

Board of County Commissioners of Lincoln County  
Agenda for June 29, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Public Hearing on a request from the VFW Post 6612 for a Special Events Permit, Fermented Malt Beverage, for the Cornholers' Tournament on July 3, 2022, at the Lincoln County Fairgrounds
- 10:00 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 11:00 Special Use Review Hearing for Development Permit #22-03, requested by Anthony Johnson

-To be completed as time permits-

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1. Approve the minutes from the June 17, 2022, meeting
2. Review and act upon the County Veterans Service Officer's Monthly Report and Certification of Pay
3. Review and act upon an employee credit card request for Bobbie Brent
4. Review and act upon an employee credit card request for Amelia Sharp
5. Review and act upon a Victim's Assistance contract regarding the 18<sup>th</sup> Judicial District VALE Grant
6. Discuss proposed changes to the Lincoln County Pay Schedule
7. Review the 2022 County Salary Survey from County Technical Services, Inc
8. County Commissioner reports
9. County Attorney's report
10. County Administrator's report
11. Old Business
12. New Business
13. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on June 29, 2022. Chairman Doug Stone, Commissioners Ed E. Schifferns and Steve Burgess, County Administrator Jacob Piper, and Clerk of the Board Corinne M. Lengel attended. County Attorney Stan Kimble was absent and excused, and Limon Leader/Eastern Colorado Plainsman reporter Stephanie Zwick attended until noon.

Chairman Stone called the meeting to order and asked Mrs. Lengel to lead the Pledge of Allegiance.

Mr. Burgess moved to approve the minutes from the meeting held on June 17, 2022, as submitted. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the Veterans Service Officer's monthly report and certification of pay, and then Mr. Schifferns moved to approve a county credit card with a \$1,500 limit for Public Health employee Bobbie Brent. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Burgess moved to approve a county credit card with a \$500 limit for Extension Office employee Amelia Sharp. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed the July 1, 2022, through June 30, 2023, 18<sup>th</sup> Judicial District Victim Assistance and Law Enforcement (VALE) grant. The county will receive quarterly payments of \$10,650. Mr. Burgess moved to approve the \$42,600 VALE grant for 2022-2023. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper explained the proposed changes to the county pay schedule that he and elected officials discussed at a meeting on June 20. They had all felt that, although a bit outdated, the current pay schedule worked but could use a few adjustments. For instance, they wanted to remove three-year steps at the top of the scale and use two-year steps when an employee reached that position. All felt that employees within their departments shouldn't have to go back a step for six months when promoted to a new level, thus changing their anniversary date. The elected officials also agreed that the sheriff should have a different pay schedule, similar to the current one, to fit the needs of the sheriff's department and jail.

Mr. Burgess agreed with some of the information but would prefer there was no step raise every two years; that the county should implement a maximum pay rate instead.

Emergency Manager Ken Stroud arrived at 9:15 as Mr. Burgess moved to give employees a three-step pay increase as of July 1.

Mr. Stone said he would like more time to consider Mr. Burgess's motion, and Mr. Schifferns agreed. Mr. Piper said he liked the steps as they helped new hires see how much their pay could increase throughout their careers. Mrs. Lengel added that it also helped employees know they would get a raise in a year or two if the commissioners didn't grant cost of living raises.

Mr. Piper noted that department heads should give step raises after performing employee evaluations, which didn't always happen.

Mr. Stone wondered how often they would skip the lower levels on the scale when hiring someone simply to find employees. He added that department heads shouldn't start a new employee at a higher level or step than someone who'd worked for the county for several years, but it was getting harder to compete in the job market with what the county offered for salaries.

Mr. Piper recommended dividing the Road & Bridge crews into two levels based on job duties. Mr. Burgess said that wouldn't work since many employees shared the same responsibilities, but Mr. Piper suggested giving more money to an employee who already had their Commercial Driver's License. Mr. Burgess said that would mean promoting all current employees, and Mr. Piper stated that was correct.

