

YUMA COUNTY COMMISSIONERS

August 31, 2016

Minutes<sup>1</sup>

On August 31, 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.

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

Liquor Licenses

Pam Zuege and Perla Mathill presented a Liquor License Special Event Application for the YC Fire Departments, Inc. for an event located on September 17, 2016 from 4 pm to 12 am. **Commissioner Bushner moved to approve the Special Events Liquor Permit for the YC Fire Departments, Inc. for an event to be held at 9101 County Road CC.8, Idalia, Colorado on September 17, 2016 from 4 pm to 12 am. Commissioner Wingfield seconded. The motion was unanimously passed.**

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:28 a.m. Human Services Director Phyllis Williams and Receptionist Robin Barnhart were present. Detailed minutes from this meeting are maintained by the Department of Human Services.

- *Wray Rehabilitation and Activities Center* – **Commissioner Bushner moved to sign the CORE PA3 contract with the Wray Rehabilitation and Activities Center not to exceed \$15,000 for the period of June 1, 2016 to May 31, 2017. Commissioner Wingfield seconded the motion; which passed unanimously.**

The Board of County Commissioners reconvened at 8:44 a.m.

Road and Bridge

Supervisor J.R. Colden and Reclamation and Mining Supervisor Don Marr were present to provide the following updates.

*Current Projects*

- *Meeks Pit* – JR reported that there was approximately \$123,000 spent to open up the Meeks Pit. This amount included man hours from start to finish; including Don's time for completing the paperwork, etc.
- *Weis Pit* – Marr relayed that his crew is about 2-3 weeks from having the pit ready. They have worked the ground to better facilitate drainage.
- *Brand Pit* – Colden presented a photograph of the Brand Pit for additional digs. Marr shared that that they have conducted additional test holes and have located base material. Marr plans to contact the state to learn what is needed to open a "base" pit within the same permitted area.
- *Crossland Exploration* – Marr shared that he is exploring a site on land owned by Dave Crossland. Marr mentioned the potential gravel pit site is north of Eckley and would only be about 68 acres. The product is very good, according to Marr. He reported completing test drills to approximately 12 feet and was able to locate good product to that depth. After discussion, **Commissioner Bushner moved to sign a**

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



gravel pit lease with David Crossland for property located on the SE 1/4, of Section 26, T5N, R46W dated from September 1, 2016 to December 31, 2026 at \$0.55 per yard of material removed, or at the current rate, whichever is greater. Commissioner Wingfield seconded the motion; which passed by unanimous vote.

- *Unit 48 D8 Dozer* – Marr presented information to repair Unit 48, D8 Dozer. He reported that the cost of new tracks and additional repairs will be well over \$70,000. He indicated that the machine recently appraised at \$66,000. Marr shared various cost estimates on CAT and John Deere dozers. Commissioner Wiley asked that Road and Bridge prioritize the need of the dozer vs. trucks for 2017 budget consideration. Commissioner Bushner asked Marr to get cost estimates for an engine rebuild.

#### *Fall Projects*

- *County Road CC Erosion* – Colden shared a photograph of damage to County Road CC, between County Roads 6 and 8 in the southern part of the county, caused by running water from recent rains. He relayed that landowners Larry Weyerman and Freeman Morris gave permission for Road & Bridge to construct dirt berms following “best management practice” for erosion control.
- *Mowing* – Colden stated that Road and Bridge is mowing south of Yuma right now. Crews should complete the Vernon area today and then will be headed to the Idalia area. Colden believes that mowing in the county should be completed in the next three weeks to one month.
- *Crack Sealing or Painting* – Colden reviewed the areas that are in need of crack sealing and painting this fall. This includes the Kirk, Vernon, and Eckley Roads. Commissioner Bushner asked Colden to check with Washington County about painting the entire Lonestar Road; Yuma County has 4 miles of the road and the rest is in Washington County. Colden would like his crews to get experience with the striper and work Yuma County roads first.
- *Grader Packers* – Colden shared that the packers that they are currently using are not performing well on Yuma County roads. He would like to explore other options and sell or trade the current packers.
- *Truck Trades for 2017* – Colden reviewed his thoughts about trading trucks for the 2017 budget consideration. The Trucks and Dozers will be reviewed in the upcoming Budget Work Session.
- *Yuma County Weed & Pest District* – Colden expounded on his frustrations with the spraying provided by Yuma County Weed & Pest District. The Road & Bridge Department agreed to pay \$15,000 for weed spraying throughout the county. Colden provided a detailed list of bridges and right-of-ways to be sprayed to the Yuma County Weed & Pest District early in the year, but to date the spraying has not been completed. He shared that since he believes that no spraying has been done, he would like to withhold payment to the Weed & Pest District. The Commissioners agreed with this decision.
- *Variance to Policy* – Colden reviewed the time cards and the issue with employees recording their lunch breaks. Colden shared that it is sometimes very difficult for field staff to record lunch periods. Finance Officer Southards requested that the correct lunch periods be recorded for proper accounting.
- *Underground and Utility Permit*- Colden presented an Underground and Utility Permit for YW Electric to install a 7.2 – 12.5 kv line under County Road W. **Commissioner Wingfield moved and Commissioner Bushner seconded to approve Underground and Utility Permit for YW Electric to install a 7.2 – 12.5 kv**



line under County Road W at approximately 2,600 feet North of County Road 26. The motion unanimously passed.

