



YUMA COUNTY COMMISSIONERS

July 29, 2016

Minutes¹

On July 29, 2016 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Robin Wiley, Commissioner Dean Wingfield, Commissioner Trent Bushner, and Administrator Kara Hoover were present. At 9:47 a.m., Commissioners' Attorney Ken Fellman joined the meeting. Public attendee, Jessie Vance, Eckley Town Council member was present from 8:15 am to 3:05 pm.

The Commissioners reviewed and signed accounts payable and payroll checks and discussed various meetings attended through the month.

Liquor License

Nancy Wright presented Liquor License Renewal Application for Ballyneal Golf Ltd. **Commissioner Bushner moved to approve the Liquor License Application for Ballyneal Golf Ltd. at 58839 County Road FF, Holyoke, CO. Commissioner Wingfield seconded. The motion was unanimously passed.**

2017 Budget Work

The Commissioners reviewed the projected county valuation. The report shows nearly a \$40 million devaluation from last year. Salaries were then considered for 2017; with the deficit in valuation projected the Commissioners discussed that the county salaries may have to be frozen for 2017 and additional cost reductions will have to be explored.

Road and Bridge

Supervisor J.R. Colden, Office was present to provide the following updates.

- *CDOT Highway 385/CR 33.6 Turning Lane* – Colden reported that the dirt work for the pit on the Highway 385 / County Road 33.6 turning lane project is set to begin on August 1, 2016. Century Link was out this week to locate their fiber lines; they found other lines as well. J.R. mentioned that other companies will be out early next week to complete a full locate. He is fearful that the project may be stalled due to these findings.
- *County Road KK & 7* – Colden relayed that Road and Bridge crews have begun ditch work on County Road KK & 7. He mentioned that there is a lot of erosion in this area, mainly due to the spraying of the weeds in the area. He shared that it is very difficult to maintain the road when vegetation is eliminated; allowing for increased run-off and erosion.
- *Fair Water Truck* – Colden discussed the use of a water truck at the Yuma County Fair. He relayed that he has someone lined up to run the truck. Commissioner Wingfield mentioned that it was costly to pay someone for a full day at the fair vs. an employee that has kids in 4-H and could be paid for just running the truck a few hours each day. Colden relayed that he doesn't have an employee that has kids in 4-H; therefore, the only alternative is to pay an employee for the day.
- *Mowers* – Colden mentioned that the mowing in the county is going strong. They are currently working in the southwest part of the county and north of Yuma.

¹ Minutes prepared by Kara Hoover are a summary of discussions, not a verbatim account.



- *Flagger Training* – Colden reported that there will be flagger training on Monday, August 8, 2016.
- *EIAF Grant --Beecher Island Road, County Road JJ, 27, KK & LL*– Colden and Administrator Hoover have been working on the EIAF grant submission for the Beecher Island Road. He reported that they met with Greg Etl from DOLA and learned that grant funds are currently frozen. They may open the grant submission in September. Colden and Hoover will continue work on the grant application and have it ready for submission when Energy Impact Assistance Grant Funds are opened again.
- *Staffing*
 - *Don McCune* – Colden shared that Don McCune's 6-month job performance has been commendable and he would like to increase his salary to a G5/C1/L7. **Commissioner Wingfield moved and Commissioner Bushner seconded to approve the Salary Authorization for Don McCune to G5/C1/L7, effective August 1, 2016. The motion passed by a unanimous vote.**

Assessor

Assessor Cindy Taylor presented the following for discussion:

- *Notices of Determination/Appeal Value Changes* – Taylor reported on the current Notices of Determination. She reported that there were 85 appeals to value changes; 51 were satisfied, 28 adjusted, and 5 were denied.
- *State Assess Valuation* -- She reported that she should receive the final state assessed valuations on August 1, 2016.
- *Abatements* – Taylor relayed that she spoke with an attorney from Grand Junction that has been working on a similar case, Oxy vs. Mesa County, and was advised to deny the abatement from Caerus based on the current laws.

