

Board of County Commissioners of Lincoln County  
Agenda for February 16, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Troy McCue, Lincoln County Economic Development Corporation Executive Director, and Jamie Giellis with Centro Inc. to discuss the Lincoln County Roundhouse
- 10:30 Kelly Meier, Public Health Director, to present a public health update
- 11:30 Laurrie Rodgers, Veteran's Service Officer, to provide an update
- 1:00 Jeremiah Higgins, County Assessor, to discuss Geographic Information Systems
- 1:30 Fred Lundy, Land Use Administrator, to provide a land use update
1. Approve the minutes from the February 7, 2022, meeting
  2. Review the January 2022 reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
  3. Review the January 2022 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
  4. Review the January 2022 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
  5. Review an annual 2021 report for the Worker's Compensation Pool and Casualty and Property Pool
  6. Review and act upon a letter of support for the Town of Limon Ambulance Service
  7. Review and act upon an intergovernmental agreement for the Colorado Regional Opioid Council
  8. Review and act upon an intergovernmental agreement for Judicial District Transition Planning
  9. Discuss county bio-solid waste regulations
  10. County Commissioner reports
  11. County Attorney's report
  12. County Administrator's report
  13. Old Business
  14. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 16, 2022. Chairman Doug Stone, Commissioner Steve Burgess, County Administrator Jacob Piper, and Clerk of the Board Corinne M. Lengel attended the entire meeting in person. Commissioner Ed E. Schifferns attended the first half of the meeting via phone call. County Attorney Stan Kimble, Wayne Ewing, and Limon Leader/Eastern Colorado Plainsman editor Will Bublitz attended in person until noon.

Chairman Stone called the meeting to order and led the Pledge of Allegiance.

Lincoln Health CEO Kevin Stansbury provided information regarding SB22-125, the bill carried by Senator Sonnenberg allowing rural public hospitals and health service districts to improve efficiency and health care access through cooperation. Although Gini Pingnot with CCI didn't believe the organization would oppose it, neither did she feel there was enough impact for them to support it. However, CCI might take a position if it had more support from counties and special districts directly affected. Mr. Stansbury asked the commissioners for a letter supporting the legislation and requested they lobby CCI for help. He promised to draft a letter and have it back to the commissioners later this afternoon.

Mr. Stansbury left, and Mr. Burgess moved to approve the minutes from the meeting held on February 7, 2022, as corrected. Mrs. Lengel changed Veris Environmental to Denali Water Solutions, LLC. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the January 2022 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer.

John Mohan stopped by to discuss maintenance on his county pickup, letting the Board know that he preferred to take it to Parmer's Automotive instead of the county shop because he felt the shop mechanic wasn't qualified. Mr. Stone asked how often he took the vehicle in for service, and Mr. Mohan said it would be a couple of times a year. Mr. Burgess said the sheriff was taking his vehicles to Witt Boys in Limon and asked if Parmer's would cut the county the same deal. Mr. Mohan said he would check. Mr. Stone commented it didn't make sense to have a shop mechanic that no one used, and Mr. Burgess felt there was a problem.

Mr. Burgess asked Mr. Mohan if he'd checked further into the lift they'd discussed the previous year. Mr. Mohan said he hadn't looked for any other units other than the one he'd found but would call again.

Mike Scharp, Vice President of Sales and Environmental Services with the Rocky Mountain Region at Denali Water Solutions Colorado Springs, and Luke Bond, also with Denali, wanted to discuss agenda item #9. Since they hadn't scheduled an appointment with the Board, Mr. Piper asked Land Use Administrator Fred Lundy to come to the meeting room while Mr. Stone called Chris Monks. Economic Development Director Troy McCue and Christi Hollenbaugh also arrived at that time.

