

Board of County Commissioners of Lincoln County
Agenda for February 15, 2017

9:00 Call to order and Pledge of Allegiance

9:00 Gregg Leverett to discuss county-related matters of concern to him

10:00 Troy McCue, Lincoln County Economic Development Corporation Executive Director, to present the LCEDC monthly report

1. Approve the minutes from the February 8, 2017, meeting
2. Review the January, 2017, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
3. Review the January, 2017, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
4. Review a Final Determination Letter from the State of Colorado, Division of Property Taxation, regarding property tax exemption for 245 E Avenue, Limon, Colorado, owned by Your Community Foundation
5. Review the Quarterly Financial and Performance Status Report for the period 10-01-2016 to 12-31-2016 for Community Development Block Grant #14-591
6. Further discuss the sale of a surplus sheriff's office county vehicle to Baca County
7. Review and act upon the Agreement for Sanction and Approval for the 2017 county fair rodeos
8. Review and act upon a proposed Lease Agreement between the Town of Limon, Colorado, and Lincoln County, Colorado, for the mutual benefit of the Limon Memorial Public Library and the Lincoln County Bookmobile
9. County Commissioner reports
10. County Attorney's report
11. County Administrator's report
12. Old business
13. New business

The Board of Lincoln County Commissioners met at 9:00 a.m. on February 15, 2017. The following attended: Chairman Doug Stone, Commissioners Ed Schiffers and Steve Burgess, County Administrator Gary Ensign, County Attorney Stan Kimble, and Clerk to the Board Corinne M. Lengel.

Chairman Stone called the meeting to order and asked Mr. Schiffers to lead the Pledge of Allegiance.

Gregg Leverett then met with the Board to discuss county-related matters of concern to him. Human Services Director Patricia Phillips also attended the discussion. Mr. Leverett expressed that he felt the commissioners are failing Lincoln County residents by not attending CCI meetings and voting. Specifically, he mentioned that Urban Renewal Authorities (URAs) and Tax Increment Financing (TIFs) are being formed by individuals along the Front Range who are pushing for them. He added that the projects are beginning to fail and the whole state is then responsible for making up the deficit. Tax increment financing is a public financing method that is used as a subsidy for redevelopment, infrastructure, and other community-improvement projects. Urban renewal authorities are created by municipalities to redevelop areas in their jurisdictions that are found to contain blight or slum conditions and require public participation to attract development. An urban renewal project is a public/private partnership. The majority of the funding comes from the private sector; public funding comes from tax increment financing (TIF), which is the increased amount of property tax or municipal sales tax revenue collected within the URA after the project begins. The new revenue is generated by the increased property values that are a result of the project. He went on to say that the commissioners should be following everything that is going on.

Mr. Burgess responded that the commissioners have always attended CCI, whether in person or by phone conference call, but he will look into the issues that Mr. Leverett mentioned.

Mr. Leverett also stated that he still wants access to the policy changes that were put into place in Lincoln County after the child fatality case several years ago. He explained that he is not asking for specific items about the case, just policies that may have been changed after the occurrence. Mr. Kimble informed him that the county does have a CORA (Colorado Open Records Act) policy, which requires that documents requested from county offices must be made in writing. There is also a form that needs to be filled out. He suggested Mr. Leverett fill out the form and submit it, and then he and Ms. Phillips could discuss the request with DHS attorney Darla Scranton Specht, who should be able to inform them which documents may be public record.

Mr. Leverett said that counties should make sure the state is doing what it's supposed to. Ms. Phillips told him it was important for him to know that there are many things local departments have no control over. She added that it appeared he was discussing a global problem and she doesn't have the kind of power he inferred. Mr. Burgess explained that the county has one vote, not three, when it comes to voting on issues at CCI.

Mr. Kimble said he would email the CORA documents to Mr. Leverett, who thanked the commissioners for their time.

