

Board of County Commissioners of Lincoln County
Agenda for February 27, 2023

9:00 Call to order and Pledge of Allegiance

10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report

11:00 Public Hearing to act upon Resolution #1091; a resolution vacating a portion of Lincoln County Road 34.2, running between County Road 2G and County Road 2D, and a part of County Road 2D running from County Road 34.2 to County Road 36

-To be completed as time permits-

1. Approve the minutes from the February 17, 2023, meeting
2. Review a monthly report from the Emergency Management Director, Ken Stroud
3. Review and act upon Annual Report COR900000 regarding Stormwater Discharges associated with Non-Extractive Industrial Activity for the Lincoln County Landfill
4. Review and act upon the 2023 Victim Assistance and Law Enforcement Grant application
5. Review and act upon the application for Joe Will Post N. 6612 for a Special Events Permit, Fermented Malt Beverage, for fifteen recurring cornhole tournaments from May 27 through September 16, 2023, at the Lincoln County Fairgrounds
6. Review and act upon a Citizen Participation Plan for the Community Development Block Grant Program regarding the Karval Community Building
7. County Commissioner reports
8. County Attorney's report
9. County Administrator's report
10. Old Business
11. New Business
12. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 27, 2023. Chairman Doug Stone, Commissioners Steve Burgess and Wayne Ewing, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, and Limon Leader reporter Stephanie Zwick attended.

County Treasurer Jim Covington and his deputies, LaRay Patton and Ashley Erwin, arrived as Chairman Stone called the meeting to order. He asked Mrs. Patton to lead the Pledge of Allegiance.

The Treasurer then explained that he'd been closely watching the expenditures and noted that the county spends an average of \$1.3 million each month. He didn't want to see the county returning to how it was in the 80s when departments were scraping to get by. Mr. Covington provided information on the county's various CDs and accounts and said he hadn't opened a new CD in a long time. He said that expenses far outweighed revenues and wanted the Board to understand his concerns. Mrs. Patton stated that everything is expensive for everyone, so she was extremely grateful for the cost-of-living raises and pay scale adjustments the commissioners made in the 2023 budgets.

Before leaving, Mr. Covington told the commissioners that his office was next on the new carpet and paint list. He also mentioned needing to adjust his counter to make it more ADA-accessible.

Andrew Pellett with Pellett Carpentry & Finishing, LLC, stopped by at 9:15 a.m. He explained he'd run into some snags with the glass portion of the election security room and produced a Change Order for the additional costs. Mr. Pellett said it included the asbestos testing, which came back negative, installation of a mini-split system scheduled by Plains Heating and Air Conditioning, and low voltage data lines for the computers. He'd met with James Martin, Mrs. Lengel, and Emily Pfannenstiel with Multicard regarding the project and felt good about the plan. Mr. Pellett said he had to contact a welder because the room wasn't square, so the cabinets wouldn't fit where originally intended without moving the new wall further to the west. Jonathan Hart with Brent Welding & Machine, Inc. met with him and said he could complete structural welding to move the partition wall bracket, giving the glass walls more stability. Mr. Pellett would also remove the dropped ceiling tiles and replace them with new ones where necessary, included in the Change Order. He said moving the Maglock would require more drywall work, but he wouldn't charge for it.

Mr. Burgess moved to approve the \$22,282.50 Change Order for work on the election security room. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Pellett also provided a proposal for the commissioner meeting room, stating James Martin needed a media storage cabinet for wires and switches. It could be multi-functional if they built it to look like a coffee bar and added an outlet. The proposal also included cutting the concrete, opening the wall, and running conduits and wires for the podium's and desk's electrical components.

Mr. Burgess wasn't comfortable with the cost of the commissioner meeting room and said he'd like to think about it. He asked if they could go back and do it later, but Mr. Pellett told him it would be more expensive and more difficult at that point because they'd have to cut the new carpet and drywall. Mrs. Lengel reminded the Board that she'd applied for funding, and the state awarded close to \$40,000 in grant money. She added that she always intended to make sure the commissioners had a decent meeting room when they offered to let her use theirs. Mr. Ewing and Mr. Stone agreed that if they were going to do it, now was the time, so Mr. Ewing moved to approve the \$24,750 proposal from Pellett Carpentry & Finishing paid from the Capital Projects, Election Security Room line item. Mr. Burgess seconded the motion, which carried unanimously.