Mr. Monks was unavailable, but when Mr. Lundy got there, Mr. Scharp explained the town of Hugo employed his company to close out both of their old sewer lagoons. The second lagoon had a much greater volume than they anticipated, roughly 10,000 tons, which was too much to take to the site where they'd been dumping in Elbert County. They applied for a permit through the state, told initially that Lincoln County had no regulations for final disposal. They later learned the county did have regulations. Mr. Scharp said they would never have considered dumping the waste in Lincoln County if it hadn't come from Hugo. He felt that a road use agreement with the county made sense, but only on dirt roads and not the paved portion of County Road 2W. Mr. Burgess said Chris Monks wanted dust control, to which Mr. Scharp said they could have water trucks take care of that. He added that they had a bond through the general contractor with the town that allowed for conditions such as road damage.

Mr. Kimble said that the county hired someone to help with solid and liquid waste regulations in 1996 when there was an issue with the proposed "Dill landfill," and the commissioners adopted what was appropriate for the time. Mr. Kimble felt the regulations were highly technical, requiring expertise to explain most of them and added that over time, Colorado's regulations became more stringent than the county's, thus outdating them. Tim Larson with the Colorado Public Health and Environment told Mr. Kimble that Denali met all state requirements, so the state approved the permit for the dumping. Mr. Kimble sent Mr. Larson the regs Lincoln County adopted in 1996, but Mr. Larson hadn't gotten back to him yet.

Mr. Scharp said the material they'd hauled from the lagoon was old, with no nutrients in it and no odor to it. It had been in Hugo's lagoon in the same condition for years with no complaints. Denali had hauled a total of 309 loads so far and had about 250 to go.

Although the county commissioners in 1996 issued a moratorium, they lifted it again when they adopted the regulations, so Mr. Kimble said the current commissioners wouldn't be able to put another moratorium in place. He asked Mr. Scharp if the state had tested the material and provided a report, and Mr. Scharp explained any results were well below the state standards.

Mr. Stone said he'd taken several phone calls from concerned residents, some indicating there's a live water source in the southwest corner of the property where they were dumping the waste. Mr. Bond spoke up to say that federal regulations dictate they had to be thirty-three feet from a live water source, and they were nowhere close to that.

Mr. Burgess felt that since CDPHE permitted the activity, the county could go to the state if anyone felt Denali wasn't following the proper procedures, and the state would have to address the issues.

Mr. Lundy commented that the town of Limon had done the same thing but had dumped inside the city limits, so the procedure wasn't uncommon.

Mr. Stone said he'd been shocked when he found out someone was dumping bio-solid waste in the county, and Mr. Bond said they notified Public Health, which was their practice. However,

Kelly Meier hadn't known anything about solid waste regulations and forwarded the message to Mr. Piper, who forwarded it to Mr. Lundy.

Christi Hollenbaugh said people have to notify their neighbors when building a house. She asked why no one informed the landowners that Denali was dumping solid waste on neighboring property. Mr. Scharp said the only requirement from the state was to notify Public Health, which they'd done. Mr. Bond added that wastewater treatment plant processes, such as what most municipalities have, are designed to take care of the majority of pathogens. Mr. Scharp said there had never been a documented case in over sixty-five years where problems occurred from solid waste disposal when the disposal company followed the regulations to the letter.

Mr. Kimble could see no reason why the commissioners couldn't allow Denali to finish their project as long as they had a signed road use agreement in place.

Mr. Ewing remembered when Parker Ag wanted to haul solid waste from Holly. Mr. Scharp said it was in 1993 when he worked for Parker Ag, and there was plenty of land in Prowers County to use for disposal sites. Mr. Kimble said the commissioners had placed the moratorium on solid waste disposal for two years, but it ended on July 5, 1996, when they adopted the regulations. Mr. Lundy commented that according to the regs, the Board could grant a variance and turn it over to the state. Mr. Scharp assured the group that Bob Harlow planned to incorporate it into the soil as they spread the material.

Mr. Piper asked if the Board needed to take action, and Mr. Kimble didn't feel it was necessary since the discussion would be in the minutes.

