

Board of County Commissioners of Lincoln County
Agenda for October 18, 2013

9:00 Call to order and Pledge of Allegiance

10:00 County Treasurer Jim Covington to discuss the payment of taxes on mobile homes

11:00 Adopt Policy and Procedures Concerning the Public Records of Lincoln County

1. Approve the minutes from the October 8, 2013 meeting
2. Review the September reports from the Assessor and the Sheriff
3. Review and sign the Discharge Monitoring Reports for the county landfill the for 2nd and 3rd quarters of 2013
4. Review the revised solid waste user fees for 2014, 2015 and 2016 received from the Department of Public Health and Environment, Solid Waste and Materials Management Program
5. Review the September report of revenues and expenditures for Public Health and County General
6. Review a letter of resignation from the Ports to Plains Board received from Steve Burgess
7. Discuss purchasing a 40' container to locate at the county landfill to store recycling items in
8. Review and sign the paperwork for the lease/purchase of a Caterpillar motor grader for Road District 2
9. County Commissioners' reports
10. County Administrator's report
11. County Attorney's report
12. Old business
13. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on October 18, 2013. The following attended: Chairman Ted Lyons; Commissioner Doug Stone; County Administrator Roxie Devers; Clerk to the Board Corinne M. Lengel; and County Attorney Stan Kimble at 11:00 a.m. Commissioner Greg King was absent and excused.

Chairman Lyons called the meeting to order and led the Pledge of Allegiance, and then Mr. Stone made a motion to approve the minutes from the meeting held on October 8, 2013, as submitted. Mr. Lyons seconded the motion, which carried.

The Board reviewed the September reports from the Assessor and Sheriff and signed the Discharge Monitoring Report for the county landfill for the second and third quarters of 2013.

Also reviewed were the solid waste user fees for 2014, 2015, and 2016 received from the Department of Public Health and Environment, Solid Waste and Materials Management Program, and the September reports of revenues and expenditures for the County General, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Public Health, and Road & Bridge funds, and the individual road districts.

A resignation letter from the Ports to Plains board received from Steve Burgess was also reviewed.

The Board discussed purchasing a forty foot container to be used to store recycling items at the county landfill, Ms. Devers stating that she had checked with the company the county has used in the past and one can be purchased for \$4,540, which includes delivery. Mr. Stone made a motion to purchase a forty foot Conex container from Brekke Storage in the amount of \$4,000 with a delivery fee of \$540, to be used at the county landfill for the storage of recycling materials. Mr. Lyons seconded the motion, which carried.

The Board reviewed the paperwork for the lease/purchase of a 2014 140M2 Caterpillar motor grader for District 2 in the amount of \$149,018 after trade-in, and Mr. Stone made a motion to adopt a resolution to sign the lease/purchase agreement. Mr. Lyons seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on October 18, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Absent & Excused
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

RESOLUTION #863 It was moved by Commissioner Stone and seconded by Commissioner Lyons to adopt the following resolution:

WHEREAS, the laws of the State of Colorado (the "State"), authorize the County of Lincoln, Colorado, a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of Lincoln County and its inhabitants and to enter into any necessary contracts; and

WHEREAS, Lincoln County wants to lease, purchase and/or finance equipment ("Equipment") from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

WHEREAS, the form of the Agreement has been presented to the governing body of Lincoln County at this meeting;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that:

1. The Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at this meeting, with any Approved Changes (as defined below); and
2. Lincoln County enters into the Agreement with Caterpillar; and
3. The Agreement is adopted as a binding obligation of Lincoln County; and
4. Changes may later be made to the Agreement if the changes are approved by Lincoln County's counsel or members of the governing body of Lincoln County signing the Agreement (the "Approved Changes"), and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and
5. The persons listed below, are the incumbent officers of Lincoln County (the "Authorized Persons"):

Name	Title	Signature
Ted Lyons	Chairman	_____
Douglas D. Stone	Commissioner	_____

Each is, authorized, directed and empowered, on behalf of Lincoln County to (i) sign and deliver to Caterpillar and its successors and assigns the Agreement and any related documents, and (ii) take or cause to be taken all actions deemed necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreement and related documents; and

The Clerk of the Board of Lincoln County is authorized to attest to this resolution and affix the seal of the county; and

Nothing in this resolution, the Agreement or any other documents imposes a pecuniary liability or charge upon the general credit of Lincoln County or against its taxing power, except to the extent that

the payments payable under the Agreement are special limited obligations of Lincoln County as provided in the Agreement; and

A breach of this Resolution, the Agreement, or any related document will not impose any pecuniary liability upon Lincoln County or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of Lincoln County as provided in the Agreement; and

The authority granted by this resolution will apply equally and with the same effect to the successors in office of the Authorized Persons.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

I, Corinne M. Lengel, Clerk of the Board of the County of Lincoln, Colorado, certify that the resolution above is a full, true and correct copy of the resolution of the governing body of Lincoln County. I also certify that 1) the resolution was duly and regularly passed and adopted at a meeting of the governing body of Lincoln County; 2) such meeting was duly and regularly called and held in all respects as required by law at the office of the Lincoln County Commissioners; 3) at such meeting, a majority of the governing body of Lincoln County was present and voted in favor of this resolution.

