

Board of County Commissioners of Lincoln County  
Agenda for April 28, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Casey Love to present the report from the April 19, 2022, Land Use Board meeting
- 10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Darlene Carpio, Regional Director for Congressman Ken Buck, to provide legislative updates
- 11:30 Stuart Knight with Holland and Hart, LLP to propose a ballot initiative regarding the commercial cultivation of marijuana

-To be completed as time permits-

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1. Approve the minutes from the April 18, 2022, meeting
2. Review and act upon Resolution #1062: a resolution for an exemption from the Lincoln County subdivision regulations for Plumb Farms LTP, LLLP by Rose Cronk
3. Review and act upon the County Veterans Service Officer's Monthly Report and Certification of Pay
4. Review and act upon a contract between James Martin, with Evergreen Systems & Technology, and Lincoln County for information technology services and website design management
5. Review a quote regarding a sound system for the Lincoln County Fairgrounds
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old Business
10. New Business
11. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 28, 2022. Chairman Doug Stone, Commissioners Ed E. Schiffers and Steve Burgess, County Administrator Jacob Piper, and Clerk of the Board Corinne M. Lengel attended. County Attorney Stan Kimble attended until approximately 1:00 p.m. Stephanie Zwick with the Limon Leader/Eastern Colorado Plainsman and commissioner candidate Wayne Ewing attended until 12:30 p.m., as did Nyal Smith, who arrived at 9:15 a.m.

Chairman Stone called the meeting to order as the Lincoln County Board of Public Health and asked Mr. Piper to lead the Pledge of Allegiance.

Public Health Director Kelly Meier provided a \$2,594 quote from CureMD for an electronic record-keeping system. She explained they would use ELC and Immunization COVID funds until 2024. After that, the recurring monthly fee would be \$600. She'd spoken with Ken Stroud and Darcy Janssen, who felt that EPR could cover half of the monthly amount. Mr. Schiffers asked if the system were as good as the one she'd initially proposed, and Mrs. Meier said it would do everything the other would but for much cheaper. Mr. Burgess moved to approve the \$2,594 quote from CureMD for an electronic record-keeping system for Public Health. Mr. Schiffers seconded the motion, which carried unanimously.

Mrs. Meier said they were switching to prioritized COVID-19 cases regarding contact-tracing, which meant homeless shelters, jails, and assisted living facilities. If another outbreak occurred in the schools, they would implement the quarantine and contact-tracing rules again, but for now, the state said they could discontinue those practices for individual cases.

The contractor replacing the flooring in the Public Health office planned to start on May 2, so they posted a notice that they would work out of the Limon office next week, limiting walk-in services. Mrs. Meier said she'd talked to Sheriff Nestor and Ken Stroud about her safety concerns with the counter just inside their front door. Employees can't see over it, so she would like to remove it while working on the floor and replace it with a desk when they finish the project. The commissioners agreed, and Mrs. Meier said they would also have to move their panic button. She thought they might be able to use COVID funds for a wireless one.

Mr. Stone adjourned the meeting as the Lincoln County Board of Public Health at 9:12 a.m. and reconvened as the Board of Lincoln County Commissioners. Mrs. Meier left.

Mr. Schiffers moved to approve the minutes from the meeting held on April 18, 2022, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Piper said they should wait to adopt the resolution until Casey Love got there, so the Board reviewed the County Veterans' Service Officer's monthly report and certification of pay.

While reviewing the contract between James Martin with Evergreen Systems & Technology and Lincoln County for services and website design management, Mr. Piper said there were a few changes regarding the updated software and backups. Mr. Martin had also increased his hourly

rate to \$92 per hour. Mr. Burgess felt the commissioners should increase the mileage rate to the federal rate because of gas prices. The others also had received comments, so Mr. Burgess moved to increase the county's mileage reimbursement rate from fifty-three cents (\$.53) per mile to fifty-eight point five cents (\$.585) per mile, effective May 1, 2022. Mr. Schifferns seconded the motion, which carried unanimously. Since the motion affected Mr. Martin's new contract, Mr. Schifferns moved to approve the contract between Evergreen Systems and Technology and Lincoln County for services and website design management, including the increased mileage rate. Mr. Burgess seconded the motion, which carried unanimously.

