

Board of County Commissioners of Lincoln County
Agenda for July 17, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Tom Nestor, Lincoln County Sheriff, to discuss Sheriff's Office vehicles
- 10:00 Thomas Lyle with GRS to discuss the Lincoln County Pension Plan 2023 GASB Report
- 10:30 Taylor Henderson, Project Developer with the Arriba Wind Farm, to provide updates
- 11:00 Ty Stogsdill, Land Use Administrator, to discuss land use matters
- 1:00 Anson Olmos, Program Delivery Manager with FEMA, to conduct a recovery transition meeting for the 2023 flooding event

-To be completed as time permits-

1. Approve the minutes from the July 8, 2024, meeting
2. Review June 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review June 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 June 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon an intergovernmental agreement with Southeast & East Central Recycling Association
6. Review and act upon a Grant of Right-of-Way Request for Mountain View Electric Association, Inc.
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 at 9:00 a.m. on July 17, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, Acting Clerk of the Board Mindy Dutro, commissioner candidate Terry Jaques and Limon Leader reporter Stephanie Zwick attended. County Attorney Stan Kimble attended until 12:20 p.m.

Chairman Burgess called the meeting to order, and Mindy Dutro led the Pledge of Allegiance.

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

The commissioners reviewed the June 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.

The Board reviewed the June 2024 Colorado Counties Casualty and Property and Workers' Compensation Pool reports. Mr. Piper said the report included the two sheriff's cars that were wrecked the previous month.

At 9:25 a.m. Sheriff Tom Nestor, Undersheriff Gordon Nall and Captain Michael Yowell joined the meeting. Sheriff Nestor told the Board that dealerships now require a notice letter of intent for vehicles they plan to purchase next year because of the supply issues. He stated that he looked at pricing for leasing, leasing for purchase, and purchasing, and the cost for purchasing three new vehicles will be around \$225,000.00 which is about \$40,000 less than leasing. Chevy Tahoe's are about \$55,000.00 each plus another \$25,000.00 in equipment they must outfit them with. Sheriff Nestor stated that the nice thing about leasing would be that they would come already equipped with the necessary equipment, but he still preferred to purchase. He was thinking about budgeting for two new vehicles which would put the department behind one in their replacement schedule but next year he is going to need to budget for updated guns and possibly a drone. Sheriff Nestor said that they could prevent a lot of these vehicle damages if they had a drone. Mr. Burgess told Sheriff Nestor to go ahead and plan for three new vehicles in case the dealership cuts them back to two.

Mr. Ewing asked Sheriff Nestor if he priced Ford's, Sheriff Nestor replied that he had and they were similar in cost, about \$5,000.00 more for an Expedition and said that he hadn't decided if he would go with all SUV's or get a pickup too. Mr. Stone agreed to go ahead and put in for three new ones.

Chairman Burgess told the group that the generator at the tower on County Rd 2T was not working and would need to be replaced, however the building is in bad shape and wondered if they should try to see if they could use the tower and building on County Hwy 109 south of Hugo. Sheriff Nestor stated that if the repeater goes down it doesn't hurt them, it only hurts road and bridge radios, which isn't a great thing, he thought they should see if they could move it to the tower on the hill on County Hwy 109 as well. Mr. Burgess said they would still need to buy a new generator for the tower, and Sheriff Nestor stated that if they stay at the County Rd

2T tower they would need to buy a new shed to put their equipment out there. Sheriff Nestor stated if they can move to the tower on the hill, they could probably get a new generator and new VHF repeater for under \$30,000.00, then the following year get a new repeater for Karval and the following year after that one for the north county. No matter what they decide they would need to see if they could arrange to go look at the tower and building on County Hwy 109. Mr. Piper stated he would try to set something up for their August 6 meeting.

Before they left the meeting, Sheriff Nestor told the Board that Road Deputy Lane Elliott received a DUI Grant of \$5,000.00 which would be paid out of overtime line item, but it would be reimbursed by the grant. Mr. Burgess asked the group about the new law regarding concealed carry, Sheriff Nestor stated that people entering the courthouse would still have to lock up their weapon at the front door lock boxes or in their vehicle. Other county buildings could file an exemption if they needed to. Captain Yowell told Mr. Piper if the press called him again that he should state that the county will continue to follow the law.

