

Phillips County Commissioner
Meeting Minutes¹
April 30, 2025

Call to order

Chairman Tom Timm called the meeting of the Phillips County Commissioners to order and opened with the Pledge of Allegiance at 8:00 a.m. on April 30, 2025, at the County Courthouse in the Commissioner meeting room.

County Attendees

Chairman Tom Timm, Commissioners Garold Roberts and Terry Hofmeister, Administrator/Planner Andrew Nygaard, County Clerk Beth Zilla, County Assessor Doug Kamery, County Treasurer Steve Young, and Weed and Pest Manager Kerri Doleshall

Additional Attendees

Janelle Krueger, Trish McClain via Teams, and Jessica Ayala

Additions or Corrections to the Agenda

Additions:

- 11) Sheriff's Office
- 12) Opioid Settlement

Roberts moved to approve the agenda as amended. Hofmeister seconded the motion, which carried unanimously.

Approval of Consent Agenda

Hofmeister moved to approve the consent agenda as presented. Roberts seconded the motion, which carried unanimously.

Consent Agenda Items:

- a) Approval of the minutes of the BOCC 04.17.2025 meeting
- b) Approval of Aprill Payroll
- c) Approval of Invoice List
- d) Approval of Veterans Service Officer monthly report
- e) Acknowledge receipt of HUTF Summary
- f) Acknowledge receipt of Building Permits log
- g) Acknowledge receipt of Event Center/BOC Pavilion/facilities rentals

Public Comments

None presented.

Appointments

The board met with the Clerk Zilla to discuss her application for an ERTB Grant. There would be no expenditure for the county except the \$1,160 per year for maintenance.

Clerk Zilla also discussed changing printing vendors for elections and purchasing a new filing cabinet.

The board met with the Chamber of Commerce Director Jessica Ayala, who asked the board to waive fees for the use of the Courthouse Lawn for their Dandelion Event on June 14, 2025.

The board met with Trish McClain with Northeast Colorado Health Department via Teams to discuss an amendment to the original 2009 IGA among the six counties in the region. The amendment will allow NCHD more flexibility to seek funding. It does not change the structure of the health department.

The board met with Treasurer Steve Young to discuss investing with Centennial State Liquid Investment Pool.

The board met with Kerri Doleshall to discuss the Noxious Weed Agreement with CDOT.

Public Hearing

Chairman Timm opened the public hearing at 9:00 a.m. to consider the proposed amendment to section 10-105.B.5 of the Phillips County Land Use Code, which pertains to subdivision exemption standards. Assessor Doug Kamery was present for the hearing. Nygaard explained that the language had been proposed by the Commissioners and went before the Planning Commission at a public hearing held on

¹Minutes prepared by Beth Zilla are a summary of **discussions**, not a verbatim account.

March 11, 2025, and the Planning Commission voted to recommend approving the change. Chairman Timm, seeing no further public comments, closed the hearing at 9:04 a.m.

Unfinished Business

Hofmeister discussed the possibility of sharing the Phillips County Veterans Service Officer with Logan County. A work session will be scheduled for the May 9 meeting.

Motions/New Business

Roberts discussed a request Sheriff Beard received from Haxtun Police Department requesting coverage by the Phillips County Sheriff's Office when the Haxtun police chief is out of the office. Sheriff Beard said it would not work without an IGA and that he was attending the May 5 Haxtun Town Council meeting to let the council know.

Roberts moved to approve the request from County Clerk Beth Zilla to apply for a grant from Electronic Recording Technology Board to help offset the cost of purchasing a Fraud Protection Program, reimbursement for Tyler Technologies services and establishing an online payment system for copies of recorded documents. Hofmeister seconded the motion, which carried unanimously.

Hofmeister moved to amend Phillips County Land and Use Code 10-105.B.5 to read as follows: "Approval of a subdivision exemption plat does not constitute any finding by the County regarding whether a well permit will be issued by the State Engineer or whether water is available on the parcels." Roberts seconded the motion, which carried unanimously.

Hofmeister moved to approve the request from Chamber of Commerce Director Jessica Ayala to use the Phillips County Courthouse lawn for the 24th Annual Dandelion Daze event on Saturday, June 14, 2025, and to waive the rental fees. Roberts seconded the motion, which carried unanimously.

