative and urges the Governor of Colorado and Commissioner of the Colorado Department of Agriculture to continue to do the same and urges all citizens of Lincoln County to decline to sign any petition that supports placing Initiative 16 (PAUSE) on the November 2022 ballot; and

**BE IT FURTHER RESOLVED**, the Board of County Commissioners of Lincoln County urge all people that care about the well-being of animals – be they livestock, pets, service animals, or other – to take action to defeat this measure if it does make the November 2022 ballot.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Acting Clerk of the Board

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The commissioners discussed a date for the free landfill day, and Mr. Stone moved to set the free landfill day for May 15, 2021, with an alternate date of May 22, 2021. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess called for commissioner reports.

Mr. Burgess met with Mark McMullen at the landfill to discuss landfill issues on April 6, he reported that the landfill should be able to increase the volume of cells two and three by going higher. On April 7, he had a Zoom meeting with Ports-to-Plains, where they learned that of the proposed \$2.4 trillion from President Biden's new plan, six hundred billion would be for roads. He also told the Board that Genoa fire department was going to park a tanker truck in the old Genoa shop so that they could have water available during the cold winter months. On April 8, District Two hired a new person for the road crew, and Mr. Burgess learned of Mrs. Phillips' husband's passing. He asked Mr. Piper to order flowers for the funeral. Andrew Lorensen with Human Services called on April 12 to ask if it were okay to close the office at 9:30 a.m. on April 14 to attend the funeral. Mr. Burgess told him it would be fine and that he would let the other Board members and Mr. Piper know. Also, on April 12, Mr. Burgess went to Genoa to meet with Bruce Walters about getting a new Mack truck and about making the 2018 Mack truck a tandem. Chris Howe brought a 938 loader from the landfill to Genoa so the oil could be changed in the transmission, and Mr. Walters noticed an anti-freeze leak and a noise in the upper part of the engine. They asked the shop mechanic to look at it the following day. Mr. Burgess went back to the Genoa shop on April 13 to find out that the landfill loader would need a new gasket on the thermostat housing and that the noise in the engine was something to do with the brakes. He also received a call from Sheriff Tom Nestor with a bid to fix the damage for the jail of \$25,000.00. On April 14, Mr. Burgess spoke with Brenda Howe about a complaint at the landfill, and on April 15 he spoke with Mr. Chubbuck about CAT coming to inspect the loader.

Mr. Stone reported that on April 6, the Colorado East Community Action Agency executive director was let go, so they would be advertising for the position. He checked roads April 8 where they will have to tear out a bridge and detour the road, and he checked roads northeast of Karval on April 10. Mr. Stone attended the Colorado East Community Action Agency meeting on April 13. On April 14, he attended the Zoom recycle meeting. On April 15, Chris Monks called about where to add overflow parking at the courthouse since the grassy area between the Lutheran church and the courthouse, which used to be used for overflow parking, sold with the church.

Mr. Schifferns reported that he went to the landfill on April 6 and that Road District 1 hired two new people. He checked roads on April 7. On April 8, Mr. Burgess called to tell him Mrs. Phillips' husband passed away. Jobeth Mills called on April 12 to discuss the plan for local guidance of COVID-19, and he also spoke with Sheriff Nestor about the bid for jail repairs. On April 14, Mr. Schifferns spoke with Chris Monks about a new CAT grader, and the District 1 road crew installed new culverts on County Road 2W.

Mrs. Lundy stepped out while Mr. Kimble updated the Board on the landowner dispute.

Mr. Piper updated the Board on the department head meeting, where they discussed the new phone system that Eastern Slope will be installing soon. He also informed the Board that they set the date of the county employee picnic for June 25. Mr. Burgess suggested that Mr. Piper check with John Palmer to see if the Ellis Allen building would be available for the picnic since the courts would be back in session and were still following strict COVID-19 guidelines. Mr. Piper also had a request from Sheriff Nestor for updates to the pay schedule, and the commissioners decided they would need to meet with him at the April 29 meeting to discuss it further.

Mr. Burgess called for old business and asked the other Board members if they knew why the bookmobile did not have any decals. Mr. Piper said he thought they were getting them replaced, but he would check on it.

The Board broke for lunch at 1:00 p.m.

The Board reconvened at 2:00 p.m., and District 64 House Representative Richard Holtorf joined the meeting to discuss any issues the county faced. Mr. Burgess stated that the big issue was COVID-19 and asked what the other counties were doing as far as county regulations. Mr. Holtorf stated that he thought they should drop the regulations and that he is encouraging all his district's counties to look into becoming a home rule county to help prevent state overreach. Mr. Schiffers asked what that did to state funding, Mr. Holtorf said he was not sure and that he would investigate it. Mr. Burgess brought up funding for roads, and Mr. Holtorf said that the state budget is being increased, but they are not including as much funding for roads as he wanted. Next, Mr. Holtorf asked the Board what their three biggest concerns were, to which they answered: not enough laborers as well as not being able to provide the wages that are desired; keeping the county solvent since oil production has slowed down; and agriculture problems such as the pending initiative 16, also known as the PAUSE act. Mr. Holtorf responded by telling the commissioners that it is county tax money being used and that his office needs to do a better job with communicating with the counties about what is available to them. Mr. Holtorf also told the Board that there is a statewide fight against initiative 16. Regarding COVID-19, Mr. Holtorf asked the Board if the county was having trouble getting vaccines. Mr. Burgess called Kevin Stansbury to check, Mr. Stansbury reported that about 50% of the county population was vaccinated and that they have no problem getting the vaccines they need. Mr. Holtorf left the meeting at 3:45 p.m.

At 3:48 p.m., Emergency Manager Ken Stroud joined the meeting to report that the estimated expenses for the Genoa tower would be around \$13,000.00, which includes repairs, electrical, and the purchase of the 10'x12' building from TrimTech. The Board agreed that Mr. Stroud should proceed. Mr. Stroud said he was looking at summertime so the schools will be out and wouldn't be affected. Mr. Stroud left the meeting at 4:00 p.m.

At 4:00 p.m., the Board of County Commissioners adjourned and reconvened as the Lincoln County Board of Public Health. The Board discussed the state lifting COVID-19 restrictions and turning over regulations to the counties. Mr. Burgess stated that the counties positivity rate is less than 1%, and people are not wearing masks anymore. Mr. Stone moved to lift all COVID-19

restrictions on face coverings and group gathering sizes and to allow businesses to make their own rules regarding face coverings, group gathering size, and social distancing. Mr. Schiffers seconded the motion, which carried unanimously. The commissioners signed a directive lifting the COVID-19 restrictions and called Public Health Director Jobeth Mills to let her know of their decision.

Next, the Board discussed whether to continue requiring face coverings on the county side of the courthouse. Mr. Stone moved to not require face coverings on the county side of the Lincoln county courthouse unless deemed necessary by the elected officials or department head. Mr. Schiffers seconded the motion, which carried unanimously.

Lastly, Mr. Burgess stated that all employees had been offered the COVID-19 vaccination, so they no longer needed to allow for special time off if they were to contract COVID-19. Mr. Schiffers moved to return the county leave policy to what was stated in the county personnel manual. Mr. Stone seconded the motion, which carried unanimously.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 4:20 p.m. The next meeting will be at 9:00 a.m. on April 29, 2021.

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Mindy Dutro, Acting Clerk to the Board

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Steve Burgess, Chairman