

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

9:00 Call to order and Pledge of Allegiance

9:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH report

10:00 Dave Smith to discuss the Hugo Wine Walk

11:30 Walk-through for the Court Bathroom Renovation project

-To be completed as time permits-

1. Approve the minutes from the July 17, 2024, meeting
2. Review and act upon a request for Extension of Time to File Audit for Year End December 31, 2023
3. Review and discuss the Bookmobile Director vacancy
4. County Commissioner reports
5. County Attorney's report
6. County Administrator's report
7. Old Business
8. New Business
9. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 AM on July 30, 2024. Chairman Steve Burgess, Commissioner Wayne Ewing, Commissioner Doug Stone, County Administrator Jacob Piper, Acting Clerk of the Board Ryan Davis, Land Use Administrator Ty Stogsdill, Limon Leader reporter Stephanie Zwick, and Lincoln County business owner Nyal Smith were in attendance when the meeting was called to order. County Clerk and Recorder Corinne Lengel and County Attorney Stan Kimble were absent and excused. Lincoln Community Hospital (LCH) CEO Kevin Stansbury had canceled his 9:30 AM appointment to provide his LCH report.

Mr. Burgess called the meeting to order and asked Mr. Davis to lead the Pledge of Allegiance, after which Mr. Ewing led the group in a short prayer.

Mr. Stroud began explaining that he had received the small project closeout certification from FEMA for the District Three gravel road repairs and had sent it to the commissioners to sign. The report listed the total obligated amount at \$87,596.20. Mr. Stroud explained that FEMA's 87.5 percent portion would be \$76,600.00. He said that once the certification was signed, it could be returned to FEMA and forwarded to Ted Lucero so that the State of Colorado could reimburse their portion of the obligation.

Mr. Stroud said that the funds for the other small projects would not be released until the work on the mitigation measures had been completed. Mr. Burgess added that most of the roadwork for those projects was complete, and they all required some form of mitigation. He said that the pipe for the culvert project on County Road T had not even been delivered yet, so it would be well into 2025 before the mitigation work for that project was complete. Mr. Stroud said that he would contact FEMA again. Mr. Ewing made a motion to accept the small program closeout certification from FEMA for the District Three gravel road repairs. Mr. Stone seconded the motion, which carried unanimously.

Mr. Stroud said that he had spoken with the Colorado School of Mines concerning their upcoming visit to Golden to talk about the bridge project on County Road 33. He asked the commissioners if they were interested in working with the school on the other bridge on County Road T, but Mr. Stone said that they had already completed work on it. Mr. Burgess said they would need to get some photographs of the damage on the bridge on County Road 33 to take with them to the college. Mr. Stone said that he would be unable to attend the meeting as he would be at the Colorado State Fair. Mr. Burgess said that they could bring the commissioner candidates to observe the meeting and asked Mr. Piper to see about getting an ExpressToll Pass for the commissioner's pickup. Mr. Stroud left at 9:11 AM.

Mr. Stogsdill reported on land use matters. He said that there was a public hearing for Xcel Energy INC's project scheduled for August 22nd with a commissioner meeting on August 28th. The public hearing for Horus Energy's Sandy Hill Solar Project south of Hugo would be on September 4th and the commissioners would then meet on September 6th. Scout Energy Partner's Dunaway Solar Project Battery Energy Storage System (BESS) hearing will be held on September 18th. Mr. Burgess emphasized that energy companies needed to meet with the commissioners in person and that the board would not conduct any Zoom calls. Mr. Stogsdill

reported that Balanced Rock Power was still holding off until the county finalized its BESS regulations but said that they would be ready to go by the end of September.

Mr. Stogsdill said that he had spoken to District Two Road Foreman Bruce Walters, who reported that the County Line and O'Dwyer gravel pits had been cleaned up. Mr. Stogsdill asked about closing the Schmeiser and Smith Ranch gravel pits. Mr. Burgess asked Mr. Stogsdill to check on the County Line pit to see if the county needed to drill grass there. Mr. Stogsdill said that he would check. He said that since he has had such a hard time getting the inspectors to come out in the past, he would immediately file the paperwork so that they could get the process started. Mr. Stogsdill estimated that closing the pits would save the county \$12,000.00 per year on pit leases. Mr. Ewing asked where they would buy the grass seed if they needed any, and Mr. Stone said they would buy it from John Thompson.

