

Board of County Commissioners of Lincoln County
Agenda for July 28, 2023

- 9:00 Call to order and Pledge of Allegiance
- 9:30 Andrew Lorensen, Human Services Director, to present the Department of Human Services monthly report
- 10:30 Darlene Carpio, Regional Director to Congressman Ken Buck, to provide legislative updates
- 11:00 Shayla McCullough with the Karval Community Alliance to discuss funding for the Karval Community Building
- 11:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide an LCH report
- 1:00 Meeting with Kim Crawford with Butler Snow LLP, to discuss the Karval Water Users Water Authority project

-To be completed as time permits-

1. Approve the minutes from the July 18, 2023, meeting
2. Review and act upon an employee credit card request for Cody Hurtado
3. Review and act upon a request for Extension of Time to File Audit for Year End December 31, 2022
4. County Commissioner reports
5. County Attorney's report
6. County Administrator's report
7. Old Business
8. New Business
9. Approve Payroll

The Board of Lincoln County Commissioners met at 9:00 a.m. on July 28, 2023. Vice-chairman Steve Burgess, Commissioner Wayne Ewing, County Administrator Jacob Piper, County Attorney Stan Kimble, and Clerk to the Board Corinne Lengel attended. Limon Leader reporter Stephanie Zwick attended until noon, and Chairman Doug Stone was absent and excused.

Vice-chairman Burgess called the meeting to order and asked Mr. Kimble to lead the Pledge of Allegiance.

Grounds and Buildings Manager John Mohan informed the commissioners that two AC units had stopped working in the jail above dispatch, but the other units were still cooling the jail pods. He planned to obtain bids for replacements. Before leaving, Mr. Mohan said the recent inline winds in Hugo hadn't damaged any county property that he was aware of, and he would interview six applicants for the janitor position on Monday.

Mr. Ewing moved to approve the minutes from the meeting held on July 18, 2023, as submitted. Mr. Burgess seconded the motion which carried.

Mr. Ewing moved to approve a request for a county credit card with a \$1,000 limit for clerk's office employee Cody Hurtado. Mr. Burgess seconded the motion which carried. Mr. Piper said he'd cancel Pat McHone's card when Mr. Hurtado received his.

The Board reviewed a request for an extension to file the 2022 audit from county auditor Ronny Farmer. Mr. Piper said Mr. Farmer liked to have the document but didn't anticipate needing it. Mr. Ewing moved to sign the extension, and Mr. Burgess seconded the motion, which carried.

Mr. Ewing reported attending the Genoa town board meeting on July 18. He learned the Friends of the Genoa Tower hadn't paid the \$7,500 GMS service fees, which was a big hit for a small town. The town was doing okay on mowing and mosquito spraying but had trouble with potholes. They had problems with their tractor and needed help deciding whether to trade or fix it. There were some code enforcement problems concerning mowing, but the town board reported publishing the 2018 Building Codes as required. Only two people had applied for the maintenance position for which they conducted interviews on July 25. Economic Development Director Troy McCue attended the town board meeting and gave a report.

Mr. Ewing reported talking to Chris Monks about blading and mowing on July 19 and 20. He checked numerous roads on July 24 and then discussed them with Mr. Monks. He also talked with Ty Stogsdill about various matters. On July 25, Mr. Ewing met with Chris Monks to discuss roads, and they agreed they seemed to be "putting out fires" instead of maintaining them as they should, including ripping some of County Road 2W to remove the washboards. High winds tore through Hugo, causing damage across the community. Mr. Ewing texted Jeremy Forristall on July 26 to see if the county could help. Mr. Forristall told him that removing downed trees was crucial and asked for a loader, trucks, and manpower. Mr. Ewing contacted Mr. Monks, who sent a couple of employees to help for part of the day. Mr. Ewing mentioned a free landfill day

for Hugo residents to Mr. Piper. Mr. Burgess noted they had agreed on this Saturday and that it would be for debris only.

