

Board of County Commissioners of Lincoln County  
Agenda for December 18, 2024

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Open and Review sealed bids for chemicals for the Lincoln County Weed Control Department
- 10:30 Ken Stroud, Emergency Management Director, to discuss consulting with the Colorado School of Mines on a Lincoln County bridge project
- 1:00 Pursuant to Colorado Revised Statutes §17-26-126, conduct an on-site examination of the county jail

-To be completed as time permits-

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1. Approve the minutes from the December 6, 2024, meeting
2. Review November 2024 reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Review November 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 November 2024 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon a credit card request for Avery Snover
6. Complete a Performance Evaluation for Kelly Meier, Lincoln County Public Health Director
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 December 18, 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 commissioner-elect Robert Safranek attended. Commissioner-elect Terry Jaques attended until 11:00 a.m., and CSU Extension Director Wayne Miller attended until 10:55 a.m.

Weed Control Coordinator Patrick Leonard, Maintenance Director John Mohan, and Terry Saffer were there when Mr. Burgess called the meeting to order and led the Pledge of Allegiance. Mr. Ewing said a prayer.

County Treasurer Ashley Erwin arrived as the group introduced themselves to the new Extension Director.

Mr. Burgess had requested Mrs. Erwin and Mr. Mohan to attend the meeting to discuss new vault doors for the Clerk's and Treasurer's offices. Sportsman Steel Safes will build and ship the doors when they receive payment. Mr. Mohan said it would be at least six months before they arrive; he noted they would need to hire a couple of contractors and have several people available to lift and install the thirteen-hundred-pound doors. Terry Graham offered to help since he'd discussed the installation process with the company. Mrs. Lengel asked how they would get them inside the building; Mr. Safranek offered a cart, and Mr. Jaques said he'd check to see what they'd used at LCF. Mr. Burgess informed the commissioners-elect that they had decided to pay \$16,987 from the 2024 Capital Projects budget rather than half of it as the company requested.

Mr. Mohan left, and Mr. Burgess asked Mrs. Erwin if they would have to pay Treasurer's fees on the FEMA grant money. She said all funds collected are subject to Treasurer's Fees per state statute; however, the fees return to the General Fund. Mrs. Erwin left, and Mr. Burgess said Chris Monks had called to tell him they were installing fourteen-and-a-half-foot concrete barriers on the County Highway 109 bridge and they should adjust the width requirement.

Mr. Ewing moved to approve the meeting minutes for December 6, 2024. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the November 2024 reports from the Assessor, Clerk & Recorder, Sheriff, Treasurer, and Public Trustee.

The commissioners also reviewed the November 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., the Board opened the single bid from Try-Me Spraying, LLC, for chemicals for the Weed Control department. Mr. Saffer explained that some had gone up and some down, but as a county resident, he did his best to be fair and equitable.

Mr. Ewing moved to approve the Try-Me Spraying, LLC, bid for 2025 weed control chemicals. Mr. Stone seconded the motion, which carried unanimously.

Mr. Saffer left, and Mr. Kimble informed the Board that the Karval Water Authority should finalize its paperwork today or tomorrow. Mr. Leonard noted it would take a long time to complete the project and left.

The Board reviewed the November 2024 Colorado Counties Casualty and Property Pool and Workers' Compensation Pool reports; Mr. Piper said there was another Workers' Comp claim.

Emergency Manager Ken Stroud arrived at 9:45 a.m. for his 10:30 appointment with the Board.

Mr. Burgess asked where Avery Snover worked; Mr. Piper said he was a sheriff's deputy and would take over the K-9 unit, which was the reason for the higher credit limit. Mr. Stone moved to approve a county credit card with a \$2,000 limit for Avery Snover. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Stroud had information regarding the Coon Creek bridge on County Road 39, approximately half a mile west of Clifford. While the Colorado School of Mines had charged the county \$7,500 for the County Road 33 (Ewing) bridge, it would cost \$5,000. Mr. Burgess commented it was much cheaper than hiring an engineering firm.

Mr. Stroud said about four feet of water was underneath, but they found extensive degradation on the deck and part of the headwall missing. An internet search showed construction occurred in 1935. He felt the county would have to do something with it because it wouldn't pass the state bridge inspection. They can present the project to the Mines engineering students on January 6, 2025.

Mr. Burgess suggested looking at the bridge on County Highway 63 next year; Mr. Stroud said August was the next opportunity. Engineering students spend their first college semester gathering information and the second semester designing the replacement structure, which is their Capstone project and a significant portion of their final grade.

Mr. Burgess offered to make the motion since the bridge was in Mr. Ewing's district. He moved to spend \$5,000 from the 2024 Bridge Fund budget to have Colorado School of Mines Engineering students design a replacement for LIN-39.2-2N.8, the County Road 39 bridge. Mr. Stone seconded the motion, which carried unanimously.

