

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

9:00 Call to order and Pledge of Allegiance

9:30 Joy Johnson, Lincoln County Veterans Service Officer, to provide updates

11:00 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH report

-To be completed as time permits-

1. Approve the minutes from the October 8, 2024, meeting
2. Review September 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review September 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 September 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Act on an appointment to the Republican River Water Conservation District Board of Directors
6. Review and act upon a proposal from JCOR Mechanical Inc. to install water fountains at the Lincoln County Courthouse
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 October 17, 2024. Chairman Steve Burgess, Commissioners Wayne Ewing and Doug Stone, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne Lengel, and commissioner candidate Terry Jaques attended. Commissioner candidate Wendy Pottorff arrived at 9:45 a.m., and Land Use Administrator Ty Stogsdill was there when the meeting started.

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

Mr. Stogsdill mentioned the property at County Road 2 and County Road V, stating that he believed Shriner's Hospital still owned it. They were supposed to close on the property on October 10 and had given the buyer written permission to survey the land for a potential subdivision; however, the closing didn't occur. The county commissioners must approve new subdivision plans; Mr. Kimble said the buyer told Mr. Stogsdill that they received an exemption but hadn't produced it. He and Mr. Stogsdill will continue to monitor the situation and complete a cease-and-desist order if necessary.

Regarding property on County Road 33, Mr. Stogsdill said that although the commissioners discussed people living in motorhomes or camper trailers on their property while building a house when John DeWitt was the Land Use Administrator, they never adopted a resolution. He noted that if someone planned to live in such a unit permanently, they would have to install a septic system.

Before he left at 9:15, Mr. Stogsdill said he'd heard of another proposed transmission line north of Limon. Mr. Burgess commented that it sounded like Xcel planned to shut down two of its coal power plants; alternative power methods would be crucial if that happened.

Mr. Ewing had submitted a couple of corrections for the October 8 minutes, so Mr. Stone moved to approve them as corrected. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed the September 2024 reports from the Assessor, Clerk & Recorder, and Treasurer.

The commissioners also reviewed the October 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.

Lincoln County Veterans Service Officer Joy Johnson met with the Board at 9:30 a.m. She expressed her frustration with Washington County, reiterating her difficulties with their county administrator not answering her emails and having adequate office space and computer equipment. While Mrs. Johnson had met with the county commissioners and conveyed her dissatisfaction, Commissioner Jefferson had only told her that things moved slowly in Washington County. Mrs. Johnson said she emailed the county administrator a list of basic needs, such as an updated computer with compliant software, camera, microphone, and

speakers, but she got no response. Mr. Burgess suggested she cc the county commissioners on future emails. Mrs. Johnson didn't have email addresses, so Mr. Burgess provided them to her. She planned to schedule one trip a month to Washington County, but if Mrs. Johnson determined she needed to go more often, she'd increase it to twice monthly.

Mrs. Johnson attended the National Association of County Veteran Service Officers conference in May, which cost her \$1,800. Although she received a scholarship for reimbursement, she didn't realize it was only \$800. Mrs. Johnson has never received the money and couldn't get anyone to respond to her requests. She noted that Lincoln and Washington counties might have to split the cost if she never received the payment. Mr. Ewing asked if they could bill Washington County, but Mr. Piper told him it would be cleaner if Lincoln County reimbursed Mrs. Johnson the total amount and waited to see if the scholarship money arrived. Mr. Burgess told Mrs. Johnson to let them know if her efforts were futile, and they'd make sure to pay her before the end of the year.

Mrs. Pottorff arrived as Mrs. Johnson left at 9:45 a.m.

Mr. Stone moved to appoint Trent Leoffler to the Republican River Water Conservation District Board of Directors. Mr. Ewing seconded the motion, which carried unanimously.

The Board reviewed a proposal from JCOR Mechanical, Inc. to install contactless water fountains at the courthouse. Mr. Piper said they had purchased four units using COVID funds in 2020 but that John Mohan hadn't been able to schedule a plumber to install them until now. One of the original units wouldn't fit in the space next to the clerk's office; it would be a bottle filler instead of a water fountain. The quote was for \$16,995 but didn't include electrical work; Mr. Mohan planned to contact Leo's Electrical for that portion. The Board asked where the four units would go; Mr. Piper said there was one in the lobby, the sheriff's office, and the one by the clerk's office, but he wasn't sure about the fourth. Suggested locations were the Ellis Allen building, the annex, and the courts. Mrs. Pottorff asked if they were refrigerated units; Mr. Piper said they were and asked the commissioners if they wanted to speak with Mr. Mohan about it. They did, so he sent him a text message.