Lastly, Mr. Ewing reported speaking briefly with Chris Monks on July 27. He also attended the hospital board meeting, where he learned that all clinics were doing well, the lab had increased revenue by \$365,000 YTD over 2022 because of in-house testing, and there would be a 65th gala celebration in June 2024. The hospital board planned to discuss recruitment prospects during its executive session period.

Mr. Burgess reported going by the Genoa shop on July 18. The District 2 CAT blade has a cracked fuel tank, and the Ford 550 needs a turbo. The mechanic looked at the dozer air conditioner. Mr. Burgess told Travis Miller the county decided to put the County Road 33 bridge project on hold. Mr. Burgess attended the Economic Development meeting on July 19. The state inspected the landfill; Mark McMullen, Bruce Walters, and Jason Eager looked for areas to use for dirt cover. The District 2 road crew continued to work on road washouts and found erosion next to a pipe on County Road 36 while removing concrete from the drainage ditch. Mr. Burgess received a phone call on July 20 about holes on County Highway 63 north of Arriba. He checked on it and asked a crewman to grade it. They decided to temporarily patch road damage on County Road 109 north of Genoa and would get asphalt from Colorado Springs the following Tuesday. Mr. Burgess stopped at the landfill and discussed where and how to obtain dirt for cover. He felt the area Mark McMullen suggested was too much of a haul for a loader and said they might want to consider hiring a scraper. A resident called reporting heavy rain north of Genoa again, so Mr. Burgess informed Jason Eager, who checked the damage and ultimately closed County Road 3V east of County Road 109 overnight. Mr. Burgess told the sheriff and Ken Stroud about the closure and water over several county roads. He also learned about a downed Xcel transmission line over County Road 3P and County Highway 63; the company asked the county to close the road and mark a detour around the area, which a couple of road crew members did. They worked until almost midnight, and Mr. Burgess said he'd prefer to pay overtime since it was getting increasingly difficult for employees to use comp time. Xcel requested the county not open the road for at least two days and kept its equipment on Highway 63 because of wet field conditions. Mr. Burgess checked roads on July 21, as did several of the District 2 road crew. They put traffic cones on all the bad spots. Mr. Eager opened County Road 3V and had Tony Johnson haul three loads of gravel mix to County Roads 109 and 3V. Mr. Burgess said the wind blew so hard it rolled a few round hay bales from one field to another. He spoke with Mark at Interstate Diesel and Mr. Ewing about credit card fraud.

Xcel got the power line up on July 24, so the county opened County Highway 63. Four crew members worked on repairing road washouts and found erosion on County Road 3T. Allen Chubbuck called to say the landfill compactor had sensor problems. They contacted BOMag, who promised to fix it in the next couple of days. Mr. Burgess went to Genoa on July 25 to let the mechanic in to work on the dozer and Ford 550; the latter required a new turbo and PVC valve. The road crew continued to work on damaged roads and hauling gravel to soft spots on July 26. Mr. Burgess let Mr. Chubbuck know that the commissioners agreed to grant Hugo residents a free landfill day on July 29 for debris from the wind storm on July 25. Mr. Burgess

picked up a pallet of def from NAPA on July 27. District 2 had three mowers operating, and they were trying to stay away from harvest crews. Still, harvesters were damaging the oil on County Highway 109 north of Fisher's. Allen Chubbuck called to let Mr. Burgess know they ordered a new thermostat for the Gator and hoped that was all it would take to fix it. He also said BOMag put a new sensor on the compactor.

Mr. Kimble briefly discussed the forthcoming Zoom meeting at 1:00 p.m. regarding the proposed Karval Water Authority. He reviewed portions of the agreement that he felt the commissioners or the Karval Water Users board might have questions on but said it looked good overall. Since the authority would have the power to sue and be sued, Mr. Kimble said they would need insurance. Mr. Piper said some water districts use CTSI, which would be an option.

Human Services Director Andrew Lorensen arrived while Mr. Kimble said time was running out on the zoning nuisance.

The Board reviewed the DHS June financial report, employee timesheets, Income Maintenance, Child Welfare & Adult Protection, and the director's reports. Mr. Lorensen provided a justification sheet to move Jean Pickenpaugh from Income Maintenance II to Income Maintenance III, explaining that she continued to do an outstanding job.

