

Board of County Commissioners of Lincoln County
Agenda for September 30, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Work session to review and revise proposed septage application regulations
- 11:00 Ken Stroud, Emergency Management Director, and Tom Nestor, Lincoln County Sheriff, to discuss the tower on CR 2T
- 1:00 Ronny Farmer with rfarmer, llc, to present the 2023 audit
- 1:30 James Martin, I.T. Director, to present the preliminary 2025 I.T. budget

-To be completed as time permits-

1. Approve the minutes from the September 18, 2024, meeting
2. Review and act upon a memorandum of understanding for control of confidential data regarding sales and use tax and lodging tax for 2025
3. Review and act upon the 2025 renewal for the County Health Pool
4. Review and act upon a Legislative Committee Commissioner Designation form for Colorado Counties, Inc.
5. County Commissioner reports
6. County Attorney's report
7. County Administrator's report
8. Old Business
9. New Business
10. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on September 30, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, and Clerk of the Board Corinne M. Lengel attended. Land Use Administrator Ty Stogsdill was present when the meeting started.

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

The group discussed the Balanced Rock Power solar farm hearing, and Mr. Burgess said he'd prefer to have it before Thanksgiving. Mr. Ewing wouldn't be available on November 15, so the commissioners moved that meeting to November 20, at which point they would hold the hearing. Mr. Stogsdill left and said he'd return at 9:30 for the septage regulations work session.

Mr. Burgess had asked Mrs. Lengel to correct a sentence in the September 18 minutes, which she did. Mr. Ewing moved to approve the corrected minutes from the September 18, 2024, meeting. Mr. Stone seconded the motion, which carried unanimously. Mr. Ewing also moved to approve the minutes for September 23, 2024. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed two Colorado Department of Revenue Memorandum of Understanding for Control of Confidential Data. Mr. Stone moved to approve Jacob Piper as the appointee to receive confidential information regarding Lincoln County's lodging, sales, and use tax. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Piper provided a cost analysis comparing the 2024 County Health Pool premiums and employee HSA payments to the 2025 renewal data. He said that while premiums increased roughly \$300,000, the county would save more than that by continuing to offer the high deductible health plan. Most counties planned to stay in the health pool.

Mr. Ewing moved to continue participating in the County Health Pool for employee health insurance benefits. Mr. Stone seconded the motion, which carried unanimously.

Dennis Nessler with Columbia Sanitary arrived at 9:25 a.m.

Mr. Stone moved to appoint Wayne Ewing as the legislative committee commissioner designee to Colorado Counties, Inc., with Mr. Burgess as the backup representative. Mr. Burgess seconded the motion, which carried unanimously.

Mr. Stogsdill returned, and the commissioners held a work session to review and revise the proposed septage application regulations.

When they finished, Mr. Stogsdill mentioned a possible issue in the "lower L" regarding property owned by Shriner's Hospital. He said Mr. Kimble was looking into it.

Before Mr. Nessler left, Mr. Piper said the commissioners wouldn't adopt the septage regulation resolution until October 30 to allow for the proper publication period.

Mr. Stone reported that on September 19, he checked County Road T, where District 3 recently installed tubes. They still needed riprap. He attended the budget meeting on September 23 and former county commissioner Ed Schiffers' funeral service on the Twenty-seventh. The District 3 crew was still busy mowing weeds and grading.

Mr. Ewing attended the bookmobile meeting on September 18, where they discussed budget concerns. Chris Monks told Mr. Ewing that they had the loader repaired and would get it back on the Twenty-third. They also got the transmission back and would install it on Monday. District 1 had three mowers running. Mr. Ewing attended the budget meeting on September 23. On September 24, he learned that Mr. Monks contacted the Big Sandy bridge contractor regarding detour material. They tested the truck transmission and installed the dozer cylinder. On September 25, Mr. Ewing spoke with Mr. Monks about corrective measures regarding a District 1 employee's performance. They also received word from a landowner complimenting a different employee.