Roberts moved to approve Resolution No. 2025-04-30-01, opposing House Bill 25-1312 "The Kelly Loving Act". Hofmeister seconded the motion, which carried unanimously. The Resolution reads:

WHEREAS, House Bill 25-1312, hereinafter referred to as "HB25-1312" or the "Kelly Loving Act," has been introduced in the Colorado General Assembly with the purported aim of protecting minors claiming transgender status; and

WHEREAS, this Board has grave concerns that, notwithstanding its stated purpose, HB25-1312 would unduly infringe upon the fundamental rights of parents to direct the upbringing and care of their children, potentially leading to the removal of children from their parental homes; and

WHEREAS, HB25-1312 explicitly states that the act of "deadnaming, misgendering, or threatening to publish material related to an individual's gender-affirming health-care services" shall be deemed "coercive control" and shall be considered by the courts when making child custody determinations and assessing the best interests of a child for the purposes of parenting time; and

WHEREAS, the provisions of HB25-1312 would establish legal grounds for allegations of discrimination under the Colorado Anti-Discrimination Act, thereby creating a pathway for the State to intervene and potentially revoke the custody of parents who utilize a child's birth name ("deadnaming") or fail to use a child's preferred pronouns ("misgendering"); and

WHEREAS, this Board recognizes that HB25-1312 raises significant concerns regarding the First Amendment rights of parents, particularly in relation to their freedom of speech and religious expression; and further notes with alarm the implications of the bill's provisions for children who identify as transgender; and

WHEREAS, the designation within HB25-1312 of "misgendering" and "deadnaming" as acts of "coercive control" to be considered in parental responsibility determinations grants the judiciary broad discretion to potentially penalize parents for exercising their parental rights and expressing their sincerely held beliefs; and

WHEREAS, the language of HB25-1312 suggests that a parent's refusal to fully affirm a child's asserted gender identity could be utilized by courts as justification to deny or limit that parent's custody or visitation rights, extending beyond custody disputes to potentially impact intact, two-parent families wherein a judge deems the parents' level of affirmation to be insufficient, thereby compelling adherence to a specific ideological viewpoint; and

WHEREAS, credible reports indicate that similar legislation enacted in other jurisdictions, such as Canada, has resulted in the arrest of parents for declining to consent to irreversible and life-

altering gender transition procedures, including surgeries and pharmaceutical interventions, for their children; and

WHEREAS, this Board is deeply concerned that HB25-1312 could be interpreted and applied in a manner that effectively criminalizes the expression and practice of sincerely held religious beliefs regarding the nature of gender;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Phillips, State of Colorado, that this Board hereby formally opposes the passage of House Bill 25-1312, the "Kelly Loving Act," due to its potential to undermine fundamental parental rights, infringe upon First Amendment freedoms, and interfere with the best interests of children and families within Phillips County and the State of Colorado.

BE IT FURTHER RESOLVED, that the County of Phillips County Clerk and Recorder is hereby directed to transmit copies of this Resolution to the Governor of the State of Colorado, members of the Colorado General Assembly, and other relevant stakeholders to express the strong opposition of this Board to HB25-1312.

Hofmeister moved to approve Resolution No. 2025-04-30-02, Intergovernmental Agreement by and between the Counties of Logan, Morgan, Phillips, Sedgwick, Washington and Yuma of the State of Colorado regarding Northeast Colorado Health Department. Roberts seconded the motion, which carried unanimously. The Resolution reads:

WHEREAS, Logan County, Morgan County, Phillips County, Sedgwick County, Washington County and Yuma County (collectively, the "Counties") are each duly and regularly created, organized and existing political subdivisions and public bodies corporate of the State of Colorado; and

WHEREAS, the Counties are authorized by the provisions of Colo. Const. Art. XIV, §18, and C.R.S. 29-1-201, *et seq.*, to enter into contracts with other political subdivisions of the State of Colorado; and

WHEREAS, pursuant to Section 25-1-506, *et seq.*, each county in the State is required to establish and maintain a county public health agency or participate in a district public health agency; and

WHEREAS, the Counties have determined that it is both feasible and desirable to combine operations as of May 9, 2009, and throughout 2025 to integrate the Counties, their programs, services, personnel, facilities, apparatus, and property into the Northeast Colorado Health Department so that as of May 9, 2009 substantially all of the Counties' activities related thereto are fully unified in the Northeast Colorado Health Department; and

