

Board of County Commissioners of Lincoln County
Agenda for August 18, 2022

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report
- 10:00 Kelly Meier, Public Health Director, to provide a Public Health monthly report
- 10:30 William Arthur with Nestled Insurance Agency to present a cost analysis regarding the Attentive Preventative Care Platform
- 11:00 Jamie Giellis with Centro, Inc. to discuss funding options for the Lincoln County Roundhouse

-To be completed as time permits-

1. Approve the minutes from the August 8, 2022, meeting
2. Review the July 2022 reports from the County Assessor, County Clerk & Recorder, County Sheriff, and County Treasurer
3. Review the July 2022 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 July 2022 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon a Special Event Permit for the Rotary Club of Limon, Colorado, annual mouse race scheduled for October 1, 2022
6. Review and act upon an ambulance permit for the Community Ambulance Service, located in Flagler, Colorado
7. Review and act upon an offer from W-F Production, LLC to lease Lincoln County minerals located below the E2SW of Section 20, Township 7 South, Range 55 West, of the 6th PM
8. County Commissioner reports
9. County Attorney's report
10. County Administrator's report
11. Old Business
12. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on August 18, 2022. Chairman Doug Stone, Commissioners Ed E. Schifferns and Steve Burgess, County Administrator Jacob Piper, County Attorney Stan Kimble (until 12:30), Clerk of the Board Corinne M. Lengel, Limon Leader reporter Stephanie Zwick, and commissioner-elect Wayne Ewing (until 11:50 a.m.) attended.

Chairman Stone called the meeting to order and led the Pledge of Allegiance.

Mr. Burgess asked if they could call Mark McMullen with Environmental Engineering to discuss the state's requirements for the landfill's monitoring wells. Mr. Piper had to leave a message.

Mr. Schifferns moved to approve the minutes from the meeting held on August 8, 2022, as submitted. Mr. Stone said he'd had Mrs. Dutro make one correction to his report, which she did. Mr. Burgess seconded the motion, which carried unanimously.

Mark McMullen called the board room at 9:11 a.m. Mr. Burgess asked if the county should do something with the monitoring wells this year or if it would be better to include funding in the 2023 budget. Mr. McMullen said he'd suggested additional characterization and installation of piezometers to identify evidence of groundwater, but the state wanted more. He said they could maybe install them in phases, either south of the current cell or to the east. He felt the latter would be best because it was more accessible. Mr. McMullen said four or five piezometers should suffice to reach a reasonable depth. He offered to write up a quick plan for the state, including where the next cell should go, the number of piezometers required, and a cost estimate. Mr. McMullen said the sump is on the far south end of the property, at the low end, so he preferred to construct the sump furthest away first. If they started at the north end of the south cell, each subsequent cell would need a temporary sump to collect the leachate while constructing the next cell. When asked what he thought it would cost, Mr. McMullen said it would be at least \$30,000. He said he'd send the information to the Board as soon as he put it together.

The Board reviewed the July 2022 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer, and then Economic Development Director Troy McCue arrived for his 9:30 a.m. appointment. When he finished his report, Mr. McCue said he'd included a copy of a \$49,285.00 purchase order from the University of Northern Colorado for the 2022-2023 fiscal year. The PO covers consulting fees for the SBDC Foundation, ChildCare, Connect2Dot, EDC, and ARP funding. Mr. McCue said the SBDC program is growing and sustainable.

Mr. Stone said he'd heard the Arriba Wind Farm would be scrapped because it's in a military fly zone. Mr. McCue said he hadn't heard anything like that, but he'd ask Taylor Henderson.

Public Health Director Kelly Meier and Deputy Assessor Renita Thelen arrived at 9:50 a.m., and Mr. Stone adjourned the meeting of the Board of County Commissioners and reconvened as the Board of Public Health. Mrs. Meier readdressed the cleanliness of the Limon office and informed the commissioners that Kit Carson County wanted a professional HIPPA-certified

cleaner, but she told them she wouldn't find someone like that in Lincoln County. Mrs. Meier created a HIPPA compliance form and asked if using the hospital's cleaning crew was acceptable since Kevin Stansbury offered. The hospital would bill Public Health for approximately five hours a week, plus mileage. The Board agreed that Mrs. Meier should use the hospital cleaning crew if they were willing.

