

Board of County Commissioners of Lincoln County  
Agenda for March 17, 2023

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Public Hearing on a request from the 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
- 9:30 Meeting with Derek Adams and Travis Miller with RockSol Consulting Group, Inc. at the bridge on South Highway 109 regarding engineering plans
- 10:30 Review and act upon an Economic Development Incentive Agreement with Smfg Company, Inc.

-To be completed as time permits-

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1. Approve the minutes from the March 7, 2023, meeting
2. Review the February 2023 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review the February 2023 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
4. Review February 2023 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
5. Review and act upon an Employee Credit Card Request for Levi Miller
6. Review and act upon letters of support regarding the FY24 Congressionally Directed Spending Request for the Hugo Union Pacific Roundhouse
7. County Commissioner reports
8. County Attorney's report
9. County Administrator's report
10. Old Business
11. New Business

The Board of Lincoln County Commissioners met in the jury assembly room at 9:00 a.m. on March 17, 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, Deputy Clerk of the Board Ryan Davis, and Limon Leader reporter Stephanie Zwick attended. Emergency Manager Ken Stroud was there at the start of the meeting.

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

At 9:09 a.m., Mr. Stone opened the public hearing to act on a request from 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. There were no other attendees for the hearing other than those previously mentioned. Mr. Ewing asked if Sheriff Nestor had any problems with the Board approving the permit, but Mrs. Lengel and the others said they hadn't heard from him. Mr. Ewing asked if they should call the sheriff, but Mr. Stone felt he would have contacted one of them if he had questions.

Mr. Burgess moved to approve the Joe Will Post N. 6612 Special Events Permit, Fermented Malt Beverage, for fifteen recurring cornhole tournaments from May 27 through September 16, 2023, at the Lincoln County Fairgrounds. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Ewing moved to approve the minutes from the meeting held on March 7, 2023, as submitted. Mr. Burgess seconded the motion, which carried unanimously.

The Board reviewed the February 2023 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer and then asked Mr. Stroud for an update on the light plant. Although the unit worked for a little while, it quit again, so Mr. Stroud contacted Wagner Equipment's service department about it. It could be warranty work, and if so, there was a possibility that a service tech would come out and look at it. Mr. Stroud hadn't heard anything back yet. Mr. Burgess said they'd need to get rid of it if no one could fix it.

At 9:23 a.m., the commissioners left to meet Travis Miller with CDOT and RockSol Consulting Group, Inc. structural engineer Derek Adams at the bridge on County Road 109 south of the courthouse to discuss engineering plans.

When the group returned at 10:21 a.m., Derek Adams, Katie Pepper, Scott Kimble, and Chris Monks joined the meeting. Mr. Stone said Travis Miller hadn't been able to attend. Deputy Treasurer LaRay Patton and Economic Development Director Troy McCue also arrived for the discussion at 10:30.

Mr. Burgess asked Mr. Adams for a recap of their discussion for the record, and Mr. Adams provided a Scope of Services and fee proposal of \$127,012.61 for LCR 32 over Big Sandy Creek Bridge Rehabilitation. He explained that planned improvements included replacing the existing

steel deck and asphalt surface with a reinforced concrete deck (with an asphalt-wearing surface), updated bridge rails, and updated guardrails. While the bridge girders and substructure were structurally sound and anticipated to remain, Mr. Adams said they would sandblast and paint them to help with corrosion. He added that the Scope of Work intended to produce plans, specifications, and a construction cost estimate to ensure the project was shovel-ready and increase its chances of receiving CDOT Off-System bridge funds next year. Funding applications are due around the end of October. Since the closest detour is County Road 26, Mr. Adams proposed a shoe-fly detour northwest of the current bridge. Mr. Burgess said they'd need to find out if the county owned the right-of-way, and Mr. Adams told him the shoe-fly detour would be highly efficient if so.

