

Board of County Commissioners of Lincoln County  
Agenda for August 30, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Public Hearing on a request from the Rotary Club of Limon, Colorado, for a Malt, Vinous and Spirituous Liquor Special Events Permit for October 1, 2022
- 10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH monthly report
- 11:00 Renita Thelen, Deputy Assessor, and Ty Stogsdill, Land Use Administrator, to discuss the assessment of in-home businesses

-To be completed as time permits-

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1. Approve the minutes from the August 18, 2022, meeting
2. Review and act upon Resolution #1072: a resolution to extend the moratorium created by Resolution #1066 regarding the acceptance of applications to create subdivisions
3. Review and act upon an employee credit card request for Teena Ludwig
4. Discuss Lincoln County Landfill operations
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 August 30, 2022. Chairman Doug Stone, Commissioners Ed E. Schifferns and Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, and Limon Leader reporter Stephanie Zwick attended. John Mohan, Charlie Kendrick, and Delon Fox were present at the start of the meeting.

Chairman Stone called the meeting to order and asked Mr. Schifferns to lead the Pledge of Allegiance.

Mr. Mohan informed the Board that Leo Hurtado checked prices on the wire he planned to use for the electrical project in the new maintenance shed, and they had doubled. Therefore, he needed to add approximately \$1,000 to his original \$2,500 bid. Mr. Mohan said the project also required digging a trench, and he could have Chris Monks do it with a backhoe, or he had talked to Carlos Leonard, who has a track hoe, which is much smaller and easier to manipulate. The area is rather tight between the Conex containers and the waterline, so Mr. Mohan thought the smaller piece of equipment would work better. Mr. Leonard charges \$35 per hour and estimates it would take him about six hours. Mr. Stone said he should have Mr. Leonard do it. As for the electrical issue, Mr. Burgess commented that Mr. Hurtado should have checked the price of the wire before he bid on the job and felt Mr. Mohan should get other estimates.

Mr. Mohan also received a \$4,800 quote from Mo's Construction for the maintenance office's drywall, insulation, and carpet installation. There are leftover carpet squares he can use, so Mr. Mohan said there would be no cost for that. Mo's Construction submitted an estimate of \$3,145 to replace the sidewalk to the courts, including digging out the rock and forming and pouring the concrete. The area is 37' x 5' and 4" deep.

Mr. Burgess moved to obtain new bids for the electrical project at the maintenance shop, and Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper checked the amount the commissioners had budgeted for the building and said it would be considerably less than the anticipated \$40,000. Mr. Mohan commented the current total was about \$25,000. Mr. Piper also noted that since the cost for the sidewalk was under \$5,000, they would probably have to take it from the Grounds and Buildings budget rather than Capital Projects.

Mr. Burgess moved to approve the \$4,800 bid from Mo's Construction for work in the maintenance office and to take the money from the Grounds and Buildings budget's maintenance line item. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess moved to approve the \$3,145 bid from Mo's Construction to replace the sidewalk at the courts. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Mohan left, and Mr. Schifferns moved to approve the minutes from the meeting held on August 18, 2022, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Kimble was still working on the subdivision regulations; he pulled John DeWitt's good points from the version the past land use administrator created and included them in the county's current regulations. Mr. Kimble also used information from another county's regs but needed more time to complete the task.

Mr. Burgess moved to adopt a resolution extending the moratorium created by Resolution #1066, regarding accepting applications to create subdivisions. Mr. Schiffers 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 August 30, 2022, there were present:

Douglas D. Stone, Chairman	Present
Ed Schiffers, 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 #1072** It was moved by Commissioner Burgess and seconded by Commissioner Schiffers to adopt the following resolution:

**A RESOLUTION TO IMPOSE A TWO MONTH EXTENSION FOR THE MORATORIUM ADOPTED VIA RESOLUTION #1066 ON THE ACCEPTANCE OF APPLICATIONS CONCERNING THE LINCOLN COUNTY SUBDIVISION REGULATIONS REGARDING THE CREATION OF A "SUBDIVISION" OR "SUBDIVIDED LAND"**