Economic Development Director Troy McCue and Regional Director to Congressman Ken Buck Darlene Carpio arrived at approximately 10:00 a.m.

Mr. Ewing moved to approve a promotion for Income Maintenance Tech Jean Pickenpaugh from Level 1, Step III to Level 2, Step III. Mr. Burgess seconded the motion which carried.

Mr. Lorensen asked for a signature on the annual CORE plan and said the state made it much easier for counties to estimate a percentage of the overall allocation. For the '23/'24 FY, the county's 20% match is \$34,800, while the state will kick in \$63,400.

Mr. Ewing moved to sign the annual DHS CORE plan, and Mr. Burgess seconded the motion, which carried.

Mr. Lorensen provided an update on the grants mentioned in previous meetings; Child Welfare received \$25,000. They could now write the plan and ask for up to \$75,00 for the next four years. There were additional funds in the Family Voice grant, so although DHS already received \$9,000, Mr. Lorensen reapplied and increased it to \$15,000. They would use the funds to pay for technology at their family resource building and whatever other supplies or needs arose for the families. According to DHS legal counsel, they also needed to put up some signs on the playground equipment.

Before leaving, Mr. Lorensen said the coroners had an opportunity to move to the RMS system, so he planned to meet with the commissioners later in August to discuss it.

Judy Vick arrived at 10:15 a.m. as Mr. Burgess asked Ms. Carpio what she knew about the FEMA money for disaster relief. All she had heard was that FEMA asked for a thirty-day extension to gather more information.

Ms. Carpio said that with the House and Senate recess starting, senators and representatives would be out in their districts, providing opportunities for local discussions. Senator Buck continued to be the “no vote” regarding funding and introduced the Conservation Reserve Enhancement Program (CREP) Improvement Act. Mr. Burgess noted that while it might be good for small-scale farmers, large corporations still comprised most of the dryland farm ground. Ms. Carpio said the Water Act was back again, the sixth time someone had introduced it. She also mentioned the Reduction Tax Credit Reform Act and said the senator helped form a task force to investigate postal issues.

When Ms. Carpio asked the commissioners if they had anything for her to discuss with Senator Buck, Mr. Burgess said that salt cedar and Russian olive trees were invasive to water sources and needed to find a way to attack their spread and growth.

Mr. Ewing asked what was happening with Medicare, and Ms. Carpio said she’d had a lengthy conversation with Lincoln Health CEO Kevin Stansbury about it, and there was definitely room to improve. She hoped to learn more at the rural healthcare meeting on August 3.

Shayla McCullough, Frances Maskus, and Land Use Administrator Ty Stogsdill arrived at 10:50 a.m. to discuss funding for the Karval Community Building. Ms. McCullough provided a letter and spreadsheets outlining their fundraising efforts and said she was there to ask for help from the county. Mr. Burgess said he thought they were going after a DOLA grant, but Mr. McCue answered that Dan Merewether hadn’t submitted the application in time. Ms. McCullough added that they worked with the Boettcher, Daniels, and Gates Foundations, but none wanted to commit large amounts until they knew it was a successful project. She asked how the Karval Community Alliance could get the county to help them, and Mr. Burgess told her he was sure Mr. Stone would agree to in-kind support provided through Road & Bridge.

Frances Maskus commented that they use Care and Share from Colorado Springs for their food pantry, but they’ve said numerous times that the Karval school bus barn isn’t an adequate or properly temperature-controlled storage facility for the food items they get. While the Alliance continued explaining they were working on it, Mrs. Maskus didn’t know how long they could continue using that excuse.

Mr. Burgess said they should try the next round of DOLA grants, and Mr. McCue offered to help Ms. McCullough with it and any other grant opportunities.