Mr. Stogsdill talked about septage regulations and said that it would be a good idea for an outside consultant with knowledge of the subject and no vested interest in any of the active projects in Lincoln County to review the proposed regulations. Mr. Burgess said that they needed to come up with a system to handle complaints against septage applicators. He was unsure if these complaints would fall under the jurisdiction of Land Use or if they should go to the Public Health Agency. Mr. Ewing added that the complaint process needed to be outlined in the septage regulations. Mr. Stogsdill said that the application and initial reviews were performed by land use but that once the application was completed, he was unsure who should be responsible for handling complaints. Mr. Burgess said that the complaints could be directed to the Public Health Agency but that they would not have the power to enforce the regulations on their own. The commissioners added that complaints could initially be submitted to Public Health, which could then forward them to the commissioners for enforcement. Mr. Stogsdill added that if the matter became urgent enough, it could fall within the responsibilities of the Office of Emergency Management.

Mr. Stogsdill asked if he needed to put together a list of consulting companies familiar with septage. Mr. Ewing asked how many septage companies there were in Colorado, and Mr. Stogsdill said that there were only three or four at the most. Mr. Stogsdill said that it was important that the septage regulations make a distinction between applications made to arable farmland and applications on pasture. Mr. Burgess added that they should also make a distinction between commercial or custom applicators and private landowners applying septage to their own ground. Mr. Stogsdill asked who should be responsible for applying for the permit in the case of custom work, and Mr. Burgess said that it should be the company that is carrying out the applications. Mr. Stogsdill said that the regulations should consider soil sampling results and crop plans. Mr. Stogsdill said that he had sent Mr. Piper some paperwork concerning floodplain insurance. Mr. Stogsdill left the meeting at 9:26 AM.

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

The board then reviewed a Request for Extension of Time to File Audit for Year End December 31, 2023, with the Office of the State Auditor of the State of Colorado. The extension would move the filing deadline back by sixty days to September 30, 2024. Mr. Piper explained that while Lincoln County had already completed its annual audit, the extension was applied for annually because LCH customarily conducts its annual audit later in the year. Mr. Ewing moved to approve the Request for Extension of Time to File Audit for Year End December 31, 2023. Mr. Stone seconded the motion, which carried unanimously.

The board then reviewed the Bookmobile Director vacancy. The Bookmobile board reviewed all submitted applications and recommended Janet Kravig for the position. Before discussing the recommendation, Mr. Burgess said that he thought it would be good for the commissioners to take a more active role in managing the bookmobile. He thought that the commissioners, by virtue of their office, might have an easier time doing certain tasks than the bookmobile staff would. He gave an example by saying that the bookmobile staff had asked a mechanic shop to work on the bookmobile, but they had refused, claiming they only work on RVs. He thought that if it had been commissioners who had asked, they could have gotten them to at least look at the vehicle. He added that they should look into getting the oil changed at Parmer's Automotive or Interstate Diesel.

Mr. Ewing moved that they offer the Bookmobile Director position to Mrs. Kravig. Mr. Stone seconded the motion, which carried unanimously. Mr. Ewing said that they should offer \$20.00 per hour as a base rate and that she would be eligible for a pay increase on January 1st. Mr. Burgess added that the position would be about 65 hours per month, which would yield a gross pay of \$1,300.00 per month. The board called Mrs. Kravig to inform her of its decision. Mrs. Kravig asked if they had a job description and work schedule available. Mr. Burgess told her to call Bookmobile employee Katie Zipperer for more information about job duties and to call Mr. Piper with her decision. Mr. Piper added that if she accepted, they could schedule a meeting to discuss personnel matters.

