

Phillips County Commissioner  
Meeting Minutes<sup>1</sup>  
May 31, 2024

**Call to order**

Chairman Terry Hofmeister called the meeting of the Phillips County Commissioners to order and opened with the Pledge of Allegiance at 8:00 a.m. at the County Courthouse in the Commissioner meeting room.

**County Attendees**

Chairman Terry Hofmeister, Commissioners Garold Roberts and Tom Timm, Administrator/Planner Andrew Nygaard, Department of Human Services Director Lori Lundgren, and County Attorney Tammy Kelley

**Additional Attendees**

Janelle Krueger, Julie Thayer, Dennis Herman, Ron Christensen, Vern Rafert, Holly Ferguson, Gary Koch, and Keith Sagehorn

**Additions or Corrections to the Agenda**

None presented.

**Approval of Consent Agenda**

Timm 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 05.17.2024 meeting
- b) Approval of May payroll
- c) Approval of invoice list
- d) Acknowledge receipt of Building Permits log
- e) Acknowledge receipt of Event Center/BOC Pavilion rentals/surveys

**Public Comments**

Vern Rafert discussed his concerns about a landowner burning tires and asphalt shingles, noting that if the day had been windy it could have caused a bad fire. He also raised concerns about trucks delivering to Seaboard going into his yard and that drivers were not stopping at the stop sign when southbound on County Road 35. He talked about the railroad crossings near there and complimented the work being done on county roads.

**Appointments**

The board met with Phillips County Fair Manager Holly Ferguson, who said the Fair Board decided against scheduling a fair race this year on July 20 since they did not want it to conflict with Haxtun's Old Fashioned Saturday Night. She notified the board that planning for the fair is going well and that the new fair website is operational.

The board convened as the Board of Human Services at 9:02 a.m., meeting with Director Lundgren. The minutes from this portion of the meeting will be maintained by the Department of Human Services. The board reconvened as the Board of County Commissioners at 9:17 a.m.

The board met with Julie Thayer of The Holyoke Enterprise regarding Discover Magazine.

The board met with Viaero President Ron Christensen regarding a roadway occupancy agreement.

**Unfinished Business**

The board met with Planning Commission Chair Gary Koch, Planning Commission member Keith Sagehorn, and Dennis Herman regarding the subdivision exemption application from D&T Management to divide a 0.88-acre parcel or a 1-acre parcel from a 3.12-acre parcel located in the southeast 1/4 of Section 8, Township 7 North, Range 44 West. Koch outlined some details from the Planning Commission's meeting on April 11, saying that they wanted to look toward the future and not jeopardize any future development in the area. Sagehorn said he was concerned about setting a precedent if an exception were made to article 10-105-B-1 of the county's land use code, which states that the proposed parcels shall each contain 35 acres or less and no less than 2.5 acres, unless served by a municipal water supply and/or septic system. Sagehorn said that the purpose of the regulations is to be fair to everyone, and making exceptions could cause problems in the future. Herman said that exceptions to the 2.5 acre rule have already been made in the past and that every reference to 2.5 acres is due to water and wastewater. He said he is not looking to develop and that the parcel in question has its own well and septic system. Herman said that ideally he would like to have the application approved for either 1.0 acre or 0.88 acres, and Koch and Sagehorn said the Planning Commission would prefer 1.0 acre over the 0.88 acres if the Commissioners were to approve the application.

<sup>1</sup>Minutes prepared by Andrew Nygaard are a summary of discussions, not a verbatim account.

**Motions/New Business**

Roberts moved to approve the subdivision exemption application submitted by D&T Management LLC to sell 1.0 acre in the southeast 1/4 of Section 8, Township 7 North, Range 44 West to a buyer to be determined at a later date. Timm seconded the motion, which carried 2-1 on a roll call vote, with Hofmeister voting "no." Roberts and Timm noted that one of the key points for them in making the exception is that the house and shop are already built, and that it could have been a different outcome if the application was for new construction. Hofmeister said he voted "no" based on article 10-105-B-1 of the county's land use code and the fact that the Planning Commission had recommended denial based on the same article. The Commissioners thanked the Planning Commission for their work on the matter and said the process in the land use code is working as designed since the Planning Commission reviewed the case and forwarded their recommendation to the Commissioners, who make the final decision.

Roberts moved to purchase a full-page advertisement in the Discover publication for \$398. Timm seconded the motion, which carried unanimously.

Timm moved to approve the roadway occupancy agreement submitted by Viaero Fiber Networks LLC for underground construction of a fiber optic line that will be buried 48" deep in a conduit, running eastward along County Road 40 from Viaero's tower in Section 30, Township 9 North, Range 44 West to U.S. Highway 385. Roberts seconded the motion, which carried unanimously.

Roberts moved to approve the request from Treasurer Steve Young to move Crystal Oakley to GN Grade 25 Step 2, effective June 1, 2024. Timm seconded the motion, which carried unanimously.

Timm moved to approve the rental agreement with 21<sup>st</sup> Century Equipment, LLC for a 6155M tractor to run from May 16, 2024, through May 15, 2025, for 350 hours at \$10 per hour. Roberts seconded the motion, which carried unanimously.

Timm moved to accept the bid from Apex Roofing to replace the roof on the Phillips County Museum per the bid submitted in the amount of \$47,071.61. Roberts seconded the motion, which carried unanimously.

No action was taken regarding the Signal Behavioral Health letter of support.

The board approved continuing with the Harvest Snack Sacks promotion.

**Executive Session**

Timm moved to go into executive session for a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Roberts seconded the motion, which carried unanimously. The regular meeting recessed at 10:42 a.m. and reconvened at 12:03 p.m. Chairman Hofmeister stated the participants in the executive session were Garold Roberts, Tom Timm, Tammy Kelley, Andrew Nygaard and himself. Participants in the executive session were asked if they believed that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, to state their concerns for the record. No concerns were stated.

**Adjournment**

Chairman Hofmeister adjourned the meeting at 12:03 p.m.

Minutes submitted by Andrew Nygaard.

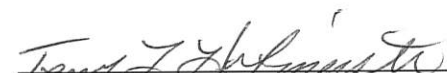
Next meeting is scheduled for June 7, 2024.


Phillips County Commissioners:

Attest:

  
Tom Timm

  
Beth Zilla, County Clerk

  
Terry Hofmeister

  
Garold Roberts