Sheriff Nestor, Undersheriff Nall and Captain Yowell left the meeting at 10:00 a.m. and Taylor Henderson joined the meeting. The Board joined a Zoom meeting with Thomas Lyle with GRS to discuss the Lincoln County Pension Plan 2023 GASB Report. Mr. Lyle reported that the county ended 2023 with \$6.6 million total pension liability and the plan fiduciary net position was \$3.54 million meaning that the county's pension plan was currently 53.11% funded. Mr. Piper asked Mr. Lyle if it would help the plan if the county removed its one-year work requirement for contributions,. Mr. Lyle stated that it probably wouldn't be enough to make a meaningful difference to the plan, the employee would just get their contribution back if they did not stay until they were vested, it would also add additional administrative duties for processing returns for those employees that don't work for the county more than a year.

Last, Mr. Lyle stated that if the Board wanted, he could put together an additional funding plan report with more detail in addition to the GASB report. The Board ended their meeting with Mr. Lyle. Economic Development Director Troy McCue, Land Use Administrator Ty Stogsdill and commissioner candidate Wendy Pottorff joined the meeting at 10:30 a.m.

Chairman Burgess handed out the 2023 wind tower assessed values report from the Assessor's office which showed \$2.02 million in revenue paid to the county. Mr. Henderson thanked the Board of County Commissioners for allowing them to address them. He stated that he wanted to give them an update regarding the Air Forces flight path that the Arriba wind project was in. Stating that he had a new signed agreement with the FAA and Department of Defense as well as the Air Force so that they could get an extension on their development permit. Mr. Henderson also said that they had a facility study and will be changing the tie-in to an existing line that goes through the projected project area. Mr. Burgess asked when the projected churn dirt date was planned for, Mr. Henderson said that the plan was for 2025 for a start date with an 18-month construction timeline putting in completion date in 2027 at the earliest. Mr. Burgess asked Mr. Kimble if the board approved a one-year extension on the permit if the company would be grandfathered in if the proposed amended zoning regulations pass which allow for a three-year

permit. Mr. Kimble stated that if that's what the Board wanted, they need to put it in the amendments.

Mr. Ewing made a motion to go forward with the review of extension for resolution 20-02 Nereo GC Lincoln, LLC at the July 30 meeting. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess asked Mr. Henderson how long the battery life was on a solar farm. Mr. Henderson replied that they normally get swapped out about every ten years but could last up to thirty years. Discussion turned to the proposed amended zoning regulations that included Battery Storage regulations, Mr. Burgess said that they needed to add that the Lincoln County landfill will not accept any solar farm batteries. Then he asked Mr. Henderson how much the county would get for the letter of credit for decommissioning a solar farm, Mr. Henderson said that typically if the letter of credit was not paid then the permit would be invalidated. Mr. Kimble suggested they require 25% at the beginning and 75% at the end, Mr. Burgess said that it's costly, but it needs to be in the regulations. Mr. Piper asked that they go to the beginning of the regulations and go through all the highlighted areas to make sure that he got all the changes before they review them for approval at the hearing. The Board agreed that they needed to add that no material would be disposed of in Lincoln County, not just at the Lincoln County landfill.

Mr. Piper stated that the ad for the hearing would be in this week's paper and copies of the proposed changes would be available to the public in his office. Mr. Stogsdill had a question regarding the August 29 commissioner meeting stating that Xcel's permit decision needed to be made within 30 days of their permit which would put it on August 28. The Board agreed to move the commissioner meeting to August 28. Mr. Henderson, Mr. McCue and Mrs. Pottorff left the meeting at 11:40 AM.

Mr. Stogsdill addressed the Board regarding the domestic septage regulations that they received from Weld County, Mr. Kimble thought that they looked good. However, Weld County does not differentiate between pastureland and farmland. The Board discussed some proposed changes to the regulations and Mr. Burgess suggested that they look at them again for additional review at the July 30 meeting.

Mr. Burgess asked Mr. Kimble if he would give his attorney report before they recessed for lunch. Mr. Kimble reported that he sent Lincoln County's attorney contract to Kelly Lowery to review. He also stated that Karval Water User Ground Management System needs a resolution and attorney letter. Ms. Tafoya filed an official complaint with Mr. Piper so Mr. Kimble stated he would bring a response at the next meeting. He also received examples from Travis Miller for CDOT wording.