Eric and Scott Poss joined the meeting, stating they would like to discuss the Mountain View Electric Association fiber-optic project. Eric Poss said others also wanted to listen, so Mr. Stone said they would wait for them. Instead, he opened the hearing on a request from VFW Post 6612 for a Special Events Permit, Fermented Malt Beverage, for the Cornholers' Tournament at the Lincoln County Fairgrounds on July 3, 2022. No other public attended the hearing, and Mrs. Lengel said she'd gotten no negative feedback about it.

Mr. Burgess moved to approve the VFW Post 6612 Special Events Permit, Fermented Malt Beverage, for the Cornholers' Tournament at the Lincoln County Fairgrounds on July 3, 2022. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Stroud provided a \$37,967 quote from AED Everywhere for replacement AED units. He stated it included some for Road & Bridge and that he'd spoken with the road foremen. Mr. Schifferns moved to approve the quote from AED Everywhere, and Mr. Burgess seconded the motion, which carried unanimously.

Mr. Stroud also informed the commissioners that the repeater repairs in Karval still seemed to be working. The cost for the fix was \$1,619.

At 9:45 a.m., Mr. Stone asked for a spokesperson from the group that wanted to discuss the Mountain View Electric Association fiber optic project. Land Use Administrator Ty Stogsdill and assistant John DeWitt, Farm Service Agency County Executive Director Brenda Toft, Cody Jolly, and Mark Allis joined the Poss brothers for the discussion.

Cody Jolly said he'd received no correspondence from MVEA regarding the section of CRP ground he leases, yet Foothills Electric randomly replaced power poles without notifying him. Mr. Jolly contacted Brenda Toft at the FSA office and sent pictures to let her know what was happening with the property.

Mrs. Toft said that FSA had nothing to do with Mountain View Electric; their federal government contract is with the producers, so she would have to send out compliance letters. She added that their contract Terms and Conditions state utility companies cannot cause any disturbance to CRP land during the primary nesting season, which is March 15 through July 15.

Mr. Jolly expressed his frustration with MVEA not even bothering with courtesy calls before sending their easement letters, nor had he heard of any public meetings until after the fact. Mr. Jolly felt the first letter made it sound like the project needed an easement on his entire section, and once farmers and ranchers made their dissatisfaction known, Mountain View hired Dean Coonts to try and “smooth things over” with the producers and landowners. Mr. Jolly didn’t want to stop the process as he believed people needed internet access; he merely disagreed with the company’s lack of respect.

The farmers in the group agreed that the most significant issue was line clearance. MVEA and its partner, Conexon Connect, intended to place the fiber optic lines below the existing electric lines, making clearance of some farm implements almost impossible.

Mr. Burgess commented that he didn’t want any farmers to lose their CRP payments because of Mountain View’s project and asked if the commissioners needed to call Mountain View’s Communications and Government Relations Manager, Sarah Schaefer, to discuss it. Mrs. Toft said she’d spoken with Ms. Schaefer, and Mountain View was fully aware of the situation.

Mr. Stone stated he’d heard they were putting the fiber optic underground where farm ground was concerned, and Mr. Stogsdill put in that MVEA got a permit for buried cable, but they didn’t have one for the above-ground lines. Rick Gordon supposedly told Wade Hollowell that Mountain View planned to take down the overhead lines and bury them.

Mark Allis came up to the table and spoke for himself and his father, Charles Allis. He wanted the Board to know that their chisel stands eighteen feet three inches when folded, so they couldn’t move it under power lines hanging fifteen feet or lower. Charlie Allis had talked to someone after receiving the first letter and said it appeared they listened. However, after an open house where they spoke with the person handling Mountain View’s right-of-way easements and were told the company measured all the lines beforehand, the woman met with them and said it was too much raw data to compile the actual numbers. When the Allises voiced their concerns, she said they might be able to put in taller poles or place them closer together, so the lines didn’t sag. She’d promised to give the information to her supervisors, but the Allises never heard anything further. Mr. Allis said some of the current neutral lines are thirteen feet five inches above the ground, which don’t even meet MVEA specs.

