

Board of County Commissioners of Lincoln County
Agenda for April 29, 2024

- 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 three recurring cornhole tournaments: May 25, June 29, September 1, 2024, at the Lincoln County Fairgrounds
- 9:30 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 10:00 Kelly Lowery, to meet with the Commissioners regarding County Attorney services
- 11:00 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH report
- 11:30 Lora White and Nancy Gonzales with the Country Living Learning Center and Casey Love, Administrative Assistant, to discuss the Employer Based Child Care Grant Program
- 1:30 Public Hearing regarding a Petition for Abatement or Refund of Taxes from GanaLodge Corporation
- 2:30 Ken Stroud, Emergency Management Director, to present the 2024 Emergency Operation Plan

-To be completed as time permits-

1. Approve the minutes from the April 8, 2024 meeting
2. Review March 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, County Treasurer and Public Trustee
3. Review March 2024 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 March 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon a credit card request for Rose Farley
6. Review and act upon a credit card request for Lois Walters
7. Review an amended lease agreement with Robert Safranek
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 April 29, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, and Limon Leader reporter Stephanie Zwick attended. Commissioner candidate Terry Jaques attended until 11:10 a.m.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance. Mr. Ewing led a short prayer.

No one attended the public hearing regarding the Joe Will Post N. 6612 request for a Special Events Permit, Fermented Malt Beverage, for recurring cornhole tournaments on May 25, June 29, and September 1, 2024, at the Lincoln County Fairgrounds. Mr. Ewing asked if they needed to call Sheriff Nestor to see if he felt it was a problem, but Mr. Stone said they'd approved them in the past. Mr. Burgess called the sheriff, who said he had no issues with the permit or group holding the tournaments. Mr. Stone moved to approve the Special Events Permit, Fermented Malt Beverage, for May 25, June 29, and September 1. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Ewing moved to approve the meeting minutes for April 8, 2024. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the March 2024 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer. The commissioners also reviewed the March 2024 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.

At 9:30 a.m., Human Services Director Andrew Lorensen met with the Board to give his monthly report. Mr. Burgess gave Mr. Jaques a brief explanation for the meeting and noted that several things discussed were confidential. The group considered whether the commissioners should treat DHS meetings similarly to that of Public Health, where they acted as the Board of Public Health. Mr. Lorensen said the commissioners were considered the Board of Human Services, and Mr. Kimble said it couldn't hurt.

Mr. Burgess recessed the Board of County Commissioner meeting and opened the Lincoln County Board of Human Services meeting. The Board reviewed the March financial statements, employee timesheets, and the director's, Income Maintenance, and Child Welfare & Adult Protection reports.

Mr. Lorensen presented the CKLECC (Cheyenne, Kiowa, Lincoln, Early Childhood Council) Memorandum of Understanding dated January 1, 2024, and said it could not exceed \$19,000.

Mr. Stone moved to sign the CKLECC Memorandum of Understanding, and Mr. Ewing seconded the motion, which carried unanimously.

Kelly Lowery arrived as Mr. Lorensen explained that the Signal Behavioral Health MOU for mental health was a CORE Child Welfare program. He noted that Signal contracts with Centennial Mental Health because it doesn't have a good substance abuse program. Mr. Burgess asked if relationships and services had improved since CMH hired a new director, but Mr. Lorensen didn't feel it had. Mr. Burgess asked if he should contact them since he is the commissioner liaison to the CMH Board, but Mr. Lorensen said he would do it.

Mr. Ewing moved to approve the Signal Behavioral Health Amendment #2 MOU for behavioral health services. Mr. Stone seconded the motion, which carried unanimously.

Mr. Lorensen informed the Board that they had started spending the Family Voice Grant dollars, and the commissioners would see those expenses on his credit card. County IT Director James Martin agreed to help with the electronics for Limon's family center. Mr. Martin also helped their state system work again, but they still had a few printer issues. CBMS was down for an entire day because of a firewall problem, so Mr. Lorensen sent his staff home.