Before leaving, Mr. Pellett asked the commissioners to relocate to another room for their next two meetings in March.

Mr. Ewing moved to approve the minutes from the meeting on February 17, 2023, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed a monthly activity report from Emergency Manager Ken Stroud.

At 10:00 a.m., Human Services Director Andrew Lorensen met with the Board to present his department's monthly report. The commissioners looked over the January employee timesheets and the financial information. While doing so, Mr. Burgess asked how many people would be upset once the Food Assistance dropped after the Public Health Emergency ended. Mr. Lorensen told him many clients became dependent on the increased allotment, so he anticipated that food banks would see more activity once that happened. He also expected numerous complaints but said the state had warned that it wasn't an appealable issue. Mr. Lorensen also explained the PHE Medicaid Unwind, stating that for twelve-to-fourteen months after the Public Health Emergency ended, the state would make Medicaid redeterminations, disenrolling clients over the benefit income. Clients could, however, appeal that decision.

The commissioners reviewed the Human Services Child Welfare and Adult Protection report and Mr. Lorensen's director's report. Mr. Burgess said he'd heard Mr. Lorensen hired Levi Miller to replace Sherri Hansen and asked when Mrs. Hansen planned to leave. Mr. Lorensen said her last day was March 31.

After Mr. Lorensen left, the Board reviewed Annual Report COR900000 regarding stormwater discharges associated with non-extractive industrial activity for the Lincoln County Landfill. Mr. Piper said there was no corrective action but mentioned that Land Use Administrator Ty Stogsdill completed the monthly landfill reports while he brought the annual report to the commissioners. He felt it would be possible to set up an account for Brenda Howe so that she could submit the monthly reports rather than pass along the information. Mr. Burgess moved to approve Annual Report COR900000 for stormwater discharge at the landfill. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed the 2023 Victim Assistance and Law Enforcement grant application for July 1, 2023, through June 30, 2024. Mr. Burgess noted the \$50,520 request seemed higher than usual, and Mr. Piper said it was because of the salary increase and that the county might not receive all of it. Mr. Ewing moved to sign the 2023 Victim Assistance and Law Enforcement grant application, and Mr. Burgess seconded the motion, which carried unanimously.

The commissioners reviewed the Application for Special Events Permit, Fermented Malt Beverage, from Joe Will Post N. 6612, for fifteen recurring cornhole tournaments from May 27 through September 16, 2023, at the Lincoln County Fairgrounds. Tiffany Stewart had asked if it were possible to obtain a permit for events throughout the summer without applying, posting the sign for ten days, and going through the hearing process every time. She told Mrs. Lengel they often “threw together a tournament at the last minute.” Mrs. Lengel explained that Colorado liquor law allowed applicants to obtain only fifteen permits per year; therefore, the VFW couldn’t apply for any events after September 16.

Mr. Burgess moved to approve the Joe Will Post N. 6612 Application for Special Events Permit, Fermented Malt Beverage, for fifteen recurring events at the fairgrounds. Mr. Ewing seconded the motion, which carried unanimously.

Mrs. Lengel asked Mr. Piper to schedule the hearing for the March 17 meeting, which he did for 9:00 a.m.

The Board reviewed a Citizen Participation Plan for the Community Development Block Grant program regarding the Karval Community Building, part of the application that Dan Merewether brought before them at an earlier meeting. Mr. Stone signed the document.

Mr. Stone called for commissioner reports, and Mr. Burgess said Chris Monks called him on February 17 to ask if he could put the cost of the driving tests on his county credit card. Mr. Burgess told him to go ahead. Mr. Burgess reported attending the Republican Lincoln Day Dinner on February 20. He checked roads north of Genoa on February 21 and commented that many roads in District 2 weren’t in good shape because of the recent snowstorms. Road crew members were doing their best to widen and maintain them. The Genoa town crew had problems with their well and got a truck stuck when trying to fix it, so Mr. Burgess said they took the 950 loader to help them. He had Bruce Walters and Doug Koehn sign the two-year commitment contract. The question arose about whether the employee contract approved at the previous meeting should be effective from the hire date or when the employee passed their tests and obtained their CDL. Mr. Piper felt the employee should sign the contract at the time of hire, before testing, so they knew what the county expected of them, and the others agreed.