**WHEREAS**, the Board of Commissioners of Lincoln County, hereinafter referred to as the "Board", did approve the Lincoln County Subdivision Regulations on September 5, 1972

**WHEREAS**, the Board drafted subdivision regulations in April of 2014; and

**WHEREAS**, due to concerns raised by local utility companies and Land Use Board, the rough draft was not adopted and needed further review; and

**WHEREAS**, the Board of Commissioners wishes to explore regulations, or amended regulations, which would protect both the applicant, landowners, and utility companies; and

**WHEREAS**, the Board of Commissioners adopted Resolution #1066 on June 7, 2022 to impose a three-month moratorium on the acceptance of applications concerning the Lincoln County Subdivision Regulations regarding the creation of a "Subdivision " or "Subdivided Land".

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County:

**Section 1. Extension of the Temporary Moratorium on the acceptance and consideration of applications for permits seeking to create a subdivision or subdivided land**

Upon the adoption of this resolution, an extension of the moratorium shall be enforced for two (2) months from the date of this Resolution, unless sooner rescinded or extended by the Board. The moratorium shall be imposed upon applications to create subdivisions or subdivided land under the regulations stated in the current Lincoln County Subdivision Regulations adopted in 1972.

**Section 2. Effective dates of the moratorium.** The extension on the moratorium imposed herein shall continue up to and through two (2) months, unless sooner rescinded or unless extended.

**Section 3. Staff to Investigate and Prepare Proposed Regulations.** Before the expiration of the moratorium, the County staff and relevant Board committees shall carefully review the possibility of creating reasonable regulations concerning the creation of subdivision or subdividing land, while also considering the impact such regulations may have on utility companies, the applicant, and surrounding landowners. Such investigations shall be completed promptly and with due diligence. If directed to do so by the Board, the County Attorney and County Staff shall prepare appropriate new regulations with respect to such uses for consideration by the County Land Board and / or the Board of Commissioners.

**Section 4. Subdivision Exemptions.** This moratorium excludes all subdivision exemptions or subdivision exemption applications that are pending or proposed

**Section 5. Police Power Finding.** The Board of Commissioners hereby finds, determines, and declares that an emergency exists, and that this resolution is immediately necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the inhabitants of unincorporated Lincoln County.

**Section 6. Authority.** The Board of Commissioners hereby finds, determines, and declares that it has the power to adopt this Resolution and temporary moratorium pursuant to: (1) the Local Government Land Use Control Enabling Act, §29-20-101 C.R.S., et seq, and other relevant statutes.

**Section 7. Severability.** If any section, subsection, or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Upon roll call the vote was:

Commissioner Burgess, Yes; Commissioner Schiffers, 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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Mr. Schifferns moved to approve a county credit card with a \$1,000 limit for janitor Teena Ludwig. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess said Landfill Operator Allen Chubbuck called to say one of the local businesses wouldn't disclose where their load came from and mistreated staff when they asked. Mr. Burgess felt the commissioners should allow the landfill employees to charge double if a customer refused to divulge the origination of trash they brought in. Mr. Kimble asked if charging extra for waste brought in from outside the county was the current policy, and Mr. Burgess told him it was.

Mr. Schifferns moved to allow landfill employees to request the origination of loads brought in or to charge fees accordingly if not disclosed. Mr. Burgess seconded the motion, which carried unanimously.

At 9:30 a.m., Mr. Stone opened the public hearing on a request from the Rotary Club of Limon, Colorado, for a Malt, Vinous, and Spirituous Liquor Special Events Permit for the October 1, 2022, mouse races. Mrs. Lengel said she'd heard no negative feedback, so Mr. Burgess moved to approve the permit and waive the \$25 fee. Mr. Schifferns seconded the motion, which carried unanimously. Mr. Fox and Mr. Kendrick left the meeting.

Mr. Burgess reported that the District 2 road crew removed a six-foot pipe and made a low water crossing on a farm road up north. John Rowe called to tell him their grader was ready, and Bruce Walters planned to pick it up today.