Lincoln County resident Dave Smith arrived at 9:37 AM to discuss the Hugo Wine Walk. Mr. Smith gave a brief introduction, stating he was a board member of the Hugo Main Street program and had worked on infrastructure projects for the housing and the hospital in Hugo. Mr. Smith said that the Hugo Main Street program was requesting to use the Roundhouse building and the Outback bus for the Hugo Wine Walk on September 28th. He said that the event would be from 4:00 to 7:00 PM and that there were 135 attendees last year. He added that they would limit the event to 150 people. He said that admission would be \$25.00 per person or \$40.00 per couple.

Mr. Burgess said that they could use the roundhouse but would need to coordinate with the East Central Council of Local Governments (ECOG) for the use of the Outback Express bus. Mr. Piper asked if they would be painting the roundhouse that day, and Mr. Burgess said they would not. Mr. Piper said that they could coordinate more as they got closer to the event date. Dave and Nyal Smith left at 9:44 AM.

Mr. Stone gave his commissioner's report. On the 17th, he reported checking roads South of Karval and remarked that the area was very dry.

On the 23rd, he reported that he drove to the County Road 2T bridge project. He said that the crew was digging the bulkhead on the west side and had done the bulkhead on the east the day before.

On the 24th, he received a phone call from Mr. Chubbuck about the hydraulic cylinder on the landfill's compactor.

On the 29th, he spoke to District Three Road Foreman Judd Kravig, who said that their truck was still in Denver and that they would not release it without a check.

Mr. Burgess gave his commissioner report. He said that on the 18th, Bookmobile employee Kevin Pickerill took the bookmobile to Ellicott to have the generator looked at, so he drove down to pick Mr. Pickerill up. Mr. Piper called to tell Mr. Burgess that the retirement meeting would be in Genoa on Tuesday from 2:00 to 4:00 PM, so he called Jason Eager to let the road crew know since Road Foreman Mr. Walters was on vacation. Landfill manager Allen Chubbuck called to ask if the county had a charge account with Steel Corner in Siebert so that he could purchase some tubing to expand the capacity of the Mule. Mr. Burgess told him the county has a charge account.

Bob Safranek called Mr. Burgess on July 19th and said that the dirt they were removing from the right-of-way by the Gaede pit was his and that he wanted to be paid for it. Mr. Burgess went to Mr. Kimble's office to get his legal opinion. Mr. Burgess called Mr. Piper and told him that they needed to pull together maps and a new plat book for Kelly Lowery, the new County Attorney. Mr. Chubbuck called Mr. Burgess and told him the compactor might have a broken hydraulic cylinder. Mr. Burgess told him to call Power Equipment Company and have them come out and look at it.

Mr. Burgess reported that on the 22nd, Road Crew Member Tristin Peck began working in District Two. The road crew was mowing and grading roads, and Mr. Burgess went to get one of the lease tractors. Mr. Chubbuck called Mr. Burgess to tell him that Power Equipment had removed the hydraulic cylinder to get it fixed. Mr. Burgess reported that there was over an inch of rain, and they were able to deal with the wood pile.

On the 23rd, Mr. Burgess went to Ellicott to pick up the Bookmobile. He said that a new regulator would be needed, costing \$1,160.00. Mr. Burgess went to Genoa, where his road crew was working on mowers and getting the trucks ready for the welding to be done by the District Three employee. Mr. Piper called Mr. Burgess to tell him that the pass-through funds for the Genoa tower had expired on July 1st. Mr. Piper also said he had a packet of information to give to Ms. Lowery. Mr. Burgess said that he would pick it up on Wednesday. Mr. Burgess went to an Emergency Medical Services (EMS) meeting at the fairgrounds in Hugo. The group wants Lincoln

County to work on consolidating Lincoln Health and Limon Ambulance into a single ambulance service with the goal of creating a single countywide ambulance service.

On the 24th, Mr. Burgess went to Hugo and signed papers for Mr. Piper. He also picked up the materials Mr. Piper had prepared for Ms. Lowery to deliver to their office in Sterling. While at the courthouse, he delivered the bill for the Bookmobile to the Clerk and Recorder's Office. Mr. Burgess spoke with Mr. Walters, who said that there were four mowers operating north and west of County Highway 109. Mr. Burgess reported that Mr. Chubbuck was still waiting for Power Equipment to tell him what was going on with the compactor's hydraulic cylinder.