Mr. Kimble wanted to know if the right-of-way easements were over county roads or in county rights-of-way, and Mr. Burgess told him the majority were in fields. Mr. Kimble said the commissioners wouldn’t have much authority if it didn’t involve county roads, but they could certainly check into it and see if there were something they could do to help.

Scott Poss asked if the commissioners could implement a rule or regulation similar to the county regs requiring cattleguards to be twenty feet wide. He thought most farmers would feel comfortable with something that dictated all overhead lines had to be at least eighteen feet above the ground. Mr. Stone said he had told someone from Mountain View that the new fiber lines had to be at least eighteen feet high. Mr. Jolly said Mountain View CEO Jim Herron told Curt Dutro they'd stopped all work until they figured things out with the landowners.

Mr. Burgess asked if the Board could put a moratorium on further progress, and Mr. Kimble told him the commissioners could do so if the project involved county rights-of-way. He said he'd find out if the commissioners had any authority regarding non-county property within the county. He added that the law required counties to work with utility companies, but since roads were one of the county's priorities, the commissioners might have some influence.

Mr. Stone commented that the company would have the same problems once they started moving the project north and said he'd like to talk to someone at MVEA to voice the commissioners' concerns. Mr. Piper called Sarah Schaefer, but she wasn't available, and Mr. Burgess left a message.

Mr. Burgess asked Mrs. Toft what happened to the CRP payments, and she explained that the lessee could see a standard payment reduction, they could be penalized a certain amount, or the FSA could terminate the contract. Scott Poss said that if that happened, the lessee had to pay back all payments and interest for the term of the lease. Mrs. Toft also wondered if anyone had done an environmental impact study before starting the project because she'd never seen a project of this size that didn't have one. She suggested that it would be an excellent question to ask.

The group dispersed and left, and Human Services Director Andrew Lorensen met with the Board at 10:30 a.m. to give his monthly report. Aside from the monthly reports and employee timesheets, he had nothing else for the commissioners.

The conversation returned to employee salaries at 10:45 a.m., with Mrs. Lengel reminding the group there was still a motion on the table. Mr. Piper said giving an additional \$150, \$165, or \$180 based on 35-37.5-and 40-hour work weeks would cost around \$118,000 for the next six months.

At that time, Tim Brown, Ty Stogsdill and John DeWitt, Deputy Assessor Renita Thelen, and Anthony Johnson arrived for the 11:00 a.m. hearing.

Mr. Piper asked the Board if they wanted to review the six-month revenue reports at the second July meeting before deciding on a mid-year cost-of-living increase. Mr. Burgess rescinded his motion until that time.

Mr. Stone opened the public Special Use Review Hearing at 11:00 a.m., and County Attorney Stan Kimble joined via Zoom. Mr. Piper provided the Public Notice, dated June 15, for the

record, which stated, "This Hearing is to change the use of the site from agriculture to the storage of propane and refined fuel assets as well as commercial agriculture equipment." Mrs. Lengel recorded the hearing, and the recording will remain on file in the County Clerk's vault for the statutory time limit.

Mr. Kimble gave the group an overview of the June 2 land board meeting proceedings. At that time, the Land Use Board recommended approval of Development Permit #22-03, requested by Anthony Johnson, for a propane tank, refined fuel assets, and commercial agriculture equipment storage facility. The commissioners then had thirty days to approve the application, deny it, or approve it with conditions. Because all unincorporated land in Lincoln County has agricultural uses by right, and the county zoned the property in question as agricultural even though the assessor taxed it differently, the applicant was required to ask for a Special Use Review for the storage facility. Mr. Kimble compared the definition of a junkyard in the county zoning ordinance to the statutory definition, which was quite different. He said that the latter trumped the county's regulations if the property were within one thousand feet of a state road or highway, which it is. He felt Mr. Johnson needed to find out if the state required additional permits.