Mrs. Meier said a new vaccine should be out for the COVID-19 variant by fall and hoped she could give the shots while administering the annual flu vaccines.

Mr. Piper asked if Mrs. Meier had further information regarding Ashley Pilling. He and the finance director spoke with the county auditor, who said the county would have to withhold another state's tax, which they didn't think the Tyler accounting system could do. Mrs. Meier said Ms. Pilling had to find out if she could work as an independent contractor. If so, it wouldn't be an issue; she would deduct her own taxes. Mrs. Meier said she'd let them know what she found out, and Mr. Stone adjourned the meeting of the Board of Public Health and reconvened as the Board of County Commissioners.

Deputy Assessor Renita Thelen provided the Abstract of Assessment for the Division of Property Taxation and asked for Mr. Stone's and Mrs. Lengel's signatures. The 2021 assessed valuation was \$178,021,399, while the 2022 assessed valuation came in slightly lower at \$177,746,371. Before leaving, Mrs. Thelen said they hoped to have a bid for new carpeting within the next day or two, reminding the Board that it was their turn for flooring replacement.

The commissioners reviewed the July 2022 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, including the individual road districts. They also reviewed the July 2022 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools. Mr. Piper said they should be the same as the previous month. He'd called CTSI about another matter but hadn't gotten in touch with anyone. The question arose about the accident during the fair parade. Mr. Kimble said that if there were a claim against the town of Hugo, Lincoln County, or CDOT, the Governmental Immunity Act would go into effect. He hadn't received anything but said they would have to give the county a ninety-day notice under the Act. Mr. Piper asked if he should inform CTSI of the accident, and Mr. Kimble said it wouldn't hurt to mention it if he spoke to someone.

Mr. Stone asked if Mrs. Lengel had any negative feedback regarding agenda item #5, which she hadn't, so Mr. Burgess moved to approve the Limon Rotary Club's Special Event Permit for the October 1, 2022, mouse races and to waive the \$10 permit fee. Mr. Schifferns seconded the motion, which carried unanimously.

Mr. Piper said the Board had already adopted a resolution approving the Community Ambulance Service license but that they needed to approve an ambulance permit in addition. Mr. Burgess moved to approve an ambulance permit for the Community Ambulance Service in Flagler. Mr. Schifferns seconded the motion, which carried unanimously.

The Board reviewed an offer from W-F Production, LLC, to lease Lincoln County minerals located below the E2SW4 of Section 20, Township 7 South, Range 55 West of the 6th P.M. Mr. Kimble said statutory requirements dictated that a lease couldn't exceed five years, nor could it be for less than 12.5%, which was one-eighth. The offer was \$25 per net mineral acre for five years with a one-eighth royalty, which met the statutory requirements. The company believed the county owned 2.3 net mineral acres. Mr. Kimble said they would present the county with an Oil and Gas Lease and could release it early if there was no production. He suggested the commissioners review the lease before taking action. Mr. Piper said he'd reply to the email and ask for a lease agreement.

At 10:30 a.m., William Arthur with Nestled Insurance Agency met with the Board to present a cost analysis regarding the Attentive Preventative Care Platform. Based on current payroll data, \$58,387.80 would go back to the county in tax savings if every employee enrolled in the program. Mr. Piper noted the list lacked the elected officials' salaries, which would increase that figure once included. Mr. Arthur explained that they would do a mock payroll prior to the open enrollment period to ensure everything worked properly. He added that he would enroll Kiowa County in September. Mr. Stone asked for the percentage of Kiowa County employees in favor of the plan, but Mr. Arthur didn't know—he said their commissioners had approved the program. Mr. Stone also asked how the plan would affect employees' social security benefits. Mr. Arthur explained that Social Security calculates benefits based on a person's thirty-five highest-earning years in the workforce adjusted for inflation. If a person didn't have thirty-five years of earnings, zeros were averaged in for the years not worked (or paid into Social Security). The Attentive plan would have a minimal impact on someone in the last ten years of their career, but it would affect young people more if they had Attentive throughout their entire career. The group wasn't entirely clear on the explanation, and Mr. Arthur said checking out Social Security's online tools, the Quick calculator and Retirement Estimator, would help.