On the agenda were two requests for the commissioners to approve county credit cards for DHS employees; Mr. Burgess suggested addressing them while Mr. Lorensen was still present. Rose Farley would serve as the new case aide, and Lois Walters was their new caseworker.

Mr. Stone moved to approve a county credit card with a \$750 credit limit for DHS case aide Rose Farley. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Ewing moved to approve a county credit card with a \$1,000 limit for DHS caseworker Lois Walters. Mr. Stone seconded the motion, which carried unanimously.

Mr. Lorensen left, and the chairman adjourned the Board of Human Services meeting and reconvened the Board of County Commissioner meeting.

At 10:00 a.m., the Board met with Kelly Lowery to discuss County Attorney services. Mr. Kimble noted Ms. Lowery represented Sedgwick and Cheyenne counties, and Ms. Lowery said she'd practiced county law for over eight years. Mr. Kimble also liked that she was familiar with county-owned hospitals and represented several municipalities, as he had. Ms. Lowery provided information about her background, and then Mr. Burgess said he assumed they would meet via Zoom if the commissioners selected her as Mr. Kimble's replacement. Ms. Lowery said she would be happy to attend in person if the commissioners needed, but they would have to share her time with Cheyenne and Sedgwick counties. Since those counties paid Ms. Lowery hourly, attending meetings virtually saved money. She charges \$180 per hour for county work, while her private practice rate is \$235 per hour.

Mr. Kimble explained that the Land Use Board meets at night and holds occasional hearings, which Ms. Lowery said wouldn't be a problem. Ms. Lowery has a colleague who may soon return to help her, opening up several possibilities. She asked when the Board would decide,

and Mr. Burgess told her it would be within a month and definitely before the county started working on 2025 budgets.

Lincoln Health CEO Kevin Stansbury, PA-C Erin Mellott, and the newest member of their team, Dr. Taryn McGilvery, arrived at 10:45 a.m. Mr. Burgess introduced Ms. Lowery to the hospital group, and she left shortly after.

Mr. Stansbury reviewed the financial statements, noting that billing and pre-authorization were still challenging. The group discussed the draft resolution regarding the ground ambulance and cost-based reimbursement Mr. Stansbury mentioned the last time he met with the commissioners. He explained it still wasn't quite ready, and Mr. Kimble noted it mainly was the county's existing resolution with a few changes. Mr. Piper said Emergency Manager Ken Stroud thought they could biannually require the ambulance services to provide their state licenses to the Board. That would ensure the commissioners knew about new agencies coming into the county and what services they offered.

Economic Development Director Troy McCue arrived at 11:20 a.m., and Administrative Assistant Casey Love at 11:25 a.m.

Mr. Stansbury briefly discussed federal lobbying and state priorities at the legislature and then introduced Dr. McGilvery.

At 11:30 a.m., Lora White and Nancy Gonzales with the Country Living Learning Center and Administrative Assistant Casey Love met with the Board to discuss the Employer Based Child Care Grant Program. Emily Poss arrived a little later.

Mrs. White provided the statistics from the survey given to school employees regarding childcare needs, and Mrs. Love said she'd collected surveys from several county employees but still needed some from the sheriff's department.

Mrs. White said they were beginning to think that the grant program better suited urban areas, not rural Lincoln County, and especially not the county as the lead employer. However, they struggled to balance running the facility with finding funding for the new one. Maintaining staff was becoming increasingly difficult when they couldn't provide benefits or competitive pay. Nor could they provide child care for school-age children because they didn't have the room. Mrs. White noted they didn't want to give up on the grant, but the deadline was quickly approaching.

Mr. Piper asked if they were leaning toward the school being the lead employer rather than the county, and Mrs. White said they thought about it and planned to ask school administrators.

Mrs. Love said she'd spoken with Alethea Gomez, who told her the county would have to prove a direct benefit to its employees. So far, the survey results returned to Mrs. Love didn't indicate as much of a need as the school or hospital had.

Mr. Piper noted that some risks to the county were a liability, time limitations on using the funds, and the building always having to be a childcare facility. The county must insure the new building, appoint a board, and renew contracts. Mrs. Love said there was also a group in Limon pursuing child care and worried that if the county helped with the Hugo center, they would request help too, starting a precedent.