The RockSol group left, and Mr. Burgess said Mr. Monks took their 2005 Dodge pickup to Interstate Diesel to have the heater fixed. It was \$1,100. Since District 2 was giving the pickup to the landfill, Mr. Burgess wanted to know which budget should cover the cost. The other commissioners agreed they should pay the bill from the landfill budget if it could handle it.

At 10:30 a.m., Economic Development Executive Director Troy McCue explained that although Smfg Company, Inc. owners Josh and Shelley Romig received approval for the SBA loan, they were still trying to obtain funding for the construction loan. Mr. Romig intended to begin operations this summer, but Mr. McCue noted that the fall might be more realistic. While the proposed twenty-five thousand square foot building was similar to Wausau, Smfg would house more high-dollar equipment, resulting in \$700,000 to \$800,000 of personal property. Wausau's incentive agreement had provided a county tax abatement of approximately \$10,400 for 2022, and Mr. McCue said Limon's tax refund was closer to \$12,000. He added the Smfg agreement proposed a forty percent tax refund for four taxable years. Mr. McCue reminded the group that the Romigs wanted to start with ten employees but hoped to increase that number to twenty. When asked if they would compete with local cabinet makers, Mr. McCue said he'd spoken with Dave Dobbs, who told him they were not in the same market and would not be competition for his business.

When Mr. Burgess estimated between \$10,000 and \$15,000 for Smfg's tax refund, Mrs. Patton commented that it would be on the high end with that much personal property listed. Mr. McCue spoke briefly about sales tax and how the state calculates products shipped to different zip codes.

Mr. Ewing asked if hearing about Lincoln County's tax incentive program prompted the Romigs to locate their business here or if they had wanted to come to the county *before* hearing about it. When meeting with business owners, Mr. McCue said he promotes all available funding options, such as investment tax credits and the Enterprise Zone.

Mr. Burgess noted that the county gets property tax revenue from vacant land, but if the Board approved Smfg's incentive application, there would be none for over four years. Mr. Ewing said supporting it did the county no good, and he wasn't in favor of it.

Mr. Kimble said that having the incentive helps potential business locators decide on an area, and Mr. Stone added that once past the four years, the county would see a benefit. Mr. Burgess commented that if the employees lived in the county, they would likely spend money at local merchants and possibly have kids in the schools.

Mr. Burgess moved to approve the Economic Development Incentive Agreement with Smfg Company, Inc. Mr. Ewing seconded the motion, which passed with Mr. Burgess and Mr. Stone voting in favor and Mr. Ewing voting against.

Mr. Burgess asked if it would be okay for Mr. McCue to give a brief Economic Development update while he was there, and Mr. Stone said it would be fine. Mr. McCue touched on the Karval Community Building upgrades and financing efforts and then mentioned that the towns of Arriba and Genoa were considering adopting zoning and building codes. If they waited, they wouldn't be able to adopt the 2018 codes this year and would have to wait for the 2022 version. Mr. McCue said he was trying to convince them to proceed; however, there was some resistance because many found it unnecessary.

When Mr. Burgess asked if he wanted to mention CNG, Mr. McCue said UPS raised questions about building compressed natural gas (CNG) or renewable natural gas (RNG) stations in Lincoln County. Their fleet trucks run on CNG, but since there is no place to refill, they sometimes run out of gas around Limon. One of the biggest challenges would be finding high-pressure lines since most filling stations work better at forty-plus psi, but Limon's pressure is about twenty-five psi. While there might be areas with higher-pressure gas lines, deciding if they were in a feasible location would also be a question to consider.

Mr. McCue said the Hugo Mainstreet program wanted to move from its status of a candidate community to a graduate community, and downtown Limon wanted to go from an affiliate community to a candidate community. Becoming a graduate community provides better access to state funding. Hugo lacks approximately \$6,000, and Mr. McCue asked the commissioners to consider committing county funds.