Mr. Piper asked if Mr. Johnson should gather that information before the commissioners decided to approve or deny the permit or if it became one of the conditions the Board put on. Mr. Kimble said that if the commissioners agreed to approve the permit with conditions, it would be one of them.

Mr. Burgess asked Mr. Johnson what his intended uses were for the propane trucks and tanks that have sat unused on the property for over two years. Mr. Johnson responded that they were surplus assets that he didn't use in his day-to-day operations, but it didn't mean that couldn't change the following day. The yard is only for storage; there would be no truck traffic going in or out. Mr. Burgess also asked if Mr. Johnson intended to use the double-wide manufactured home he brought onto the property, but Mr. Johnson replied he had no intentions at that time. His church asked him to move it, so he did. Mr. Burgess expressed his concerns with the home deteriorating and pieces of it blowing around, but Mr. Johnson said he'd contained the unit for the time being. Mr. Burgess commented that one of his conditions would be to have Mr. Johnson do something with the trailer within a year, and Mr. Stone agreed.

Mr. Stone also said he wanted Mr. Johnson to mow the weeds, and Mr. Johnson said they'd discussed fire mitigation, but he wasn't sure what that involved. Mr. Schifferns asked Mr. Johnson if he would put up a fence to hide any unsightliness from neighbors or traffic on the highway. Mr. Johnson said he could put up a vegetative screen or a visual barrier if it would make him a good neighbor, as he wanted to get along with everyone.

Mr. Burgess asked Tim Brown if he had any comments, but Mr. Brown said he was only there to listen since he was a Land Use Board member.

Mr. Stogsdill asked Renita Thelen if the manufactured home required a permit. She said it should have had a Tax Authentication Form and a moving permit completed by Douglas County before Mr. Johnson moved it, which she had never received. She refused to make further comments until the commissioners approved or denied Mr. Johnson's application.

Mr. Burgess moved to approve Development Permit #22-03, allowing Anthony Johnson to use his property for storing propane, propane storage tanks, refined fuel assets, and commercial agricultural equipment with the following conditions: That the applicant provides documented proof that the property located within one thousand feet of Colorado Highway 71 does not require state permits or licenses; That within one year, the applicant either removes or takes necessary action to make the manufactured home currently located on the property into an allowed use according to state and county requirements; The applicant agrees to take reasonable fire mitigation action, including keeping weeds and grass mowed near the ground. Mr. Schifferns seconded the motion, which carried unanimously, and Mr. Johnson, Mrs. Thelen, and Mr. Brown left the meeting.

Before leaving the Zoom call, Mr. Kimble gave his attorney's report, stating he continued working through the proposed subdivision regulations and there had still been no decision in the landowner dispute court case.

Ty Stogsdill returned to the meeting at 11:40 to ask for input from the Board on a CDPHE System Improvements Site Application Report received from Element Engineering for the town of Arriba. Mr. Schifferns had received the document in the mail and took it to Mr. Stogsdill. Although there was a page in the document citing Lincoln County, Mr. Stogsdill wasn't sure what to do with it since the town of Arriba uses the wastewater treatment plant, not the county. He wanted to know if the plant were the county's responsibility since it's not within the city limits.

John Mohan stopped in with a quote from Nebraska Safety and Fire Equipment, while Mr. Piper placed a call to Andrew with Element Engineering to ask about the site report. Andrew told the group that the town needed a mechanical screen with a motor for their wastewater treatment plant that would remove debris from the screen. He said the document required approval and a signature from the county, but Arriba would be responsible for any costs.

Mr. Burgess moved to approve the Town of Arriba System Improvements Site Application Report. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Stogsdill left, and Mr. Burgess moved to approve the \$8,267 proposal from Nebraska Safety and Fire Equipment to replace fifty-six smoke detectors in the courthouse. Mr. Schifferns seconded the motion, which carried unanimously.