Mr. Piper asked if other counties met with their employees about the plan before enrolling. Mr. Arthur said the county would probably respond better to this program than other insurance plans because the employees wouldn't have to pay anything for the coverage.

Mr. Schifferns verified that employees could use the Attentive Plan in conjunction with other plans, such as AFLAC. He then asked how much additional work the implementation and subsequent maintenance would cause the payroll department and Mr. Piper. Mr. Arthur said there was somewhat of a heavy lift at the onset but that it wouldn't be much more than other benefits the county offered after they set it up.

Mr. Stone clarified that the main difference between Attentive and AFLAC was the tax savings. Mr. Arthur reiterated that an employee could receive benefits from AFLAC and Cigna for the same health event.

Mr. Piper felt the commissioners should speak with the Finance Director before deciding, and Mr. Stone said he'd prefer to get feedback from the employees first. Mr. Piper suggested scheduling a department head meeting that included the Finance Director, and Mr. Arthur

asked if he could come too. Mr. Piper said he would inform Mr. Arthur of the date and time once he scheduled it, and Mr. Arthur left.

At 11:00 a.m., Jamie Giellis, with Centro, Inc., met with the Board via Zoom to discuss funding options for the Hugo Union Pacific Railroad Roundhouse. Troy McCue and Roundhouse Preservation, Inc. representative Roxie Devers joined the call. While the project didn't qualify for the money from Senator Hickenlooper's office, Ms. Giellis continued searching for big pots of money to fund the more expensive items. They could apply for up to \$250,000 through the State Historical Fund grant, but if that was something they wanted to do, the grant application was due on October 1. Ms. Giellis had confirmed that the county could apply for the interior work on the project and reminded the group that those funds would require a match of \$80,000 to \$85,000. It could come from the county or other grant sources, but they had to name those sources in the application.

Ms. Giellis then explained the State Historic Tax Credits Program, stating that Sara Kappel and Joe Saldibar encouraged the county to apply for the roundhouse project. They could get up to one million dollars for the interior renovations provided they used the money for permanently attached items. Ms. Giellis said there was no deadline; the county could go after the funds at any time. The state awarded the credits after the project's completion, so Ms. Giellis said they would have to figure out the bridge financing. She added that the county couldn't apply for the money because it had to be a non-profit organization that did it. The county had to have a five-year lease with the non-profit that could be written as restrictive as necessary; the only stipulation was that it was a five-year lease. Mrs. Kappel and Mr. Saldibar felt they would be leaving money on the table if the project didn't apply.

Mrs. Devers asked if the non-profit had to pay taxes to get the tax credit and wanted a more detailed explanation of how it worked. Using RPI as an example, Ms. Giellis said the state would award up to one million dollars in tax credits that RPI could then sell for eighty cents on the dollar to another entity that needed them. That money would then convert to cash. She added that the state could help RPI find a broker to sell the credit on its behalf, but it would be best if RPI could find someone independently, thus saving the broker fees. Mr. McCue said that at eighty cents on the dollar, if the state awarded the full million dollars, the project might get around \$800,000. Ms. Giellis said that was if they didn't go through a broker. Mr. McCue also asked if there would be issues with selling the credits, but Ms. Giellis said there would not be.

Mr. Stone wanted to know if it would be up to the non-profit to obtain the funding to pay off the tax credits, and Ms. Giellis told him it would be. However, there wasn't much risk to lenders because the state guaranteed the credits.

Mrs. Devers said the RPI board of directors had a meeting, and they weren't sure they wanted to get involved in borrowing money and paying interest. When they formed the organization, it was to help save the roundhouse, which she felt they'd done. They were worried about what liability they would face, hiring an attorney, and who would help them.

Ms. Giellis assured her that the state made these kinds of deals all the time, and they would set up the debt as a no-risk deal and as safely as possible. She added that there would be no debt unless the state provided a confirmation letter, and the interest would come from the tax credits.