Mr. Kimble commented that Stratton and Flagler adopted versions of the Model Traffic Code but no longer had police departments. Still, they left the codes in place in case that changed. Mr. Kimble didn't know for sure but said the same concept might work for zoning and building codes, too, so if Arriba and Genoa wanted to adopt something, even if they didn't have building inspectors, at least the tool would be there if they needed it. Mr. McCue said he would offer the advice since they couldn't adopt the 2018 codes if they didn't do it this summer. Putting something in place would at least give them a say in what happened in their communities.

After Mr. McCue left, the Board reviewed the February 2023 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools. The commissioners also reviewed the February 2023 Statements 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.

Mr. Burgess moved to approve a county credit card with a \$1,000 credit limit for Human Services employee Levi Miller. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Ewing moved to approve letters of support regarding the FY24 Congressionally Directed Spending Request for the Hugo Union Pacific Railroad Roundhouse. Mr. Burgess seconded the motion, which carried unanimously.

At 11:50 a.m., Mrs. Lengel informed the Board that she had to leave and that Mr. Davis would take the minutes for the rest of the meeting. She also wanted to let the commissioners know that Andrew Pellett would be back on Monday if they wanted to discuss the size of their meeting room with him.

Mr. Ewing said he'd received a letter from a couple of concerned residents regarding the size of the restrooms in the jury assembly room and that they didn't meet accessibility requirements. Mrs. Lengel said the commissioners should speak with Court Clerk Kim Graham and maintenance man John Mohan. Mr. Burgess asked how she had paid for the accessibility door to her office, and Mrs. Lengel told him she'd received grant funding through the Help America Vote Act because her office was a voting location.

Mrs. Lengel left the meeting at 11:59 a.m.

Mr. Ewing gave his commissioner report. On March 7<sup>th</sup>, his district put sand down at the Y on County Road 2W, near the courthouse, and on Highway 109 North. Mr. Ewing went to the Board of County Commissioner's meeting in Hugo before attending the spring Weed Board meeting with Commissioner Stone. At the meeting, they talked about the timing of blading and pesticide applications as well as the labeling of their pesticides. They talked about weed control on state highways and railroads and had asked for the commissioners help in contacting the State and the railroad companies to determine when they would do their weed control. The Weed board asked where the state and railroad's right-of-way easements started and where they stopped. On March 8<sup>th</sup>, Mr. Ewing attended the Bookmobile meeting. He reported that they had a quorum and could approve the new bookmobile policy manual which had not been updated since 2007. He said he was pleased to see the new revision included the "Right to Read" policy. The next Bookmobile meeting will be on April 5, 2023.

He went to a Limon Chamber of Commerce meeting on March 9<sup>th</sup> where they discussed multiple town matters including the town cleanup week, Easter celebrations, the Rotary Club's proposed park concert, the upcoming car show, and a report from Peak Vista on mental and behavioral health. He received questions about road and bridge maintenance, the hospital and the clinic, the roundhouse, and some of the district's trouble properties. After the meeting, he talked with Mr. Monks about the CDL testing the next day. For the next two days, he checked roads and, on the 13<sup>th</sup>, made a visit to the shop to congratulate an employee on passing his CDL testing. Afterwards, he attended the Hugo town board meeting where they talked about weed spraying, issues in the fire district, public works, and the town's water shortage.

On the 14<sup>th</sup>, he talked with Mr. Monks about new Road & Bridge matters and reported positive community feedback. He later went to the Fair Board meeting where he reported that April 19<sup>th</sup> would be the final day for applications for the Extension Director position and that interviews would be held on the 21<sup>st</sup>. He reported that the new arena lights had arrived but that KC Electric refused to take the old ones down. He suggested that they ask Mountain View if they would do it. The board moved to allow interview judging via zoom with some restrictions and to move the sale start time one hour earlier. They talked about changing how the poultry would be housed and about publicly displaying fair donors during the events. He said that there was concern about where the tent would be placed due to the recent fiber optic installation.

