

Board of County Commissioners of Lincoln County
Agenda for July 18, 2023

- 9:00 Call to order and Pledge of Allegiance
- 9:00 Ken Stroud, Emergency Management Director, to provide updates on the damage assessment regarding the emergency declaration concerning recent abnormal weather conditions
- 9:15 Emily Baylie, CSU Extension Director, to discuss the 2023 fair
- 9:30 Public Hearing on a request for a Special Events Permit, Fermented Malt Beverage, for the Colorado Prairie Arts and Music Council's August 11, 2023, event at the Lincoln County Fairgrounds
- 10:00 Taylor Henderson, Contract Project Developer with Outshine Energy, to provide updates on the Ariba wind-farm project
- 10:30 Dave Smith to discuss Hugo Main Street events

-To be completed as time permits-

1. Approve the minutes from the July 7, 2023, meeting
2. Review June 2023 reports from the County Assessor, County Clerk & Recorder, County Sheriff, County Treasurer and Public Trustee
3. Review June 2023 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 2023 reports from the Colorado Counties Casualty and Property Pool and Workers' Compensation Pool
5. Review and act upon Resolution #1098; a resolution opposing the question that will appear on the 2023 general election ballot as State Proposition HH
6. County Commissioner reports
7. County Attorney's report
8. County Administrator's report
9. Old Business
10. New Business

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 18, 2023. Chairman Doug Stone, Commissioners Steve Burgess and Wayne Ewing, County Administrator Jacob Piper, County Attorney Stan Kimble, Clerk of the Board Corinne M. Lengel, and Limon Leader/Eastern Colorado Plainsman reporter Stephanie Zwick attended. When the meeting started, Road Foremen Chris Monks and Bruce Walters and Director of County Extension Emily Bailey were in the audience.

Chairman Stone called the meeting to order and asked Stephanie Zwick to lead the Pledge of Allegiance.

Emergency Manager Ken Stroud presented the annual Onsolve-CodeRed agreement and asked for Mr. Stone's signature. Mr. Burgess moved to sign the agreement, and Mr. Ewing seconded the motion, which carried unanimously.

Mr. Stroud then provided an update on the damage assessment and emergency declaration resulting from recent abnormal weather conditions. He said they'd submitted all the information, and state officials were compiling the data to send to FEMA. Mr. Burgess asked if they should obtain prices for fixing the problems or wait, and Mr. Stroud said it didn't hurt to have everything ready. The officials will return and ask for the county's projects if approved. Mr. Burgess had figured approximately \$100,000 for each of the low-water crossing repairs in District 2 and said FEMA traditionally paid 75%, leaving 25% for the county's match. Mr. Stroud noted that if projects received FEMA money, an engineer would be on site while the county fixed the problems covered by the funding. Mr. Stone had two bridges in District 3 the state said he'd have to replace, but since they were within half a mile of each other, he might close a portion of one of the roads instead. He commented they would have to wait and see what happened. Mr. Stroud said Cory Stark, the regional field manager with DHSEM, would return to discuss what the commissioners wanted to do. He added the state knew the county had to keep roads open and could make temporary repairs to do so, but they would have to take any improvements out and redo them to state specs if approved for funding.

Chris Monks commented that District 1 didn't have any washed-out roads, and Mr. Stroud told him to keep track of anything he felt needed fixing because of the weather. Mr. Burgess said they could raise the road at the prison four-to-five feet since water ran across it during the rains and that there might be other places like that to consider.

Before leaving, Mr. Monks asked if the commissioners wanted him to talk to CDOT Limon Resident Engineer Rhianna Poss about curb design on the 40/287 and Highway 109 intersection project. The Board agreed it should taper off four or five feet, and Mr. Kimble commented that the Governmental Immunity Act wouldn't help the county if there were design flaws. Mr. Monks said he would voice their concerns with Mrs. Poss.

Emily Baylie met with the Board at 9:15 a.m. to discuss the 2023 Lincoln County Fair. They planned to move the extension office to the fairgrounds on August 1 and would return to the annex building on August 14 when the fair was over. Since they've historically closed the Friday

before the fair to allow staff a couple of days off before it starts, she told the Board they would do so again on August 4. Mr. Ewing asked if they needed help moving, and Mrs. Baylie said she wasn't sure since it was her first time. Mr. Burgess suggested contacting John Palmer to see if he could spare Carlos Leonard to help them, and Mrs. Baylie said she would. She also reported a bacterial (very common but highly contagious) infection outbreak in local market goats, for which they had no set rules. Mrs. Baylie said they were working with the state livestock specialist on how to proceed. Lastly, she said the tent would be on site July 31 and go up some time that week. Mr. Stone stated Curt Dutro offered to bring a cattle trailer to shade livestock on the west side.

