

# **Board of County Commissioners of Lincoln County**

Agenda for April 29, 2013

9:00 Call to order and Pledge of Allegiance

9:00 James Martin, owner of Evergreen Systems & Technology, LLC, to discuss e-waste recycling

9:30 Fairgrounds Manager Julie Joffe to discuss several issues

10:00 Vernon Stone to request Conservation Trust funds for repair work on the Karval Community building

1:00 Joe Kiely to discuss a Foreign Trade Zone for Limon and Lincoln County and to present a draft resolution for the Commissioners consideration

1. Approve the minutes from the April 18, 2013 meeting
2. Review the March reports of revenues and expenditures for Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road & Bridge and the individual road districts
3. Review and act on the paperwork received from Community Ambulance Service to license the service and the ambulances
4. Old business
5. New business
6. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on April 29, 2013. The following attended: Chairman Ted Lyons, Commissioners Greg King and Doug Stone, County Administrator Roxie Devers, and Clerk to the Board Corinne M. Lengel.

Chairman Lyons called the meeting to order and asked James Martin to lead the Pledge of Allegiance.

Land Use Administrator John DeWitt had stopped in to speak with the commissioners and stayed while the e-waste containers were being discussed. James asked the Board if they felt it would be best to set up containers in Limon and Hugo rather than at the landfill, adding that they would probably see more utilization that way, and the commissioners agreed. Ms. Devers said she's spoken with Limon Town Administrator Dave Stone who told her that they would be willing to allow the county to put a container at the town shop in Limon. She also felt that a container at the courthouse would be the best place to put one in Hugo. According to James, old televisions and computer monitors (not the flat screen type in either case) cost \$10 each to recycle, so he was concerned with what would happen if those items were deposited in the container. Ms. Devers had researched different types of containers and provided copies from several companies for the commissioners to choose from. James said the company he uses to collect the e-waste usually requires a minimum of seven ton before they will pick it up, but he felt that it might not take that long if there are containers constantly available to the public. He added that he would most likely empty the containers once a month and said he has a place to store it on his farm until the seven ton is accumulated. Mr. Lyons wanted to know what the cost to the county would be and James said he would only charge mileage to and from the collection sites, unless someone places one of the old television or monitors in the receptacle and he would have to pay the \$10 to have them recycled.

Mr. King made a motion to purchase two 55-gallon containers from Uline, at a cost of \$67 each for e-waste. Mr. Stone seconded the motion, which carried unanimously.

Once James had gone, Mr. DeWitt reminded the commissioners of a complaint last fall regarding Ephron Brent's property, part of which is in the county and part of which is located in the town of Arriba. Apparently, he has piled old equipment, irrigation pipe, and other items in what the complainant termed a "junk pile," but they have not wanted to come forward and file a written complaint. Mr. DeWitt said he would like some guidance from the Board before proceeding, and Mr. Lyons said that unless there is a written complaint, the county cannot really begin any kind of proceedings against Mr. Brent. After some discussion regarding what is actually considered to be junk, Mr. Lyons told Mr. DeWitt that he could also look into what it would take to obtain a junkyard permit.

At 9:30 a.m., Fairgrounds Manager Julie Joffe met with the Board to discuss several issues. 4-H Extension Director Travis Taylor accompanied Ms. Joffe for the discussion regarding the floor scrubbing machine. Ms. Joffe explained that she wishes to purchase a \$1,399 floor scrubbing machine from Global Industrial to be used after each usage of the Ellis Allen building. She will use the machine herself and stated that 4-H is willing to pay half the cost since the organization

uses the building quite often free of charge. Mr. Taylor added that it is about time that they give something back, so he has no problem with covering half of the cost.

Mr. Stone commented that he uses one of the machines at the Karval School and it works quite well, although it doesn't take off the darker or deeper black scuff marks left by shoes. He also told Ms. Joffe she would need to be careful with the type of floor cleaner she used in the machine, as some will clog it up, and added that the machine does make the floors much cleaner than mopping them. He did caution that she not let anyone else use it, however.

Mr. Stone made a motion to purchase a floor cleaning machine from Global Industrial in the amount of \$1,399, plus S&H; cost to be split with the 4-H program. Mr. King seconded the motion, which carried unanimously.

Ms. Devers will contact the company to determine how they prefer payment to be made.

Ms. Joffe said she plans to put another coat of paint on the Ellis Allen building floor later in the fall, depending on events, and then asked to hire John Palmer as summer help at the fairgrounds. He does not have a CDL, but if the fire hydrants are used to fill the water truck, he will not need one. Ms. Joffe said Mike Mosher had told her they'd used the hydrants several years ago but then the town had asked that they quit because it was causing problems for town residents' water. However, town mayor Patsie Smith told Ms. Joffe that they had been putting an additive in the water for the past three years and she would like to know if there is still a problem. When asked what she intends to pay John Palmer, Ms. Joffe said she had told him it would be twelve dollars per hour.