#### 13<sup>th</sup> Judicial District Attorney

13<sup>th</sup> Judicial District Attorney Brittany Lewton joined the meeting to discuss various issues with the region, provide office updates, and review the proposed 2017 budget.

*Budget* – Lewton shared that there are several circumstances that will affect her 2017 budget.

- 1) She shared that discovery documentation, by state statute, must be in an electronic form effective January 1, 2017. Her office can no longer charge for providing discovery information, which will reduce her budget by about \$50,000 annually.
- 2) Lewton reported that the 13<sup>th</sup> District will not have an intern attorney available for 2017 and she will need to fill the position. The additional salary will increase her budget for next year.
- 3) She relayed that investigator Doug Copley retired at the beginning of the year and she has hired a new investigator for this position.

She anticipates an approximate increase in her budget of 6 ½ % in the 2017, totaling about \$150,000 for the entire district; Yuma County's portion of this budget increase will be about \$15,000.

#### Fairground Improvements

Kenny Rogers, Dave Blach, and Jaden Blach joined the meeting to discuss ideas for fairground improvements and funding possibilities. Chris Shelley from the Extension Office and Economic Development Director Darlene Carpio were also present. Rogers relayed that a group of interested individuals met and have ideas to improve or build a show ring, year-round arena, park facilities, and a large events center at the fairgrounds. They would like to pursue grant funding. Jaden shared that the group would like to incorporate the entire county and let people be involved. Dave suggested that he would like to explore corporate sponsors to help fund these projects. The Commissioners reminded the group that the County could not commit funds at this point and asked the men to provide updates as the group continues to meet.

#### Economic Development

Economic Development Director Darlene Carpio returned to discuss the following:

- *CDL Training Site* -- Carpio shared that she was able to get commitments from several businesses and one individual, totaling \$23,750. This leaves an additional \$19,000 needed to proceed with the project. She asked for a few more weeks to contact additional businesses and individuals. The Commissioners commended Carpio for her work thus far and provided additional names of businesses in the county to contact.
- *Tractor Supply Company* – Darlene shared Tractor Supply Company is building a new location in Yuma and has broken ground on the construction.
- *Housing* – Carpio relayed that housing continues to be an issue in Yuma County. She shared that Yuma County has been selected by Community Rural Housing Development Corporation (CRHDC) to locate 3 “Shop” housing projects. She shared that families will qualify via application for a no down payment, low interest, financing for a contractor built home. Their income may not exceed 80% of AMI (annual median income). The homes can be located anywhere within Yuma County and will be in the mid-range of \$150,000.



- *Liberty Rural Learning Cooperative - NEA Grant Application* – Darlene shared that Grassroots Foundation has submitted an application to the NEA for grant assistance for the Liberty Rural Learning Cooperative. She shared the effort is being chaired by Kirsten Stolz and Maueen Hearty. The educational offering will potentially combine input from the community members via interviews with students regarding cultures, rural tradition, agriculture, etc. The students will be taught video and web skills to put the interviews into an on-line distance-learning program. The foundation has asked Yuma County Economic Development to partner with them in this grant application.
- *Mustains Building* – Carpio mentioned that the structural engineering has been completed on the Mustains building in Yuma for the interested parties.

### Land Use

Rich Birnie was present to conduct Land Use and GIS business.

#### Land Use Hearing

Chairman Wiley opened the Land Use hearing at 1:00 pm. Rick Bailey from Viaero was present for the hearing.

#### Major Land Use Development Permit

- *Viaero DEV0716-013* – Birnie read the staff report for a Major Land Use Development Permit for NE Colorado Cellular, Inc., dba Viaero Wireless, 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 NE1/4 of Section 6, T1N, R42W. Birnie reported that no written objections were received. Two phone calls were received but there were no objections to this application. The Land Use hearing closed at 1:09 p.m.

#### **Commissioner Wingfield moved to approve:**

- **Resolution #08-31-2016 B/DEV The Major Land Use Development Permit for NE Colorado Cellular, Inc., dba Viaero Wireless, 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 NE1/4 of Section 6, T1N, R42W. Stipulations include:**
  - **The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.**
  - **The Applicant and owner of the leased property shall record the ingress/egress and utility easement with the Yuma County Clerk & Records Office.**

**Commissioner Bushner seconded the motion; which passed unanimously.**

*Recorded under Reception No. 00567791.*

#### Land Use Updates

- *Setbacks from Site Boundaries*—Birnie reported that the proposed text amendment to Section 5-103 Site Development Standards, E. Setbacks from Site Boundaries are set to be heard in September.
- *W-Y 911 Authority Board PUC Application* – Birnie shared that the final PUC Surcharge Rate Increase Application was E-filed on Monday August 29, 2016. Once the PUC Board approves the motion of alternative notice, then the Public Notice will be published in the Yuma Pioneer, Wray Gazette, Otis Telegraph, and the Akron Reporter.