Mr. Ewing moved to approve the minutes from the meeting held on July 7, 2023, as submitted. Mr. Stone seconded the motion, which carried.

At 9:30 a.m., the Board conducted a public hearing on a Special Events Permit, Fermented Malt Beverage, for the Colorado Arts and Prairie Council's August 11, 2023, event at the Lincoln County Fairgrounds. No one else attended the hearing, and Mrs. Lengel said she'd not heard from anyone opposed to the event. Mr. Ewing moved to approve the Special Events Permit, and Mr. Burgess seconded the motion, which carried unanimously.

The commissioners reviewed the June 2023 reports from the Assessor, Clerk & Recorder, Sheriff, Treasurer, and Public Trustee. They also reviewed the June 2023 Statements of Revenues and Expenditures from 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 9:45 a.m., Outshine Energy Contract Project Developer Taylor Henderson met with the Board to provide an update on the Arriba wind farm project. Mr. Piper asked Land Use Administrator Ty Stogsdill to join the discussion, and Economic Development Director Troy McCue and Deputy Assessor Renita Thelen arrived a little before 10:00.

Mr. Henderson said their permit is good through August 2, but they recently received some negative feedback from the FAA regarding turbine locations. A portion of military training route 415 passes through Lincoln County, so they are working through those issues. Mr. Henderson said they've considered several options but didn't want to say more before speaking to landowners with whom his company has lease agreements.

Mr. Kimble asked if he was requesting another extension, which he was. Mr. Stogsdill said they could wait to post public notices and hold hearings until later, but Mr. Henderson wasn't sure those things were necessary if the project footprint didn't change. If it did, he clarified they could have the public hearing after receiving feedback from Buckley AFB, and Mr. Stogsdill told him they could.

Mr. Kimble said the commissioners adopted a resolution extending the development permit in 2022, so they could probably do it again if so inclined. He added that what Mr. Henderson

described didn't materially alter the site plan but that Mr. Stogsdill would likely feel better if the Board adopted the resolution.

Mr. Piper asked if there were a limit to the number of times the commissioners could extend the permit, but Mr. Kimble said if they felt there were adequate reasons, they could do it one year at a time.

The Board agreed to adopt a resolution at the July 28 meeting, and Mr. Henderson and Mrs. Thelen left the meeting. Mr. McCue left shortly after.

The Board reviewed the June 2023 Colorado Counties Casualty & Property and Workers' Compensation Pool reports, and Mr. Piper pointed out notations regarding the courthouse roof damage.

Dave Smith arrived at 10:20 a.m.

Mr. Ewing moved to adopt a resolution opposing the question that will appear on the 2023 November ballot as Proposition HH. Mr. Burgess seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado, held in Hugo, Colorado, on July 18, 2023, there were present:

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| Douglas D. Stone, Chairman | Present |
| Steve Burgess, Vice Chairman | Present |
| Wayne Ewing, Commissioner | Present |
| Stan Kimble, County Attorney | Present |
| Corinne Lengel, Clerk of the Board | Present |
| Jacob Piper, County Administrator | Present |

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION #1098 It was moved by Commissioner Ewing and seconded by Commissioner Burgess to adopt the following resolution:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO URGING VOTER OPPOSITION TO THE QUESTION THAT WILL APPEAR ON THE NOVEMBER 2023 ELECTION BALLOT AS STATE PROPOSITION HH

WHEREAS, The Lincoln County Board of County Commissioners ("The Board") firmly believes that citizens should have a say in matters of taxation and public spending; and

WHEREAS, an informed vote requires clear and concise ballot language that adequately describes the full impact of a "yes" or "no" vote; and

WHEREAS, the Colorado General Assembly passed legislation signed into law by the Governor on May 24, 2023 known as Senate Bill 23-303, “Reduce Property Taxes And Voter-approved Revenue Change” which is a lengthy (48 page) bill with a 17 line formal title and 24 specific sections which is neither clear nor concise and contains a question referred for voter approval; and