Ms. Carpio asked how much they needed, and Ms. McCullough said the entire project was about \$300,000; they’d raised around \$45,000 so far. Ms. Carpio asked Mr. McCue if they could use CHFA money and suggested contacting Stacy Salling, the Regional Grants Navigator for Prairie Development Corporation to help see if they would qualify. Mrs. Maskus said they

applied for a \$52,000 USDA equipment grant. Ms. Carpio also mentioned the Congressional Directed Spending but cautioned that Senator Buck did not support the idea.

Mr. Burgess asked Mr. McCue to put Ms. McCullough in touch with grant writers, start with another DOLA application, and keep the commissioners informed of how it went. Ms. McCullough, Mrs. Maskus, and Mr. McCue left the meeting.

Lincoln Health CEO Kevin Stansbury arrived for his 11:30 appointment at 11:15 a.m. as Ms. Carpio and Mr. Stogsdill left.

Mr. Stansbury provided the June financials and briefly discussed insurance coverage for the hospital buildings. They had some damage from the inline wind storm, but Mr. Stansbury didn't believe it was extensive enough to meet their \$360,000 deductible. They hoped to receive some of the disaster relief funding. The hospital board also wanted to talk to Mike O'Dwyer about changing from replacement value insurance coverage to true replacement coverage.

Mr. Stansbury also spoke about strategic planning for the new hospital and the Byers Clinic; gross revenues were double what they budgeted. He also reported that the hospital got a license for a single substance abuse bed and a significant grant to help with behavioral health administration. He and the commissioners briefly discussed the opioid issue and agreed to work together.

Mr. Piper asked if they had finalized their audit, and Mr. Stansbury said they had and he would send it to him.

Mr. Burgess asked why it took two weeks to get drug test results back when the county hired a temporary employee. Mr. Stansbury said he would check on it and agreed it shouldn't take so long. Before leaving, he said he'd like to have the mobile unit get around to the county shops for CDL physicals and whatever else county employees might need.

Mr. Ewing moved to adopt a resolution extending Use by Special Review and Development Permit #20-02 for the Nereo GC Lincoln, LLC Wind Energy Generation Facility, Related Facilities, and Transmission Line in Lincoln County. Mr. Burgess seconded the motion which carried.

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:

Douglas D. Stone, Chairman	Absent & Excused
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 #1099 It was moved by Commissioner Ewing and seconded by Commissioner Burgess to adopt the following resolution:

A RESOLUTION FURTHER EXTENDING THE USE BY SPECIAL REVIEW AND DEVELOPMENT PERMIT NO. #20-02 FOR THE NEREO GC LINCOLN, LLC WIND ENERGY GENERATION FACILITY, RELATED FACILITIES, AND TRANSMISSION LINE IN LINCOLN COUNTY, COLORADO.

WHEREAS, at a meeting of the Lincoln County Board of County Commissioners held on June 18, 2020 the Lincoln County Board of County Commissioners considered the application, the staff report prepared with regard to the Application, the decision of the Land Use Board, the record of proceedings presented to the County staff and the Land Use Board, and such other information that was brought before the Board of County Commissioners at such meeting; and

WHEREAS, a Use by Special Review and Development Permit was granted to Nereo GC Lincoln, LLC to construct a Wind Energy Generation Facility and associated Transmission Line in accordance with the terms of the Application, subject to the conditions set forth in Lincoln County Resolution #1023. The Lincoln County Board of County Commissioners retained continuing jurisdiction over the Permit to address future issues concerning the site and to ensure compliance with the conditions of the Permit. The applicant is responsible for complying with all of the forgoing conditions and all other county zoning or other land use regulations. Noncompliance with any of the conditions may be cause for revocation of the permit; and

WHEREAS, the conditions set by Lincoln County Resolution Stated, "6. Nereo shall have a period of one (1) year after the date of issuance of the Lincoln County Development Permit #20-02 for implementation of the applicant's use of the Property for a Wind Energy Generation Facility and associated Transmission Line. In the event the applicant requests any extension of the one-year period for commencement of construction of the applicant's use of the Property for a Wind Energy Generation Facility, as set forth in Section 1-210 of the Lincoln County Zoning Resolution, no such extension shall extend longer than two (2) years after the date of issuance of Lincoln County Development Permit #20-02."; and

