

Phillips County Commissioner Meeting

April 30, 2018

The board held a work session with Road and Bridge Supervisor Mike Salyards and Assistant Supervisor Kevin Scott prior to the regular meeting.

The meeting was called to order at 9:00 a.m. by Chairman Joe Kinnie and opened with the Pledge of Allegiance. Also present were County Commissioners Don Lock and Harlan Stern, County Administrator Randy Schafer, County Clerk Beth Zilla and from the public, Terry Hofmeister.

Lock made a motion, seconded by Stern, to approve the minutes as presented. Motion carried.

The board met with the local newspaper for the monthly briefing.

The board met with Phillips County Emergency Manager Bob Heldenbrand. Heldenbrand said that he had 66 people attend the weather spotter class. This class is held three times per year. Application for a Storm Ready County is prepared and ready to send in. He attended a tornado disaster training in Ft. Morgan and a fire disaster training in Denver. Heldenbrand recapped the April 13th blizzard. Haxtun opened a shelter at the Haxtun Methodist Church. There were hotel rooms available at Holyoke. By 12:30 a.m. all stranded motorists were accounted for. MMA was called in on Saturday to search for abandoned vehicles so CDOT could get the roads clear. Heldenbrand shared some of the wins from the events of the blizzard, which included views and shares on Facebook.

The board met with County Maintenance Supervisor Dan Waln and Courthouse Square Supervisor Steve Seuss. Waln had concerns of the BST races over the weekend and happening in and around the boy scout building. Waln asked if the board would consider giving Jerry Lauer some holidays with pay as Lauer is a full time seasonal employee. The board did not approve the request due to his seasonal worker status.

Seuss discussed the county pool vehicles. Seuss said that the cars are coming back dirty and low gas levels. Seuss mentioned that the green van is approaching 150,000 miles.

The board met with Landfill Supervisor Bill Andrews and Seaboard Foods Manager Ian Mackay, regarding the recent landfill fee increases. Mackays's concerns focused on the increase fee for woodchips and hog manure. Discussion centered around other alternatives that might be available for disposal.

The board met with Human Services Director Penny Verhoeff. The minutes for this portion of the meeting will be maintained by the Department of Human Services.

The board reviewed two trash complaints against landowner Miguel Salinas regarding blowing trash. The board had previously inspected the site and found the complaints valid. The board agreed to send Mr. Salinas a notice stating that he needs to get the adjacent properties cleaned up, stressing that property will be farmed soon. If the matter is not addressed, fines will be enforced.

The board met with Aaron Sprague with Republican River Water Conservation Board. Sprague mentioned that he will be traveling to Washington DC to discuss water issues. He also discussed the need to change the district's boundaries as approximately 400 wells on the south end of the district were not included in the legislatively approved boundaries.

The board met with Bank of Colorado President Brian Gales for the closing on the proposed lease-purchase agreement.

Lock made a motion, seconded by Stern, to approve Resolution 04-30-18-01 as follows:

WHEREAS, PHILLIPS COUNTY, COLORADO (the "**County**") has the authority pursuant to C.R.S. § 30-11-104.1 to enter into transactions to sell equipment owned by the County to third parties and to enter into lease transactions to lease back such equipment or other property used, or to be used, for the County's purposes; and

WHEREAS, the Board of Commissioners the County ("**Board**") has heretofore determined and does determine that it is in the best interest of the County to sell the equipment more particularly described on Exhibit A attached hereto ("**Equipment**") and lease such Equipment back pursuant to a lease-purchase financing arrangement; and

WHEREAS, the members of the Board have been duly elected and qualified; and

WHEREAS, the Board has also heretofore determined and does determine that such sale and lease-back should be made pursuant to a Bill of Sale attached hereto as Exhibit B and a Lease-Purchase Agreement with the Bank of Colorado, the form of which is attached hereto as Exhibit C ("**Lease**"); and

NOW THEREFORE, BE IT RESOLVED by the Board:

Section 1. Ratification. All action (not inconsistent with the provisions of this Resolution) heretofore taken by the Board directed toward the County's entry into the Lease for the purposes stated in the recitals be, and the same hereby are, ratified, approved and confirmed.