Nyal Smith arrived shortly before Casey Love, who met with the commissioners at 9:20 a.m. to present a report from the April 19, 2022, Land Use Board meeting. The meeting was well-attended by all board members, Mr. Kimble, and the new Land Use Administrator Ty Stogsdill. Mrs. Love said they voted unanimously to approve Development Permit #22-02 for Plumb Farms, LTP, LLLP, by Rose Cronk. The family split off the ten acres with the house so they could sell it. The Land Use Board denied Development Permit #22-01 for Noisy Acres, Inc., to build a private driving training facility northeast of Hugo for several reasons, including fire danger and erosion. Mr. Kimble added that the facility was also not in character with the neighborhood and didn't fit the ordinance. The Land Use Board suggested the applicant, Brett Hunter, contact the county to see if they could hold their events at the fairgrounds. Mrs. Love said she never heard back from them and explained that it wasn't a racetrack but a place to train entry-level drivers.

Mrs. Love said Anthony Johnson, the owner of the old weather station on State Road 71, called to let her know he'd received the Cease-and-Desist Order but hadn't realized he'd violated any county codes. He agreed to go through the proper permitting process.

Mrs. Love said she brought up Ed Waite's situation at the meeting but hadn't talked to him personally. Ty Stogsdill felt he would like to discuss things with Mr. Waite and see if they couldn't start the process from the beginning so he knew what was going on.

Mr. Schifferns asked if the county had fencing regulations to keep property enclosed from the public eye. Mr. Stone said the weather station already had a fence around it and that county regs didn't require concealment. Mr. Kimble commented that the problem with the weather station was a zoning issue and that Mr. Waite's situation could fall under the nuisance ordinance.

Mrs. Love said that Mr. Stogsdill would start on Monday, and she would show him what she'd accomplished. Once he was acclimated, they would ask John DeWitt to come in. Three gravel pit lease agreements, one in each district, expired in February. Mrs. Love told the commissioners the leases needed signing by the landowner and each respective commissioner. She had also received five termination letters from the Colorado Department of Public Health & Environment regarding wastewater discharge permits on the Allen, Brent, Raymond Enderson, Andersen Farms, and Newsom gravel pits, all in District 2. Mr. Burgess said they had closed all the pits, so she didn't need to worry about the notifications.

Mr. Burgess asked about the permits for the Mountain View Electric Association project to install fiber optic/high-speed internet. Mr. Piper said that Trey James talked to the project manager, who wanted to send the bond to the county, which he did. Mr. Piper felt doing so gave the project manager the misconception that it meant they could move forward with their project. Mrs. Love said she hadn't heard anything from them, nor had they filed any utility permits. Mr. Piper said a representative from MVEA planned to meet with him, Ty Stogsdill, and Chris Monks on Monday. Mr. Burgess commented that the road foremen needed to know where the company planned to work.

Darlene Carpio, Regional Director for Congressman Ken Buck, arrived at 10:10 a.m.

Mr. Burgess moved to adopt Resolution #1062, an exemption from subdivision regulations for Plumb Farms, LTP, LLLP, by Rose Cronk. 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 28, 2022, there were present:

Douglas D. Stone, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Steve Burgess, 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 #1062** It was moved by Commissioner Burgess and seconded by Commissioner Schifferns to adopt the following resolution:

**WHEREAS**, application has been made by Plumb Farms LTP, LLLP by Rose Cronk for exemption from the Lincoln County Subdivision Regulations on a parcel of land in Lincoln County described as follows:

SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 SOUTH, RANGE 53 WEST OF THE SIXTH PRIME MERIDIAN LINCOLN COUNTY, COLORADO

**WHEREAS**, the request for this exemption did not include a request for a change of use of the property; and

**WHEREAS**, under Section II-27-D-Subdivision, the Board of County Commissioners may exempt from this definition of the terms "subdivision" and "subdivided land" any division of land if the Board of County Commissioners determines such division is not within the purposes of this article.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that the parcel as described in the application be excluded from the provisions of the Lincoln County Subdivision Regulations so long as there is not a change in the present use of the property.

**BE IT FURTHER RESOLVED** that this exemption from the provisions of the Lincoln County Subdivision Regulations excludes any future division of the property without subsequent approval by the Board of County Commissioners.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

ATTEST

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Clerk of the Board

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The Board reviewed a \$12,209.39 proposal from Sweetwater Music Instruments and Pro Audio for a sound system at the county fairgrounds. Mr. Schifferns noticed no mixer included on the quote, and Mr. Piper commented that it also included almost \$1,000 in sales tax that the county wouldn't pay. Fairgrounds Manager John Palmer had Carl Dutro look it over, and Mr. Dutro had said it looked okay. Mr. Burgess called Mr. Palmer but had to leave him a message. Mr. Palmer called back right away, and after Mr. Burgess told him what Mr. Schifferns said about the absence of the mixer, Mr. Palmer checked and said the company forgot to include it on the quote. It was \$359.99.