On the 15<sup>th</sup>, Land Use Administrator Ty Stogsdill talked with him about some properties with junk vehicles on them. On the 16<sup>th</sup>, his district serviced equipment and changed mower tires. He talked to Mr. Monks, who said that two of the new Road & Bridge applicants would start on the third of April. Mr. Monks reported that the infringement on County Road 3G had been resolved, and Mr. Ewing verified that it had.

Mr. Stone gave his commissioner report. He had a Weed Board meeting on the 7<sup>th</sup>, where they talked about when and where they should apply chemicals. On the 8<sup>th</sup>, he went to the shop and met with Mr. Monks, District 3 Road Foreman Judd Kravig, and CAT representatives Dom Kleich and Fred Platt. They discussed the damage done to the loader and the costs of the repairs. Mr. Burgess asked if CAT would lower their fees any, and Mr. Stone said they would not. On the 10<sup>th</sup>, he received a phone call from Dwight Bevins about employees from Excel Energy running equipment across his land. He also talked to Mr. Monks about the hay truck fire east of Hugo. On the 11<sup>th</sup>, he checked roads east of Karval. He talked to Mr. Kravig and Mr. Monks about employee CDL testing on March 13<sup>th</sup>. On the 14<sup>th</sup>, Mr. Stone went to Limon for the Colorado East Community Action Agency meeting. He said that the agency had been helping with taxes and distributing food. He reported that the agency had brought a trailer full of food and goods to the people of Karval. Mr. Stone said that Mr. Burgess had called him on the 16<sup>th</sup> and said that Dean Simpson was willing to provide more help with employee CDL training. Mr. Burgess commented that he thought the CDL training was taking too long and did not want to drag it out anymore.

Mr. Burgess gave his commissioner report. His crew hauled frozen gravel on March 8<sup>th</sup>, and he had a Prairie Development Corporation call to discuss a revolving fund loan. A farmer north of Arriba called to let him know about a section of county road 46 where water was flowing over the road. On the 9<sup>th</sup>, he reported that in the morning the light rain was causing the roads to freeze up. After it thawed, the trucks had to stop hauling gravel because they kept getting stuck. He had repairs done on the dozer and the Dodge pickup and had a zoom meeting with Centennial Mental Health. He reported the road crew was hauling gravel on March 10<sup>th</sup>.

On March 11<sup>th</sup>, he went to Boyero to look at a feedlot but was unsure if it had enough animals to be nonconforming and asked Mr. Stogsdill to investigate. He had asked when the landfill would be returning to full workdays however it was decided that the landfill would continue with half days except for free landfill day. Mr. Burgess said that they should wait until after the

announcement of free landfill day to advertise the new schedule. On March 13<sup>th</sup>, Mr. Burgess had a Baby Bear Hugs zoom meeting. He reported that his term will be up in June, that the joint staff meeting would be June 14<sup>th</sup>, and that the gala dinner will be in Yuma on April 22<sup>nd</sup>.

On March 14<sup>th</sup>, he and District 2 Road Foreman Bruce Walters went out to look at County Road 46 between roads 3Y and 4C. He said that water was still running over the road and that it would remain closed until they could get the crew up there to work on it. He spoke to the company that supplies their crushed concrete and asphalt in Limon and said that they would crush 500 tons of concrete and 500 tons of asphalt at \$8.50 per ton. He said that the company would require 25 percent down and that he would have a check cut on April 7<sup>th</sup>. Mr. Burgess spoke to Mr. Stogsdill about the Bain gravel pit and said that it was very important that they start hauling out of it, otherwise they would only have one pit to supply gravel.