Mr. Schifferns reported a resident brought him what looked like a bill from the Outback Express bus on August 19. Mr. Schifferns contacted Candace Payne, who told him it was only a suggested amount, not a statement. Chris Monks called Mr. Schifferns on August 22 and said the District 1 crew planned to start work on the bridge on County Road 109 south of the courthouse. Mr. Schifferns checked roads that day. On August 23, he received a call asking if he planned to attend the Mountain View Electric fiberoptic project meeting. Mr. Stone said a group of landowners from down south and around the Stratton area were getting together to discuss hiring a lawyer, their liabilities, and how to protect themselves. Mr. Stone wasn't sure if

it was a meeting the commissioners should attend, and Mr. Kimble agreed. Mr. Schifferns also reported talking to Chris Monks again on August 24. He said that MVEA was taking down some of the lines they'd just put up and that he'd heard they would redo them, either at the height of twenty-one feet or buried. However, they'd postponed the project for now. Mr. Stone thought they might not be able to use the existing poles if they planned to reach twenty-one feet. Mr. Schifferns and Mr. Monks also discussed new help and mower prices. He checked some roads that evening. Yesterday, Mr. Monks sent pictures of the completed bridgework—they'd finished half of it. Mr. Schifferns also received an email about the jail captain's damaged patrol car.

Mr. Stone reported receiving a call on August 22 asking if the county required an ambulance to be on standby at the fairgrounds for all rodeo events. Mr. Stone contacted Mr. Piper, who asked Emergency Manager Ken Stroud. Mr. Stroud said he'd check into it. The party told Mr. Stone that the fairgrounds manager said they needed an ambulance at the Little Britches rodeo, but their bylaws only required EMS and a backboard, so they didn't want to have to pay \$1,000 a day if they didn't have to. The party also told Mr. Stone that although PRCA and Ranch Rodeo required it, Little Britches did not. Mr. Kimble was unaware of any state regulations on the subject, and Mr. Piper said he wasn't sure where to look to find out. Mr. Stone also reported that he'd checked roads on August 23. He discussed the Xcel powerlines on August 24, and he and Judd Kravig looked at several county roads down south on August 25. Chris Monks called him that day with the information regarding the powerlines. Yesterday, Mr. Stone received the email about the jail captain's damaged patrol car.

Mr. Kimble had a rather lengthy report and started with the fact that he might be spending additional time in court because the sheriff's deputies were writing more traffic tickets. Truckers contribute to a legal defense fund, which provides them with counsel if they get a ticket. Sheriff Nestor didn't like his deputies to appear in court alone since they had no cross-examination powers.

Mesa County Clerk Tina Peters filed a complaint upon learning the primary election results, where she lost the race for Secretary of State. Ms. Peters subsequently filed for a recount and paid the required fees. She then filed a suit against the Secretary and the state's county clerks demanding the recount stop because the Secretary didn't instruct the clerks to perform hand counts of the ballots. She also claimed counties hadn't tested the voting equipment according to state statutes. The Secretary felt it was a moot point, as all counties had already completed their recounts and certified the results, all with the original outcome. Someone filed a similar suit in El Paso County and another in Arizona that the courts dismissed.

At 10:00 a.m., Human Services Director Andrew Lorensen met with the Board to give his monthly report. The Board reviewed the financials, employee timesheets, Income Maintenance, Child Welfare & Adult Protection, and director's reports. Mr. Lorensen said he'd still not received the notice ending the Public Health Emergency but expected it by the end of the year. He reminded the group that people receiving food assistance would see a drastic monetary decrease when it happened.

Mr. Burgess moved to sign the annual Signal and County Department of Human Services of Cheyenne, Elbert, Kit Carson, and Lincoln Counties Substance Abuse Treatment Service Agreement for June 1, 2022, through June 30, 2023. Mr. Schifferns seconded the motion, which carried unanimously. Mr. Lorensen explained it was \$35,116 in core and additional family service funding.