I also certify that this resolution is still in full force and effect and has not been amended or revoked. Finally, I also certify that the signatures above are those of the officers authorized to sign for Lincoln County as a result of this resolution.

Corinne M. Lengel
Clerk of the Board

At that time, County Assessor Jeremiah Higgins and Deputy Assessor Renita Thelen arrived for the discussion regarding payment of taxes on mobile homes. Mr. Lyons thanked Ms. Thelen for the information she had given him regarding the increase in county valuation due to wind farms and oil and gas production. She said the oil and gas has actually increased the value more than the wind farms, as it went from approximately \$9 million in 2009 to \$33 million in 2012 on oil and gas production.

County Treasurer Jim Covington arrived and discussion ensued regarding how to handle the non-payment of taxes on several mobile homes. Mr. Lyons said Mr. Covington had called him and was concerned with what may happen to some residents if they live in the mobile homes and the taxes are sold, possibly resulting in their dislodgment if they cannot come up with the funds for redemption, and he wanted the commissioners to make the decision as to whether or not to take them to sale. Mr. Covington did say that he'd had a few phone calls from people who hope to pay the taxes.

Mr. Lyons asked if they even have the right to remove the mobile homes from the property if they are sold and deeded to the county, and Mr. Covington said he assumed that once they are county property the commissioners can do whatever they like with them.

Mr. Covington also said that most other county treasurers agree that mobile homes are more trouble than they are worth, adding that he, himself, has not sold them at tax sale since he got the new computer system, which was in 2009, because he wasn't sure the new system could handle the Distraint process. He went on to say that some landowners would prefer the county do something with the mobile homes if they belong to someone else, and others don't care what happens to them. There have also been times that he allows taxpayers to enter into a contract with him to pay their taxes by making payments in order to avoid selling them at tax sale if they tell him they intend to pay them.

Mr. Lyons said that if the mobile homes are titled in the county's name then he would think it makes the county liable if anything happens to someone, and they should probably discuss it with Mr. Kimble. Ms. Thelen said that most of them are still in the previous owner's name.

Mr. Covington said he needed a decision from the commissioners today, as he needs to know whether or not they want him to re-advertise and go ahead and sell them at tax sale on November 7. He added that he will inform buyers that some of them are listed as improvements only as he wants them to be aware of what they may be getting into.

Mr. Higgins spoke up to say that he feels they may be setting a precedent, adding that some buildings get to the point where they no longer have any value, and those can be removed from the tax rolls; however, mobile homes cannot be. Ms. Thelen added that if the mobile home has a title it can't be taken off the rolls, and they would just like for the taxes to be sold at sale so that they can at least eventually get them off their books. She went on to say that if the commissioners would consider selling those mobile homes that the county ends up with by sealed bid, even if it is for scrap, at least the homes would be removed. The commissioners could have the buyer sign a contract with whatever stipulations in it that the county wanted to require at that point.

Mr. Lyons felt it would cause even more problems if they were allowed to scrap the mobile homes on site, as things may blow around, and Mr. Stone said he would not want them scrapped on location; they would have to be moved first. Ms. Thelen said that they could certainly make that requirement a part of their contract.

Mr. Covington said that if they did sell the county-owned mobile homes by sealed bid there would be no more cost to the county that way, adding that Commissioner Greg King's opinion was that they should sell the mobile homes that are not in the same name as the landowner. He also said that there are two on the list that he could condemn if the county were to hold the tax lien sale certificate on them, and two that he cannot possibly sell because the serial or VIN numbers are unavailable.

Ms. Thelen felt that of the seventeen mobile homes on Mr. Covington's list, the taxes on at least a few of them may be picked up by Brian Willard, who now owns Limon Mobile Home and RV Park, as he wants to clean them up. She added that the town of Limon has allowed people to dispose of old mobile homes on site in the past, as long as they have a dumpster or something present in which to place the dismantled materials.

Mr. Stone felt that the last resort would be for the county to own the mobile homes and have to take them to the landfill for dismantling. After further consideration, he added that his opinion was that they should all be sold, except for the two that do not have serial numbers or VINs. Mr. Lyons agreed.

County Attorney Stan Kimble arrived at that time and was asked if the county would be held liable if someone were to get hurt in a county-owned mobile home, and he said that people can bring suit for anything, it's just whether or not they are successful that seems to be the issue. If the county gets rid of the mobile homes it would no longer be a problem.

Mr. Covington asked if the fire departments could use the mobile homes for practice, but Ms. Devers said the fire department insurance carriers do not condone that action.

The Assessor and Treasurer stayed to discuss adopting a policy concerning the public records of Lincoln County, and Mr. Kimble said that there is an additional page at the back of the document for election records and a "stay" period to help the Clerk during some of their busiest times, particularly thirty days prior to and twenty days after an election. If the other departments want to add sub-policies that pertain more to their departments, those can be included as well.