Yuma County Fair

The Commissioners discussed the following about the upcoming Yuma County Fair:

- *4-H Copier* – Hoover relayed that the 4-H usually has a copier at the fair each year and would like approval for such. **Commissioner Bushner moved to approve rent of a copier for use by the 4-H for the 2016 Yuma County Fair with Journal Office Supply at \$100 rent and 0.025 per copy, to be paid from the 01-506 department. Commissioner Wingfield seconded. The motion passed unanimously.**
- *Fair Queen Trailer Repair / Concession Building Door Repair*— Hoover presented repair bills for the Fair Queen Trailer of \$241.29 and for the Concessions Building Doors of \$425.00. **Commissioner Wingfield moved to approve payment of the repairs for the Queen trailer and the Concession Building Doors of a total of \$666.29, using funds from the Conservation Trust Fund Account. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Cooking Oil / Cardboard Trailer* – The Commissioners discussed Treia Means' request for a used cooking oil container and the need for a cardboard trailer at the fair. The Commissioners report the necessity of complying with Health Department regulations and request that Means locate a metal container with a sealed lid to store the used cooking oil. They also relayed that due to space confinements they were unable to place a cardboard trailer at the fairgrounds.



- *WiFi Signs* – Vista Beam has agreed to providing the WiFi during the Yuma County Fair. There will be two different WiFi sites; one public, one private. Signs will be produced and placed throughout the fairgrounds for the public site.
- *RV Parking* – The Commissioners discussed the RV parking sites. There are trailers in the parking area right now, that will have to move during the fair. Fairground Maintenance Bud Wood has been notified.
- *Vendor Booths/Sponsors/Ticket Sales* -- The Commissioners reviewed the list of vendor booths, fair sponsors to date. Concert ticket sales, according to Administrative staff, are greater than they were in previous years with over 750 sold thus far.

Quiet Title

Attorney Ken Fellman reported that he was in receipt of the Summons, Civil Cover Sheet, Complaint, and four exhibits to the Complaint naming Yuma County as a defendant in a quiet title dispute with plaintiff Robert H. Velten vs. Co-Defendants; The RHV Trust, Carolyn Pickering Trustee, and Daniel C. Patten. He notes that County is willing to consent to this action as long as the Complaint does not seek to impact its real property interest or seek money damages. Attorney Fellman completed the waiver and acceptance of service on behalf of Yuma County.

Board of Equalization

At 11:30 am, the Commissioners adjourned their meeting and reconvened as the Board of Equalization to hear a request to change property value. Those present for the hearing include the Yuma County Board of Equalization: Robin Wiley, Dean Wingfield, Trent Bushner; Attorney Sara Wagers-Johnson, Landowner Gene Kramer, Assessor Cindy Taylor, Certified Appraiser Brad Hoffmeister, Commissioners' Attorney Ken Fellman and Kara Hoover.

Assessor Taylor presented the documentation to support the appraisal value and Brad Hoffmeister reviewed the documentation explaining the methods used for appraisal.

Attorney Sara Wagers-Johnson questioned Mr. Hoffmeister in regards to his determination of appraised value and the report presented. Hoffmeister reviewed Industry comparisons, market value vs. cost value, number of head, and linear feet of bunk totals.

Attorney Wagers-Johnson then spoke, on behalf of Kramer, about the costs and the use of the feedlot. Kramer reported that his costs were low because he used old sprinkler parts for header poles and found a good deal on bunks.

Dean Wingfield asked Mr. Hoffmeister to explain his appraisal comparisons in detail. He questioned Kramer about the labor associated with the concrete, as per invoices presented. Kramer responded by saying his hired farm help completed the concrete; therefore labor costs were not reflected on the invoices.

Trent Bushner asked Kramer about the costs of the bunks. Kramer said that he bought the bunks for \$35 a bunk and had only about \$5,700 in the bunks. Bushner noted that the invoices for the feedbunks were not presented for review. Additionally, Bushner mentioned that the labor for the concrete as mentioned above was not included in the costs. Kramer said that he would not argue that the labor was not included.



Attorney Wagers-Johnson finished up with the argument that the feedlot was only used for a few months each year, and was compliant with staying under the State's CAFO regulations of feeding no more than a 1,000 head, even though the linear feet would indicate that the feedlot could hold 1,300 head.

Assessor Taylor reviewed pictures of the feedlot taken during the appraisal site visit, pointing out new cabling used. She and Hoffmeister also reviewed how the number of head is determined, based on linear feet of the pen.

With no further evidence or comments to present, the Board of Equalization adjourned at 12:13 pm and the regular meeting of the Board of County Commissioners reconvened.