Mr. Schifferns made a motion to approve the minutes from the meeting held on February 8, 2017. Mr. Stone seconded the motion, which carried.

The Board reviewed the January 2017 reports from the Assessor, Clerk, Sheriff, and Treasurer, as well as the January 2017 reports from the Colorado Counties Casualty and Property Pool and the County Worker's Compensation Pool.

Also reviewed was a Final Determination letter from the State of Colorado, Division of Property Taxation, regarding property tax exemption for 245 E Avenue, Limon, Colorado, owned by Your Community Foundation. Mr. Ensign informed the Board that the property is the Lincoln Theatre.

After reviewing the Community Development Block Grant #14-591 Quarterly Financial and Performance Status Reports for the period of 10/01/16 through 12/31/16, the group discussed the sale of a surplus sheriff's office vehicle to Bent County. Mr. Ensign said he'd received an email from the sheriff who told him that Bent County had counter-offered the original \$9,000 with \$6,000. The sheriff felt that was too low, particularly with the amount of equipment that will be left on the vehicle. The Board asked Mr. Ensign to call the sheriff, who came over with Undersheriff Gordon Nall. Sheriff Nestor explained that he feels the car is worth \$9,000, particularly with the amount of equipment on it, and asked if he should counter-offer with \$8,000. The Board agreed and gave the sheriff the authority to act if he should receive yet another counter-offer.

Before leaving, Sheriff Nestor said a previous inmate at the jail had come back into the jail lobby and flooded the restroom by stuffing paper towels into the sink and toilet and turning on the water. They did arrest him again, but the sheriff wanted the commissioners to know that there was some damage that they would be paying for.

At 10:00 a.m., Lincoln County Economic Development Executive Director Troy McCue met with the Board to give his monthly report. He reported business retention visits and meetings attended for the month, as well as provided a bit of information regarding a potential new SBDC client. He will be the emcee for the CIRD event in Limon from February 27 through March 1, and is still working with Dan Merewether and Francis Maskus on the ADA compatible restrooms in the Karval community building. Mr. Ensign asked how costly of a project it is anticipated to be and was told it will be around \$30,000. Mr. McCue spoke a bit about the AmeriCorps VISTA volunteer program and said he would bring the volunteer, James Russell, to meet the Board once he arrives; possibly in April. He is working on the Foreign Trade Zone relevance for the Genoa Rail Transfer Yard, as well as helping finalize the application for the first FTZ user at the western edge of Adams County. He added that there are two other promising leads regarding Foreign Trade Zone #293. There is still talk of a Public Improvement Fee (PIF) to extend Ninth Street in Limon, the possibility of a new Microtel located somewhere

around the Holiday Inn Express in Limon, and the prospect of another hotel locating on the north side of I-70 in Limon, as well. Mr. Schiffers asked if there is really the need for more hotels in Limon. Mr. McCue responded that a study is done, and if the results are 65% or higher, they are given the “green light” for more lodging. Limon is currently at 71%.

Mr. McCue went on to say that the town of Arriba may be getting a Viaero tower, which would increase the assessed valuation. Mr. Ensign told him the county needs a business that recycles wind tower blades, and Mr. Burgess put in that it is becoming an issue. He said District 2 took a dozer to the landfill to see if it could break the blades up at all, but it did nothing. He added that the county needs to stop accepting them until they find a way to destroy them somehow.

Mr. McCue briefly discussed the TEFAP food program and had nothing else to report.

The Board reviewed the Agreement for Sanction and Approval for the 2017 county fair rodeos, and Mr. Burgess made a motion to sign the agreement. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Burgess also made a motion to sign a proposed Lease Agreement between the Town of Limon and Lincoln County for the mutual benefit of the Limon Memorial Public Library and the Lincoln County Bookmobile. Mr. Schiffers seconded the motion, which carried unanimously.