Mr. Lundy asked if the commissioners would allow Denali to use the town's bond for the road use agreement so they wouldn't have to get another one, and the Board agreed. The commissioners also felt the agreement shouldn't cover the paved portion of County Road 2W but should include no route deviation. Mr. Schifferns spoke up and said if Denali damaged the roads, they would have to fix them. Mr. Scharp reiterated that they had water trucks to frequently water the roads.

Mr. Burgess moved to allow Denali Water Solutions to use county roads while finishing up the Hugo lagoon project once they signed the Road Use Agreement, and if the company damaged the roads, they would have to fix them. Mr. Schifferns seconded the motion, which carried unanimously.

At 10:05 a.m., Economic Development Executive Director Troy McCue met with the Board, along with Jamie Giellis from Centro, Inc. and Roxie Devers (via Zoom), to discuss funding for the Hugo Union Pacific Railroad Roundhouse. Roundhouse Preservation, Inc. president Chris Fox joined the meeting in person at 10:15 a.m.

Mr. McCue gave a brief background regarding the work done by the local nonprofit RPI since 2002, finally completing the structure's exterior. He explained the plans to develop the interior with an event center, museum, and meeting rooms and let Ms. Giellis know where the group had obtained funding.

Ms. Giellis said that federal money was flowing, such as the ARPA funding and the Infrastructure Bill money, which entities must spend by 2025. She felt the timing was perfect for aggressively seeking funding because agencies were trying to commit it to projects as soon as possible, and the rural focus was significant. State and federal agencies reported they hadn't received many applications from the eastern plains, so Ms. Giellis said her strategy was to go after big money, such as the Travel, Tourism, and Outdoor Recreation grant through EDA. She also said the state was actively lobbying for another fifty million dollars.

Mr. McCue wanted to know if railroad history was enough of a storyline to drive an application, and Ms. Giellis said it was, as long as they could show its impacts on jobs and the economy.

Mr. McCue asked Ms. Giellis her fees for such a project, and she responded that it depended on the time involved and how much they wanted her to do. She quoted "a couple thousand dollars" for the strategy piece and said it would be more if the county asked her to develop grants and provide more support.

Mr. Burgess said that more than two million dollars had been spent on the roundhouse so far, and Ms. Giellis said the EDA grant considered money already invested in the project, and they could possibly use that toward the match. Mrs. Devers noted a lot of the money came from the State Historical Fund, CDOT, and funding when Barack Obama was the president and asked if all of it would qualify as the match. Ms. Giellis said it would; they just had to be careful of matching federal money with federal money. She felt success depended on putting numerous grant applications out at once to leverage each other. Ms. Giellis asked Mrs. Devers to send her all of her information, and she would figure out how much time it would take her and provide a quote. She also agreed to come out and look at the roundhouse, sit down with the group, and develop a strategy.

Mr. Burgess moved to allow Jamie Giellis with Centro, Inc., to put together an estimate to provide funding help for the roundhouse. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Burgess also asked Ms. Giellis if she would consider looking at grant funding for the Karval Water Users project through the Infrastructure Bill, and she agreed to that as well, stating there was a great deal of money coming out of the bill starting in May. Ms. Giellis said she would send her proposal to Mr. Piper.

Before leaving the Zoom meeting, Mrs. Devers told the Board that she'd heard back from Black Hills Energy, and they were working on the gas line and meter.

At 10:45 a.m., the Board met as the Lincoln County Board of Public Health for Public Health Director Kelly Meier to give an update. While the county has seen a decrease in COVID-19 numbers, Mrs. Meier felt the reason the positivity rate was over ten percent was that people weren't getting tested anymore. CDPHE reported that 90% of Coloradans were immune to the Omicron variant and didn't expect a new variant until this summer. The CDC and CDPHE have discussed moving away from contact tracing and quarantining COVID patients. Still, since the ELC funding was explicitly allocated for those two items, the state was trying to determine how to reallocate the funds toward something else pandemic-related. Mrs. Meier said they wouldn't have to return any of the money if that happened, and she would continue to update the Board as she learned more.