At 3:11 p.m., Commissioner Bushner moved to reconvene as the Board of Equalization and enter into Executive Session for a conference with the Commissioners Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Commissioner Wingfield seconded the motion; which passed unanimously. Present were Commissioners Wiley, Wingfield, Bushner, Attorney Ken Fellman, and Administrator Hoover. Executive Session ended at 3:28 p.m.

The Board of Equalization then presented their determination. Attorney Sara Wagers-Johnson returned for their decision. **Trent Bushner moved to uphold the appraised value as presented by Assessor Taylor, and deny the appeal. Dean Wingfield seconded the motion; which passed unanimously.** In pursuant to C.R.S. 39-8-107(2), a letter outlying the Yuma County Board of Equalization's decision will be forwarded to land owner Gene Kramer, Attorney Sara Wagers-Johnson, and Assessor Cindy Taylor within five business days following the date of this decision.

The Board of Equalization adjourned at 4:05 pm and the Board of County Commissioners reconvened.

Land Use

Administrator Hoover presented the Land Use and GIS report as submitted by Rich Birnie.

Land Use Hearing

Chairman Wiley opened the Land Use hearing at 1:02 pm. No one from the public was present for the hearing.

- *Wiltfang EFS 0516-09*—Hoover reviewed the staff report for an Exemption from Subdivision for Everett Wiltfang, to divide 22.12 acres, more or less, from 80.16 acres, more or less, for the purpose of resale to Prestige Land Company, Inc.. Hoover reported that Farm Credit of Wichita, KS sent a letter to advise they had no objection to the exemption, as long as such development does not impede the Bank's ability to develop its mineral estate.
- *RMR Ranch, Inc. EFS 0616-10* -- Hoover shared the staff report for an Exemption from Subdivision for RMR Ranch, Inc. to divide 5.03 acres, more or less, from 80 acres, more or less, in the SE ¼ of Section 33, T1N, R47W for the purpose of building a residence. Hoover relayed that there were no written objections or phone calls received about this application.
- *Godsey EFS 0616-11*-- Hoover read the staff report for an Exemption from Subdivision for Ryan and Susan Godsey, to divide 1.91 acres, more or less, and 4.02 acres, more or less, from 591.84 acres, more or less, in the NW ¼ Section 6, T1S, R45W, for the purpose of separating pasture from homestead. Hoover said there were no written objections or phone calls received.

- *Frihauf EFS0616-12*-- Hoover went over the staff report for an Exemption from Subdivision for Bonnie Frihauf to divide 10.61 acres, more or less, from 316.3 acres, more or less, in the SE ¼ of Section 20 and the SW ¼ of Section 21, T3N, R48W. Hoover shared there were no written objections or phone calls about this application.

The Land Use Hearing closed at 1:20 pm

- *Wiltfang EFS 0516-09*—Commissioner Bushner moved and Commissioner Wingfield seconded to approve Resolution 07-29-2016 A/EFS, the Exemption from Subdivision for Everett and Jean Wiltfang to divide 22.12 acres, more or less, from 80.16 acres, more or less, for the purpose of resale to Prestige Land Company, Inc. Stipulations include:
 - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.

The motion passed by unanimous vote. Recorded under Reception No. 00567590

- *RMR Ranch, Inc. EFS 0616-10* -- Commissioner Wingfield moved to approve, Resolution 07-29-2016 B/EFS, the Exemption from Subdivision for RMR Ranch, Inc., to divide 5.03 acres, more or less, from 80 acres, more or less, in the SE ¼ of Section 33, T1N, R47W for the purpose of building a residence. Stipulations include:
 - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.
 - The Applicant shall apply for a septic system permit from the Northeast Colorado Health Department
 - The Applicant shall contact Yuma County Road and Bridge for access location approval.

Commissioner Bushner seconded the motion; which passed unanimously.

Recorded under Reception No. 00567589

- *Godsey EFS 0616-11*-- Commissioner Bushner moved to approve Resolution 07-29-2016 C/EFS, the Exemption from Subdivision for Ryan W. and Susan K. Godsey to divide 1.91 acres, more or less, and 4.02 acres, more or less, from 591.84 acres, more or less, in the NW ¼ Section 6, T1S, R45W, for the purpose of separating pasture from homestead. Stipulations include:
 - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.

Commissioner Wingfield seconded. The motion passed by unanimous vote.

