

**Phillips County Commissioner
Meeting Minutes¹
April 9, 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 9, 2025, at the County Courthouse in the Commissioner meeting room.

County Attendees

Chairman Tom Timm, Commissioners Garold Roberts and Terry Hofmeister, Sheriff Michael Beard, and Administrator/Planner Andrew Nygaard

Additional Attendees

Janelle Krueger, Gary Engels, Daniel Firme, and Dennis Firme

Additions or Corrections to the Agenda

Additions:

- 9) Region One Translator Association Meeting
- 10) Veterans Service Officer
- 11) HB 25-1312
- 12) Monster truck event parking
- 13) Fairgrounds panels

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 03.31.2025 meeting
- b) Approval of invoice list
- c) Approval of Veterans Service Officer monthly report
- d) Acknowledge receipt of Treasurer reports
- e) Acknowledge receipt of Building Permits log
- f) Acknowledge receipt of Event Center/BOC Pavilion/Facilities rentals

Public Comments

None presented.

Appointments

The board met with Sheriff Michael Beard to discuss Colorado Senate Bill 25-003. Beard urged the board to adopt a resolution opposing the bill since there are unfunded mandates and it is ineffective in that it only affects law-abiding citizens.

The board met with Gary Engels to discuss the shooting range and the possibility of setting up a location for long-range shooting at another location. He said ideally it would need at least 1,000 yards and would like a location that backs up against the sandhills. No locations immediately were presented as options.

Public Hearing

Chairman Timm opened the public hearing at 9:04 a.m. to consider the subdivision exemption application from Sandbur Land and Cattle, Inc., seeking to divide a 6.33-acre parcel from a 160-acre parcel located in Section 19, Township 9 North, Range 46 West. Chairman Timm, seeing no public comments, closed the hearing at 9:05 a.m.

Unfinished Business

None presented.

¹Minutes prepared by Andrew Nygaard are a summary of **discussions**, not a verbatim account.

Motions/New Business

Hofmeister moved to approve the subdivision exemption application submitted by Sandbur Land and Cattle Inc. to divide approximately 6.33 acres in the NE 1/4 of Section 19, Township 9 North, Range 46 West for estate planning purposes. Roberts seconded the motion, which carried unanimously.

Roberts moved to adopt Resolution No. 2025-04-09-01 opposing Colorado Senate Bill 25-003. Hofmeister seconded the motion, which carried unanimously. The Resolution reads:

A JOINT RESOLUTION OF THE PHILLIPS COUNTY COMMISSIONERS AND THE PHILLIPS COUNTY SHERIFF OPPOSING COLORADO SENATE BILL 25-003

WHEREAS, Senate Bill 25-003, which, if passed, will regulate the manufacture, distribution, transfer, sale, and purchase of specified semi-automatic firearms and classify a rapid-fire device as a prohibited dangerous weapon;

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms;

WHEREAS, the Supreme Court in the *District of Columbia v. Heller*, 554 U.S. 570 (2008), held that "[t]he Second Amendment ... is the very product of an interest balancing by the people ... (which) surely elevates above all other interests the rights of law-abiding, responsible citizens to use arms in defense of hearth and home ... ";

WHEREAS, the Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the "infringement by the States";

WHEREAS, the Supreme Court, in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that could "contribute to the common defense" are protected by the Second Amendment;

WHEREAS, Article II, Section 3 of the Constitution of Colorado provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness ... ";

WHEREAS, Article II, Section 13 of the Constitution of Colorado provides that the "right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question ... ";

WHEREAS, Article II, Section 11 of the Constitution of Colorado provides that no "ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation ... shall be passed by the general assembly ... ";

WHEREAS, Senate Bill 25-003 will impose unconstitutional, harsher, unnecessary, and ineffective restrictions on law-abiding citizens and result in an unconstitutional overreach by the Colorado General Assembly;

WHEREAS, Senate Bill 25-003 imposes another unfunded mandate on Counties to manage the licensing process for semi-automatic firearms, resulting in increased costs for personnel, record-keeping, and regulatory oversight;

WHEREAS, many Counties are currently struggling to provide essential services and infrastructure to their citizens and Senate Bill 25-003 will divert even more funding away from these services;

WHEREAS, Senate Bill 25-003 will also have a detrimental impact on firearm-related businesses, including manufacturers, retailers, and sporting organizations that contribute to local economies and could result in job losses, decreased tax revenue, and harm to small businesses;

WHEREAS, the Board of County Commissioners and the Phillips County Sheriff took an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado and by implication, question the constitutionality of legislation that infringes upon Constitutional rights, while supporting practical and effective public safety measures;

WHEREAS, Senate Bill 25-003 does not represent practical and effective public safety measures and imposes excessive and unnecessary burdens on responsible and law-abiding gun owners, counties, and law enforcement agencies; and

WHEREAS, Senate Bill 25-003 disregards the values of the citizens of Phillips County, will negatively impact them financially, and will infringe upon and harm their quality of life.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Phillips, State of Colorado, that the Board of County Commissioners and the Phillips County Sheriff strongly oppose Senate Bill 25-003 and urge Governor Polis to veto this legislation and consider alternative approaches that respect constitutional rights while effectively addressing public safety concerns.