Mrs. Meier had previously discussed the Electronic Health Record System, which would cost \$19,000 upfront and require a \$10,000 annual upgrade. Even though she would use COVID funds for as long as she had them (potentially through 2024), Mrs. Meier said the money would eventually run out, and the county would have to cover the \$10,000 annual cost. The system would improve recordkeeping and productivity in her office by housing all immunization and testing records and providing auto-billing.

Mrs. Meier brought up the open WIC position in her department, explaining that she had five applicants, one of whom was working on her nursing degree. She planned to interview all applicants but wanted the commissioners to be aware that if she hired the latter and she got her degree, they would eventually have to pay her more. Mrs. Meier felt it would be ideal to have a full-time nurse because they have numerous programs that require one. She currently covers a portion of her and her office manager's salary with COVID funds, as well as 100% of the part-time nurse and contact tracer's salaries. Mrs. Meier said she would continue to do that as long as the money holds out.

The conversation returned to the Electronic Health Record System, but the commissioners didn't feel comfortable allowing it at this time. Mrs. Meier said she could ask if the company would bill her for five years to start with since she had the COVID money now, and the Board agreed.

Mr. Stone wanted to know about the new requirement that the commissioners have to take public health training, and Mrs. Meier said it was something new. Mr. Piper explained that each commissioner would have to take the training individually because it tied to their email addresses. He suggested they all bring their laptops one day and take the class simultaneously.

Mr. Stone adjourned the meeting as the Lincoln County Board of Public Health at 11:07 a.m. and reconvened as the Board of County Commissioners.

The Board reviewed the January 2022 Statement 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.

While reviewing the January 2022 Colorado Counties Casualty and Property Pool and Workers' Compensation Pool reports, Mr. Piper pointed out a couple of workers' comp claims.

County Treasurer Jim Covington stopped by at 11:20 a.m. He asked if the commissioners had considered allowing employees to take loans out on their CRA retirement money. Mr. Piper told him they'd listened to the presentation regarding that feature of the plan the previous year. The Board decided it would be too difficult to manage since the benefit runs through payroll and considering it would have fluctuating interest rates. He added they could change the plan document in June if the commissioners wanted to look into it again.

At 11:25 a.m., Veterans Service Officer Laurie Rodgers met with the Board to provide an update. She first gave her notice and said she would stay until the commissioners hired someone to take her place or until April 1. The replacement officer must be an honorably discharged veteran, and it is a requirement that each county has a Veterans Service Officer. The only other thing Ms. Rodgers wanted to report was that the regional VSO planned to come out in March if the commissioners wanted to meet her.

After Ms. Rodgers left, the Board reviewed the annual Workers' Compensation and Casualty and Property Pool reports for 2021.

Mr. Burgess moved to send a letter supporting the Town of Limon Ambulance Service's pursuit of a CDPHE provider grant to fund part-time paramedics. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Kimble said the Intergovernmental Agreement for the Colorado Regional Opioid Council closely shadowed the settlement agreement. Mr. Piper informed the Board that Ben Ferree had been on the last call they'd had. He also said that all counties had to sign the IGA, but Yuma County planned to compile everything into one document once complete. Mr. Burgess moved to sign the Colorado Regional Opioid Council Intergovernmental Agreement. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Burgess moved to sign the Intergovernmental Agreement between Arapahoe, Douglas, Elbert, and Lincoln counties and the Office of the 18<sup>th</sup> Judicial District for Judicial District Transition Planning. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Schifferns said he'd had surgery and had nothing to report.

Mr. Stone reported that he checked roads on February 7, received calls about the bio-solid waste from Chris Monks and Fred Lundy on February 8, and participated in the Zoom meeting regarding the subject on February 9. He also received a call from a concerned landowner. Mr. Stone spoke with several parties about the topic on February 10 and spoke with the same concerned landowner again on the Eleventh. He checked roads west of State Highway 71 on February 13 and talked to Rick Ashcraft on the Fourteenth. The road crew was crack sealing while the weather was nice. Mr. Stone received another call about the solid waste disposal on

February 15, and he and Mr. Ashcraft looked at roads. They spoke with Jerry Atwater about putting fill in State Road 94. Mr. Stone reported receiving an email about a bill opposing collective bargaining.