Mr. Burgess reported calling CDOT's right-of-way division on September 19. He wanted to find out if CDOT had offset requirements along state highways for solar farms. There aren't, but companies must stay off the right-of-way; Mr. Burgess informed Mr. Ewing, Mr. Stone, and Mr. Stogsdill of the setbacks. Mr. Burgess also toured roads. A landowner informed him that a sign blew down, leaving a metal stub sticking up; Mr. Burgess marked it for the District 2 crew to remove. He checked roads around Arriba, where the road crew hauled gravel, noting the mowing looked good. They had to take the Mack truck to Denver for recall work. Dean Simpson took aerial photos of the Ewing bridge, so Mr. Burgess brought the camera disk to Hugo on September 20 for help with the pictures. Undersheriff Gordon Nall transferred the images to three thumb drives for Mr. Stroud, Mr. Piper, and the School of Mines engineering students. Mr. Burgess met with five of them on September 21, and they discussed the bridge project. Ken Stroud and Bruce Walters also attended that meeting, and Mr. Stroud gave the students the printed aerial photos. Mr. Burgess took them to the bridge site. Mr. Burgess also stopped at the landfill to let Brenda Howe know the commissioners increased the per-ton fee starting January 1. Mr. Burgess attended the budget meeting on September 23. He spoke with Mr. Stogsdill about the "lower L" subdivision on September 24 and 25. He also talked to Mr. Walters, who planned to order the riprap for the pipe repairs, and Mr. Piper, who told him CDOT approved the County Road 32 bridge. They could proceed with contract signing and moving forward with the project. On September 26, Mr. Burgess spoke with Mr. Stogsdill about the upcoming solar projects. He went to Genoa, where the road crew was busy mowing and working on roads. District 2 services the two generators for Mr. Stroud, and Mr. Burgess said the old District 2 shop is wired to accept a generator so they could get fuel if they lost power. Earlier this morning, Mr. Burgess had Mr. Walters sign the papers to charge the landowner who damaged a road and ditch in District 2; the county will ask for monetary compensation of \$2,691.88.

Mr. Piper asked if he should include the new commissioners when reserving spots at the CCI winter conference; Mr. Burgess said he should.

K.C. Electric Association plans to install another power access point at the back of the courthouse, including two new poles where the overflow parking is. There is no charge, but the company needs to shut off power for an entire day when they complete the installation. Mr. Piper asked them to wait until after the election. The county will have to pay for fencing or protection around the power poles if the commissioners find it necessary.

After a brief discussion about a meeting Mr. Piper attended with DOLA, Jamie Geillis, and Wonder Tower reps, Mr. Piper presented a letter of support to the State Historical Fund for a World's Wonder View Tower grant fund application. Mr. Stone moved to sign the letter, Mr. Ewing seconded the motion, and it carried unanimously.

Sheriff Tom Nestor and Emergency Manager Ken Stroud arrived at 10:50 a.m. to discuss the tower on County Road 2T. They received an email from Tony Hagans and later spoke with him about his proposal of replacing the existing structure with a 250' tower and new concrete building. Mr. Hagans also had a backup generator. Mr. Stroud said the county is his only customer, so Mr. Hagans would like a commitment of \$500 a month before he starts preparing the site. They hadn't discussed how long the contract would be good.

Sheriff Nestor noted the tower was in an excellent location and had worked well since the 70's. While the County Highway 109 location had positive points, the county would have to buy a generator; if he had to choose, he'd pick the County Road 2T location over the one on 109.

Mr. Stroud said that Mr. Hagans would update the antiquated equipment; he was working with the southeast region to create a better mutual aid system. The sheriff said the county would be responsible for buying the repeaters in addition to the annual \$6,000, and he felt paying for half of the generator wasn't unreasonable. Mr. Stroud said they might be able to negotiate with Mr. Hagans on the monthly price, but he would start pouring the concrete before the weather turned cold if the county agreed to the contract. Mr. Stroud would ask Mr. Hagans for a bid on the antennas and other equipment.