Recorded under Reception No. 00567588

- *Frihauf EFS0616-12*-- Commissioner Wingfield moved and Commissioner Bushner seconded to approve Resolution 07-29-2016 D/EFS, the Exemption from Subdivision for Bonnie J. Frihauf Revocable Trust to divide 4.19 acres, more or less, and 6.42 acres, more or less, from 316.30 acres, more or less, in the SE ¼ of Section 20 and the SW ¼ of Section 21, T3N, R48W. Stipulations include:
 - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.

The motion passed unanimously. Recorded under Reception No. 00567640



Land Use Update

Birnie presented the following in a written report.

- *W-Y 911 Authority Board PUC Application* – Birnie wrote that the draft PUC Application has been sent to Daryl Branson at the PUC for review.
- *Text Amendment to the Land Use Code* – Birnie shared in his report that Land Use text amendments require a hearing, which at the soonest could be set for September 30, 2016, require a 30 day waiting period before they could go into effect. The adoption date for the revised text amendments, as listed below, would be October 31, 2016.
 - 1) Rewriting waivers for all codes that mention waivers and add a waiver to the Industrial Setback paragraph.
 - 2) Adding Floodplain Regulations as per the State of Colorado request.
 - 3) Numbering the Wind Energy Facility Safety Setbacks. Birnie has forwarded revisions prepared by Attorney Barbara Green for the Commissioners review. A couple of questions were reviewed.
 - 4) Separating codes for small wind projects.
 - 5) Drafting Land Use Codes for solar electric projects.
- *Viaero DEV0716-013* – Birnie shared in his report that NE Colorado Cellular, Inc., dba Viaero Wireless, has submitted a development permit to install a 52' tower/utility pole, 30' x 30' x 6' chain link fence and utility cabinet on leased property adjacent to the north boundary line of Laird, CO. The land is located on Arcola Street in the NE ¼ of Section 6, T1N, R42W. This application will be heard in August.
- *Vance/Furnish* – Birnie received a phone call from Christi Furnish on behalf of Troy Vance requesting the County send a letter to the Town of Eckley supporting their position about splitting the costs of an extended sewer line. Birnie shared with the Ms. Furnish that the County does not have any jurisdiction in such matters. No letter was sent.

GIS

Birnie writes that there is nothing to share about GIS as he has been working on the PUC Application instead.

Fairground Use Form and Policy Review

Sheriff Chad Day joined the meeting.

The Commissioners and Attorney Ken Fellman reviewed the draft Fairground Use Request Form and consolidated Fairground Policy and Use Agreement. The group discussed the need to redraft the agreement paying close attention to public safety and complying with insurance guidelines. Attorney Fellman will continue to work on revisions for review at the August 15, 2016 BOCC meeting.

Marijuana Plant Limit Discussion

Attorney Fellman reviewed Amendment 64 and regulation of marijuana plants allowed per residence. He reviewed the ability to regulate the number of plants per residence, per square footage, and discussed the various methods of limiting. The Commissioners requested that Attorney Fellman draft a land use code amendment limiting the number of plants to 6 per adult at a residence with an 18 plant maximum. The Phillips County Commissioners joined the conversation by phone, alerting they were considering the same.



Administrator's Report

Administrator Kara Hoover reviewed calls, correspondence, and presented the following for action:

- **Minutes** – The Commissioner reviewed the minutes from the previous BOCC meeting. **Commissioner Bushner moved to approve the July 29, 2016 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.**
- Certification of Accounts Payable drawn on Yuma County Funds on July 29, 2016 with check #63067 through #63133 for \$358,999.58 and Fund 16 W-Y Combined Communication accounts payable, with check #7650 through #7664 totaling the sum of \$30,051.83 were signed by Chairman Robin Wiley.
- Certification of Payroll for July 29, 2016 drawn on Yuma County Funds, EFT system #39845 through #39986 and checks #30869 through #30896 totaling the sum of \$248,897.30 with a change amount on EFT #39864 on July 31, 2016 of (\$515.95), netting \$248,381.35 and Fund 16 W-Y Combined Communications EFT system number #5527 through #5538 totaling the sum of \$29,328.28 were signed by Chairman Robin Wiley.
- **Veterans Report** -- Chairman Wiley signed the Veterans Report for July 2016.
- **CDPHE Recycling Grant - Statement of Work Agreement** – The Commissioners reviewed the Statement of Work Agreement from the Colorado Department of Public Health for the 2016 Recycling Grant for plastics and newspapers. The Statement of Work require the twelve, 3-yard containers be purchased by the end of August, 2016 and then follow-up deliverables reporting tons of plastics and newspapers recycled from July 1, 2016 to June 30, 2017 and then again from July 1, 2017 to December 31, 2017. **Commissioner Wingfield moved to approve and sign the Colorado Department of Public Health Recycling Grant Statement of Work Agreement for the grant award of \$3,960, with cash match of \$2640, totaling \$6,600; utilizing Fund 11. Commissioner Bushner seconded the motion; which passed unanimously.**
- **Emergency Management Performance Grant 2016** – The Commissioners reviewed the 2016 Emergency Management Performance Grant. **Commissioner Bushner moved and Commissioner Wingfield seconded to approve and sign the Emergency Management Performance Grant Contract, 2016 EMPG 16 EM-17-64, in the amount of \$16,000 for January through December, 2016; funds to be deposited to 01-406 department. The motion passed by unanimous vote.**
- **Colorado Opportunity Scholarship Initiative Grant Contract** – The Commissioners reviewed the Colorado Opportunity Scholarship Initiative Grant Contract in conjunction with Morgan Community College Foundation, Northeastern Junior College Foundation, Kit Carson County, Morgan County, and Washington County. **Commissioner Wingfield moved to approve and sign the Colorado Opportunity Scholarship Initiative Grant Contract for Yuma County, collaborating with Morgan Community College Foundation, Northeastern Junior College Foundation, Kit Carson County, Morgan County, and Washington County with maximum amounts of \$22,221 in funding year 2016/2017 and \$65,000 in funding year 2017/2018. Commissioner Bushner seconded the motion; which passed by unanimous vote.**
- **WY Communications-Fairground Use Request** – The Commissioners reviewed a request from WY Communications to waive deposits and use fees for use of the Concessions Building at the fairgrounds on August 25, 2016 for their annual barbeque and picnic. **Commissioner Wingfield moved to waive the deposit requirements and use fees for the Concession Building use at the fairgrounds by WY**

Communications Center for the annual barbeque and picnic to be held on August 25, 2016. Commissioner Bushner seconded. The motion passed unanimously.

- *County Express Van* – Hoover presented a request from County Express to park a 10-passenger van in the west parking lot. They use the van to transport meals three-times-a-week from Wray to Yuma for the "Meet and Eat" at the Senior Center. The Commissioners were in consensus to allow the County Express Van to be parked in the parking lot west of the Courthouse, near the Election Building.
- *Yuma County IRC Section 125 Amendment* – Hoover presented Resolution #07-29-2016 E amending the definition of a permanent part-time employee to one who is scheduled to work at least 20 hours but less than 30 hours per week. **Commissioner Bushner moved and Commissioner Wingfield seconded to approve a sign Resolution 7-29-2016 E amending the Yuma County IRC Section 125 plan permanent part-time employee definition as one who is scheduled to work at least 20 hours, but less than 30 hours per week. The motion passed by unanimous vote.**
- *Northeast Revolving Loan Fund/Community Development Block Grant* – Hoover presented a letter received from the Colorado Office of Economic Development & International Trade regarding the Community Development Block Grant contract as applied for by the Northeast Revolving Loan Fund. The letter stated that contract was awarded for \$348,000 to be used for business assistance and administration; well below the \$580,000 as requested in the February application. A formal contract will be forthcoming.
- *Statewide Internet Portal Authority (SIPA) Grant Funds* – Hoover reported that she received notice from the Statewide Internet Portal Authority requesting a progress report on how funds are being utilized thus far. She will submit the report by the August 31, 2016 deadline.
- *Jail Visit* -- The Commissioners made an inspection of the Yuma County Jail.

Executive Session

At 4:27 pm, Commissioner Bushner moved to enter into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I)&(II). The motion was seconded by Commissioner Wingfield; which passed unanimously. Present were Commissioners Wiley, Wingfield, and, Bushner, and Administrator Kara Hoover. Executive Session ended at 4:55 pm.

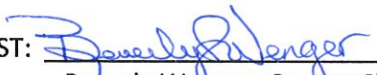
There being no further business; the meeting adjourned at 4:55 p.m. The next regular meetings of the Board of County Commissioners will be August 15 and August 31,, 2016.



Robin Wiley, Chairman



Kara Hoover, Administrator

ATTEST: 

Beverly Wenger, County Clerk