On the 25th, Mr. Burgess drove to Sterling to deliver the packet Mr. Piper had given him for Ms. Lowery. Mr. Burgess reported that their offices were in the old city hall building and that it still had the jail cells and a firetruck downstairs. He received a phone call from Mr. Chubbuck, who told him that the repairs for the packer's hydraulic cylinder would cost over \$6,000.00. Travis Miller with RockSol Consulting Group, INC, called Mr. Burgess to discuss the Big Sandy Creek Bridge Rehabilitation Project. Mr. Miller said that Greeley is willing to sign off on Lincoln County being part of the Big Sandy Creek Channel and thinks the county should start advertising the project.

On the 26th, Mr. Burgess spoke to Roxie Devers about who was going to tear out the concrete in the Roundhouse. Mr. Burgess said he was unsure if they should use the road and bridge crews to do the dirt work and told Mrs. Devers his concerns about the bats and how they would get rid of them. Mr. Burgess said that he called the bat removal people again.

On the 29th, Mr. Burgess reported that the District Two road and bridge crew would be done mowing and planned on patching asphalt tomorrow.

Mr. Ewing gave his commissioner report. On the 18th, he spoke with District One Road Foreman Chris Monks about various roads, mowing operations, and his employees.

On the 22nd, he spoke with Mr. Monks about mowing operations and the weight limit sign at Clays.

On the 23rd, Mr. Ewing said that his crew patched areas on County Road 3E. He reported that he had missed the LCH finance meeting and instead went to the EMS evaluation meeting at the fairgrounds, which he thought was well attended.

On the 24th, he checked roads and spoke to Mr. Monks about their condition and an employee with health concerns. He had his crew mow County Road 2W and County Highway 109 in preparation for the fair.

On the 25th, Mr. Ewing attended a Bookmobile board meeting, where they discussed applications for the vacant Bookmobile Director position. He reported that the board had created a recommendation and forwarded it to Mr. Piper. Mr. Ewing spoke to Mr. Monks about

the employee with health concerns. Mr. Ewing attended an LCH board meeting and the Lincoln County Republican Central Committee meeting.

On the 27th, he attended the Tower Pie Social event and helped serve. He checked roads on the 28th.

Mr. Piper began his administrator's report by discussing the Roundhouse Floor Replacement project. Mr. Piper explained that if the county did the dirt work, an archaeologist would need to be on-site the entire time. He shared an email thread between himself, Mrs. Devers, and Michelle, the archaeologist they had been working with so far. Mrs. Devers asked if forty-eight hours was enough notice to get an archeologist on-site, but Michelle said that was too short. Mr. Piper said Mrs. Devers would tell her when they were planning on starting work.

Mr. Stone said that he was not comfortable with using his road crew for the work because of the health concerns related to the bats. Mr. Burgess added that removing the floor was major work, and until the bats were dealt with, there was not anything they could do with the flooring. He also said that they needed to find a permanent solution to the bats and that it would not do any good to get rid of them if they could not find a way to keep them from coming back.

Mr. Piper changed the subject to the Board of Equalization (BOE) hearing scheduled for August 1st. Mr. Piper said that the petitioner felt he was given inadequate notice of the hearing and wanted to postpone. Mr. Piper said that he attempted to call on July 5th. On July 22nd, he attempted to call again and sent two letters containing the time and place of the hearing, one of them certified. Mr. Piper said the petitioner had sent several memorandums, including one where he asked for the appraisal from the Assessor's office. Mr. Piper said he felt the petitioner was given adequate notice, and the hearing should remain as scheduled. He said that at the hearing, both the petitioner and the Assessor's office would provide and read the relevant documents and be given time to make their case and debate their points. Mr. Piper said that the board would have until August 5th to make their determination.