WHEREAS, the referred ballot measure language specified is ““SHALL THE STATE REDUCE PROPERTY TAXES FOR HOMES AND BUSINESSES, INCLUDING EXPANDING PROPERTY TAX RELIEF FOR SENIORS, AND BACKFILL COUNTIES, WATER DISTRICTS, FIRE DISTRICTS, AMBULANCE AND HOSPITAL DISTRICTS, AND OTHER LOCAL GOVERNMENTS AND FUND SCHOOL DISTRICTS BY USING A PORTION OF THE STATE SURPLUS UP TO THE PROPOSITION HH CAP AS DEFINED IN THIS MEASURE?”; and

WHEREAS, the ballot question does not specify the amount of taxes to be reduced, does not specify what the expanded property tax relief for seniors consists of, does not specify the amount of backfill to various local government type or indicate this backfill will not be perpetual, does not indicate that the “state surplus” consists of tax dollars collected over the current TABOR cap that would otherwise be refunded, nor does it specify that the new TABOR cap defined in the measure would allow government to grow at a much greater rate than inflation and population; and

WHEREAS, the funding of schools in this manner was previously submitted to the people as Proposition CC in 2019 and failed to gain voter approval; and

WHEREAS, hiding this previously failed measure behind a vaguely worded promise of a property tax decrease which will in fact be much smaller than the amount of new tax dollars collected and kept by the state is misleading and potentially a violation of the State Constitution; and

WHEREAS, SB23-303 likely violates the “single subject” requirement found in the State Constitution by addressing multiple subjects (property tax relief, school funding, funds the housing development grant fund, and establishes a tenant rent relief program) and may very well be overturned by the courts in ongoing challenges to which Lincoln County is a party.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, The Board officially declares its opposition to both SB23-303 and the referred measure it contains (Proposition HH) as they clearly violate the spirit, and likely the clear language, of the State Constitution, seem purposefully written to mislead voters into approving a measure they recently voted down in another form, and obscures the fact that passage would eliminate future TABOR refunds and further reduce the limits placed on the growth of government in this state; and

BE IT FURTHER RESOLVED THAT THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO urges all voters to vote “No.” on Proposition HH should it appear on the November 2023 ballot.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Burgess, Yes; Commissioner Ewing, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Burgess felt they needed to publish it in the newspaper to inform voters of the Board's decision, and Mrs. Lengel mentioned that ballots would go out the week of October 16.

At 10:30 a.m., Dave Smith presented a request from the Hugo Main Street group asking to use the Union Pacific Railroad Roundhouse and county bus for the annual Homecoming wine walk on September 30. In its third year, Mr. Smith said the event attracted 137 participants in 2022.

Mr. Burgess moved to allow the Hugo Main Street organization to use the roundhouse and county bus for the annual Homecoming wine walk on September 30. Mr. Ewing seconded the motion, which carried unanimously.

Mr. Burgess told Mr. Smith that Winterberg Towing helped bring a large oak bench from Greeley to the roundhouse that initially came from a train depot in Laramie, Wyoming. They would have to move it because the bench wasn't stable enough for occupancy where it currently sat, but they might be able to use it if they needed additional seating during their event. Mr. Smith asked if someone could mow the weeds before that time, and Mr. Burgess said they would take care of it.

Mr. Stone called for commissioner reports, and Mr. Burgess said that between June 8 and July 7, the District 2 road crew worked on moving equipment and culverts to County Road 38. Bruce Walters and Ken Stroud spent time touring roads with state officials to determine the extent of damage and what would qualify for funding. Mr. Stroud called Mr. Burgess on July 10 to discuss what they had said—that the county would have to install new pipes and improve areas where water crossed the roads. Mr. Burgess looked at the work on County Road 38, which was coming along well. District 3 let them use two tandem dump trucks. On July 11, the road crew opened County Road 38. Mr. Burgess asked Mr. Stroud to come to the July 18 meeting to discuss available funding for road damage resulting from the weather. The road crew continued to make road repairs on July 12 and 13, finally getting them all open. County residents thanked

Mr. Burgess for opening County Road 38 before harvest began. Mr. Burgess attended the Ports-to-Plains meeting in Fort Morgan on July 12 and 13, reporting that every state works to upgrade the route, but Colorado won't even complete a needs study. Mr. Burgess said Ports-to-Plains was formed in 1999, Heartland Express in 1991, and the Theodore Roosevelt Highway in 2005, making up the roadway from Mexico to Canada.