Mr. Burgess reported participating in the Public Health Zoom call and the judicial district Zoom meeting on February 8. There will be a question on the November ballot determining the number of judges in each of the two judicial districts. Mr. Burgess went to Genoa and talked to Bruce Walters. The road crew was working on signs, hauling gravel, and grading roads. Mr. Burgess also spoke with Mr. Stone, Mr. Schifferns, Fred Lundy, and Sheriff Nestor about Denali Water Solutions hauling bio-solid waste to property owned by Kipp Parker. Bob Harlow called and told Mr. Burgess that Parker Ag had hauled waste from Arriba in the past and placed it on farm ground in Lincoln County, which Mr. Lundy confirmed. After a call-in land use meeting on February 9 regarding allowing the disposal of bio-solid waste on county property, Mr. Burgess went out and took pictures of the site. On February 10, Mr. Burgess participated in the Centennial Mental Health Zoom meeting. He also received word from Mr. Kimble that the county didn't have any recourse for the bio-solid disposal because it was up to the state to approve and monitor. When Mr. Burgess went by the landfill, he found out they hadn't gotten the new compactor yet but should the next day. He spoke with Brenda Howe about prices for cover and said Allen Chubbuck planned to call Kit Carson County to see what they used. Mr. Burgess checked roads on February 11 and then went by the landfill again, where he learned they'd gotten the compactor. On February 14, Mr. Burgess called Power Equipment about the compactor warranty paperwork, which they emailed him. He went to Genoa to check on the road crew, received a complaint about the solid waste disposal, and contacted Mr. Piper to put the topic on the February 16 agenda. Mr. Burgess participated in the Resources Unlimited and Public Health Zoom meetings on February 15 and the Economic Development meeting at Mountain View Electric earlier this morning.

Mr. Kimble reported that he would contact Tim Larson with the Colorado Department of Public Health and Environment and ask if he would release his test results and reports regarding the bio-solid waste disposal. Mr. Kimble said if he would, it might help the landowners feel better about the situation.

Mr. Kimble also reported that HB22-1257, which revises the behavioral health statute, has seen widespread activity on the attorney Listserv. He promised to inform the Board if he heard anything further and said he would email them with an update on court matters.

Mr. Burgess asked if the commissioners should readdress the solid and liquid waste regulations, but Mr. Kimble felt the expertise and cooperation would come from the state if the county ran into the issue again. If the Board preferred to look into it again, Mr. Kimble suggested a less cumbersome, more practical version.

The Board took a lunch break, and Mr. Kimble, Mr. Ewing, and Mr. Bublitz left.

When the meeting reconvened at 1:00 p.m., Assessor Jeremiah Higgins met with the Board to discuss Geographic Information Systems. Others attending the meeting were Greg and Linda Ashmore, Dona Sellon and Barry Friday, and Mariah Pillmore with the Colorado State Land Board's Pueblo office. Mr. Schiffers did not attend the afternoon portion of the meeting.

First, Mr. Higgins provided two quotes for a new HP T2600 36" Dual Roll Post Script Printer to replace his old one. Although the printer still works, the scanner does not, and Mr. Higgins said the clerk's office uses the scanner more frequently than his office does. He preferred the PSI Digital Imaging Solutions proposal as it was a little cheaper at \$8,700. The quote from United Reprographic Supply, Inc. was for \$10,570 but included a trade-in of \$2,290 on the old unit. Mr. Higgins wasn't sure if he wanted to get rid of the old one since the printer still worked but said he could always sell it later on if he decided not to keep it. The Board agreed to the purchase. Mr. Higgins asked if the commissioners were on board with pursuing GIS for the county. If so, he and James Martin would start working on a proposal. They planned to start with the Assessor's office and then expand to other departments. Mr. Burgess said he'd received a call from someone with ties to the community who felt GIS would be extremely beneficial to the county in many ways. Mr. Stone told Mr. Higgins to go ahead and work up a plan.