Mr. Stone gave his commissioner report; he attended the recycling meeting in Las Animas on October 9. They still had financial issues and couldn't cover expenses because of the low cost of commodities. Mr. Stone asked Mr. Piper if he'd received information about the counties donating \$5,000, but he hadn't; he only received the rate increases. Mr. Stone checked roads and bridges on October 15; they still needed netting and riprap on the sides, but they'd finally reopened the bridge on County Road T. The District 3 road crew was busy hauling gravel, grading, and mowing.

John Mohan arrived at 10:05 a.m., and Mr. Burgess asked if he had an idea about the difficulty of the electrical work and the cost of installing the water fountains. Mr. Mohan said they needed to lower the electrical outlets by three inches. He planned to prepare what he could to install the units in the lobby, at the sheriff's office, and next to the clerk's office. The other

would go to the annex. Mr. Piper asked about the courts, but Mr. Mohan had already installed one. Mr. Ewing asked if it would be easy to replace the filters; Mr. Mohan said it was; however, there were no shutoff valves in the ceiling, so he'd have to shut off water to the entire building. Mr. Mohan noted the building had no isolated valves to turn off specific areas, which made plumbing work hard. Mr. Burgess told him to figure out how many stop valves it would take to upgrade the complex and noted he might be able to install them on a weekend. Mr. Mohan suggested having a local plumber do it. After discussing the many areas (restrooms, offices with sinks, etc.), Mr. Burgess again told Mr. Mohan to provide an estimate.

Mr. Mohan also informed the Board that one of the annex furnaces, a 1996 Lennox Pulse furnace, needed replacing. They could no longer get parts for it. He'd contacted Jason Smith, who was working on a quote.

After further discussion about the JCOR proposal and the stop valves, Mr. Burgess tabled the topic until the October 30 meeting. They hoped to obtain other quotes, possibly from local plumbers, that included installing the stop valves and the water fountains. Mr. Piper offered to contact Nick Stewart, and Mr. Jaques said he would ask his master plumber.

Mr. Mohan left, and the group took a short break.

Emergency Manager Ken Stroud and District 2 Road Supervisor Bruce Walters arrived at 10:25 a.m. to discuss their Zoom call with the Colorado School of Mines engineering students designing the Ewing bridge. They had drawn soil samples from under the bridge and taken aerial photos but still needed boring samples. Mr. Burgess said to have them contact Travis Miller and coordinate something with RockSol.

Mr. Stroud said the students produced three designs: a pre-stressed, three-sided box culvert that was the least expensive and increased the span fifty feet to the north, a two-span steel bridge, and a retrofit. The students' Capstone project required exploring various options and providing separate designs. It would also benefit the Scope of Work for grant and funding applications. The students wanted to meet via Zoom again at 9:30 a.m. on October 31 and would email the design specs beforehand.

Mr. Burgess asked Mr. Ewing to estimate a cost, and Mr. Ewing guessed \$2.2 million. Mr. Burgess agreed, stating he'd figured \$2.5 million.

Mr. Stroud mentioned locations of neighboring water sources, noting that if the county accepted the box culvert design, it wouldn't disturb anything or cause issues where water was concerned.

Mr. Piper cautioned everyone not to reveal the engineer's estimate information until the county went through the bid request process. Mr. Burgess said that RockSol or a similar engineering firm would have to certify the design since the students couldn't. He added the county could apply for off-system bridge funding next year. Mr. Piper said the other FEMA program might

also be an option. Mr. Stroud felt the project would be “shovel ready” to begin discussions with funding sources.

The group discussed tracking FEMA money coming in for the various projects in each district; Mr. Burgess felt each should have a separate job number. Mr. Stroud said he and Mr. Piper could ask Ted Lucero for his recommendation.

Mr. Stroud and Mr. Walters left, and Mr. Ewing gave his commissioner’s report. He attended the ARC informational meeting on October 8; they wanted to assist Lincoln County communities with programs for the mentally and physically disabled. On October 9, Mr. Ewing attended the weed board meeting, where they discussed sand burrs, even though they aren’t a noxious weed. They also discussed the ineffectiveness of pre-emergent chemicals that worked previously, drought conditions making it hard to control weeds, and chemical prices. On October 10, Mr. Ewing talked to Chris Monks about blading roads and providing water at the roundhouse for bat mitigation. He spoke to Mr. Monks again on October 15; they discussed belly dump repairs, a blown tractor tire, CDL training, and windshields. Mr. Ewing also attended a Big Sandy bridge pre-construction meeting; he noted things were coming together and commended the communication efforts. That night, Mr. Ewing attended the Genoa town board meeting, where the municipal judge gave a report. Ken Stroud attended the meeting and suggested Genoa consider participating in the Northeast Colorado Regional Hazard Mitigation Plan, which board members approved. They also approved a training officer for their water certification and reported receiving three applications for the town clerk position. On October 7, Chris Monks reported on his and Mr. Stogsdill’s meeting with Balanced Rock Power concerning road accessibility for the proposed solar project. They also discussed fencing. Mr. Ewing talked to Washington County Commissioner Gisele Jefferson about the upcoming MOFF Scoring Committee meeting and an office for the County VSO.