Human Services Director Andrew Lorensen met with the Board at 10:00 a.m. to give his monthly report. The commissioners reviewed the financials, employee timesheets, and Income Maintenance, Child Welfare & Adult Protection, and director's reports. Mr. Lorensen presented a proposal for a lateral move of Administrative Assistant IV Bailey Mares to an Income Maintenance Tech IV. Doing so would provide cross-training for programs that Robert Kraxberger handles, who currently is the only one with that knowledge. Mr. Lorensen would hire someone to fill the Administrative Assistant position at approximately \$3,059 per month and suggested starting the person at Level 1, Step 1, or 2, based on experience. He estimated the cost to the county at \$10,390.84.

Economic Development Director Troy McCue arrived at 10:25 a.m.

Mr. Schifferns moved to approve Mr. Lorensen's proposal to move Bailey Mares to an Income Maintenance Tech IV and hire a new Administrative Assistant to replace her. Mr. Burgess seconded the motion, which carried unanimously.

After discussing the proposed sound system for the fairgrounds arena again, Mr. Schifferns felt the wireless microphone was unnecessary. Mr. Burgess moved to approve the Sweetwater Music Instruments & Pro Audio quote less the wireless microphone and sales tax, approximately \$10,864.09. Mr. Schifferns seconded the motion, which carried unanimously.

At 10:30 a.m., Ms. Carpio informed the Board that she'd attended a meeting with the USDA Rural Development State Director at Lincoln Health. He was highly interested in the project but said they would need national approval because of the \$70 million price tag.

Ms. Carpio reported Congressman Buck's concerns with the recommendation to close the VA clinics in Lamar, La Junta, Salida, and Burlington if they don't have nine hundred registered veterans registered using each site. The congressman suggested basing it on population instead of a "one-size-fits-all" method. Congressman Buck also pushed back on Title 42 regarding pandemic-related healthcare and sent letters to President Biden concerning trade with China. Lastly, Ms. Carpio said the congressman voted against the \$1.5 trillion, 2,000+ page Omnibus bill.

Ms. Carpio asked if the commissioners had specific issues she could relay to the congressman, and their main concerns were inflation and staffing. Mr. Burgess had also heard a rumor that Social Security would run out of funds by 2035. Ms. Carpio wasn't aware of it but said she would check into it and left the meeting. Troy McCue left as well.

Mr. Stone reported stopping by the shop on April 19, where he appointed Judd Kravig as the new District 3 road foreman. He spoke with Mr. Piper about personnel and received a call from Mrs. Love about gravel pit inspections. Greg Etl called him about the Genoa Tower and protection for the flow-through account. The road crew worked on crack-sealing on April 19 and 20. Mr. Stone reported receiving an email from Jamie Giellis regarding the required uses for the roundhouse. Mr. Piper commented that the deed from the Union Pacific Railroad to Lincoln County specified that the structure's uses included office space or a museum, nothing else. He had also found a donation agreement and bill of sale from Merlin Stum to the county but never located any documents between the U.P. and Mr. Stum. Mr. Kimble noted they might be able to get the U.P. to release those specifications.

On April 21, Mr. Stone talked to Chris Monks about employee leave time, and on the Twenty-sixth, he spoke with Mr. Monks and Judd Kravig. They scheduled McCormick to start paving the week of May 9. Mr. Stone attended the Economic Development dinner and meeting on April 27, where they discussed the Mountain View Electric Association fiber optic/internet project.

Sheriff Tom Nestor, Jail Captain Michael Yowell, and Deputy Assessor Renita Thelen joined the meeting at 11:15 a.m.

Mr. Burgess stopped at the Assessor's office after the meeting on April 18 to find out if the county owned the road by the Genoa Tower that Jamie Giellis referred to in her presentation. There was no record of Lincoln County owning it, but they thought it might be Paul or Harvey Martin's. Mr. Burgess contacted Paul Martin, who told him it was likely Harvey's. Mr. Stone called Mr. Burgess about personnel issues on April 19. He also got a call from Sheriff Nestor, who said he'd had some offers on two of the patrol vehicles they no longer used. He asked the sheriff to explain in further detail.