Mr. Higgins left, and Mr. Piper reported receiving an email from Bookmobile Director Katie Zipperer regarding purchasing a book repair binding machine for \$1,294.92. Since Mrs. Zipperer had the money in her budget, the Board approved the quote from Cover One for \$1,294.92.

Land Use Administrator Fred Lundy met with the Board at 1:30 p.m. to provide a land use update. Denali Water Solutions, LLC, had signed the Road Use Agreement for County Roads 2V, 109, and 22. Mr. Lundy reported he'd completed the Daugherty pit application and sent it to the state, and he had started working on the Eichmann pit revisions. The Saffer pit and Ed Waite's issue were next on his list, but both would require a Land Use Board hearing, so he wanted to take care of them at the same time. Mr. Lundy had nothing further to report.

Mr. Stone asked the group in the audience if they needed to speak with the Board, and Mrs. Ashmore said they were there to listen to agenda item #9, the discussion on bio-solid waste regulations. Mr. Stone noted they'd addressed that agenda item earlier in the morning because representatives of Denali Water Solutions came in. Mr. Piper clarified that Mr. Scharp and Mr. Bond hadn't scheduled an appointment with the Board but had simply dropped in. Mrs. Ashmore felt the agenda was misleading, as her group believed everything listed beneath the last appointment were items the commissioners would discuss afterward. Mr. Stone explained the Board addressed the numbered items throughout the day and between appointments as time allowed and apologized for the confusion.

Mrs. Ashmore asked if a Cease-and-Desist Order was in place because a county official told her there was. Mr. Lundy said he made several phone calls, but no one served an official document. He explained that not only was the state better equipped to handle enforcement, but its regulations were well ahead of the county's in that they were far more stringent. CDPHE

also regulates what a person can plant on a bio-solid material disposal site. Mr. Burgess added that the state also establishes the volume of material a company can dump in an area, and Mr. Lundy said Denali would dispose of about a quarter of what the state allowed. He also explained they had signed a Road Use Agreement with the county for fixing roads damaged during the hauling process. Before the group left, Mrs. Ashmore asked when the commissioners would approve the meeting minutes and said she would look for them online.

Mr. Piper had nothing more to report, so Mr. Stone called for old and new business. Mr. Burgess asked to table further discussion regarding a replacement to the hospital board until Mr. Schiffers was back, hopefully on February 28. Mr. Stone agreed. Mr. Piper asked for Mr. Stone's signature on the CDPHE Request for Review for the landfill EDOP, part of the CD amendment process.

While Mr. Piper went to see if Kevin Stansbury had sent him the support letter he'd requested earlier, Mrs. Lengel said that Bart O'Dwyer hadn't called her back regarding the VSPC relocation project. She received preliminary notice the state approved her application for a \$20,000 security grant to put toward the addition. Before the state awarded the funds, she had to provide proof the county could pay for the remainder of the project and that they hadn't started construction yet. Mrs. Lengel expected to receive the total amount. Mr. Stone asked if they needed to request bids on the project, but Mrs. Lengel wasn't sure since she'd checked with Doug Ratzlaff, who didn't have time to come and look at the area.

Before they could discuss it further, Mr. Piper returned and said all Mr. Stansbury asked was for the county to add their logo to the document he'd provided earlier. Mr. Piper said he would take care of it.

Mr. Burgess felt the county's pay schedules were outdated, and they should consider doing away with step raises. Mr. Stone suggested that the department heads discuss it or get information from other counties. Mr. Piper said Yuma County had something different, but other counties used pay scales similar to ours. When Mr. Piper mentioned the turnover rate almost doubled in 2021 from previous years, Mr. Burgess said the commissioners needed to do what they could to retain employees. Mr. Burgess asked the others to think about it, and Mr. Stone adjourned the meeting at 2:25 p.m.

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Corinne M. Lengel, Clerk of the Board

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Doug Stone, Chairman