WHEREAS, the Lincoln County Board of County Commissioners voted at a regular meeting of the board to approve the Land Use Board's recommendation to extend the permit to August 5, 2023; and

WHEREAS, the Lincoln County Board of County Commissioners was presented new information at a regular meeting of the board on July 18, 2023 that warranted further examination of the existing permit and conditions regarding the permit and asked to grant another one (1) year extension.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that the Board believes it is in the best interest of the Citizens of Lincoln County that an extension of one (1) additional year be granted to Lincoln County Permit Number 20-02 for the Nereo GC Lincoln, LLC Wind Energy Generation Facility, related facilities, and associated transmission line, to expire on August 5, 2024; and

BE IT FURTHER RESOLVED by the Board of County Commissioners of Lincoln County, Colorado, that The Board will implement the right going forward to extend this permit and only this permit in one (1) year increments at the Board’s discretion.

Upon roll call the vote was:

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. Piper reported needing an MOU between the county and Roundhouse Preservation, Inc. since the county didn’t have a contract with the architect, Brett Johnson. The grant awarded to the county requires the document to avoid having to rebid the project for a new architect. Mr. Piper said he would add Mr. Kimble to the email chain with Jamie Giellis. While the county had budgeted for the match, something not included in the Scope of Work was that the State Historical Fund required an archeological study. Mr. Piper said they wouldn’t approve funding for the flooring without it and that the county would have to pay for it. Mr. Burgess was concerned that the study would produce a lot of contaminated soil under the building because of oil spillage.

Mrs. Vick thought she remembered the county getting an exemption for cleaning up the area when her husband, Gene, was a commissioner but said the Board might want to talk to him for further details. Mr. Burgess thought digging there might nullify any agreement the county had in that regard, and Mr. Piper said he would contact Roxie Devers and discuss it with her. The

State Historical Fund would provide a list of approved archeologists, but he had no cost estimate, nor would the grant funds cover it.

As for other business, Mr. Burgess mentioned a bridge Zoom meeting on August 8. He also said he and Mrs. Lengel had talked briefly during the break about the department head meeting the previous day. Mr. Piper said they had a lengthy discussion about needing a full-time IT person and that James Martin was interested in the job. Mrs. Lengel asked that they wait until the August 16 meeting to discuss it again since she would miss the August 7 meeting.

Mrs. Lengel also reported that they'd discovered two locks needed changing on the election room doors, so John Mohan was looking to see if he had some that Kenny Mills could replace.

Mrs. Lengel said another topic of the department head meeting had been what to do with the area outside her office filled with dirt, garbage, and bird droppings. She had talked to John Mohan, who felt he could frame it and put up a magnetic screen once the barn swallows stopped nesting there. Mrs. Lengel had asked Public Health Director Kelly Meier if any leftover COVID money could help turn the area into an outdoor picnic/recreation area for county employees. Mrs. Meier said she would know more this fall, but Mr. Mohan hadn't thought it would cost much to put up the screens.

The group recessed for lunch, and when the meeting reconvened at 1:00 p.m., the Board conducted a Zoom meeting with Butler Snow, LLP, to discuss the Karval Water Authority. Kim Crawford and Dalton Kelly attended from Butler Snow, and Karval Water Users board members Cory Mengershauser, Cindy Leonard, and Lisa Hestor attended via Zoom. KWU board member Patrick Leonard and Emergency Manager Ken Stroud attended in person.

Mr. Kelly opened the conversation by explaining that the document Butler Snow, LLP, drafted and proposed was an establishing contract, or IGA, between Lincoln County and Karval Water Users to create an independent government entity that would become a water authority. The contract had to establish the entity's name: Karval Water Authority, and the number of decision-making board members appointed, likely by the county commissioners, and their terms.