Mr. Stogsdill returned at 10:55 a.m.

Sheriff Nestor commented that it didn't affect his department as much as Road & Bridge, but it would eventually become a countywide VHS system once up and running. It would also give the county two additional digital VHF channels, and each new radio would provide GPS locations. Eventually, the county would have coverage from Karval to Genoa. Mr. Stroud stated it didn't change the radio's operation; it recognized and repeated the incoming signal.

Mr. Stone felt they should ask Mr. Hagans for a five-year agreement, and Mr. Burgess said they might even want to do ten. Mr. Ewing asked Mr. Stroud to find out more about the generator.

The commissioners asked for an update on the courthouse complex generator, and Mr. Stroud said John Mohan planned to contact other local electricians. When he spoke with the representative at Hitchcock, he told Mr. Stroud that using Stone Electric would triple the cost of the generator, as it would have to be industrial size. The sheriff also said they needed to find a different contractor.

Mr. Stone asked about the County Road T mitigation plan; Mr. Stroud said to have Judd Kravig obtain prices and document the man-hours and changes they wanted to make. They would then amend the statement of work, asking for less money, and submit a change order.

Sheriff Nestor and Mr. Stroud left, and the Board and Mr. Stogsdill clarified the septage permit application fees in the proposed resolution. He left again at 11:30 a.m.

Mr. Piper continued his report, stating that he'd learned that Edmonson Ranches was the surface owner of the 160 acres of mineral rights in Section 19, Township 17, Range 56 West of the 6th P.M. recently deeded to Lincoln County. Since the commissioners had mentioned selling them back to the surface owner, Mr. Piper asked if they still wanted to do so. The Board told him to ask \$2,500 for the mineral rights.

Mr. Piper provided a draft jury assembly restroom design for the 2025 Underfunded Courthouse Cash Fund Grants program, stating that the grant wouldn't fund the design and project in the same year. If the county applied for \$20,000 for the engineering/planning, using the state engineer, it would pay a twenty percent match of \$4,000. The county must cover the excess if it costs more than \$20,000. The Board agreed to apply for the engineering/design and wait to apply for the project funds later.

Mr. Piper asked if Will Bledsoe had contacted any of the commissioners about continuing to serve on the Republican River Water Conservation District Board of Directors; he hadn't.

IT Director James Martin and Deputy Assessor Renita Thelen arrived at 11:45 a.m.

Mrs. Lengel asked if the commissioners decided how the other elected officials and department heads should handle budgeting for legal services with the new county attorney. Mr. Piper said he'd considered using a designated line item in the Administrative budget, although it would be difficult to decide on an amount for the first year. Mrs. Lengel didn't know how often other departments used Mr. Kimble but admitted she emailed him occasionally with election CORA requests or contracts to review. Mrs. Thelen commented that they do the same, email or call Mr. Kimble with legal questions. While Mrs. Lengel didn't know if Mr. Kimble charged the county each time, she assumed a new attorney would. Mr. Burgess suggested that the department heads discuss it at their next meeting and report to the commissioners.

Mr. Martin presented a \$24,999.85 quote from Dell Technologies to replace three of the county's servers: the financial department server and two for the Assessor and Treasurer. The six-year-old financial server runs an old software version, and the warranty expires on

December 31. The Assessor's and Treasurer's Tyler servers are obsolete, and Tyler will no longer support them after March. While the Assessor and Treasurer have the money in their 2024 budgets, no one budgeted for the \$8,792.91 financial server. Mr. Piper said they could take the cost from the Administrative or Capital Projects budgets, recommending the latter. Mr. Burgess said he believed strongly in making purchases from their correct line items, even if it meant overrunning them. However, since it was a Capital Outlay item, Mr. Piper could decide. Mr. Stone moved to approve spending \$24,999.85 for three servers from Dell Technologies. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Martin and Mr. Piper hadn't printed copies of the IT budget, so Mr. Martin said he would bring them back for his 1:30 meeting. The group broke for lunch at 12:10 p.m.