Mr. Schiffers reported attending the Arriba town board meeting on February 13. They tabled discussion regarding record retention, and he asked Ms. Lengel how much it costs. Ms. Lengel said it has been very expensive for her office, due to the fact that the documents all need to be indexed into the recording system. She added that some counties have chosen to try and digitize their records in-house, which simply involves scanning them into a computer and naming them, then saving the files onto some form of external media. Mr. Schiffers said the town board members also discussed trying to find a way to minimize the junk coming into the town; possibly through zoning. There are ordinances in place regarding trash, but they would have no means of enforcing zoning regulations. They are also looking for a source water grant and are discussing putting in a community garden. They have changed their meeting dates to the second Tuesday of the month, beginning in April. Mr. Schiffers also reported that District 1 is crushing asphalt and should finish today. They have been working on some of the roads that are seeing some major wear from trucks. Mr. Burgess said that Prosper Farms is going organic, so there are six-to-ten trucks hauling manure from Yuma on a daily basis. Mr. Ensign said they could possibly see if the Port of Entry could use their portable scales on the roads in question if they are being torn up due to the weight of the loads.

Mr. Stone reported checking roads northeast of Karval on February 13. He also talked to Rick Ashcraft, and the road crew was hauling gravel west out of the Brewer Pit, on the Fourteenth. He added that the new truck seems to be working very well. Rick was also meeting with Steve Marshall from Cobitco today at noon to discuss oil necessities and prices.

Mr. Burgess reported that he called Jason Brent on February 1; they have a bunch of old pipe in the yard at the Genoa shop that needs to be cleaned out. He also called Ephron Brent and sent him a text message to ask him if he still wants to be on the Land Use board, since he has not attended several of the past meetings. He never heard back from him so asked if the commissioners should send him a letter. The Board agreed. Mr. Burgess also toured roads with Bruce Walters on the First. He attended the Voices of Rural America conference, paid for by Ports-to-Plains, on February 2 and 3. They are trying to find funding for highways, possibly through gas or sales tax. A three-to-seven percent increase was suggested, which would have some impact on Lincoln County. Mr. Burgess attended the Port-to-Plains conference in Texas from February 5 through February 8, stating that the amount of truck traffic is unbelievable. On February 9, they crushed asphalt at the Genoa shop. He decided to only replace one pickup this year, as two of the mowers in District 2 are in bad shape and need to be replaced. The shafts are completely worn out and one of them needs new castings. They were both purchased in 2005. The 2007 also needs some repairs that will cost approximately \$3,050. It will be roughly \$25,000 to purchase the two new mowers. Mr. Stone commented that they certainly don't last if maintenance is not kept up on them. Mr. Burgess also looked at gravel pits in District 2 with Land Use Administrator Jeff Coonts on February 9. Most of them are in streambeds, and the gravel has been depleted upstream. He hopes to close out three or four of them and start the reclamation process. Of course, that brings up the issue that they will need to find gravel somewhere else, and he is researching places to open new pits. Mr. Burgess said he had contacted Nanette Peeters about a part time job at the landfill, but she was not interested. He did have another person in mind. On February 13, he toured roads with Bruce. They looked at the oiled roads north of Arriba and he would like the other commissioners to look at them as well. He suggested they drive that route the next time they go to a meeting in Akron. He was contacted by Charlie Hendricks with Limon Rotary, who wanted to know about a beer garden at a bluegrass event on July 1. The event would be held in the county, and proceeds would go to the Veterans' Memorial they hope to put in at Pershing Cemetery in Limon. Mr. Hendricks had also contacted Ms. Lengel for the proper paperwork for a special event permit. He had asked Mr. Burgess about waiving the permit fee, and Mr. Burgess told him he would need to come to a commissioner meeting so the entire board could decide. He stated that he had spoken with someone interested in the computer/paperwork job at the landfill, and the other commissioners agreed to have the prospective employee contact Mr. Ensign to set up an appointment to speak with them. Earlier this morning, Mr. Burgess attended the Economic Development meeting.