Mr. Burgess reported that he toured District 2 roads on October 9, noting that it was extremely dry. The road crew hauled gravel, but the material continued to unravel from lack of moisture. So far, they received six hundred tons of rip rap for the pipe replacement projects. Allen Chubbuck asked to close the landfill on Saturday due to staff taking annual leave; Mr. Burgess approved the closure. Mr. Burgess informed Mr. Walters that the district needed to supply a dump truck at the roundhouse on October 23. He reported that they are still mowing, that a crew member would take their CDL driving test in Pueblo on October 18, and the Big Sandy/Highway 109 bridge project pre-con meeting would be on October 15. Mr. Burgess went to Fort Morgan for the Centennial Mental Health meeting on October 10; the increasing number of suicides is alarming. He also learned that there were eighteen traffic fatalities in the Northeast Region so far this year, that CMH transported numerous patients to hospitals because of depression, and they adopted employee discipline policies. Mr. Burgess set up an appointment with Dean Simpson regarding the CDL pre-trip for his employee taking the CDL test. On October 11, Mr. Burgess contacted Amy with Castle Rock Construction to ask them to have a crusher in Limon in November; they will try. Mr. Burgess talked to Bruce Walters on October 15; the road crew finished mowing but was still hauling gravel east of Arriba. He attended the Big Sandy/Highway 109 bridge project pre-construction meeting in Hugo; they

would like to hold weekly Wednesday meetings at 9:00 a.m. in the commissioners' meeting room. Mr. Burgess attended the Economic Development meeting at Mountain View Electric on October 16. They discussed the Big Boy train stopping in Hugo on October 21 around 10:30 a.m., Limon would start the waterline east of town in November or December, Limon sales tax was down approximately three percent, Morgan Community College hoped to start a CDL program in September 2025, Ruby's restaurant sold and would become a pizza place, and they've been working on the old Denny's restaurant. The group set the 2025 meeting schedule for the third Wednesday of each month. Mr. Burgess went to Genoa and talked to Mr. Walters about pricing chips for next year and then stopped at the landfill; they wanted to construct a new access road for the next trash lift.

Lincoln Health CEO Kevin Stansbury arrived at 10:50 a.m. for his 11:00 appointment. Mr. Burgess and Mr. Ewing brought up billing problems, and Mr. Stansbury said they are still cleaning up old cases, hoping to get what they can. He explained contractual allowance (the difference between what the hospital bills and the insurance company pays), noting they write off an average of forty percent of costs. He admitted they needed to improve their data collection but said Lincoln Health is third lowest in the state regarding charges.

Mr. Stansbury reported that Darcy Howard accepted the CFO position and that the Hometown Heroes Gala netted \$95,000 with 350 attendees. He explained recent issues with the OR and GI labs, stating that they didn't close but had to limit services for a time. The nursing home recently underwent a complete building survey, and although it is safe and working, it doesn't meet current building codes.

Regarding the facility replacement, Mr. Stansbury informed the Board that they planned to re-work the debt capacity analysis and refine the design to control costs. He briefly updated the Board on federal lobbying, the Hospital Revitalization Act, and the Rural Futures "study group."

Mr. Stansbury left at 11:20 a.m.

Mr. Kimble gave the attorney's report, reiterating what he'd told the commissioners at the October 8 meeting. He added that the Davis Graham law firm replaced Xcel's previous attorney, John Lupo. Although he'd sent them a draft amended resolution removing the condition regarding sales and use tax, they'd already filed the Rule 106 complaint. However, the county hadn't been served yet, which gave him hope that they could resolve the issue outside of court. The attorney's assistant sent Mr. Kimble the documents they filed with the court, which indicated that they had only discussed condition number two during the hearing; the county added all other conditions afterward. Mr. Kimble explained that the others were standard conditions in the resolution and blamed himself for not spelling them out. They might salvage the situation by including the conditions in the permit contract before the company starts the project. If Xcel agrees to it in writing, Mr. Kimble said they might have to redo the resolution. If Xcel disagrees, he feels the county should fight it in court. Either way, he asked to keep Kelly Lowery apprised since she would have to handle the litigation if it went into next year. Mr.

Kimble added that the conditions were all reasonable provisions that Xcel was aware of and had dealt with in the past.