When the meeting reconvened at 1:00 p.m., finance director Andrea Hendricks, deputy treasurers LaRay Patton and Ashley Erwin, and commissioner candidate Wendy Pottorff joined the 2023 audit discussion with county Ronny Farmer. Mr. Farmer joined via Zoom.

Mr. Farmer informed the group that the county was in good financial shape; however, he felt the pension plan was still "upside down" by about \$3 million, even though it was better than the previous year. He also expressed concerns with Lincoln Health, stating it didn't have enough cash to cover its accruals. The \$5.2 million loss in operations resulted in a \$462,945 overall hospital loss. He noted that its ninety-day turn on receivables was average for a hospital. Mr. Farmer also mentioned that the County General Fund lost another \$1.2 million due to the decline in property tax; since there were no large Capital Outlay purchases, it was strictly because of operations. He noted that the \$6.6 million fund balance would become an issue if it continued to drop as it had and that the county needed to control expenses. A good rule of thumb was that the fund balance should be no less than thirty percent of expenditures and kept as strong as possible. The Human Services and Capital Projects Funds had good, strong fund balances.

Mr. Farmer stated that in 2023, the county spent over \$1 million in federal funding through federally funded programs or grants. By doing so, it was subject to single audit requirements, resulting in additional accuracy testing and reporting and, ultimately, more expense. Mr. Piper told him the grant to rehabilitate the County Highway 109 bridge included federal money, triggering the million-dollar threshold for 2024. Mr. Farmer said accuracy testing was more manageable on one large federally-funded amount than varying amounts from numerous programs, which occurred in 2023.

Mr. Farmer also said he found no compliance issues and commended the county's internal controls and communication between departments.

Mrs. Patton asked if there was anything she and Mrs. Erwin needed to do since Mr. Covington planned to retire at the end of the month, but Mr. Farmer said there was nothing. No one had other questions, so Mr. Piper disconnected the call, and Mrs. Patton and Mrs. Erwin left.

James Martin returned at 1:30 p.m. to present his 2025 budget requests. He had reduced several line items since he had not used the funds in the department's first year of operation. However, he had added a Web Tools & Service line item for the new law requiring ADA-compliant websites. Adding a blanket statement to the county website asking people to report non-compliant documents or issues might help bring forth items buried deep within the website.

Mr. Martin asked if the commissioners considered audio recording their meetings or providing them online in real-time. He said that Microsoft 365 increased in price but included Microsoft Teams, which they could use instead of Zoom, removing that cost. Mr. Piper had asked Kelly Lowery about Zoom meetings, and she told him that Lincoln County was the only government entity she worked for that didn't do them. He said if the commissioners decided to change how they handled their meetings, they would likely need a different TV and would have to mount it on the wall, utilizing the equipment Mr. Martin had installed when they remodeled the room.

Mr. Martin also provided documentation for microphones and a mobile recording unit they could move when relocating meetings. Another option would be to purchase a Meeting Owl.

Mrs. Pottorff and Mr. Martin left, and Mr. Piper presented an Agreement for Professional Services between Structures, Inc. of Englewood, CO, and Lincoln County for the Big Sandy Creek Bridge Rehabilitation Project; BRO C330-013 (26222). The contract price was the agreed-upon \$3,213,555.59. Mr. Stone moved to sign the agreement, and Mr. Ewing seconded the motion. Mr. Burgess called for a voice vote: Mr. Stone, yes; Mr. Ewing, yes; Mr. Burgess, yes.

The Board approved the September 2024 payroll. With no further business to discuss, Mr. Burgess adjourned the meeting at 2:30 p.m. The next meeting will be at 9:00 a.m. on October 8, 2024.

Corinne M. Lengel, Clerk of the Board

Steve Burgess, Chairman