Mr. Stone made a motion to adopt a resolution approving the Policy and Procedures Concerning Public Records of Lincoln County as presented by the county attorney, with the deletion of the word "under" in the last sentence on Page 6. Mr. Lyons seconded the motion, which carried.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on October 18, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Absent & Excused
Douglas D. Stone, Commissioner	Present

Stan Kimble, County Attorney	Present
Corinne Lengel, Clerk of the Board	Present
Roxie Devers, County Administrator	Present

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

RESOLUTION #864 It was moved by Commissioner Stone and seconded by Commissioner Lyons to adopt the following resolution:

WHEREAS, the Colorado Public Records Act (CORA), C.R.S. 24-72-201, et. seq., states that all public records are to be open for inspection by any person at reasonable times; and

WHEREAS, CORA allows for procedures for such disclosure to be subject to rules and regulations made by the official custodian if they are reasonably necessary for the protection of such records, for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his or her office or department, and as a general guideline to assist the custodian, elected county officers and county employees in handling public records requests; and

WHEREAS, the Board of County Commissioners of Lincoln County has determined that it is necessary to adopt an open records policy for the reasons stated above, but that such policy can be amended when appropriate;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the attached Policy and Procedures Concerning Public Records of Lincoln County, Colorado is hereby adopted and effective as of October 18, 2013.

Upon roll call the vote was:

Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

Mr. Stone reported attending the County Health Pool meeting at the courthouse on October 9, and meeting with David Seymour at the county shop on the Fifteenth. He also attended the Eastern TPR meeting in Akron and while there Terry Baylie with Prairie Development spoke with him about the new bus they ordered for Lincoln County and the fact that it has a V8 engine, not a V10, as they expected. The upgrade would cost an additional \$900. Mr. Lyons said he would feel better with more horsepower than less, and Mr. Stone made a motion to upgrade the Outback Express bus engine to a V10 from a V8 for an additional \$900. Mr. Lyons seconded the motion, which carried.

Mr. Stone also reported that he checked the roads where the tubes are being put in on October 17.

Mr. Lyons reported receiving a phone call from Kerry Halde on October 14 about County Road 26, and when he talked to Chris Monks about it, Chris said he wouldn't be able to do anything until Thursday. Mr. Lyons attended the SE Colorado Recycling meeting on October 16, and on the Seventeenth, he and Chris Monks met with Kerry Halde. They plan to elevate about three-quarters of a mile of County Road 26. They also checked on the traffic counters while they were there and Mr. Lyons commented that the roads see a lot of traffic. He also checked Jay Jolly's road and the bridge at Clifford.

Ms. Devers reported receiving an email from Debby Conrads with COG, and the new activities director at the nursing home was having problems getting in touch with Vicky Miller to take the Thursday drives. Ms. Devers said she ended up asking if the nursing home could trade their Thursday trips to Fridays and they agreed, so Dorain Pryor will make the trips on Fridays.

The Order on Stipulation regarding the Albrook Partners, LLC vs. Lincoln County Board of Equalization case was reviewed, and then Ms. Devers said that Susie Monks would like to hire her daughter, Leslie Patton, to help her clean the courthouse a couple of hours a day while Dean Waite is on vacation.

Mr. Stone made a motion to approve a contract for janitorial services with Leslie Patton in the amount of \$11.75 per hour, for an estimated two hours per day, while Dean Waite is on vacation. Mr. Lyons seconded the motion, which carried.

Ms. Devers reported receiving an email from Todd Weaver, Budget Manager with Arapahoe County Finance Department, regarding DA budget population figures. Ms. Devers said that population figures are used to calculate the amount of contributions each county in the 18th Judicial District contributes to the DA's budget. The Board agreed they would like to remain consistent with the figures that have been used in prior years.

Ms. Devers had also received an email from Bill Clayton with Lombard & Clayton, Inc. concerning a discussion he'd had with Andy Karsian at CCI and a legislative request from Jefferson County. Section 43-2-209 C.R.S. imposed the requirement that any work on county highways valued at \$5,000 or more shall be advertised in a legal newspaper in the county. The

award is required to be made to the lowest responsible bidder. Since many counties have a bid threshold higher than \$5,000, the provision imposes an advertising requirement for work valued far less than the respective bid thresholds of those counties. They are proposing legislation to require bidding only when work is valued at or over the respective agency's bid threshold, or at a pre-determined amount, and to indicate that contracts will be awarded to the lowest responsible bidder or to the bidder offering the Best Value to the agency per clearly stated evaluation criteria as set forth in the competitive document and/or county adopted policies. The commissioners agreed that the new bill would be a good idea.

County Attorney Stan Kimble had nothing else to report, and there was no old or new business; however, Ms. Devers said she had heard back from Troy McCue who told her the towns of Arriba and Genoa are on board with increasing the contribution amounts to Lincoln County Economic Development.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on October 30, 2013.

Corinne M. Lengel, Clerk to the Board

Ted Lyons, Chairman