Mr. Burgess returned to the subject of the bats in the Roundhouse. He asked Mr. Piper about the high-frequency repellent device he had installed in the Roundhouse and suggested that he may need to buy more if one was not enough. He said that even if they could remove the bats that were in there now, he did not know how they would keep them from coming back. Mr. Stone added that when they removed the concrete, they might need to wet the dust down to keep it out of the air while the crew was working. He was unsure if there was a fire hydrant near the Roundhouse and thought it would be difficult to get a firetruck in there where it could spray down the dust. Mr. Burgess suggested that they contact someone who had experience removing bats. He suggested calling Greg Tacha because he remembered him doing something similar in the past. Mr. Piper said that he had found a company called Wildlife INC that could remove them and that he would contact them. Mr. Piper asked if he should proceed with the bid, and Mr. Burgess said to go ahead. Mr. Piper said that Mrs. Devers wants to advertise in the Dodge Daily newspaper.

Mr. Stone asked Mr. Piper if he had any news about the Veteran’s Service Office, and he said that he had not. Mr. Burgess said that they should have the Veteran’s Service officer come into the meeting once a month so that the commissioners could keep better tabs on how things were going and show more interest in the position.

Mr. Ewing moved to adopt a resolution further extending the Use by Special Review and Development Permit #20-02 for the Nereo GC Lincoln, LLC wind energy generation facility, related facilities, and transmission line in Lincoln County, 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 July 30, 2024, there were present:

Steve Burgess, Chairman	Present
Wayne Ewing, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
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 #1126 It was moved by Commissioner Ewing and seconded by Commissioner Stone to adopt the following resolution:

A RESOLUTION FURTHER EXTENDING THE USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT NO. #20-02 FOR THE NEREO GC LINCOLN, LLC WIND ENERGY GENERATION FACILITY, RELATED FACILITIES, AND TRANSMISSION LINE IN LINCOLN COUNTY, COLORADO.

WHEREAS, at a meeting of the Lincoln County Board of County Commissioners held on June 18, 2020 the Lincoln County Board of County Commissioners considered the application, the staff report prepared with regard to the Application, the decision of the Land Use Board, the record of proceedings presented to the County staff and the Land Use Board, and such other information that was brought before the Board of County Commissioners at such meeting; and

WHEREAS, a Use by Special Review and Development Permit was granted to Nereo GC Lincoln, LLC to construct a Wind Energy Generation Facility and associated Transmission Line in accordance with the terms of the Application, subject to the conditions set forth in Lincoln County Resolution #1023. The Lincoln County Board of County Commissioners retained continuing jurisdiction over the Permit to address future issues concerning the site and to ensure compliance with the conditions of the Permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit; and

WHEREAS, the conditions set by Lincoln County Resolution Stated, “6. Nereo shall have a period of one (1) year after the date of issuance of the Lincoln County Development Permit #20-02 for implementation of the applicant’s use of the Property for a Wind Energy Generation Facility and associated Transmission Line. In the event the applicant requests any extension of the one-year period for commencement of construction of the applicant's use of the Property for a Wind Energy Generation Facility, as set forth in Section 1-210 of the Lincoln County Zoning Resolution, no such extension shall extend longer than two (2) years after the date of issuance of Lincoln County Development Permit #20-02.”; and

WHEREAS, the Lincoln County Board of County Commissioners voted at a regular meeting of the board to approve the Land Use Board’s recommendation to extend the permit to August 5, 2023; and

WHEREAS, the Lincoln County Board of County Commissioners was presented new information at a regular meeting of the board on July 18, 2023 that warranted further examination of the existing permit and conditions regarding the permit, and asked to grant another one (1) year extension; and

WHEREAS, the Lincoln County Board of County Commissioners voted at a regular meeting of the board on July 28, 2023 to adopt Resolution #1099, extending the permit until August 5, 2024, and implementing the right going forward to continue extending the permit and only this permit by one (1) year increments at the Board’s discretion; and