WHEREAS, the Counties previously entered into the Northeast Colorado Health Department Intergovernmental Agreement dated as of May 9, 2009 (the "Intergovernmental Agreement"), attached hereto as Exhibit A, to create the Northeast Colorado Health Department (the "NCHD") which has the powers, authorities, duties, privileges, immunities, rights and responsibilities of a political subdivision and public corporation of the state, separate from the Counties, and organized and operated with all the authorities of, and to provide the services authorized to a public health agency organized and operated pursuant to Article 1, Title 29, C.R.S. and Section 25-1-506, *et seq.*, C.R.S.; and

WHEREAS, Section 1 of the Intergovernmental Agreement provides that all parties to the Intergovernmental Agreement shall continue to maintain the NCHD as a district public health agency; however the Counties have now determined it to be in the best interest of the NCHD, to amend the Intergovernmental Agreement to specify that the NCHD is a separate legal entity that is a political subdivision and public corporation of the State, separate from the Counties, organized pursuant to Section 29-1-203.5, C.R.S.; and

WHEREAS, Section 9 of the Intergovernmental Agreement provides the powers and duties of the NCHD, and the Counties have now determined it to be in the best interest of the NCHD that additional financial powers of the NCHD be added to the Intergovernmental Agreement; and

WHEREAS, in order for the NCHD to explore further financing options, the Counties desire to enter into the First Amendment to Intergovernmental Agreement, attached hereto as Exhibit B, (the "First Amendment") to affect the amendments to Sections 1 and 9 as described herein; and

WHEREAS, there has been presented to the Board of County Commissioners of the County (the "Board") the form of the First Amendment; and

WHEREAS, the Counties have determined it is in the best interests of their constituents and service

users to enter into the First Amendment; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PHILLIPS COUNTY, COLORADO (THE "BOARD"):

Section 1) Approval of First Amendment and Ratification and Approval of Prior Actions.

The Board of County Commissioners hereby approves the First Amendment in the form presented at this meeting. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board, or the officers or agents of the Board or the County, relating to the amendment of the Intergovernmental Agreement is hereby ratified, approved and confirmed.

Section 2) Findings Relating to the NCHD. The Board hereby finds and determines that pursuant to Section 29-1-203.S, C.R.S., the establishment of the NCHD as a separate legal entity that is a political subdivision and public corporation of the State, separate from the Counties, and the addition of financial powers of the NCHD, are necessary for the NCHD to provide services authorized to a public health agency organized and operated to Article 1, Title 29, C.R.S. and Section 25-1-506, *et seq.*, C.R.S. for the benefit of the inhabitants of the Counties.

Section 3) Finding of Best Interests. The Board hereby finds and determines the amendment of the Intergovernmental Agreement by the First Amendment is necessary, convenient and in furtherance of the County's purposes and is in the best interests of the inhabitants of the County; and the Board hereby authorizes and approves such creation.

Section 4) Authorization to Execute Collateral Documents. Any member of the Board of County Commissioners, the County Manager, or other appropriate officials or agents of the Board or the County, are hereby authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they may deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution, including but not limited to the execution of the First Amendment and such other documents, certificates and affidavits as may be necessary. The execution of any instrument by the aforementioned officers or members of the Board shall be conclusive evidence of the approval by the Board of such instrument in accordance with the terms hereof and thereof.

Section 5) Repealer. All bylaws, orders and resolutions of the Board, or parts thereof, inconsistent with this resolution or with the First Amendment hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution of the Board, or part thereof, heretofore repealed.

Section 6) Effective Date. This resolution shall be in full force and effect upon its passage and adoption.

Hofmeister moved to approve Resolution No. 2025-04-30-03, to join Centennial State Liquid Investment Pool. Roberts seconded the motion, which carried unanimously. The Resolution reads:

WHEREAS, the Board of County Commissioners of Phillips County desires to join with other Local Governments to pool funds for investment; and

WHEREAS, pursuant to Article 24, Part 7, (C.R.S.), it is lawful for any Local Government to pool any moneys in its treasury, which are not immediately required to be disbursed, with the same such moneys in the treasury of any other Local Government in order to take advantage of short-term investments and maximize net interest earnings; and

WHEREAS, the Trust is a statutory trust formed under the laws of the State of Colorado in accordance with the provisions of Parts 6 and 7, Article 24 and Articles 10.5 and 47 of Title 11 of the Colorado Revised Statutes regarding the investing, pooling for investment and protection of public funds;

NOW, THEREFORE, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Phillips, State of Colorado, that:

1. The Board of County Commissioners of Phillips County hereby approves and adopts, and thereby joins as a Participant with other Local Governments pursuant to Title 24, Article 75, Part 7 of the Colorado Revised Statutes, (i) that certain Uniform Resolution Relating to the Establishment of the Centennial State Liquid Investment Pool; and (ii) that certain Indenture of Trust entitled the Centennial State Liquid Investment Pool as amended from time to time, the terms of which are incorporated herein by this reference and a copy of which shall be filed with the minutes of the meeting at which this Resolution was adopted; and the undersigned hereby certifies that: Board of County Commissioners of Phillips County has enacted this Resolution.