Finally, Ms. Joffe said she would like to purchase a used lawnmower from Ray Kahler and had asked him to keep an eye out for something.

At 10:00 a.m., Vernon Stone met with the Board to request Conservation Trust funds for repair work on the Karval Community building. He explained that the steps on both the east and west sides of the building need to be replaced, and for \$2,000, Jerry Eurich can do the work, including adding a handicap accessible ramp on the west side. Mr. Stone added that the electric hot water heater in the kitchen also needs to be replaced, which should cost between \$600 and \$1,000. Kenny Book can do the work on that.

Mr. Lyons asked if he had checked into replacing it with one of the on-demand type, and Doug Stone suggested he contact Mountain View Electric, as they replaced his. Mr. Stone said he would check into it and let the commissioners know what he comes up with.

Mr. King made a motion to approve the replacement of the steps on both sides of the Karval Community building for \$2,000 from county Conservation Trust funds. Mr. Stone seconded the motion, which carried unanimously.

Mr. King made a motion to approve the minutes from the meeting held on April 18, 2013, as submitted. Mr. Stone seconded the motion, which carried unanimously.

The Board reviewed the March reports of revenues and expenditures for the Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts.

Also reviewed was the paperwork received from Community Ambulance Service to license the service and the ambulances. Ms. Devers explained that there are two ambulances in Flagler, one in Seibert, and one in Arriba, and each has to apply for a separate license. They also each have to be inspected to ensure that all items needed in an ambulance are there.

Mr. King made a motion to adopt a resolution authorizing Community Ambulance Service to provide ambulance service in Lincoln County with BLS service. Mr. Stone seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on April 29, 2013 there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
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 #849** It was moved by Commissioner King and seconded by Commissioner Stone to adopt the following resolution:

**WHEREAS**, pursuant to the Colorado Emergency Medical Services Act, Section 25-315.101, et seq., C.R.S., the Board of County Commissioners has the authority to establish requirements for the inspection, licensure, and operation of ambulance services, ambulance personnel, and ambulance vehicles operating in the county; and

**WHEREAS**, the Lincoln County Commissioners adopted Resolution #651 and thereby established rules and regulations governing the licensure of ambulance services operating within Lincoln County; and

**WHEREAS**, Community Ambulance Service, with ambulances based in Flagler and Seibert in Kit Carson County and Arriba in Lincoln County, has presented the Board of County Commissioners with an application to license the ambulance service and to permit their ambulances as basic life support vehicles; and

**WHEREAS**, upon review, the Board of County Commissioners determined that the documentation presented met the rules and regulations established under Resolution #651;

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Lincoln County that Community Ambulance Service is hereby authorized to provide ambulance service in Lincoln County with basic life support ambulances.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Lyons called for old business and Ms. Devers said that she needed Mr. Stone to sign a new Payment Schedule Exhibit B-01 for Kansas State Bank of Manhattan on one of the trailers District 3 purchased. There was a misunderstanding regarding how the payment would be made and when the lease agreement was sent to the county, Bruckner also requested that half of the payment be paid at the time the lease was signed, even though the agreement was for the trailer to be paid for in 2014. Ms. Devers said that Kansas State Bank has agreed to return the funds.

After the April 18 meeting, Ms. Devers had received an e-mail from K&M Recycling requesting support for the K&M Recycling Hub and East Central Colorado Spoke recycling project. K&M applied for an RREO recycling grant from the State of Colorado to include underserved recycling areas in Colorado, including Elbert, Lincoln, Kit Carson, Washington and Yuma counties, and asked for a letter from the commissioners by April 19 supporting the project. Ms. Devers had called all the commissioners to obtain their support and then drafted a letter which Mr. Lyons signed.

Mr. Lyons again mentioned replacement of the west courthouse parking lot, stating that he believes the asphalt has reached the end of its life. Mr. King wanted to know what it would cost to replace the rest of the parking lot with concrete and was told that the portion done last

year was approximately \$150,000. Mr. Lyons said he felt the road foremen should come and take a look at it.

As for new business, Mr. King commented that he'd been approached by Pat Price who asked if the commissioners would consider striping County Road 109 between Genoa and Hugo again. CDOT had done it when Highway 40/287 was being replaced with cement, so Mr. Lyons said he'd speak with Travis Miller and see if he had any suggestions. Mr. Lyons also said that Ben Orrell had asked him if the county could pick up the trash along 109, so he wanted to know if they should speak to Sheriff Nestor about getting some inmates to do it.