Mr. Burgess reported that he’d also stopped at the landfill on February 21 and found it extremely muddy. He’d received a complaint about muddy roads but told the caller that the county couldn’t haul gravel or get into the gravel pits because of the mud. He said if they needed to use a tractor to feed their livestock, they could, and the county would fix the road when it dried up. Travis Miller called Mr. Burgess to let him know the engineer working on the

County Road 109 bridge project retired and that he would contact Mr. Piper to set up a meeting with someone else so the project could go on. Mr. Stone asked when it would be, and Mr. Piper said he'd scheduled it for the March 17 commissioner meeting.

Mr. Burgess came to the courthouse on February 22 and cleaned out the cabinets in the commissioner room for Andrew Pellett could begin construction on February 23. John Mohan, Ty Stogsdill, Bruce Walters, and Jason Eger helped. Mr. Burgess found some drawings of the Hugo shop and several pictures of the bridges in District 1 and gave them to Chris Monks. Mr. Burgess and Mr. Piper also contacted Travis Miller to schedule the March 17 meeting. On February 23, the District 2 road crew worked on moving light snow. Mr. Burgess reported that he and Landfill Manager Allen Chubbuck went to Flagler on February 24 to check on filters for the compactor. They could do no better on the price, so Mr. Burgess said they'd get them from Power Equipment. He told Mr. Chubbuck to order the filters, even though they cost around \$1,000. Mr. Burgess reported that his employee passed his CDL driving test in Pueblo. The District 2 road graders were out on the roads, and the crew was putting linseed oil on the trailers. Lastly, he received a call from Vern's TV that the decal signs were ready to be picked up.

Mr. Ewing reported attending the Resources Unlimited meeting on February 21, where Early Childhood Development was the main focus. He let them know about the SNAP reduction starting in March. Mr. Ewing visited with Chris Monks about a potential new employee and asked him to contact him. Mr. Monks later reported he'd hired the person, who would start on April 3. Mr. Ewing added the other new employee was working well, but they'd still be two people short until June 1. Mr. Ewing went to the Hugo shop on February 22 to discuss personnel issues. He also signed two reimbursement agreements and helped John Mohan and Ty Stogsdill clean out the commissioner's room. On February 23, Mr. Ewing spoke with Commissioner Arbuthnot concerning CCI Steering Committee meetings. He later met with a previous employee after first talking with Mr. Kimble about whether or not he could. Mr. Ewing attended the hospital board meeting that evening. He spoke with Chris Monks on February 24 to see if the employees had made it to Pueblo for their CDL tests and learned on the Twenty-fifth that they passed.

Mr. Stone reported attending the Lincoln Day Dinner on February 20. On February 21, he talked to Judd Kravig and Chris Monks about a plow truck District 3 wanted to get from Denver. Mr. Stone also spoke with Mr. Piper about a previous employee. A resident called about Thompson Street in Limon, but Mr. Stone thought it was in the city limits and not the county's responsibility. He talked to Mr. Kravig, Mr. Monks, and Mr. Burgess on February 23 about getting a pickup. Mr. Monks went to Denver and looked at the truck they'd talked about getting for District 3, and Mr. Stone spoke with him about it on February 24. Chris told him it was a good truck. Mr. Stone checked roads later that day and found several signs that needed fixing.

At 11:00 a.m., the Board held a public hearing to act on Resolution #1091, a resolution vacating a portion of Lincoln County Road 34.2, running between County Roads 2G and 2D, and a part of

County Road 2D, running from County Road 34.2 to County Road 36. No one attended the hearing except Colorado Parks and Wildlife technician Jeffrey Belveal and wildlife officer Ethan Pruitt, who arrived a few minutes later. Mrs. Lengel recorded the hearing, which will remain in the County Clerk's vault for the required statutory period.

Mr. Kimble explained that the county had notified any surrounding landowners via certified mail. Mr. Belveal said the road was entirely on CPW property, although F & E Farms owned land on the west side of the ditch line. Mr. Kimble said if the commissioners had decided it was in the best interest of, and for the public health, safety, and welfare of, county residents, they could vacate a county road. Mr. Stone noted that someone had contacted him who disagreed with the decision. Mr. Kimble said it was a quasi-judicial situation, and since the party hadn't come to the meeting to voice a public complaint, their testimony was ineffective. Mr. Burgess asked if the Board had the right to reopen the road if it chose, and Mr. Kimble told him the commissioners could put a road wherever it suited the public good.