WHEREAS, the Lincoln County Board of County Commissioners was presented new information at a regular meeting of the board on July 17, 2024 that warranted further examination of the existing permit and conditions regarding the permit, and asked to grant another one (1) year extension; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that the Board believes it is in the best interest of the Citizens of Lincoln County that an extension of one (1) additional year be granted to Lincoln County Permit Number 20-02 for the Nereo GC Lincoln, LLC Wind Energy Generation Facility, related facilities, and associated transmission line, to expire on August 5, 2025; and

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Burgess, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Acting Clerk of the Board

Mr. Burgess said that after the problems with the Clerk and Recorder front counter redesign project, the County should consider holding back ten percent of any contractor's payment until the clients had had a chance to walk through the project to make sure that everything was completed and that there were no problems with the work.

Maintenance Director John Mohan arrived at 10:30 AM. The board left the meeting room to look at the bathrooms in the jury assembly room and the jury deliberation room before the contractors arrived for their walk-through at 11:30 AM. The group discussed the work that was needed for all bathrooms and the court schedule that would need to be worked around. For each bathroom in the jury assembly room, part of the interior wall and door would need to be removed, and a new wall and door put in flush with the west wall of the assembly room. They would need to install twelve-inch ceramic tile. The toilets would need to be moved, grab bars mounted, and new light fixtures installed. Both new doors would need automatic door openers and electrical to support them. For the men's restroom, the closet door would also need to be moved. The bathroom in the deliberation room would require the same renovations. Mr. Burgess said that Jury Commissioner Kim Graham should be there while the contractors were doing their walk-through.

The group returned to the commissioners' room and began waiting for the contractors to arrive. Mr. Mohan said that he would check with Eric Stum about his estimate for the flooring in the courthouse. Mr. Stone added that they had already put something in the budget for it.

Mr. Burgess said that Travis Miller had sent back his revisions for the Big Sandy Creek Bridge Rehab Project but that they should wait until Mr. Kimble was present to discuss them.

Jason Coonts, David Stang, and Karlin Mohan arrived at 11:30 AM. The group left the commissioner room again for a walk-through of the Court Bathroom Renovation Project, starting with the jury assembly room. Mr. Piper said that he had also received bids from two other contractors. Mr. Burgess explained that the project would be to renovate both bathrooms of the jury assembly room to make them ADA-compliant. He said that they would need to move the wall and door, move the toilet, install grab bars, move the light switch, install an automatic door opener, retile with twelve-inch ceramic tile, repaint to Mrs. Graham's specifications, and move the closet door by the men's bathroom. He said that they wanted to do the entire project with as few change orders as possible.

Mrs. Graham arrived at noon. The contractors took their measurements. Mr. Stang said that the listed renovations would not be enough, and to make the room ADA-compliant, they would

need to move the entire east wall of the jury assembly room west a few feet to meet the space requirements. He said that to do this, they would need to remove a large amount of concrete in the floor, redo the plumbing for the sink in the counter, move the fire sprinklers, move the air return, and move the toilet further than they had planned. Mr. Coonts and Mr. Mohan agreed with his assessment. Mr. Burgess asked if they would be comfortable bidding on the original project with this information, and they said they would not since the specification was for ADA compliance. Mr. Burgess then asked if they were prepared to bid on the ADA-compliant version, and Mr. Stang said he would need more time to figure out what would need to be done. He said he would need to look above the drop ceiling to see how the electrical, ventilation, and plumbing were set up. Mr. Burgess said that they would do another walk-through on the 6th.

The contractors left, and the others returned to the board room. Mr. Piper said that he would work with Mrs. Graham to see what their grant funding would cover and could advertise the original project as a simple remodel instead of an ADA-compliant remodel if the grant would not cover it. They had planned to receive \$40,000.00 in grant funds and spend another \$15,000.00 in county funds.

Mr. Burgess said that they needed to move the last commissioner meeting in August from the 29th to the 28th.

With no further business to discuss, Mr. Burgess adjourned the meeting at 12:17 PM. The next meeting will be at 9:00 AM. on August 6, 2024.

Ryan Davis
Acting Clerk of the Board

Steve Burgess
Chairman