The group broke for lunch at 12:10 p.m.

When the meeting reconvened at 1:00 p.m., Mr. Stone called for commissioner reports. Mr. Burgess said he'd had several calls and conversations about Mountain View's fiber optic project between June 18 and 21. Chris Monks had called and sent a picture of low lines, and Fred Poss had also given him some locations. Mr. Burgess told them he'd measure the lines at those locations, which he did on June 20. After measuring the line on County Road 22 north of County Road 2W and finding it to be sixteen feet, two inches off the ground, he measured the line on County Road 24 north of County Road 2T, which was only thirteen feet five inches from the ground. Both were in fields and didn't cross county roads. Mr. Burgess spoke with the company's representative installing the fiber lines, whom no one had told that the county needed eighteen feet of clearance. He also told Mr. Burgess that they had to stay two feet below Mountain View lines and follow their same sag. Afterward, Mr. Burgess let Chris Monks, Fred Poss, Mr. Schifferns, Mr. Stone, and Ty Stogsdill know what he'd learned. Mr. Stogsdill said he'd see if the county had any height regulations. Mr. Burgess went by MVEA on June 21 and spoke with Dave Williams about the low-hanging lines. They were aware of the problems, and Mr. Williams assured Mr. Burgess they had people going out to look at the areas later that day and planned to get in touch with the fiber optic installers. Again, Mr. Burgess let the others know what he'd found out.

Jenny Hoefler called Mr. Burgess to say she'd charge \$12 per person to cater the Eastern District meeting on September 16 at the Limon Community Building. He told her to book the event and informed Gini Pingnot with CCI that he'd scheduled the caterer.

Weed Coordinator Patrick Leonard let Mr. Burgess know he'd looked at the weed problem up north and contacted the farmer, who promised to take care of it in the coming week. After Mr. Piper called him about the noxious weed issue at Arriba on June 21, Mr. Burgess called Mr. Leonard again, who said he'd check it out the following day. As of June 22, the landowner still hadn't taken care of the noxious weeds, so Mr. Burgess felt the commissioners needed to send notice that the county would handle the problem and assess the property owner for the cost.

Mr. Burgess attended the Resources Unlimited meeting in Limon on June 21. He also listened to an interesting talk on the Hospital Transformation Program. On the Twenty-second, Mr. Burgess spoke with Bruce Walters about their upcoming chipping project. He learned their Mack truck was ready, so he and Mr. Walters made plans to pick it up the following day. Mr. Burgess and the others received an email praising the driver examiner's knowledge and customer service, which he forwarded to Mrs. Lengel. On his return trip to pick up the Mack truck, Mr. Burgess stopped at Wagner Equipment and picked up parts for District 3. He also went by the landfill, where Allen Chubbuck told him the John Deere Gator wouldn't charge when running, so they needed to have someone look at it. Mr. Burgess went to the courthouse and spoke with Mr. Stogsdill, Mrs. Love, Mrs. Lengel, and John Mohan. Mr. Mohan had finished removing the old shed and had some dirt work done for the new building. The District 2 road crew installed a cattleguard at the Bain Pit that day. Mr. Burgess went to Arriba on June 24, where he spoke with a resident about the hospital. He also looked at roads that needed spraying and mowing and let Mr. Leonard know about the former on June 25. The District 2 road crew helped District 3 with the chipping project on June 27, and Mr. Burgess spoke with

Mr. Walters about it on June 28. He also went by the landfill for the state inspection; everything passed. They discussed whether they could fill the valley between Cells 2 and 3. The District 2 crew helped the District 1 crew drive trucks and flag on June 29.