Mr. Burgess and Mr. Ewing were uncomfortable with the county as the lead employer on the grant but promised to discuss it further after Mrs. Love received the rest of the survey responses.

The Board approved the April payroll, and then the group broke for lunch at 12:10 p.m.

When the meeting reconvened at 1:00 p.m., the Board reviewed the March 2024 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools.

Mr. Piper had received a request from Robert Safranek to reduce the landfill lease agreement by four acres (from 240 acres to 236 acres), making the total \$1,180. Mr. Ewing moved to amend the lease agreement, and Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess called for commissioner reports, and Mr. Stone reported attending the Southeast and East Central Recycling meeting in Las Animas on April 10. The director retired about a year ago, and they recently learned that their replacement had embezzled from them ever since. The organization is concerned about remaining solvent and has considered asking counties for a \$2,000-\$3,000 one-time donation. Baca and Prowers counties agreed, but Mr. Stone said they decided to table that discussion for a while. On April 11, Mr. Stone checked roads and spoke with Judd Kravig about the oil project District 3 planned to start the following Monday; the road crew worked on oiling 1.3 miles on April 15. They also found that someone had dumped a load of shingles on a county road. The road crew put down the second leveling mat on April 16. Mr. Stone attended the Economic Development annual meeting at the fairgrounds on the Seventeenth. District 3 was supposed to help District 1 with its oil project on April 18, but they had to reschedule for April 22 and 23 because of bad weather. Mr. Stone reported that an employee from a different district requested a transfer to District 3 but had no further details.

District 1 Road Supervisor Chris Monks dropped in at 1:20 p.m. to discuss bids and materials briefly. He left when Assessor Jeremiah Higgins and Deputy Assessor Renita Thelen arrived for the 1:30 p.m. abatement hearing.

Mrs. Thelen provided a property history of 985 US Hwy 24 (a hotel) and a brief synopsis of the assessor's reasoning for denying the tax abatement for the 2021 and 2022 tax years. Most notably, Mrs. Thelen stated the owner chose not to submit required income information or file a protest during the protest periods despite numerous opportunities. GanaLodge Corporation had now filed a Petition for Abatement or Refund of Taxes.

The group discussed the hearing guidelines, and Mr. Higgins said there were no speaking time limits as with other hearings. Mr. Burgess opened the public hearing just before Dari Bozorgpour, the agent for Property Tax Advisors, Inc., called at 1:30 p.m. to discuss the abatement.

Mr. Bozorgpour said he'd done numerous appeals such as this, which were typically approved. He had used the revenue analysis method and believed the state would agree that the information followed its requirements.

Mr. Higgins asked Mr. Bozorgpour if he agreed that neither he nor the property owner had made this protest during the lawful protest period, and he admitted they had not. Mr. Bozorgpour had no problems with the county's valuation; he wanted to change the classification of the 30-day stays and classify a portion as residential.

Mrs. Thelen pointed out that she already granted a three percent residential classification for the rooms but had seen the sign on the motel advertising "weekly and monthly rates." She asked if the owner understood 30-day stays, but Mr. Bozorgpour didn't believe so.

The commissioners agreed to review the information, and Mr. Stone moved to close the hearing. Mr. Ewing seconded the motion, which carried unanimously. Mr. Burgess thanked Mr. Bozorgpour and disconnected the call.

Mrs. Thelen said the owner paid \$31,494.68 in property taxes in 2021 and \$31,636.48 in 2022. She gave him 3% residential since he hadn't filed the proper forms. Re-classifying the property and making it 33% residential would reduce the taxes for those years by approximately \$9,000, which she didn't think they should do.

Mr. Higgins explained that tax advisors such as Mr. Bozorgpour contact property owners and tell them they'll help get a portion of their money back for past years, but they charge a percentage of that return.

Mr. Kimble inquired about the consequences of filing untimely, to which Mrs. Thelen assured him that the Board of Assessment Appeals (BAA) tended to rule with the taxpayers in such cases. She further explained that she could propose a 20% compromise, and if the owner agreed, the petition would move into the mutual agreement phase, thereby avoiding direct involvement of the Board.