Mr. Burgess asked if the county received the money for the road crews' work after the 2023 flooding; Mr. Stroud said it had.

Mr. Piper asked if the students' proposal included an engineering estimate, which was part of the grant application; Mr. Stroud said it did.

Mrs. Lengel said James Martin asked if she'd heard anything further about replacing the courthouse complex generator; Mr. Stroud said John Mohan found a cheaper electrician, but it would still cost about \$180,000 because the generator would have an automatic transfer switch. Mrs. Lengel asked about grant funding, but Mr. Stroud found nothing.

The Board briefly discussed the tower on County Road 2T; Mr. Stone said Tony Hagans was putting together a proposal.

Deputy Assessor Renita Thelen came to ask for Mr. Burgess's signature on the annual tax levy certification and left.

The group discussed conducting Public Health Director Kelly Meier's performance evaluation; Mr. Ewing felt they should do it in an executive session. Mr. Kimble agreed that the Board shouldn't discuss personnel matters in public meetings, nor should the commissioners go into an executive session concerning Mrs. Meier without her knowledge and right to request an open session. Mr. Burgess asked if they should complete the evaluation, post the executive session on the December 30 agenda, and have Mrs. Meier meet with them to discuss it. Mr. Kimble said they didn't have to post an executive session unless they wanted to; the chairman only had to announce the reason. Mr. Stone said they should do what they'd always done: complete the evaluation and meet with Mrs. Meier if there were problems to discuss. Mr. Burgess said they could do it after audience members left and called for commissioner reports.

Mr. Ewing reported attending the Eastern TPR meeting in Limon on December 9; the primary discussion revolved around collecting oversized load permit fees and distributing the funds. Attendees felt the state never spent those funds on the rural roads the oversized loads tear up. They agreed it was a legislative issue and considered contacting Chris Richardson, the new House District 56 representative.

Mr. Ewing reported speaking to Chris Monks on December 11 about the Big Sandy Bridge detour and paving. On the Twelfth, he attended CTSI's new commissioner orientation in Greenwood Village. He talked to Emergency Manager Ken Stroud about the Coon Creek bridge project and presenting it to the Mines engineering students in January. Mr. Ewing attended the Lincoln Health/Hugo Fire Department breakfast on December 14. On December 16, Mr. Ewing spoke to and agreed to meet with a county resident to "clear some things up." He and Chris Monks discussed the Big Sandy bridge; Mr. Monks thought they might start paving that day. They also discussed a new, possibly full-time, employee. Mr. Ewing attended the Genoa town board meeting on December 17.

Mr. Stone reported going to the Karval shop on December 11; the District 3 crew could finally mow the unfinished areas and blade roads. Mr. Stone checked several roads that day. He went to the shop again on December 12 and 13 to discuss installing reflectors on road intersection signposts and attended the Colorado East Community Action Agency meeting in Limon on December 17.

Mr. Burgess reported attending the Centennial Mental Health employee appreciation dinner on December 6. Mr. Stone called on December 8 to ask if the county had a contract for the County Road 2T tower. Mr. Burgess attended the Eastern TPR meeting in Limon on December 9. Hugo town clerk administrator Sara Lancaster voiced her concerns with the hospital using town streets instead of Highway 40 to enter the new hospital. He told her the decision belonged to the town board, not the county. District 2 foreman Bruce Walters told Mr. Burgess they had fixed the CAT graders. Mr. Burgess invited Mr. Jaques to the District 2 Christmas party on December 24.

Mr. Burgess went to Genoa on December 10 to answer Mr. Walters's questions regarding their budget reports reflecting incorrectly charged items. He called Chris Monks to discuss the discrepancy; the payment to Martin Marietta should have been for riprap on the pipe projects, not asphalt. Mr. Burgess also stopped at the landfill; employees had to periodically restrict trash acceptance due to high winds the day before.

Mr. Burgess attended the Centennial Mental Health meeting in Sterling on December 11. He also dropped off Kelly Lowery's Christmas ham to her. He and Mrs. Lengel discussed replacing the vault doors; he told her they should order one for her office and one for the Treasurer's office. Mrs. Lengel said the lumber yard estimated slightly less than \$17,000. Mr. Burgess and Mr. Piper agreed they should use the 2024 budget to pay for the doors. He asked Mr. Piper to have Mrs. Erwin and John Mohan come to the December 18 meeting to discuss it. Mr. Burgess learned the concrete crusher would crush the following week; he informed Mr. Monks and Mr. Walters.

Landfill Manager Allen Chubbuck called Mr. Burgess on December 14; the 938 loader engine block heater kept throwing the electric breaker. They requested a repairman, who agreed to come out on Friday or Monday to work on it. The District 3 road crew worked on roads on December 16 and 17. Mr. Burgess picked up a part for District 1 on the Seventeenth. Mr. Piper called him about a letter supporting Judicial District 23. Mr. Burgess attended the Economic Development meeting at Mountain View Electric earlier this morning; he learned that Balanced Rock Power received a fifty percent power commitment for Phase I of the Ebba Solar Project.