Roberts moved to approve the contract between Phillips County and the State of Colorado regarding the Noxious Weed Agreement. Hofmeister seconded the motion, which carried unanimously.

Hofmeister moved to approve the request from County Clerk Beth Zilla to reclassify Debbie Bennett to Senior Clerk and move her to GN Grade 25 Step 7, effective May 1, 2025. Roberts seconded the motion, which carried unanimously.

Roberts moved to approve the request from County Clerk Beth Zilla to switch election services to KP Election Services for 2025-26 ballot printing and mailing services at a total estimated cost of \$9,208. Hofmeister seconded the motion, which carried unanimously.

Hofmeister moved to approve the request from County Clerk Beth Zilla to purchase a plat filing cabinet from Easi File for a cost of \$3,274.21. Roberts seconded the motion, which carried unanimously.

Hofmeister moved to approve the request from Road and Bridge Manager Kevin Scott to hire Dave Wilkening as a part-time road worker, effective June 2, 2025. Roberts seconded the motion, which carried unanimously.

Hofmeister gave an update on the Opioid Settlement. Ten counties make up Region 4 and up to \$100,000 of available funding was approved to maintain the programs the region's jails were using for one year. The settlement is over an 18-year period and another \$350,000 will be used to help with transportation.

Administrator Nygaard provided an administrator's report. Topics covered included the following:

- Work on the Event Center floor continues as the contractor is having a difficult time grinding it all up. Part of the floor is ground and sanded and part of it is not. The maintenance department is working with Carrie Anderson to move events to the BOC Pavilion meeting room for renters who agree to do so. Maintenance is also working on cutting flag poles and replacing pulleys in the outdoor arena and are building a sorting pen. They will be looking at some of the rough spots in the grandstands to patch them up before the next race.
- Two different estimates for a 150 kW solar system with battery back up for the Event Center were received at \$490,000 and \$350,426 and a third meeting is scheduled for May 7. These estimates are for the DOLA generator grant to show why a generator would be necessary even with a solar system.
- A permit for a 50 GPM well at the Pleasant Valley Road and Bridge Shop was approved. Darrel Phillips will be working there soon. VAP was scheduled to deliver the building on April 30 and construction will start 2-4 weeks from that.
- Work on the Landfill's roll-off truck was scheduled for May 1.
- Regarding personnel, Road and Bridge lost a full-time worker on April 22, and another has given notice that his last day will be May 29. The plan is to fill these two positions along with the two part-time workers who were hired. The Clerk's office lost an employee at the end of April, and interviews will be held next week. There is also an employee who will be leaving the Communications Center in the first part of July.
- The Clerk's office reported that an individual was sleeping on the bench near the elevator in the courthouse, and Sheriff Beard advised him that he could sit there but could not lie down or sleep.

Adjournment

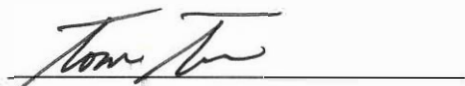
Chairman Timm closed the meeting at 11:18 a.m.

Minutes submitted by County Clerk Beth Zilla.

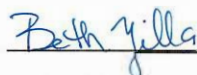
Next meeting is scheduled for May 9, 2025.

Phillips County Commissioners:

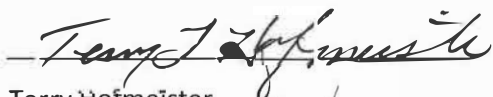
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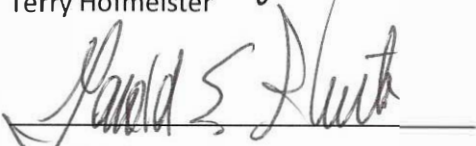
Tom Timm



Beth Zilla, County Clerk



Terry Hofmeister



Garold Roberts