Mr. Higgins said not only didn't the owner file the proper paperwork, but the hotel was no longer in business, and the lender filed to foreclose. They would gladly have worked with the owner if reducing the taxes had helped them stay in business. Offering to reclassify the property as 20% residential wouldn't compromise the assessor or his staff or set a precedent. Mr. Higgins said they wouldn't budge on it, but the commissioners could negotiate. Mrs. Thelen noted that a 20% residential classification would mean an approximate \$4,000 tax refund each year. A positive note was that they could only request it for 2022 and 2023 taxes, so they were

not concerned that they would try to obtain refunds for earlier years. The county would have to hire a commercial appraiser if the case went to the BAA, but Mr. Kimble could remain the county's attorney. Mr. Higgins' office would have no further involvement.

Mr. Burgess asked Mr. Higgins and Mrs. Thelen to draft an explanatory letter regarding the twenty percent offer for the commissioners to sign.

At 2:15 p.m., Emergency Manager Ken Stroud met with the Board to present the 2024 Emergency Operations Plan. Mr. Ewing moved to approve the Plan, and Mr. Stone seconded the motion, which carried unanimously.

Mr. Stroud mentioned an upcoming consultation with state officials and first responder agencies and asked Mr. Ewing to attend the meeting at the hospital on May 16.

Mr. Stroud also noted that he spoke with FEMA reps again and received the completed list of projects and who to speak with about processing the funds.

Mr. Piper asked Mr. Stroud to update the Board on their ambulance licensing conversation. Mr. Stroud said the commissioners could issue annual confirmation permits to companies operating in the county to keep track of those organizations.

Mr. Stroud left, and Mr. Stone continued his commissioner report. On April 24, District 3 cleaned up the shingles someone dropped on a county road. He received a call from an ambulance service in El Paso County, wanting to license its ambulance in Lincoln County. Mr. Piper said if it was someone from Ellicott, Ken Stroud told him it was okay because they operate with Tri-County Ambulance Service. Mr. Stone received a call from Mr. Stroud regarding the FEMA money on April 25 and a call from Troy McCue on the 26th. Someone with the solar farm wanted to meet with Mr. Stone because it was in his district. Mr. Stone told Mr. McCue they could contact Mr. Piper and set up a time during a commissioner meeting.

Mr. Ewing reported talking to Chris Monks on April 8. They discussed the ridges on the edge of the roads after Mr. Ewing got caught in one of them while pulling a trailer. Mr. Ewing didn't want the road crew leaving ridges bigger than three or four inches when they pushed larger rocks to the edges. He felt they also needed to pull up the edges since they lost so much gravel last year. Mr. Ewing, Mr. Burgess, and Land Use Administrator Ty Stogsdill attended a Solar Battery Storage symposium at United Power in Berthoud on April 10. They discussed several county regulations, fire mitigation, and training. Mr. Ewing and Mr. Monks discussed a new hire on April 11, and he asked Mr. Monks to attend the local meeting about the 40/287/109 crossing. Mr. Ewing attended the CCI Steering Committee, where they voted to oppose, support, or amend several Senate Bills and a House Bill. On April 12, Mr. Monks reported that the 40/287/109 meeting went well; they discussed the detour. Mr. Ewing returned to the CCI Steering Committee meeting to vote on additional Senate Bills. Mr. Ewing met with Chris Monks on April 15; they discussed the asphalt project and the FEMA tubes. Mr. Ewing attended the Genoa town board meeting on April 16, where he brought up solar battery regulations and