On March 15<sup>th</sup>, he attended the Economic Development meeting at Mountain View Electric in Limon. He then went to the town hall in Arriba, where town clerk Josie Hart had some questions for him from the mayor concerning code enforcement issues. Mr. Burgess told Mrs. Hart to contact Mr. Piper and schedule a zoom meeting. He then went to the fairgrounds where he spoke with Carlos Leonard about hauling them some gravel. He called Mr. Walters and told him to haul a couple tandems of gravel to the fairgrounds. He then had a zoom call about the new building codes. He mentioned that he thought Mr. Stogsdill should be included on the calls since the new codes would affect the whole county and not just the municipalities. On March 16<sup>th</sup>, he visited with Landfill Manager Allen Chubbuck. On March 17<sup>th</sup>, Mr. Burgess had a phone call with Travis Miller from RockSol about the bridge repair on South Highway 109.

Mr. Kimble gave the County Attorney's report. He said that he had received a letter from Josie Hart asking for the sheriff's help enforcing town ordinances. He said that the town had been experiencing issues with dog control and that while they had ordinances in place, they were unable to effectively enforce them. Mr. Kimble said that the county does not ordinarily enforce local ordinances but that they could contract the sheriff's office to do it for them, but that they probably would not be willing to pay what the sheriff's office would charge.

Mr. Kimble then talked about getting a seizure warrant for a property that appears to infringe on the county's right-of-way easement to the road. He said that in order to grant the warrant, the county must prove that its ROW is being encroached. Mr. Kimble brought up the Roundhouse renovation project. He said that Roxie Devers was wanting to subcontract part of the work and that she would like to be compensated for mileage. Mr. Pipier said they had already allocated \$100,000 to the project and that his administration budget had a \$5,000 allotment for her. He estimated that would average out to \$25 per hour but that he would need to check his records to verify.

Mr. Piper gave the County Administrator's report. He started by saying that several of the administrators from surrounding counties that he frequently had business with had retired or quit. He said that as a result, he would be serving on the board for the Association of Colorado County Administrators. He said that he was contacted by Centennial Mental Health because

they were interested in being licensed as a Secure Transportation Service. He said that he would need to file some reports as part of the county's STS regulations and that he would be attending a meeting in Sterling where he would learn about inspecting vehicles for Centennial Mental Health.

Mr. Burgess asked Mr. Piper if he was familiar with the Colorado Secure Savings Plan and if it was something the county was supposed to be offering to its part-time employees. Mr. Piper looked it up on his phone and said that it was for private businesses not governments.

The board moved on to old business. Mr. Burgess said that he learned about CDOLA funding at his winter conference that might be used to finance the bridge construction but that it would have the same "shovel-ready" requirements as the CDOT grants. Mr. Burgess asked Mr. Ewing what he thought and asked if he would like to give RockSol the go ahead to start work on the engineering phase of the bridge project. Mr. Burgess said that they should get the design phase started while they were waiting to hear back about the right-of-way for the detour. He also commented that the closest source of dirt for the construction was too far away and that they would need to find something closer to the build site. Mr. Burgess moved to approve the engineering phase of the bridge repairs. Mr. Ewing seconded the motion, which passed unanimously.

Mr. Pellett arrived to discuss the commissioner room table. The commissioners were concerned that the table in the new room would be too small for them to conduct their business comfortably. Mr. Pellett said that the new table should not be much different than the one they were currently sitting at. Mr. Pellett also informed the commissioners of changes to his building plans. He said that because of regulation on government buildings, he would need to install a more expensive door with a more secure latch. He claimed the new door was about \$2,000.00 more expensive than the old one. He also explained that he had to switch materials from wood to metal for the framing above the glass wall in the secure election room and so he had to return the wood he bought earlier. He thought that he would be able to make up the difference in price on the door by spending less on the carpet installation and room painting.

The commissioners asked Mr. Pellett what he thought about modifying the bathrooms in the jury assembly room to make them accessible. He said that to create enough space they would need to move the bathroom doors out to the interior wall of the jury assembly room so they were flush with the cabinets.

With no further business to come before the Board, Mr. Stone adjourned the meeting at 1:38 P.M. The next meeting will be at 9:00 A.M. on March 30, 2023.

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Corinne M. Lengel, Clerk of the Board

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Ryan Davis, Deputy Clerk of the Board

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Doug Stone, Chairman