Mr. Ewing moved to adopt a resolution vacating a portion of Lincoln County Road 34.2, running between County Roads 2G and 2D, and a part of County Road 2D, running from County Road 34.2 to County Road 36. Mr. Burgess 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 February 27, 2023, there were present:

Douglas D. Stone, Chairman	Present
Steve Burgess, Vice Chairman	Present
Wayne Ewing, 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 #1091 It was moved by Commissioner Ewing and seconded by Commissioner Burgess to adopt the following resolution:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO, VACATING THAT PORTION OF LINCOLN COUNTY ROAD 34.2 RUNNING BETWEEN COUNTY ROAD 2G AND COUNTY ROAD 2D, AND THAT PART OF COUNTY ROAD 2D RUNNING FROM COUNTY ROAD 34.2 TO COUNTY ROAD 36, AS IDENTIFIED ON THE LINCOLN COUNTY ROAD MAP

WHEREAS, the Lincoln County Road Map reflects that County Road 34.2 runs in a southeasterly direction from County Road 2G to County Road 2D; and

WHEREAS, the subject portion of the road to be vacated, then runs from County Road 34.2 to County Road 36; and

WHEREAS, the State of Colorado, through the Colorado Parks and Wildlife , hereinafter referred to as the “CPW”, owns the land upon both sides of the county road right-of-way designated as County Road 34.2; and

WHEREAS, the land is located in the Hugo Wildlife Area and, accordingly, supports wildlife native to Eastern Colorado; and

WHEREAS, the Board of Commissioners of Lincoln County, Colorado, hereinafter referred to as the “BOCC”, on or about May 18, 2020, closed the above described portion of road for a period of time to allow the CPW to determine if closing the road to public use would benefit the flow of wildlife in the area particularly during hunting and breeding seasons; and

WHEREAS, the CPW has shown to the BOCC, as of the date of this Resolution, to the satisfaction of the BOCC that closing the subject portion of the county road has been beneficial to wildlife in the area and is, therefore, beneficial to the citizens of Lincoln County, Colorado; and

WHEREAS, few, if any, residents use the road for the purpose of access to their property and the CPW agrees to work with those who may require the road for access to their property; and

WHEREAS, the BOCC wishes to make the closure of the described portion of road permanent by vacating that portion of county road; and

WHEREAS, vacating of the above-described county road right-of-way will result in title to the vacated portion vesting in the owner of the land abutting the vacated portion, as provided in Colorado Revised Statutes 43-2-302(1)(c) subject to the County’s right to reserve rights-of-way or easements for any existing utilities, pipelines, and similar appurtenances; and

WHEREAS, Colorado Revised Statutes 43-2-303 authorizes the Board of County Commissioners to vacate any roadway, or any part thereof, by Resolution duly adopted by the Board; and

WHEREAS, the Lincoln County Road Standards and Road Policy, Section XII, allows for county roads to be vacated under the stated policy and procedure, and if the reason for vacating the road is under extraordinary circumstances; and

WHEREAS, the Board has determined that extraordinary circumstances exist for the vacating of the road, particularly the management of the area by the CPW, the minimal vehicle use of the road by the public for access or egress, and the necessity to allow only foot traffic for the benefit of wildlife inhabiting the area; and

WHEREAS, notice of the proposed road vacation has been provided to adjacent landowners as required by Colorado Revised Statutes 43-2-303(2)(b)

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, the county road right-of-way particularly described as County Road 34.2 running in a southeasterly direction from County Road 2G to County Road 2D, and then from County Road 2D to County Road 36, is hereby vacated, and title to the vacated portion shall vest as provided in Colorado Revised Statutes 43-2-302(1)(c).

SUBJECT TO AND RESERVING, however, rights-of-way or easement that may have been previously granted or established within any portions of the county road right-of-way vacated by this Resolution, which are hereby reserved for the continued use of any existing sewer, gas, water, or similar pipelines and appurtenances, or for existing electric, telephone, and similar lines and appurtenances.

Upon roll call the vote was:

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

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Stone remembered receiving an email from Mountain View Electric Association asking for letters supporting their funding requests to provide better internet connectivity in local rural communities. Mr. Burgess also received the email and said there was no harm in signing the letters. He moved to sign letters of support for Mountain View Electric Association, and Mr. Ewing seconded the motion, which carried unanimously.