THE ABOVE AND FOREGOING RESOLUTION WAS, ON A MOTION DULY MADE AND SECONDED, ADOPTED THIS 9th DAY OF APRIL 2025, BY UNANIMOUS VOTE OF THE BOARD OF PHILLIPS COUNTY COMMISSIONERS.

Roberts moved to authorize the chairman to sign the contract between Phillips County and Gary Engels for maintenance of the gun range which will run from April 9, 2025, through April 8, 2026. Hofmeister seconded the motion, which carried unanimously.

Timm updated the board on a Memorandum of Understanding between the East Central Council of Local Governments (ECCOG), Northeast Colorado Association of Local Governments (NECALG), South Central Council of Governments (SCCOG) and Southeast Council of Governments (SECOG) for the conducting of the Eastern Plains Renewable Energy Impact Study. Timm reported that NECALG members want to be sure to hire the right consultant for all the items being studied, and they'd like to make sure things like solar batteries, battery leakage into water, battery-related fires, and diameter of gravel areas around the bases of wind towers are all within the scope of the impact study before signing the MOU.

Nygaard provided the board with information about the request from Clerk Beth Zilla to close the Clerk's office on Wednesday, April 16, 2025, for training. The Clerk's office employees have to get their certifications renewed so they can do driving tests and issue driver's licenses. This recertification is required every two years and consists of an all-day class.

Nygaard provided the board with details from Clerk Zilla regarding the microfiche annual maintenance contract, which is renewed every year for annual maintenance. The machine is serviced once a year and they are also available for support all year long if anything needs fixed. The machine is used to review and print microfilm records.

Hofmeister moved to approve the request from County Clerk Beth Zilla to close the Clerk & Recorder's office on April 16, 2025, to accommodate training for Clerk's office employees. Roberts seconded the motion, which carried unanimously.

Roberts moved to authorize the chairman to sign the agreement between Phillips County and HOV Services for maintenance of all microfiche equipment used by the Clerk & Recorder's office. The amount is \$2,270.19 and is effective April 2, 2025, through April 1, 2026. Hofmeister seconded the motion, which carried unanimously.

Roberts updated the board on the Region One Translator Association meeting that was held on April 3. Yuma County Commissioner Adam Gates was elected Chair, and Sedgwick County Commissioner Ron Berges was elected Vice Chair. He reported that Region One has approximately \$134,000 in checking and \$394,000 in investments. Roberts reported that Ed Lake of RF Systems LLC said by 2030 there will start to be changes in the equipment and digital recording which would be approximately \$1.2 million for all towers. Lake had said there are federal grants available, and Nygaard reported that Lake would know more after his conference in May.

Roberts discussed Colorado House Bill 25-1312 which provides that, when making child custody decisions and determining the best interests of a child for purposes of parenting time, a court shall consider deadnaming, misgendering, or threatening to publish material related to an individual's gender-affirming health-care services as types of coercive control. A court shall consider reports of coercive control when determining the allocation of parental responsibilities in accordance with the best interests of the child. It was the consensus of the board that this bill represents government overreach and getting between parents and their children. State representatives will be contacted for further information.

Roberts discussed the Veterans Service Officer revenue and expenditures. Revenues, which are from the state stipend, were \$14,700 in 2020; \$13,328 in 2021; \$14,400 in 2022; \$20,962 in 2023; and \$18,749 in 2024. The expense for the pay of the VSO including FICA is estimated at \$22,391 per year. Roberts

reported that averaging the last two years of revenue would be \$19,855 which leaves a net cost to local taxpayers of \$2,536 when it comes to VSO wages.

Hofmeister also updated the board on VSO information. He said that he had spoken with Logan County Commissioner Mike Brownell about the possibility of sharing the Phillips County VSO with Logan County. To do this, an intergovernmental agreement would have to be in place. There were discussions about the differences in the number of veterans in each county (approximately 200 in Phillips and 1,200 in Logan.) Phillips County VSO and Regional VSO will be scheduled for an appointment at the next meeting.

The board discussed concerns about the fact that people attending the monster truck show on April 5, 2025, were charged for parking. They were concerned that people had trouble getting to their camping spot at the Harvest Park RV campground and about any visitors to Homesteaders Park having issues. Nygaard will contact Joe Bellm and let him know that there can be no charging for parking at future events.

Timm discussed the hog panels that were rented in March. The renters have returned the panels and will be charged \$250.

Adjournment

Chairman Tom Timm adjourned the meeting at 9:48 a.m.

Minutes submitted by Andrew Nygaard.


Next meeting is scheduled for April 17, 2025.

Phillips County Commissioners:

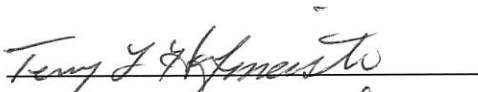
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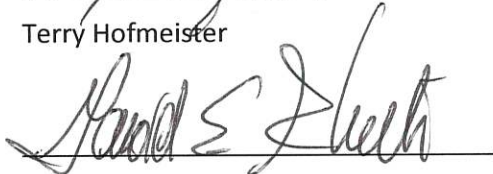
Tom Timm



Beth Zilla, County Clerk



Terry Hofmeister



Garold Roberts