Sheriff Nestor said they had a 2013 Chevy pickup and a 2019 Chevy Tahoe with a little over 125,000 miles on each of them that he preferred to turn back to Vince's Chevrolet, as they agreed to apply the credit to vehicles purchased in 2023. While the two units he referenced would likely bring \$10,000 and \$15,000, the sheriff said they would probably get around \$20,000 on each of their trade-ins through Vince's next year.

Mr. Schiffers moved to trade a 2013 Chevy pickup and a 2019 Chevy Tahoe to Vince's Chevrolet for credit in 2023. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess continued his report, stating he'd called Harvey Martin on April 20. He also talked to Bruce Walters; the crew members graded roads and worked on trucks. On April 25, Mr. Burgess let Jamie Giellis know what he'd learned about the road by the Genoa Tower. She said she'd contact the right people and let them know to get in touch with Harvey Martin if they were so inclined. Mr. Burgess attended the Economic Development meeting at Mountain View Electric on April 27. He met with Bruce Walters and Allen Chubbuck at Doric Vaults in south Limon to look at concrete. While it was too fine to work for Road & Bridge, it would be good to use as cover at the landfill. Chris Monks called him with questions regarding height clearance on powerlines, and they also discussed how to obtain funds for the bridge on County Road 109. Mr. Burgess spoke with Greg Etl about funding, and Mr. Etl told him there might be off-system bridge funding available. Still, if there were no state reports of deterioration, they might need to get an inspection before they started repairs. He also suggested that the county contact Eric Bergman. Mr. Burgess attended the Economic Development dinner and meeting at the fairgrounds. District 2 will have to pay another \$8,500 for the Mack truck they just got. Lastly, Mr. Burgess said he'd received a complaint earlier this morning about a farmer dragging trash onto a county road.

Sheriff Nestor gave the group a quick update on the Karval tornado siren/repeater, explaining that Sarah Nuss said the school wouldn't pay to hook it up again, nor did they want it back where it was. The sheriff thought it would fit in the firehouse temporarily during tornado season but said they might have to seek a different long-term solution.

Stuart Knight with Holland and Hart, LLP, met with the Board via Zoom at 11:30 a.m. to propose a ballot question regarding the commercial cultivation of marijuana. Mr. Knight reminded the

group that his client, Jeff Sveinsson, had met with the commissioners previously to request that Lincoln County allow him to put in a commercial cultivation facility.

Mr. Kimble explained that under election law, county residents couldn't typically bring forth a citizen-initiated petition for a ballot measure; however, marijuana law did allow that provision. Still, he couldn't find where a group could seek to allow marijuana cultivation or retail businesses within a county; rather, according to 44-10-104 (3), C.R.S., "...any local jurisdiction may *prohibit* the operation of retail marijuana businesses through the enactment of an ordinance or through a referred or initiated measure." If through an initiated measure, the proponents would have to submit a petition signed by no less than fifteen percent of the county's registered electors. Mr. Kimble interpreted the law to mean that citizens could only prohibit marijuana cultivation or sales through the petition process, not permit it.

Mr. Knight said it wasn't his area of expertise and wanted to know what it would take to convince the commissioners to place the question on the November ballot.

Mr. Kimble had seen on the Attorney Listserv where some counties, such as Moffat County, held non-binding elections to determine if residents had changed their minds since Amendment 64 passed in 2012. If so, the commissioners could reverse the ordinance they adopted. Mr. Piper asked if the Board would need an informal petition signed by residents, but Mr. Kimble said it wouldn't be necessary. He added that the commissioners would have to provide the ballot language if they decided to place the question on the ballot. Mrs. Lengel informed the group that as of November, a new law required her office to list all ballot questions in Spanish, which meant whomever the commissioners designated as the county's designated election official would have to carry that responsibility.

Sheriff Nestor didn't know if allowing commercial cultivation would cause his department more work, but he assumed it would and said that the illegal grow facilities they'd dealt with created no end of problems.

Mr. Stone said he couldn't see much benefit to the county if Mr. Sveinsson planned to grow marijuana in Lincoln County but then haul it out for distribution and sale. Mr. Knight said the county would get the excise tax but no sales tax.

Mr. Stone asked what would happen if the commissioners said they didn't want to put a question on the ballot. According to state statutes, Mr. Kimble told him that nothing would force them to do so.

Wayne Ewing asked how much water it took for a profitable business, but Mr. Knight said all he knew was that his client would have to show he had a viable water source when applying for the permit.