fire training, a Douglas County sanctuary case against the state, and sales tax. He had asked Sheriff Nestor to send a deputy to the meeting to discuss a possible vagrant, which he did. The deputy responded and did a welfare check. Genoa maintenance personnel signed up to take 122 water training courses through the Colorado Rural Water Association. Hicks Street needed grading; the town board planned to ask the county for help. Mr. Ewing noticed on April 21 that District 2 graded the street and expressed his gratitude. Mr. Ewing and Mr. Stone attended the annual Economic Development meeting at the fairgrounds on April 17, and on the 18th, Mr. Ewing attended the Victims' Rights Awards ceremony in Parker. The 18th Judicial District recognized several nominees, including two from Lincoln County, for their exemplary work with victims of crime. Madison Lengel ensured the evening went smoothly and efficiently. District 1 delayed the asphalt project until April 22 because of bad weather. Mr. Ewing reported checking roads on April 20 and the Big Sandy bridge for a pothole on the Twenty-first. He discussed the pothole with Chris Monks on April 22. Mr. Monks later reported that the County Hwy 109 project required more asphalt than anticipated, and they might have to postpone other projects to stay within their budget. District 1 finished the 109 asphalt project on April 23; Mr. Ewing discussed asphalt crushing with Mr. Monks. Mr. Ewing checked roads on April 24, noting the road crew filled the pothole. At the session's final CCI Steering Committee meeting on April 25, Mr. Ewing voted to oppose HB24-1460 and SB24-212, amend SB24-210, and support HB24-1296, SB24-190, and HB24-1457. He abstained from voting on HB24-1447. Mr. Ewing also attended the hospital board meeting but arrived late due to the Steering Committee meeting. After watching a "Denying Medical Care" video, they discussed the insurance pre-authorization process. They also talked about the relationship with local banks. Mr. Ewing suggested the hospital present a list of possible legislation affecting rural hospitals to the commissioners before the next legislative session; the commissioners could urge CCI to lobby.

Mr. Burgess reported talking to Mr. Stone and Judd Kravig on April 9 about the County Road T FEMA project. He called Sun Enterprises about the Mule, which had come in. Mr. Burgess stopped at the landfill and learned high winds blew the trash around. He also went to the Genoa shop; the road crew worked on equipment and roads. Mr. Burgess picked up the county pickup for the meeting in Longmont; Mr. Burgess, Mr. Ewing, and Ty Stogsdill traveled to Longmont on April 10 to learn more about battery storage. Mr. Burgess attended the Centennial Mental Health meeting via Zoom on April 11; they still have a high turnover. Medicaid payments don't keep up with the expenses. He also attended a Ports-to-Plains Zoom meeting. All states except Colorado continue their work on the corridor. They got a match from CDOT for Hwy 71 north of Hwy 14 to the Nebraska state line. Mr. Burgess worked on the bid for pipes and riprap for the District 2 FEMA project. He spoke to Bruce Walters about helping District 3 haul asphalt. Mr. Burgess returned the commissioners' pickup to Hugo on April 12. He gave Mr. Piper the bid sheets for the FEMA projects and talked to Roxie Devers about the heating and cooling systems at the roundhouse. He questioned why they wanted separate systems. Mrs. Devers said the air conditioning would be part of the last phase. Mr. Burgess spoke with someone about it, and they suggested a mini-split cooling system. Bruce Walters sent him the pictures of corrective work needed on structures. Patrick Leonard sprayed around the fairgrounds while the week truck was in the shop.

Mr. Kimble reported that he hadn't heard back regarding the letter to Columbia Sanitation. Kipp Parker contacted him about subsurface injection; the EPA has had regulations since the early 1990's. Mr. Kimble said he would check into the federal rules concerning land applications. The only other thing he noted was that he believed the Karval Water Authority provided the needed items to DOLA.

Mr. Piper reported receiving an email about the roundhouse grants; they decided not to pursue the Congressional funding until after the State Historical grant. Roxie Devers asked for the RockSol report and urged the commissioners to obtain bids for the painting and minor concrete work; the next inspection was coming up soon.

Lastly, Mr. Piper said RockSol submitted the 90% plan to CDOT, giving them approximately three weeks for an FOR meeting. Travis Miller wanted to meet with the commissioners on May 22.

At 3:15 p.m., the Board placed a call to a concerned resident who had left Mr. Stone a voicemail but learned the road in question was not a county road.

Mr. Burgess adjourned the meeting at 3:45 p.m. The next meeting will be at 9:00 a.m. on May 7, 2024.

Corinne M. Lengel, Clerk of the Board

Steve Burgess, Chairman