Mr. Stone reported receiving several calls and text messages on June 20 about the Mountain View fiber optic project. He checked out some of the lines on June 21 and spoke with Judd Kravig about the bridge and oil projects. Mr. Stone met with the State Land Board Director on June 22 and said fixing the bridge would be more of an ordeal than thought initially because the area is considered wetlands. He asked the state for an extension, granted until the fall, and received advice on a temporary solution. Since the damage is to the pilings on the west side of the bridge, the state advised to put up a "One Lane Ahead" sign and cones in the west lane. Mr. Stone said the District 3 road crew mowed on June 23 where they planned to chip. On the Twenty-fourth, he received a call from a landowner who couldn't understand why a surveying crew would be in his area. Mr. Stone contacted Mr. Stogsdill, who told him no one had applied for permits. On June 28, Mr. Stone learned of a feud between two residents living on the same property. The sheriff had sent deputies down to the area twenty-four times within a month. Each party claimed the other had stolen from them, including mail. The District 3 road crew chipped two tankers on June 27 and another three on June 28. Mr. Stone went to see if he could find the area where the landowner said he'd seen survey crews, but he couldn't find anything. He also received another call from Cody Jolly and one from Curt Dutro about the fiber optic project.

Mr. Schiffers reported dealing with the MVEA fiber-optic issues on June 18 and 19. He, too, checked the lines and spoke with Mr. Burgess about it. Mr. Schiffers checked roads on June 21, received a call from someone about election results on June 22 (even though the election wasn't until June 28), and spoke with Extension Director Robin Halley about the county fair on June 23. Mr. Schiffers reported that District 1 had another employee quit on June 24, and Cody Jolly called him on June 27 to say there was a construction crew on the CRP land he leases.

At 1:30 p.m., Shawn with Kit Carson County Communications Center called the board room to speak to the commissioners about the Code Red system. He explained that since the sheriff no longer oversees the center, the Kit Carson County commissioners asked for an agreement between the counties using the system. Mr. Piper told him to call Emergency Manager Ken Stroud.

Mr. Piper reported that although he'd attended the IT and HR meetings of the 23<sup>rd</sup> Judicial District formation via Zoom, they'd set the finance portion as an in-person meeting. Unfortunately, it was the only day that Mr. Piper already had plans. He commented that Lincoln County wouldn't have much input; most of the meetings had covered how Douglas County planned to handle the employees. Douglas County had one hundred sixty employees, while Elbert and Lincoln counties have five combined. They had discussed putting them on the Douglas County payroll instead of making them DA employees.

Mr. Piper also asked if the Board would be interested in a presentation regarding supplemental insurance. He said he didn't ordinarily listen to sales pitches, but Kit Carson County and the town of Hugo were looking into the benefits, and he felt it might be worth scheduling someone to present their product to Lincoln County. The Board agreed to have Mr. Piper schedule the meeting.

When Mr. Stone called for old business, Mr. Burgess said the others might have to take care of the Eastern District meeting on September 16 if he went to the Ports-to-Plains meeting on the Fourteenth through the Sixteenth.

Mr. Burgess asked the other commissioners if he could have a mechanic in Limon look at the landfill's Gator, and they agreed. Mr. Burgess saw Bart O'Dwyer and asked him if he'd talked to Tony Wernsman about the plans and construction for the clerk's election room. Mr. O'Dwyer told him he'd get to it. Mrs. Lengel said that Judd Choate with the Secretary of State's office did a security audit of her election office on June 24 and insisted she would have to install a keycard access system for the county's voting equipment by next June. Mrs. Lengel explained that they stored it in the safest, most temperature-controlled area possible, but Mr. Choate felt they might have to move it or build a wall within the vault. Mrs. Lengel felt spending unnecessary money to build a room within a room when they planned to add the election center to her office made little sense. However, with the new law and the recent climate regarding the public view of elections, it would be unwise not to comply. Mr. Choate told her there was money available through the SOS if the county could complete the project within the next six months.

The commissioners set meeting dates through the end of the year and then approved the June payroll. With no further business to come before the Board, Mr. Stone adjourned the meeting at 2:45 p.m.

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Corinne M. Lengel, Clerk of the Board

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Doug Stone, Chairman