Mr. Kimble asked who would be in the district, and Mr. Leonard said the members within the town limits would be as long as they could find people willing to serve on the board. He thought they would have three-year rotating terms. Mr. Kelly said they could make them four-year terms if they wanted to and asked if the county commissioners or the other water authority board members would fill vacancies. Mr. Leonard told him Karval Water Users has an annual membership meeting and could elect new board members at that time. Mr. Piper noted the commissioners currently appoint members with expiring terms at their January reorganization meeting. They take recommendations from current board members whenever possible. Mr. Ewing stated it was the best way to take the weight off other members on the water board. Ms. Crawford said there would no longer be a membership in the existing water utility.

Mr. Kimble asked where the potential directors would come from, and Mr. Kelly said that statute didn't dictate it, but the contract could limit it to water users or people within the water authority. They could establish an advisory group that would make recommendations to the commissioners but wouldn't have to have limitations if they didn't want to. Ms. Crawford suggested starting with the current Karval Water Users board members. Mr. Piper asked if the Lincoln County Commissioners would be the appointing board making future appointments. Everyone agreed, and Mr. Kelly asked how they would want interested parties to apply. Mr. Leonard asked if there were a self-nominating form, and Mr. Kelly said they could use one with being a water user as the only criterion. They also agreed there should be no term limits. Mr. Leonard said that some of their current members wouldn't like it if they no longer had voting rights, but Mr. Kelly said they could still be involved as an advisory group.

Mr. Kelly said the authority would be governed by open meeting laws, meaning they would have to post their meetings in advance. The authority would also be responsible for adopting a budget, audits, and following other laws relating to certain governmental entities. Mr. Kimble asked if they would have bylaws, and Mr. Kelly said it would be up to the directors, but they weren't far enough into the process yet to make that decision. Butler Snow's focus was to form the authority and then help the organization with financing.

Ms. Crawford noted that the authority would need to hire legal counsel once they formed, and Mr. Kelly could provide names of a couple from which they could choose. The legal counsel could help them publish notices, hold hearings, and do other things the authority might not know how to handle. Mr. Leonard asked where they would get the money to pay for an attorney, and Ms. Crawford said it would come from user fees and rates.

Mr. Kimble had noticed the establishing contract mentioned a majority of the quorum deciding on monetary issues. Still, in his experience with municipalities, it had to be a majority of the board, meaning three members, not a majority of those present at a meeting. Mr. Leonard said it would make it difficult to pay monthly bills if that were the case, but Mr. Kimble didn't believe it applied in that instance. Mr. Kelly said they could set it up however best suited the authority.

Mr. Kimble asked if the authority would have to obtain insurance, and Mr. Kelly affirmed it would. Mr. Leonard said they already had insurance but weren't eligible for Workers' Comp. Mr. Kelly noted that another benefit of becoming a government entity was that the Governmental Immunity Act would cover them.

Mr. Kimble said the contract stated the authority had to post meetings seventy-two hours in advance when twenty-four hours was customary, but Mr. Kelly said it only referred to special meetings. All regularly-scheduled meetings should meet the twenty-four-hour requirement. Ms. Crawford suggested adopting a resolution at their first meeting in January.

Cindy Leonard said Karval Water Users still owed the county \$3,308.80, and Mr. Kelly told her the water authority could assume the non-profit's debt. She said they paid annually, so they only had two payments of \$1,154.40, due in September 2023 and September 2024.

Ms. Crawford noted they would also need to consider transferring assets because the water authority had to own the water assets. Mr. Leonard told her they already do, including all pipes, meters, and buildings.

Ms. Crawford said that Arapahoe County Water and Wastewater was a good resource if they had other questions and that there were many other water authorities they could contact for general information and help with organizing the technical aspects that Butler Snow couldn't. Mr. Kelly said they would make the suggested changes to the proposed agreement, submit another draft, and then discuss the next steps.

Mr. Leonard noted that the commissioners' appointments already indicated the year each member would be up for reappointment. Mr. Piper said he would send the list to Butler Snow and disconnected the Zoom meeting.

Mr. Kimble asked Mr. Leonard how he felt about all that they'd discussed, and Mr. Leonard commented it would be a lot of work for someone.

With no further business coming before the Board, Mr. Burgess adjourned the meeting at 1:54 p.m. The next meeting will be at 9:00 a.m. on August 7, 2023.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Vice-Chairman