Mr. Stone said that David Seymour had talked to Chris Monks about road graders and next year all diesel equipment will require the diesel additive. He suggested that if the districts are planning to purchase new road graders, they should do it in 2013 to take possession in 2014, in order to avoid the new requirement.

Mr. Stone also said that Clay Patton was doing some research for a scholarship and he had some hypothetical questions regarding what it would take to get gaming in Lincoln County. The conclusion was that the request would most likely have to be a statewide vote, but Ms. Devers said she'd have to research statutes further to find out for sure, and she had another meeting to attend at 11:00 a.m.

Ms. Devers left to attend her other meeting, and the Board approved the April 2013 payroll and expense vouchers.

When the meeting reconvened at 1:00 p.m., Joe Kiely met with the commissioners to discuss a Foreign Trade Zone for Limon and Lincoln County and to present a draft resolution for the Board's consideration. Also attending the discussion were town of Limon Mayor Julie Coonts, Town Administrator Dave Stone, Limon town board member Trevor Williams, town of Hugo Mayor Patsie Smith, business owner Kipp Parker, and Kari Linker, Regional Development Director with the Colorado Office of Economic Development and International Trade. Will Bublitz with The Limon Leader and Eastern Colorado Plainsman also attended.

Mr. Kiely explained that a Foreign Trade Zone is an area within the U.S., or near a U.S. Customs port of entry, where foreign and domestic merchandise is considered to be outside the country or, at least, outside of U.S. Customs territory. Customs duties and excise taxes are due only at the time of transfer from the FTZ for U.S. consumption. If the merchandise never enters the U.S. commerce, then no duties or taxes are paid on those items. He added that they hope to make Lincoln County more attractive and encourage businesses to locate here and to create jobs by becoming a Foreign Trade Zone, and the purpose of their request to the commissioners is to improve the economic development opportunities in Lincoln County.

Mr. Kiely went on to say that to become an FTZ requires an extensive application process through the FTZ board, and the location of an FTZ must be within sixty miles or ninety minutes of a Port Director or from a User Fee Airport. Limon Municipal Airport may have to become a

User Fee Airport. That designation would not change anything for the operation of current and future general aviation operations, but rather for FTZ users in the entire Zone. He added that their first choice would not to be a User Fee Airport but the distances and the ability to include areas outside of Limon may result in that.

There are several structures which define how an FTZ can be organized and it is Mr. Kiely's belief that an Alternative Site structure would be the best option; however, that designation would be made during the application process. The Alternative Site structure allows individual parcels to be designated FTZ upon identifying an FTZ User, rather than just choosing a complete area and designating the entire area.

Benefits to participating businesses in an FTZ include duty deferral benefits as well as inverted duty for manufactured products, marketing, and avoidance of personal property tax, as products or goods stored in an FTZ are not subject to inventory, or personal property, tax.

Benefits for the FTZ Grantee would be annual revenue from FTZ charges, increased real property taxes, increased jobs, and marketing.

Mr. Kiely said that the application process is a lengthy one, as it is a federal application, and the cost of putting it together will run between \$40,000 and \$75,000. Since the town of Limon has already committed by approving a resolution and entering into a letter of engagement with International Trade Councillors, Lincoln County's share would be half of that; \$20,000 to \$35,000, if they choose to adopt a resolution of support.

Mr. Lyons asked if it would be a one-time cost and Mr. Kiely responded that it would be; afterward users would pay the county and/or town. Ms. Devers asked if people can use the FTZ as a means to move their personal property into one of the zones to avoid paying taxes, but Mr. Kiely said that is not possible as an FTZ only applies to products being imported. Mr. King wanted to know what type of businesses they anticipate would participate and was told that energy companies are probably the biggest. He also asked what the structure would be if the county were to choose to partner in the FTZ, and Mr. Kiely said that he would assume they would have to form a board that would ensure the interests of both parties.

Ms. Linker spoke up to say that she would definitely encourage the county to take advantage of the opportunity.

When asked what kind of time frame they were looking at, Mr. Kiely answered that it will most likely take at least a year to get through the whole process.