Mr. Lorensen said he'd applied for and received the \$2,700 child visitation grant, which bought the cell phone booster for the courthouse. The booster seemed to be working well.

At 10:30 a.m., Lincoln Community Hospital CEO Kevin Stansbury met with the Board to give his monthly report. He went over the June and July financials and said August might set a record for gross revenue. Mr. Stansbury also updated the group on the progress of the new hospital, including possible funding sources. He said the current estimated cost of the project was \$67 million, and if they qualified for a \$50 million debt, they would be short \$17 million. If the Hospital Revitalization Act passed, they could potentially see \$12 million of that seventeen. Mr. Stansbury said they were finalizing architects and general contractors and planned to hold county meetings once they had more concrete answers to some of the questions. Mr. Stansbury reported significant progress on the Byers Clinic and said they would hold a "Meet the Providers" event at the new library on September 7.

After Mr. Stansbury left, Mr. Kimble continued his report, stating that County Clerk Corinne Lengel had been inundated with CORA requests and forwarded them to him. She handled them well and most involved the recent conspiracy surrounding elections theories. Mr. Kimble added that it prompted Mrs. Lengel to ask for an update to the CORA policy, which he found appropriate, and asked her to explain it.

Mrs. Lengel said other counties had received requests for video surveillance footage from their office and ballot drop-boxes, and while she hadn't yet, she felt it was likely to happen. Therefore, she added a paragraph to the CORA policy stating the county would store video recordings on external media purchased and provided by the county, with the cost reimbursed by the requester. The update would prevent requesters from sending external media that might infect county computer systems. Mrs. Lengel felt other revisions were probably in order, but she wanted the policy to address video recordings as soon as possible.

Mr. Burgess moved to amend the county's CORA policy by including a paragraph regarding video recordings. Mr. Schifferns seconded the motion, which carried unanimously.

Concerning the recent claim filed, Mr. Kimble said the Governmental Immunity Act protects against tort actions. There are only eleven instances where someone could bring an action against government entities. He assured the Board that all proper notices were filed.

Mr. Kimble addressed the complaint regarding trash blowing on a property up north, stating that the county's nuisance ordinance dictates notification of the landowner. Mr. Kimble

wanted to know if he and Mr. Stogsdill should send a letter to the complainants, notifying them of where they were in the process, and the commissioners agreed.

As for the farmer leaving debris on a county road, Mr. Kimble said the law changed in March. Where interference or obstruction of a highway was a misdemeanor, it now was a civil action, which he would have to file in county court. Mr. Kimble said he had to prove the damage amount and asked Mr. Burgess to compile the cost of manhours and equipment needed to take care of the problem. Mr. Burgess said it had taken road crew members two trips to clear it off, so he assumed it would be over \$500.

At 11:00 a.m., Land Use Administrator Ty Stogsdill and Deputy Assessor Renita Thelen met with the Board to discuss the assessment of in-home businesses. Lincoln County Economic Development Executive Director Troy McCue attended the discussion. Mr. Stogsdill said ATF had requested a statement that a county resident could operate his business out of his home, and Mr. Stogsdill told them Lincoln County's zoning didn't require it. He and Mrs. Thelen drafted a letter stating the county didn't require special zoning or permits for home-based businesses and asked the group to review it. Mrs. Thelen said if the business didn't have a storefront or set business hours and wasn't open to the public, they didn't value it as commercial property. Mr. Stone commented that the county didn't want to discourage small businesses, and Mr. Kimble said they might have to revisit the subject as the county saw more development.

Mr. Stogsdill said a solar farm was going in just south of the county line, and he'd gotten calls from Crowley County residents asking for Lincoln County's solar regulations. Mr. Stogsdill's concern was the equipment delivery route, and Mr. Kimble said it might require a Road Use Agreement if they used Lincoln County roads. There is a public hearing on August 31 that the commissioners felt Mr. Stogsdill should attend.