Mr. Burgess also reported that Chris Fox with Roundhouse Preservation, Inc. asked for help unloading the oak bench they'd gotten from Greeley. Allen Chubbuck called to say they were having problems with the landfill's Gator again. They contacted Nathan Seymour to work on it. On June 14, Mr. Burgess helped unload the bench at the roundhouse—John Mohan borrowed a forklift from the lumberyard to assist. Mr. Burgess went to Genoa on July 17, and he and Bruce Walters looked at roads and the low water crossings on County Roads 41 and 46. The crossing on County Road 41 needed to be 185' long by 24' wide, while the one on 46 would have to be 200' long. They would have to be one foot deep with walls supported by rebar. Mr. Burgess stopped at the landfill to check on their issues with the John Deere Gator. He felt they might have to consider buying a newer model. A District 1 tractor and mower slid off the road, so Mr. Burgess contacted Chris Monks and Mr. Ewing. Mr. Ewing called Winterberg Towing to pull it out. Travis Miller with RockSol Consulting sent Mr. Burgess the Hell Creek bridge design estimates.

Mr. Ewing reported talking to Chris Monks on July 10. They discussed mowing operations and opening County Road 2P. They started to clear trees after hauling the dozer to the closed site. Mr. Ewing attended the fair board meeting with Mr. Stone on July 11. Notes were as follows: three 4-H members attended (required for Zoom interview judging), interview judging for the queen contest would be on riding skills and general horse knowledge, they scheduled the horse show for August 2 and 3, and they tabled further discussion regarding add-on commissions for the sale committee until the September meeting. They planned a white background for sale pictures and a blue background for public photos. There would be no parade MC, the rodeo was on schedule, and they'd confirmed the 9:30 p.m. concert. They had problems deciding who controlled the radios, added five more slots for steer washing, and filled Farm Bureau's vacant vendor booth. The extension office felt ready for the fair if it happened tomorrow. The next fair board meeting is September 12 at 7:00 p.m.

Mr. Ewing reported discussing County Road 2P with Chris Monks on July 12. They planned to work on County Road 2W and in the Arriba area next. On July 15, Mr. Ewing visited with a resident concerned about County Roads 2W, 2Z, and County Hwy 63. He checked roads on the Sixteenth and noted District 1 was "in catch-up mode" with much road damage to fix and mowing. On July 17, Mr. Ewing went to the county shop to discuss roads, signs, DEF, a broken blade window, and employees. Mr. Burgess called him about the tractor and mower that slid off the road after hitting a washout, so Mr. Ewing contacted Winterberg Towing to pull them out. He then helped the two crew members change the blades. Mr. Ewing reported that District 1 had another tractor go down, and they discussed getting one from District 2. However, a John Deere mechanic showed up, and Mr. Monks thought they might have resolved the issue.

Mr. Stone reported checking County Road P and State Road 71 after heavy rain and golf ball-sized hail on July 8. He talked to Judd Kravig about bridges on July 10. Their new CAT salesman called Mr. Kravig to let him know he'd mistakenly told him the incorrect amount for the trade-in on their new loader, and they would have to redo the contract. Mr. Stone attended the fair board meeting on July 11 and said Mr. Ewing had covered the main points. He added that there had been several requests to fix the restrooms on the arena's south side, and John Palmer planned to talk to someone about tearing them down and building new ones with showers. Mr. Burgess said portable units might be an option, but Mr. Stone said the sewer system and electricity are nearby, so it wouldn't cost as much to build something new. They discussed getting a metal building for approximately \$60,000. It currently costs between \$200 and \$300 per unit to rent Port-O-Pots. Mr. Stone reported the District 3 crew worked on grading rough spots in the roads. He planned to attend the Southeast Recycling meeting scheduled for July 12, but they canceled it. He talked to Judd Kravig on July 12 about personnel issues and Mr. Ewing on July 17 about the tractor lease program. They still didn't have their tractors. Mr. Burgess said he had an extra in District 2 if either of the other districts needed to use it until they got theirs. Mr. Stone thought they were okay for now but said they wouldn't have to put hours on the others if they had a new one. He stated they were still trying to fix roads damaged by the rain.

Mr. Kimble reported hearing from Kim Crawford with Butler-Snow on July 17 regarding the proposed Karval Water Users contract. She wanted to set up a meeting for the following week with Crowley County. Mr. Piper asked if it included the commissioners or just him and Mr. Kimble. He thought they wanted to meet to discuss their new board structure and other minor changes, which wouldn't necessarily need commissioner participation. Mr. Kimble said it wasn't clear who should attend, so Mr. Piper said he would contact Ms. Crawford and find out.