Mr. Piper asked if they could find out what the project qualified for before anyone decided to move forward with the tax credit program. Ms. Giellis responded that the state said they could start preliminary conversations to determine the eligibility amount and what would be competitive for the tax credit portion before the county committed.

Mrs. Devers was concerned that the option didn't fit into RPI's Articles of Incorporation and didn't like the position in which it put the organization. Ms. Giellis told her it didn't have to be RPI that applied; it could be any non-profit that signed the lease with the county. Mrs. Devers asked if she could speak with someone at the State Historical Society that could tell her about another non-profit that had used the program, and Ms. Giellis said she would put her in touch with Sara and Joe. Mrs. Devers also asked to see an example of one of the leases so that the RPI board of directors could look it over and said she'd like to schedule another meeting with Ms. Giellis and the commissioners to discuss it further.

When Mr. McCue asked if it were a competitive process, Ms. Giellis responded that it was not, that it solely depended on whether the project had merit. She said it obviously did because Sara and Joe had come to her with the suggestion.

Mrs. Devers asked if Lincoln County Economic Development Corporation were a non-profit organization, and Mr. McCue said it was, but he was thinking that Your Community Foundation might be an option. He felt it would take a lot of research on his part but said RPI should have the first crack at it.

Mrs. Devers asked Ms. Giellis if she'd looked into the county becoming a Certified Local Government, but she had not. Mr. Piper said the commissioners looked into it a while back, and Mr. McCue added that they had a CLG workshop in 2018. Although there was some interest, as always, they ran out of volunteer bandwidth, and it never got off the ground.

Ms. Giellis noted that the State Historical Fund supported the submission of the October 1 grant in which they could apply for up to \$250,000. Since the opportunity only happens twice each year, Ms. Giellis said they needed to submit a letter of intent if they wanted to apply. She again mentioned the match but added that they could ask foundations for the money after they submitted the application and commented that SHF would love to see the project apply.

The call ended, and Mr. Burgess left for another short meeting at the hospital. Mr. McCue and Mr. Ewing left at 11:50 a.m.

Mr. Kimble reported that Mesa County Clerk Tina Peters' attorney served the Colorado county clerks and Secretary of State in a lawsuit regarding the recent recount of the June Primary

Election results in which Ms. Peters lost the Secretary of State race. Mr. Kimble said county attorneys statewide were looking to collaborate their efforts so that each didn't have to file a response to the complaint, which they must do by August 26.

Mr. Kimble also said that Mrs. Lengel had been inundated with CORA requests for election records but that she'd done an excellent job responding to them.

Mr. Kimble reported that Land Use Administrator Ty Stogsdill gave him photos of the property at 27068 County Road 3K, where neighbors complained of blowing trash. The property appeared abandoned, and Mr. Kimble said they probably wouldn't find the owner.

Lastly, Mr. Kimble said that Mr. Stogsdill preferred to clean up the county's current subdivision regulations over creating new ones. Mr. Schifferns wanted to know if he'd heard anything further on Ed Waite's junkyard, but Mr. Kimble said he hadn't.

Mr. Stone commented that Bill Craig resigned from the Land Use Board and that they would have to replace him. He asked if they could wait until the first of the year when the commissioners made other board appointments, and Mr. Kimble said he'd look to see if they had a deadline to do it before then. Mr. Kimble left at 12:15 p.m., and the group took a break until Mr. Burgess returned at 12:25.

Mr. Stone reported attending the county fair every day between August 9 and 12. He checked roads after the rain on August 16 and said District 3 got one load of the tubes they ordered and took them to the bridge they needed to replace. They got their other International tractor on August 17. Kit Carson County Commissioner Dave Hornung called Mr. Stone about how their Road & Bridge employees planned to obtain their CDLs because of the new requirements and said they planned to use Yuma County for the testing. Mr. Stone said the fair went well, but the new sound system had issues with echoing and feedback during Friday night's rodeo. John Palmer had it fixed for Saturday. Mr. Stone also reported that District 3 planned to hire a part-time person to mow and help with other jobs but that they would be a permanent employee, nor would they have a CDL.