Section 2. Findings. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado, that selling the Equipment and leasing it back with an option to purchase, under all the terms and provisions set forth in the Bill and Sale and the Lease is necessary, convenient and in furtherance of the purposes of the County and is in the best interests of the County.

Section 3. Approval; Signatures. The Bill of Sale and the Lease, in substantially the forms presented to this meeting of the Board is in all respects approved, authorized and confirmed and K. Joe Kinnie, Chairman, and Beth Zilla, as County Clerk, are authorized and directed to affix their signatures to the Bill of Sale and Lease in substantially the form and with substantially the same content as presented to this meeting of the Board for and on behalf of the County. In accordance with the provisions of the Lease, K. Joe Kinnie, Chairman, and Beth Zilla, as County Clerk, are also hereby authorized to execute and deliver on behalf of the County such certificates, tax information, returns and other documents as may be necessary or desirable to complete the transaction as herein contemplated.

Section 4. No Indebtedness. No provision of this Resolution, the Lease, the certificate or any other transaction document shall be construed as creating or constituting a general obligation or other indebtedness of the County, nor a mandatory charge or requirement against the County in any ensuing budget year beyond the current budget year. The County shall have no obligation to make any payment with respect to the Lease except in connection with the payment of the Rent (as defined in the Lease) and certain other payments under the Lease, which payments and obligations may be terminated annually by the County in accordance with the provisions of the Lease.

Section 5. No Economic Compulsion. The Board hereby determines and declares that the Rent will not exceed a reasonable amount so as to place the County under any economic compulsion to renew the Lease in any year or to exercise its option to purchase the Equipment pursuant to the Lease. The Board hereby determines and declares that the period during which the County has an option to purchase the Equipment (i.e. the maximum term of the Lease) may or may not exceed the useful life of the Equipment.

Section 6. Maximum Amount and Interest Rate. The aggregate amount of the principal component of the Rent payable under the Lease shall not exceed \$500,000.00 The interest component of the Rent payable under the Lease shall be equal to 3.47% per annum, fixed during the entire term of the Lease, except as such rate may be reduced as set forth in the Lease.

Section 7. Authorized County Representative. The Board hereby determines that the authorized County representative to act as liaison between the County and Lessor with respect to the Lease, shall be Randy Schafer, or any person who holds said office during the term of the Lease.

Section 8. IRC 265(b)(3) Designation. Subject to the advice and approval of County counsel, the County hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of § 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 9. Savings Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 10. Non-Repealer. All orders, resolutions or parts thereof, inconsistent with this Resolution or with any of the documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any by-law, order or resolution, or part thereof.

Section 11. Effective Date. This Resolution shall be in full force and effect upon its adoption by the Board.

Motion carried.

The board agreed to hold the Hot Dog Wednesday Chamber Event on June 13th at the new pavilion.

The board held a conference call with Joe Bellm from BST racing. Bellm discussed the fence between the racing track and the pavilion construction. Bellum asked for a key to the scout building so he can have access when needed. The board asked that Bellum keep the food sales and the beer sales separated. Bellum agreed.

The board met with Landfill Supervisor Bill Andrews to discuss the proposed location of the monitoring wells at the landfill. The Colorado Department of Health and Environment will meet with the county to determine final locations.

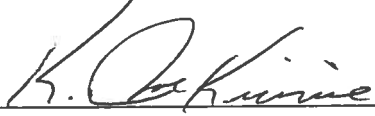
The board reviewed the following reports:

- Treasurer reports
- Event Center rentals

The meeting adjourned at 2:00 pm.

Submitted by Beth Zilla
Phillips County Clerk

County Commissioners



K Joe Kinnie



Donald J Lock



Harlan Stern

Attest: 

Beth Zilla, County Clerk