Mr. Kimble said he needed to discuss potential litigation with the commissioners, so Mrs. Zwick, Mr. Smith, and Mr. McCue left the meeting. Mr. Kimble had nothing else to report when he finished.

Mr. Piper asked if there were other comments to submit regarding the Highway 40/287 and County Highway 109 intersection project since they had to be in by July 28. The commissioners didn't think there was anything other than the question about the curb and gutter that Chris Monks addressed earlier.

Mr. Piper asked if county offices could close at noon on August 11 to attend the fair, as allowed in the past. The Board agreed.

Mr. Stone called for old or new business, and Mr. Burgess brought up the \$204,426 estimate from RockSol Consulting for the survey and geological study regarding bridge replacement over Hell Creek. Travis Miller had scheduled the driller to come out Friday, so they needed to decide immediately if they didn't want to proceed. Replacing the bridge would likely cost between two and three million dollars, and Mr. Stone said it didn't seem logical for the one or two taxpayers it would serve. Since the bridge was in District 2, Mr. Stone felt it was Mr. Burgess's decision but

suggested it might be worth exploring other options. Mr. Burgess said he'd considered putting in rock and a concrete pipe but couldn't risk contaminating someone's water. Nor could they use culverts. If they chose not to move forward with the estimate, Mr. Burgess felt he had no choice but to close the road. Mr. Stone asked if he could improve another route for the landowners or build something else that would be cheaper, but Mr. Burgess said he would have to go onto their property to do it.

Mr. Piper noted that the miscellaneous bridge fund had \$500,000 in it, and with the cost of the County Hwy 109 project, using another \$204,000 would likely deplete it. Mr. Burgess said they had much other road damage to fix and asked if they should put the Hell Creek bridge on hold until the following spring. The other commissioners agreed it was for the best.

Mr. Burgess addressed the landfill Gator and said a Kawasaki MULE cost around \$10,000. He felt the landfill crew needed something to pick up trash from the pasture. Mr. Ewing asked if they could get a trade-in on the old unit, but Mr. Burgess didn't know. Mr. Stone said they could wait and see what Nathan Seymour found out when he tried to fix it.

Mr. Stone had received a call from Lane Elliott regarding inspections for ambulances. UC Health used to do them but didn't want to anymore. Mr. Elliott had asked if Karval ambulance members could inspect Hugo's ambulance and Hugo could do theirs, and Mr. Kimble said they were looking into whether that option was legal. Mr. Piper said the Board would have to approve the licenses at the August 7 meeting and that the ambulances needed approved mechanical and medical inspections before then. While any mechanic could do the former, someone with a medical background was supposed to do the latter. And while it didn't matter to the county, a state statute dictated that a medical director must do it. The permits would only be valid until the first of the year, and then the state would take them over. Mr. Piper said he'd told Mr. Elliott to contact Lincoln Health and ask who did theirs.

Mr. Stone noted that Mountain View Electric had started installing their fiber optic line again.

Mr. Burgess asked if Veterans Service Officer Joy Johnson had her equipment back, and Mr. Piper told him she did. He asked Mr. Piper to have Mrs. Johnson meet with the Board monthly so the commissioners had more contact with her and could provide more support.

Mr. Ewing mentioned an email from Senator Hickenlooper's office asking if the county needed letters of support for FEMA funding. The others had also received the email and agreed it wouldn't hurt.

Mr. Burgess said that if the county did get FEMA money, he'd like to have McCormick crush rock. He also commented that the courthouse parking lot wouldn't get done again this year—they didn't have time.

Mr. Piper said the employee benefit presentations went well, and Mr. Burgess asked if he would have time to go to each of the county shops to do them for the Road & Bridge crews. Trying to

get employees to the courthouse for an hour-long training wasted half a day by the time they traveled to and from their districts. Mr. Piper asked if it would be better to wait until wintertime when they weren't as busy, and the commissioners agreed. They suggested combining it with other training if possible.

Mrs. Lengel informed the Board she'd received one portion (\$17,835) of the approved state grant money for the election security room.

Mr. Ewing asked about the courthouse lobby tile, and Mr. Piper said that John Mohan was supposed to be getting bids.

With no further business coming before the Board, Mr. Stone adjourned the meeting at 11:41 a.m. The next meeting will be at 9:00 a.m. on July 28, 2023.

Corinne M. Lengel, Clerk of the Board

Doug Stone, Chairman