Before Mr. Kimble left Mr. Piper stated that he needed to set a BOE meeting and said that he would need to check with Sheriff Nestor to see if Jesus Ortiz-Marrufo would be able to translate during the meeting, the group agreed to try to set the meeting for August 1 at 9:00 a.m. The group recessed for lunch at 12:20 p.m.

When the group reconvened at 1:00 p.m. Emergency Manager Ken Stroud and Anson Olmos, Program Delivery Manager with FEMA joined the meeting as well as Ted Lucero with the State of Colorado via telephone. Mr. Olmos discussed the County Rd T culvert replacement project in district 3, stating that \$244,393.68 was the estimated cost as well as \$119,439.20 in Hazard Mitigation proposal cost to bring it back together and to avoid future disasters. Mr. Olmos said that FEMA would share 75% of the total and the county and the state would split the remaining 25%, however he thought that the county might be eligible for assistance via HUD for their 12.5% share. Mr. Lucero said that he thought they could be eligible for either State Mitigation or NRCS funding for their portion.

Next, Mr. Lucero addressed the concern that the completion deadline for the County Rd T project was set for February 25, 2025, which is eighteen months after the start date of August 25, 2023. The Board agreed that the project wouldn't be done by then so Mr. Lucero said that the county can apply for a six-month extension and that he could help them with the extension form.

Mr. Olmos told the Board that FEMA requests that the county keeps records for at least three years but preferably five years. Mr. Lucero stated that when the project gets completed there is a closeout certificate form that they will fill out to receive payment. Mr. Lucero also mentioned that since the county is working on a limited budget to let him know as soon as they got supply invoices so they can be submitted for reimbursement.

Mr. Olmos thanked the Board, he and Mr. Lucero left the meeting at 1:35 p.m., and Sheriff Nestor and Captain Yowell returned to the meeting. Sheriff Nestor stated that he and Captain Yowell had spoken with all the county's fire chiefs and found out that none of them use the pages from the Sheriff's office for emergency calls, they all use cellular-based apps, therefore they don't need to get new VHF repeaters and move towers. Captain Yowell said that their CAD system alerts the app and if they got a P25 connect in Karval and one in north Lincoln County they could tie it all together.

Sheriff Nestor said that there is another option that they investigated as well, the IP based FirstNet mobile radio system would be a lot cheaper overall. It would cost \$8,000.00 and the road bosses could be on vacation and use the FirstNet radio to speak with their road crew with the click of a button. The company would only charge one dollar per radio unit and then fifteen dollars a month for each unit. The group discussed how they have lost contact with maintainers or firetrucks while fighting large grass fires and it would be nice to use the national system and not lose contact. Sheriff Nestor stated that he would still like to go look at the County Hwy 109 tower building on August 6 so that they can keep their options open.

Next, the Board reviewed an intergovernmental agreement with Southeast & East Central Recycling Association, Mr. Stone made a motion to approve the intergovernmental agreement with Southeast & East Central Recycling Association. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed a Grant of Right-of-Way Request for Mountain View Electric Association, Inc., Mr. Stone made a motion to approve and sign the Grant of Right-of-Way for Mountain View Electric Association. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Ewing thanked the Board for allowing him to miss part of the last meeting, he reported talking to Mr. Stogsdill on July 11 about the Pueblo solar meeting since he had missed it due to illness. A landowner called on July 12 regarding a soft spot on County Hwy 109, Mr. Ewing stated that the following day, July 13, he checked the area of concern and the soft spot was due to the wheat harvest trucks, just as he suspected. On July 14, Mr. Ewing checked roads and visited with Chris Monks about the roads that he had checked and about several areas of concern after flooding. He also checked County Rd 2G by the Boyero bridge project and reported back to Mr. Monks.

Mr. Ewing spoke with Mr. Burgess about the County Hwy 109 road damage on July 14, which Mr. Burgess informed him that a road grader had already worked on it, they also spoke about hauling gravel from the Gaede pit. Mr. Ewing spoke with Mr. Monks about hauling gravel from the pit onto some of their damaged areas on the following day. Last on July 16 he attended a Genoa Town Board meeting where they discussed misunderstandings on town use of town equipment, they also discussed a new water system using grants that are available.