Mr. Schifferns reported checking roads south of Arriba on August 9 and talking to John Palmer on the Tenth. He stopped by the county fair for short periods from August 11 through the Thirteenth and reported having some good rain in District 1 on August 15. He checked the fairgrounds on August 16 and had a call from a potential employee on August 17.

Mr. Burgess reported talking to Bruce Walters on August 9. The road crew kept busy mowing, blading, and de-watering the Broken Arrow pit. He received a complaint about prairie dogs on someone's CRP land; the lessee had concerns about losing their payment. Neither he nor Mr. Stone could think of any county programs that would help. Mr. Burgess contacted Brenda Toft at the Farm Service Agency, who told him the landowner should contact them as they had to take care of the problem. Mr. Burgess went to Genoa on August 10 and discussed next year's equipment needs. He also got a quote for a Schulte 15-foot mower, \$38,000, and went to the

county fair. District 2 has an employee who needs surgery and will be off work for up to twelve weeks. Mr. Burgess attended the fair on August 11, 12, and 13 and said it had a good crowd. He met with Bruce Walters, Ty Stogsdill, and the state gravel pit inspector to discuss moving a boundary and digging out a channel to divert creek water from the pit. He also received a complaint from a county resident who the landfill charged double for bringing in out-of-county trash. Mr. Burgess told the party that was the county's policy. Mr. Burgess reported they had light rain on August 16, so the road crew worked on grading roads and hauling gravel to the yard. He attended the Economic Development meeting in Limon on August 17, where they discussed how well the fair went. There was a suggestion to ask for donations for the tent. Mr. Burgess also sat in on a Zoom meeting regarding the landfill with Mr. Piper, Mark McMullen, and Sarah Foreman, Jerry Henderson, and Ashley Lawrence with CDPHE. They discussed the monitoring wells for expanding Cell 4. Mr. Burgess talked to Chris Monks about work needed on the Bookmobile and planned to take it to the county shop on Tuesday. Hopefully, they could fill the leak on the airbags and look at the front end. Mr. Burgess attended a Baby Bear Hugs meeting where they discussed filling Jennifer Paintin's position. Before coming to Hugo to the commissioner meeting, he stopped by the Genoa shop earlier this morning. A resident had called Patrick Leonard about weeds on a neighboring property again. Mr. Burgess said they'd already sent a letter and wondered what the next step would be if they didn't take care of the problem.

Mr. Burgess also said he'd learned that someone stole a battery charger worth approximately \$3,000 from the county shop; it's under investigation. A county vehicle was hit by lightning, causing over \$60,000 in damage. Mr. Burgess wanted to know if the county's insurance would cover it. Mr. Piper thought it should.

Mr. Burgess said they needed to do some cleanup at the roundhouse and asked Mr. Schiffers if he had a crew member who could help with the weeds and hauling off chunks of concrete and asphalt. The two agreed to wait until after September 1.

Mr. Piper had nothing further to report, and no one had other old or new business. Mr. Stone adjourned the meeting, but then Mr. Burgess caught John Palmer outside the board room and asked him to come in to discuss issues at the fair reported by the sheriff. Mr. Palmer said there were problems with the concert and beer garden at the fairgrounds on Saturday. The concert group didn't open their beer garden on time, nor did they guard the gates. They also made people leave the grandstands at 5:00 p.m. when the mini bull riding started, upsetting several parents, grandparents, and relatives of the kids riding the bulls. Mr. Palmer added that the exhibit building wasn't even closed when they fed their concert people, so it was pretty chaotic. Mr. Palmer took full responsibility, stating that he'd told the Board they would make the fair and concert work in unison, but he now felt that the events needed to occur at separate times and not a week or a day apart. Mr. Palmer also thought that the sale and rodeo on Friday could no longer compete with each other; they had to start the sale earlier in the day. Finally, Mr. Palmer said there had been issues with the band playing under the awning of the grandstands. They were simply too loud, and people complained about it.

With no further business to come before the Board, Mr. Stone adjourned the meeting at 12:55 p.m. The next meeting will be at 9:00 a.m. on August 30, 2022.

Corinne M. Lengel, Clerk of the Board

Doug Stone, Chairman