Mr. Stone called for the attorney's report, and Mr. Kimble said Mr. Ewing contacted him about a previous county employee. If the group didn't mention the person by name, they could discuss the situation without an executive session. Since Lincoln County is an at-will employer, Mr. Kimble said it could terminate employees without cause. However, employees have the right to request an exit interview. Mr. Ewing said the person contacted him and said they had something he needed to see, but since he wasn't a commissioner when the county let them go, he didn't know if he had any right to speak with them. Mr. Kimble said if Mr. Ewing thought

there might be merit, the Board could have an executive session. Mr. Piper asked if it would warrant an executive session when the person was no longer an employee. Mr. Kimble said the Board wouldn't have to invite the previous employee because they had the prerogative of who to invite to the session. He suggested that Mr. Ewing could obtain the information, decide if it were credible, and then bring it to the rest of the Board.

Mrs. Lengel asked if it would be wise to update the personnel policy at some point to include a maximum allowable time for an exit interview, and Mr. Kimble agreed.

Mr. Kimble also reported receiving a message from Dana with GMS regarding the Karval Water Users project. He asked if he should contact the bond attorney and have them start on the process, and the commissioners told him to go ahead.

Mr. Stone mentioned that Angela Wacker was the KWU secretary, but she and her husband planned to move out of state. She had some of the organization's paperwork and had contacted Mr. Stone to find out what to do with it. Mr. Piper suggested giving it to Patrick Leonard.

Mr. Kimble said he'd helped Land Use Administrator Ty Stogsdill with a letter to Ed Waite regarding his junkyard permit, which Mr. Waite wanted to withdraw because building a fence around it was too expensive. Mr. Burgess said Mr. Waite had a crusher on site, and some of the vehicles were gone, but there were still trailers, tires, and other junk on the property. Mr. Kimble noted the difference between Mr. Waite's junkyard and other areas in the county was that Mr. Waite's was close to a well-traveled county road and the interstate and, therefore, highly visible.

Mr. Piper reported receiving information regarding the Opioid Settlement and said they needed to fill out participation forms at the next meeting.

Christine Schinzel had asked Mr. Piper if they could have a key to the Extension office made for the new livestock volunteer coach, who would have meetings and training after hours. She also wanted to know if he could use a transport vehicle. The commissioners didn't want to start the practice of issuing keys to non-county employees for county offices, and then Mr. Burgess asked what Ms. Schinzel planned to use as a transport vehicle. He said only county employees were covered under the county's insurance to drive county vehicles, and Mr. Piper said he would check with Ms. Schinzel to see what she had in mind.

Mr. Stone called for other business, and Mr. Burgess stated that District 2 would begin working ten-hour days again when Daylight Savings Time started on March 12. Mr. Stone said District 3 would as well. Chris Monks typically waited until April 1 for District 1 to switch over since road crews often had to plow snow in March. Mr. Ewing felt it should be a consistent practice throughout the county and said District 1 would also go to four-tens on March 13.

Mr. Ewing said CSU hadn't posted for the extension director position yet, and Mr. Stone said he'd received a request to be on the hiring committee again. They told him they'd let him know when that would be. Mr. Piper told Mr. Ewing the posting wouldn't be on the county's website since it was a CSU position.

Mr. Ewing asked if everyone received the email from Kari Linker regarding Senator Hickenlooper's announcement that \$18,560,000 in funding for the Clean Water State Revolving Fund would go to Colorado via the Bipartisan Infrastructure Law. The funding would support Colorado communities in upgrading essential water, wastewater, and stormwater infrastructure, and Mr. Ewing wanted to ensure Karval Water Users was aware of it. Mr. Piper said he'd contact Dana with GMS and let her know.

Mr. Ewing asked if the other grants Jamie Giellis wanted to pursue for the roundhouse required matches, but Mr. Piper didn't believe so. He said the county could always refuse the money if the state awarded a grant that required a match.

The commissioners approved the February 2023 payroll, and then, with no further business to come before the Board, Mr. Stone adjourned the meeting at 12:40 p.m. The next meeting will be at 9:00 a.m. on March 7, 2023.

Corinne M. Lengel, Clerk of the Board

Doug Stone, Chairman