Mr. Stone reported attending the fair board meeting on July 9, he spoke with Fairgrounds Manager John Palmer who told him that he got a larger roll-off due to not being able to keep up with the trash from all the various events this summer. He learned that the pigs will be down this fair with only having 68 registered and due to the disease in dairy cattle the dairy cows will be in and out and not stay at the fair. Mr. Stone also learned from Dennis Kahn with Colorado State Extension that they would conduct interviews for the Extension Agent job at the end of September.

On July 11, Mr. Stone stated he checked a bad spot on the roads and checked more roads on July 13. CAT was out working on the A/C in one of the road graders on July 16 and the road crew was working on County Rd 2. Judd Kravig had questions for Mr. Stone regarding hiring a part-time person and what they could pay him. On July 17 Mr. Stone spoke with Mr. Kravig about the new International truck being in at the dealership that they had ordered two years ago as a 2023 model, it's now a 2025 model and the dealership is asking for \$5,000.00 more. Mr. Burgess told Mr. Stone that they had to have the new truck, so it was worth it.

Casey Wiersma sent Mr. Stone the rodeo contract from Rocky Mountain Rodeo, LLC as well. Mr. Ewing made a motion to approve the Rocky Mountain Rodeo, LLC contract for \$15,500.00. Mr. Stone seconded the motion which carried unanimously.

Mr. Burgess asked the Board if they wanted to continue to sponsor the Ports-to-Plains conference breaks for \$250.00 with the town of Limon. Mr. Ewing made a motion to sponsor the breaks at the Ports-to-Plains conference. Mr. Stone seconded the motion which carried unanimously.

On July 8, Mr. Burgess went by the Genoa Shop; the road crew was out mowing and patching some bad spots on the roads, they were also getting the backhoe ready for district one to borrow. Mr. Burgess talked to Bruce Walters on July 9 about the road crew mowing and the Mack tandem truck needs a new bottom radiator hose. The road crew continued mowing on July 10 and Mr. Burgess checked with Interstate Diesel about changing oil on the bookmobile.

At the July 10 Centennial Mental Health meeting, Mr. Burgess learned about their efforts to get less turnover and get expenses down. The road crew had been hauling gravel from the Covington pit to roads in the breaks and had two members mowing, they also hauled one load of material to the town of Arriba for an alley repair and planned to haul two more the following Monday.

Mr. Burgess spoke with Amy at Castle Rock Construction to see how much it would cost to get some crushed concrete after they are done with their project, she said she would get back to him with a price. On July 12, they took the bookmobile to Witt Boys to be serviced, and on July 13 Katie Zipperer picked up the bookmobile and learned that the back main seal was leaking, however she told Mr. Burgess that it does not use very much oil.

Mr. Walters was off for the week of July 15 and Mr. Burgess spoke with Jason Eager regarding hauling gravel, mowing and a bad spot-on County Hwy 109 that they were working on. Mr. Burgess inspected the bookmobile and stated that the generator ran fine for five minutes and then the electric light started to pulsate. He called the repair shop in Ellicott and Kevin Pickerill planned to take it to Ellicott on July 18, Mr. Burgess planned to follow him in case they needed to leave it at the shop. Then Mr. Burgess spoke with Mr. Ewing about getting dirt for district one roads and then spoke with Mr. Kravig about having one of his employees come do some welding for district two. Last he spoke with Greg Tacha about the Ports-to-Plains conference sponsorship.

On July 16, the district two road crew was mowing and hauling gravel, Mr. Eager called Mr. Burgess to report that one of their road crew members hit a Mountain View Electric guide wire while mowing, Mr. Burgess let Mr. Piper know that there would probably be charges for the repairs. Last Mr. Burgess reported attending the Economic Development meeting at Mountain View Electric and the district two road crew continued mowing and hauling gravel.

Mr. Piper reported that he would be out of the office on July 18 but had nothing else to report that they hadn't already discussed.

Mr. Burgess reported that he learned that Cheyenne County was lending funding to a new affordable housing development in their county. With no other business to discuss, Mr. Burgess adjourned the meeting at 2:30 p.m. The next meeting will be at 9:00 a.m. on July 30, 2024.

Mindy Dutro, Acting Clerk of the Board

Steve Burgess, Chairman