Mayor Patsie Smith was asked by Mr. King how the town of Hugo feels about entering into the Foreign Trade Zone, and although she and HEDG, the Hugo Economic Development Group, support the FTZ, she is not certain that the rest of the Hugo town board does. Ms. Devers wanted to know if all other municipalities in the county would be included if the county chooses to partner with the town of Limon, and was told that they are automatically included,

although they would be encouraged to adopt a resolution as well. If a municipality chose not to join right away, they could always join at a later time. Ms. Coonts put in that it is to their advantage to join in the beginning stages, however, because if they wait and subzone, it would be at an additional cost. She also stated that the higher end of the fee is in case something happens and there is a dispute of some kind. The town of Limon has put Mr. Kiely and Mr. Stone in charge of monitoring the expenses, and if a red flag comes up they will reevaluate and determine if they wish to continue. Ms. Smith asked if the initial \$20,000 would ever be reimbursable, but Ms. Coonts said that it would not be.

Mr. Lyons asked Ms. Devers where the money would come from if the county was to agree to support the application process for the Foreign Trade Zone, and she replied that they would most likely have to do a supplemental appropriation from the County General fund.

Kipp Parker spoke up to state that he feels it is a huge opportunity for the county as it puts the welcome mat out for other businesses, and Ms. Smith added that it may also help the towns of Arriba and Genoa, as well.

Mr. Lyons asked Mr. Kiely when they would need the money if the county decides to go ahead and adopt a resolution supporting the application and was told that the initial payment was half of \$7,500, and then the county would be billed monthly afterward.

Mr. Lyons stated that he supports the endeavor now, as did Mr. Stone, but Mr. King said that he would like to have time to read through the information provided by Mr. Kiely. He added that he does support it, so Mr. Stone made a motion to adopt a resolution supporting an application to establish a Foreign Trade Zone within Lincoln County and the town of Limon and to join the effort of the town of Limon to negotiate and prepare the application. Mr. King seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on April 29, 2013, there were present:

Ted Lyons, Chairman	Present
Greg King, Vice Chairman	Present
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 #850** It was moved by Commissioner Stone and seconded by Commissioner King to adopt the following resolution:

## RESOLUTION

**A RESOLUTION TO SUPPORT AN APPLICATION TO ESTABLISH A FOREIGN TRADE ZONE WITHIN LINCOLN COUNTY, COLORADO AND THE TOWN OF LIMON, AND ESTABLISHING THE AUTHORITY TO JOIN THE EFFORT OF THE TOWN OF LIMON TO NEGOTIATE AND PREPARE AN APPLICATION SO THAT SAID APPLICATION MAY BE SUBMITTED TO THE FOREIGN-TRADE ZONES BOARD OF THE UNITED STATES GOVERNMENT TO ESTABLISH A FOREIGN-TRADE ZONE INCLUDING LINCOLN COUNTY AND THE TOWN OF LIMON, COLORADO.**

**WHEREAS**, the Town of Limon did, by resolution on April 4, 2013, approve support for an application to establish a Foreign Trade Zone (FTZ) within the Town of Limon; and

**WHEREAS**, further said resolution of the Town of Limon stated that due to the potential economic benefits to the entire area of Lincoln County, the Board of Trustees directed Joe Kiely, Assistant Town Manager, to contact and negotiate with Lincoln County through its Board of County Commissioners to include Lincoln County as a full partner in this application; and

**WHEREAS**, additionally, the Town of Limon did, by resolution, enter into a Letter of Engagement with International Trade Councillors to prepare said application to establish an FTZ.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, COLORADO THAT:**

**Section 1.** Lincoln County, through its Board of County Commissioners, supports the establishment of a Foreign Trade Zone in Lincoln County, including sites within the Town of Limon.

**Section 2.** Lincoln County, through its Board of County Commissioners, supports the inclusion of properties yet to be identified located in Lincoln County, Colorado either in an original application or in future expansions.

**Section 3.** Lincoln County, through its Board of County Commissioners, agrees to become a full partner with the Town of Limon in the Letter of Engagement with International Trade Councillors to develop and submit the Application to Establish an FTZ.

**Section 4.** Lincoln County, through its Board of County Commissioners, agrees that Joe Kiely, Assistant Town Manager of the Town of Limon, shall have the authority to negotiate and prepare an application so that said application may be submitted to the Foreign-Trade Zones Board of the United States government to establish a Foreign-Trade Zone including Lincoln County and the Town of Limon, Colorado.

**Section 5.** This resolution shall be in full force and effect from and after its passage and approval.

**Section 6.** If any portion or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion or provision shall not affect any of the remaining provisions of this Resolution, the intention being that the same are severable.

Upon roll call the vote was:

Commissioner King, Yes; Commissioner Stone, Yes; Commissioner Lyons, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners  
of Lincoln County

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ATTEST:

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Clerk of the Board

Mr. Lyons' final comment before the group left was that any board that is established regarding the Foreign Trade Zone will need to be made up of members of all communities in the county in order to get full county coverage.

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

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Corinne M. Lengel, Clerk to the Board

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Ted Lyons, Chairman