Lastly, Mr. Burgess stated he would like the others to consider the county's options regarding paying off equipment rather than entering into lease purchases. He felt that paying the high cost of interest by leasing equipment was not a good practice for handling county finances, especially when the county has the money to pay up front. Mr. Ensign put in that they would just need a better plan in place if they chose to go to a cash fund basis. Mr. Schifferns agreed, stating that the commissioners are supposed to take care of the county's finances and be good stewards of taxpayer funds. Mr. Burgess added that they could possibly decrease the annual budget in each district in order to make cash purchases. Mr. Schifferns asked how much the

interest would be for the road graders that District 2 is leasing and was told it is between \$18,000 and \$20,000.

Mr. Kimble reported that he had not yet heard back from Julia Ferguson, Adams County's sustainability coordinator, in regard to the solar regulations. He will let the Board know when he does. He did some research on the county having a county surveyor and determined that it is a requirement. If there is a vacancy, the commissioners are supposed to appoint someone until the next election. The person does have to be a licensed, professional surveyor but not a county resident, if appointed. They would have to be a county resident if running for the office. He stated that the surveyor does have some duties, such as handling county land disputes and maintaining monument records. Ms. Lengel stated that the clerk's office deposits survey plats since there is currently no surveyor. She asked if that would also become a duty of the surveyor, since counties with surveyors split the cost of a survey plat; \$13 to the clerk to record and \$10 to the surveyor for "depositing," or storing, the plat. The Board agreed to contact Scott Kimble to see if he would be interested in filling the position until the next election. The question was raised of what would happen if no one ran for the position, and Mr. Kimble said the Board would have to appoint someone again. He will also check into Ms. Lengel's questions regarding depositing of plat maps.

Mr. Kimble reported that he was working on the documentation concerning the purchase of the Limon clinic, which occurred in 2011. The transaction was done as a leasehold interest and mortgaged through a Deed of Trust. The hospital was designated as an enterprise under TABOR, revenue bonds were issued, and the leasehold interest pledged the clinic and all hospital property. Mr. Kimble said it appears to be a long-term lease, 99 years, so it is probably fine the way it was done. Mr. Burgess was concerned with what would happen in the case of a default of payment, and Mr. Kimble said he would put his findings into a memo for the Board. Mr. Burgess commented that it may be time to look into forming a hospital district, as he has concerns with the heavy burden it places on three commissioners to be solely responsible for making such huge decisions and indebting the county to such an extent. Mr. Stone agreed, stating that there really is no advantage to the county to be involved in the hospital. Mr. Kimble told them that the commissioners are the fact-finders, and they can certainly go to the court to authorize an election if they choose to create a special district under Title 32.

Mr. Kimble had nothing further to report, and Mr. Ensign asked about the cost estimate from AEC regarding the county landfill issues. The Board felt they had no other choice than to agree to have AEC begin the process.

Mr. Ensign also asked the commissioners if they wanted to have a full meeting, with minutes, when the DA and Chief Judge come out on Tuesday, February 21, or if they would prefer to hold a work session. The Board agreed that it would be a work session.

Mr. Ensign said that the pasture lease for property at the county landfill between the county and Robert Safranek, Sr. will expire on March 1. Mr. Safranek does want to renew the lease in

the amount of \$1,200. The commissioners agreed and Mr. Ensign said he would prepare the lease agreement for the next regular meeting.

Mr. Burgess asked about the drainage around the courthouse, stating that if they are going to do anything about it, it should be done when they replace the parking lot, which also needs to be done. The group discussed replacing the west parking lot but then decided it would be better to do the east and north sides first. They agreed to have Dave Frisch with GMS, Inc. come out and meet with them again, along with the road foremen.

With no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on February 27, 2017.

Corinne M. Lengel, Clerk to the Board

Doug Stone, Chairman