Mrs. Thelen informed the group that Marta with the State of Colorado had asked for a flood plain map. Mr. Kimble said the commissioners passed a resolution several years ago to avoid noncompliance and were still waiting on a map. Mrs. Thelen said Marta told her they'd almost finished Limon, so they were finally working on it.

Mrs. Thelen, Mr. Stogsdill, and Mr. McCue left, and Mr. Stone called for the administrator's report. Mr. Piper wanted to confirm that the Board wanted to send the letter of intent for the State Historical Fund grant for the Hugo Union Pacific Railroad Roundhouse. Jamie Giellis could submit it electronically if the commissioner agreed. Mr. Kimble asked if applying for the grant locked the county into providing the match. Mr. Piper said the letter of intent merely meant the county considered applying. He added that if the commissioners wanted to, they could also wait until the spring grant cycle, and asked if the county had a contract with RPI to do the legwork. No one had an answer or knew of a contract, and Mr. Burgess asked if this round of funding was for the museum only, which it was. He commented that building the museum might help them obtain more funding and felt they should authorize Ms. Giellis to send the



letter of intent. Mr. Piper said they could budget for the match in 2023 if that were a better option.

Mr. Burgess moved to authorize Jamie Giellis to send a letter of intent to apply for a State Historical Fund grant for the Hugo Union Pacific Railroad Roundhouse. Mr. Schiffers seconded the motion, which carried unanimously.

Sheriff Nestor planned to submit his proposed pay scale with his 2023 budget request, and Mr. Piper asked the commissioners for their thoughts on the department heads' recommendations to do away with three-year steps and moving employees back a step when promoting them. Mr. Stone felt they had to make them all two-year steps, and Mr. Piper said it awarded longevity. Mrs. Lengel noted that she and the assessor and treasurer discussed moving chief deputies to Level 6, since those employees would have to take over all duties if the elected official had an extended absence. Mr. Piper said they could adopt the pay scales either the last meeting in December or during the reorganization meeting in January.

Mr. Piper said he'd had a question about maintenance on the courthouse vehicles since the county no longer employed a mechanic. Mr. Burgess said Parmer's Automotive could do oil changes, but that the sheriff preferred to take his department vehicles to Limon for general maintenance. Mrs. Lengel said the windshield in the van she and her employee took to an election class in Denver the previous week whistled terribly and wondered whose responsibility it was to take care of those items. She said as long as her department was the only one driving it, she could see keeping it clean but didn't feel they should have to schedule general maintenance or take the time to get it into a body shop when there were issues like the windshield. They did have the oil changed at Parmer's before they left because it was way overdue. Mr. Burgess said he would take the van to a body shop in Limon to have the windshield checked.

Lastly, Mr. Piper asked Mr. Kimble if the Oil and Gas lease he'd received seemed okay, and Mr. Kimble said it was the standard form and appeared to be fine.

Mr. Burgess brought up CDL licenses again and said they needed to figure out what they were going to do, sooner rather than later. Mr. Piper hadn't heard anything back about the class in Yuma County but said he'd send another email. Mr. Stone asked if the county would pay for meals and lodging, and Mr. Burgess said they would have to. He asked if it would be permissible to require the employees to sign commitment contracts or reimburse the training costs if they quit. Mr. Kimble said other agencies did it, but Mr. Stone felt it might cause further problems in obtaining good help.

As for old or new business, Mr. Burgess said there was bridge funding available if the county wanted to apply for it. He also asked Mrs. Lengel for an update on the election addition, stating there wasn't much time to complete the project. The new security requirements for election equipment go into effect at the end of June 2023, so Mrs. Lengel said they needed to get

started as soon as possible. Tony Wernsman emailed that he was reading the codes and asked if any portion of the courthouse was a storm shelter, but she'd heard nothing further.

The commissioners approved the August payroll and then, with no further business to come before the Board, Mr. Stone adjourned the meeting at 12:45 p.m. The next meeting will be at 9:00 a.m. on September 8, 2022.

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Corinne M. Lengel, Clerk of the Board

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Doug Stone, Chairman