Mr. Kimble gave the attorney's report; Balanced Rock's Erica Goede asked if there was a process for assigning a portion of their permit. Mr. Kimble said that entities can assign rights and obligations, providing nothing prohibits it. The commissioners would have the right to review the assignee to determine if it could fulfill the county's commitments and honor the conditions before approving the assignment. Mr. Kimble suggested adding language to the resolution requiring board approval for assignments.

Mr. Kimble received an email from CDOT representative Chris Holgate regarding a formal devolution process of the CDOT right-of-way at County Road T and State Road 71; Mr. Stone noted that the county already maintains it. Mr. Kimble explained that CDOT wanted the Lincoln County commissioners to adopt a resolution accepting responsibility for the applicable sections of the roads in question; he had asked for formal language for the resolution. The matter would

require official approval of the Colorado Transportation Commission at the February meeting, but the complete process would be time-consuming, likely taking at least a year.

Mr. Kimble said he'd contacted the attorney representing the landowner who damaged the road in District 2 because the county hadn't received the promised payment; she assured Mr. Kimble she mailed it yesterday.

Mr. Kimble had already touched on the Karval Water Authority portion of his report, but he added that Dannah Koeniger did an exceptional job.

Lastly, Mr. Kimble requested an executive session to conference with an attorney and receive legal advice. He asked that the commissioners-elect attend since it would affect the county into 2025.

Before leaving, Mr. Miller told the Board that Kendra Eberle had left the extension office, so he would need to hire someone to fill her position. He asked if the commissioners needed anything; Mr. Burgess deferred to Mr. Jaques and Mr. Safranek but said Mr. Miller should plan to provide monthly updates to the Board.

Mr. Miller left at 10:55 a.m., and Mr. Stone moved to go into executive session at 10:57 a.m., per CRS 24-6-402 (4) (b), to conference with the county attorney to receive legal advice. Mr. Kimble said it referred to the Rule 106 Action filed by Xcel Energy's law firm. Mr. Ewing seconded the motion, which carried unanimously. Session attendees were the three commissioners, Mr. Piper, Mr. Kimble, Mrs. Lengel, Mr. Jaques, and Mr. Safranek. Mrs. Lengel recorded the executive session and will maintain the recording in the County Clerk's vault for the required statutory period.

Mr. Jaques left the meeting as the executive session recording ended at 11:04 a.m. Mr. Burgess concluded the executive session. Mr. Stone moved to authorize Kelly Lowery to enter an Appearance with the courts in response to the Rule 106 Action filed by Xcel Energy's attorneys and to pursue a settlement agreement. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Piper asked if they should change the process for future hearings, such as holding the hearing in the morning and signing the resolution in the afternoon, giving him time to draft the document. Mr. Kimble suggested posting a template or model resolution, which would give companies an idea of what it would look like ahead of time.

Mr. Burgess asked about the 7.82-acre parcel of land that the Friends of the Genoa Tower, Inc. asked the county to deed to the organization. Mr. Kimble said he would determine if it required a resolution; otherwise, he would draw up a deed.

Mr. Piper provided the letter to 23<sup>rd</sup> Judicial District Attorney George Brauchler, supporting his future endeavors; Mr. Stone moved to sign the letter, Mr. Ewing seconded the motion, and it carried unanimously.

Mr. Piper reported receiving a letter from Candace Payne regarding CDBG contract #23-639. The state replaced the CDBG manager but couldn't find an MOU between the county and PDC. They would like to replace the annual agreement with a four-year contract with a one-year extension.

Mr. Stone moved to sign the Memorandum of Agreement between Prairie Development Corporation and Lincoln County for the Region 5 CDBG Economic Development Program. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Piper presented two Intergovernmental Agreements about the new 23<sup>rd</sup> Judicial District. The first concerned the referral of offenders from the 23<sup>rd</sup> Judicial District to the Community Corrections facilities contracting with the Arapahoe County Community Corrections Board. The second was a joint Intergovernmental Agreement establishing the 23<sup>rd</sup> Judicial District Community Corrections Board.

Mr. Ewing moved to sign the 23<sup>rd</sup> Judicial District IGAs. Mr. Stone seconded the motion, which carried unanimously.

The only other business was to change the January 30 meeting to January 29, 2025. Mr. Burgess adjourned the meeting at 11:50 a.m.

Mr. Kimble and Mrs. Lengel left, and the Board completed a performance evaluation form for Public Health Director Kelly Meier.

After a lunch break, the commissioners conducted the annual on-site jail examination according to CRS 17-26-126. CTSI Senior Loss Control Representative Dana Foley attended to conduct a jail audit for the county's insurance.

The next meeting will be at 9:00 a.m. on December 30, 2024.

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Corinne M. Lengel, Clerk of the Board

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Steve Burgess, Chairman