Mr. Burgess wanted to know if a cultivation facility required state and county permits, and Mr. Knight told him there were state permits, and the county would have to approve and renew an

annual license, similar to a liquor license. He added that the county could limit the number of locations/facilities through zoning regulations.

The sheriff asked if Mr. Sveinsson would have to provide security or a method of keeping the public out, and Mr. Knight responded that state law required twenty-four-hour video security at the site. The sheriff also asked if the state inspected the facilities to ensure compliance, which Mr. Knight assured him it did.

Captain Yowell wanted to know the lifespan of a typical cultivation facility, and Mr. Knight explained that it depended on the owner and their operation. Like any other business, it could either thrive or fail.

Mr. Kimble wondered what size Mr. Sveinsson's cultivation operation would be, but Mr. Knight said it depended on the location. State law limits the number of plants, and there are different tiers of licenses based on that number, starting with 3,600 plants and increasing by 1,800 per tier. Mr. Knight added that since the question wasn't yet on the ballot, he wasn't sure if Mr. Sveinsson had a particular place in mind.

Mr. Kimble also asked what the county would gain through an excise tax that might offset the costs, but Mr. Knight suggested he contact Moffat County to see if they had any information they could share.

Mr. Burgess said he would like to see Moffat County's ballot language at least, and Mr. Kimble said he would get it. He added that if the commissioners planned to put the question to the voters, they would need to decide by the first part of June.

Mrs. Thelen commented that land values would go up because the Assessor's office would value the cultivation facilities as commercial property instead of agricultural property, and then she left.

Captain Yowell said that Lincoln County voters overwhelmingly voted against Amendment 64, which legalized the retail sales of marijuana for recreational purposes in the November 2012 election, but it passed statewide anyway. Then in November of 2018, Lincoln County voters passed Amendment 74, the measure that would have allowed property owners to file takings claims against the government when government action or regulation reduced property values. However, the measure failed statewide.

Mr. Piper noted that the county would likely need to adopt zoning regulations for commercial cultivation if a ballot question passed. Mr. Burgess expressed that the more populated areas might approve the measure since it wouldn't necessarily affect them, even if rural voters voted against it. As an advocate for landowners to do what they wanted with their property, Captain Yowell said his concerns about water and power sources, odors, security, and traffic outweighed those opinions in this instance.

There was no further discussion on the subject, so Mr. Piper disconnected the Zoom call, and the officers, Mr. Ewing, and Mrs. Zwick left the meeting. Mr. Kimble provided a trial update, and then he left as well.

Mr. Piper said the county would have to enter into an agreement with the Friends of the Genoa Tower upon approval of their REDI grant, and Mr. Burgess commented that they'd gotten Enterprise Zone approval.

Town of Limon inspector Kenny Davis had called Mr. Piper about the request Robin Halley made for the shooting range expansion on State Road 71. He said they'd requested five dump truck loads of asphalt millings. Mr. Burgess offered to speak with Mr. Davis about it.

Mr. Piper asked how the commissioners wanted to handle the new Veteran Service Officer's phone and internet bill since Mrs. Johnson already had an account with CenturyLink. The Board agreed it would be best to reimburse Mrs. Johnson for her monthly charges.

Since they hadn't acted on the man-lift, Mr. Piper asked if the commissioners wanted to accept one of the proposals from Discount Forklift that John Mohan had left for them. After a brief discussion regarding minimal usage and the cost of the equipment, the Board agreed to table the topic. Mr. Burgess said if a great need arose, they could figure out a way to rent one.

Mr. Burgess asked Mr. Piper if he'd advertised the landfill's May 14 "free day" yet, and Mr. Piper said it would be in next week's papers. The alternate date is May 21. Mr. Stone asked if he'd heard anything further regarding the charge application from the property management company, but Mr. Piper hadn't.

Mrs. Lengel asked Mr. Burgess if he'd heard back from Brad Olson, but he hadn't, so Mr. Burgess called and left another message. Mrs. Lengel asked if Tony Wernsman designed additions, so Mr. Burgess called him to ask. Mr. Wernsman said he would contact Mrs. Lengel to look at the area and find out what she wanted to do, and then he would get in touch with Mr. Olson to formulate a plan.

With no further business to come before the Board, Mr. Stone adjourned the meeting at 2:02 p.m. The next meeting is at 9:00 a.m. on May 6, 2022.

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Corinne M. Lengel, Clerk of the Board

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Doug Stone, Chairman