Mr. Piper was sure he'd stated during the hearing that other standard conditions applied; Mr. Kimble again apologized for not spelling them out in the resolution but said they would be in the future.

The group discussed quasi-judicial responsibilities; Mr. Kimble said that while the commissioners could review materials (such as the binders they'd received) in preparation for the hearing, they couldn't do anything that the public would construe as pre-judgmental.

Mr. Kimble also reported receiving an election CORA request from Mrs. Lengel, which she had also sent to Miss Lowery. Mrs. Lengel said other counties had submitted the same request to their county attorneys, who were compiling a response. Mr. Kimble said he would search for it on the attorney listserv.

Mr. Kimble said the listserv also questioned how many counties opted out of SB24-131: Prohibiting Carrying Firearms in Sensitive Spaces. Several rural cities and counties had, but he remembered the commissioners discussing how doing so would affect the courts since they're in the same building. CTSI proposed adopting a resolution covering the non-court portion of the courthouse, and Mr. Kimble offered to look for a resolution with that wording. Mr. Ewing noted that Sheriff Nestor had recommended not doing anything until necessary, but the commissioners disagreed and accepted Mr. Kimble's offer.

Mr. Piper provided the Centennial Mental Health transport vehicle permits, stating he'd done the inspections and all vehicles passed. Mr. Ewing moved to approve the Centennial Mental Health transport vehicle permits, and Mr. Stone seconded the motion, which carried unanimously.

Blue Tick Pest and Wildlife Control, the bat removal company, asked the county to have the man lift at the roundhouse on the morning of October 23 and asked if they needed to bring a generator. Mr. Burgess called Roy Brossman to ask if the unit was diesel or electric, but Mr. Brossman didn't answer the call. Mr. Burgess left a message. Blue Tick would also need the dump truck and water truck on site from October 28 through October 30. They planned to fog multiple times between October 23 and October 28.

Flying Dutchman Custom Paint (Shawn Mares) requested a \$7,200 deposit to start working on Judd Kravig's pickup, but Mr. Piper said his county credit card wouldn't cover it because he'd used it to book the CCI conference hotel rooms. Mr. Burgess deferred to Mr. Stone since the repairs were a District 3 expense. Mr. Stone didn't want to wait until after November 8, the next time the commissioners would approve expenses since Mr. Mares could start working on it now. Mr. Burgess suggested increasing Mr. Piper's credit limit by \$10,000 for one month.

Mr. Piper said they had passed the first phase of the grant application for ADA-accessible restrooms in the jury assembly room and were moving on to the presentation, which would be before a panel of judges. He and Court Clerk Kim Graham intended to present the project in Denver on November 19.

The Conservation Trust Fund would undergo a random audit; Mr. Piper said it was off by approximately \$3,000 and hadn't matched since at least 2014. While it could be due to interest, he thought it might also be because of Treasurer's Fees.

As for old business, Mr. Burgess gave Mr. Kimble a copy of the Union Pacific Railroad deed for the roundhouse and asked him to determine the allowed uses. According to the deed, recreation was not an allowable use. Mr. Kimble said he remembered having the discussion previously and thought Roxie Devers had received a letter from U.P. allowing approval of a conference center. He said he would look for it.

Mr. Burgess asked if there was anything else to discuss. Mrs. Lengel asked if the commissioners noticed a \$690.17 bill from Parmer's Automotive, stating she wanted to discuss it with them at their previous meeting but hadn't attended due to illness. Her staff member took the county van for an oil change, but the bill also included tire, door lock, and window repairs. She had approved the repairs and paid the bill from her Travel line item but said the commissioners might have to increase the budgets if specific departments were responsible for county vehicles.

Mrs. Lengel provided an update on the ADA compliance letter she received from the Colorado Secretary of State and the response she and Mr. Kimble sent. The attorney who sent the letter, Lisa Weiss, planned to visit the clerk's office on the afternoon of October 25. Mrs. Lengel wanted to inform the commissioners of the visit since a large portion of the letter addressed ADA accessibility in the courthouse parking lot.

Lastly, Mrs. Lengel said she'd made several attempts to obtain a Certificate of Appointment for the commissioners to appoint Ashley Erwin as the County Treasurer, with no luck. Mr. Kimble offered to see if he could find something. Mrs. Lengel noted that someone should ask the new judge to swear in Mrs. Erwin at the October 30 meeting.

Mr. Stone moved to allow Mr. Piper to increase the credit limit on his county credit card by \$10,000 to pay \$7,200 to Flying Dutchman Custom Paint for repairs on the District 3 pickup. Mr. Ewing seconded the motion, which carried unanimously.

With no further business to discuss, Mr. Burgess adjourned the meeting at 12:30 p.m.

Corinne M. Lengel, Clerk of the Board

Steve Burgess, Chairman