- *Y-W Electric Association* – Birnie mentioned that YW Electric Association has submitted an Activity Notice for extending an existing transmission line to the Surveyor Creek Substation and rebuilding an existing transmission line along the west side of Yuma.
- *Solar & Wind Text Amendments* – Birnie reported that Patrick Hoss, from Hoss Consulting, was in his office last week and volunteered to review the proposed solar and wind text amendments.
- *September Planning Commission* – Birnie reported that there are no reviews or hearings for September, just the Text Amendment Hearing scheduled with the BOCC on September 30, 2016. He would like to hold a Planning Commission meeting to review the upcoming wind and solar text amendments.
- *Heritage Dairy Wind Turbine* – Birnie shared that Erick Farmer notified him that the foundations for wind turbines on Heritage Dairy have been drilled and they should begin to pour concrete next Wednesday.
- *United Reprographics – Cannon iPF760 Plotter/Scanner*– Birnie presented the Canon plotter/scanner. **Commissioner Bushner moved to approve the maintenance agreement for the Canon iPF760 Plotter/Scanner for \$1,268, for May 20, 2017 to May 19, 2018. Commissioner Wingfield seconded the motion; which passed unanimously.**
- *Graham Farms Solar Request* – Rich received an email from Innovative Solar Systems, LLC in regards to a possible 430 acre solar farm located on property owned by J & J Graham Farms, LLC. Birnie drafted a letter responding that no determination can be made until the new codes are in place.

### GIS

Brinie reports since the PUC Application is filed, he will have the time for continued GIS work.

### Sheriff

Sheriff Chad Day presented the following for discussion:

- *Jail Staff* – Day shared that Jose Baquera was hired as a Detention Deputy, starting on August 8, 2016. One position remains open in the jail.
- *Vehicle Upfit/Repair* –
  - *2016 Ford F 150* – Day shared that the quote from L.A.W.S. for the upfit for the F150 was approximately \$1,300 higher than the quote for the Dodge Ram. The additions included running boards, takedown lights, a crossover box, flashlight, cell booster, window tint, and a spotlight.
  - *Unit #152 2015 Dodge Pickup* – Day presented a quote from L.A.W.S. for additional equipment needed for Unit #152, 2015 Dodge Pickup to include: running boards, takedown lights, and a spot repair, in the amount of \$879.00.
  - *Unit 161 Ford Interceptor* – Day shared a quote from L.A.W.S. for the installation of a poly window guard of \$225.00 for Unit #161, Ford Interceptor. This window cover is necessary for a prisoner compartment.

**Commissioner Bushner moved to approve quotes from L.A.W.S to include: the additional \$1,300 for the upfit, totaling \$12,938.99 for the 2016 Ford F150, Unit 64; \$879 for front flood lights and side steps for Unit 152, 2015 Dodge Pickup; and the \$225 to install a window guard on Unit #161, Ford Interceptor. Commissioner Wingfield seconded. The motion passed unanimously.**



- *Communication Center Board* – Chad reported that he had mentioned to the Communications Center Board the request of the Commissioners to move the meetings back to 7 pm and the possibility of dissolving the Communications Board and having the WY Emergency 9-1-1 Authority Board handle all duties. Day relayed that Don Collins noted that in order to house the CCIC computers in dispatch, a board must include 51% law enforcement and suggested the Commissioners keep this in mind moving forward.
- *Regional Communication Center* – The Commissioners and Sheriff Day discussed the reports of a Regional Communication Center. A group in the Sterling area has been meeting and discussing the possibility of a Regional Center.

#### Baby Bear Hugs

Ruth Seedorf, Jennifer Deam, and Linda Bargeon were present to discuss the following:

- *Current Programs* – Seedorf reviewed the services that Baby Bear Hugs currently offers. Seedorf mentioned that they have a new program called “Partners for Healthy Baby.” Deam shared a success story about program participants. Another program offered is the Safe Care program that is aimed at preventing child abuse. This evidence based program is based on safety, development, and health.
- *Yuma County Staffing* -- Seedorf thanked the Commissioners for the office space and for the financial support. She shared that Jennifer Deam recently transitioned to a regional position, leaving the coordinator position open and also a part-time visitor position.
- *Telephone Bills* – Bargeon shared that the billing for the PRI phone bills has been delayed greatly. Their current set of bills totals \$462.18. Seedorf asked the Commissioners for reduction in the bill. Baby Bear Hugs are currently going to a Voice Over Internet Service for their phone service. Later in the day, after continued discussion, **Commissioner Bushner moved to forgive one-half of the telephone bills incurred by Baby Bear Hugs from October, 2015 to date, payable in full by December 31, 2016. Commissioner Wingfield seconded the motion; which passed unanimously.**

#### Yuma County Water Authority Public Improvement District -

- At 3:03 pm., Commissioner Bushner moved to adjourn the Commissioner meeting to conduct the Yuma County Water Authority Public Improvement District business.<sup>2</sup> The Commissioner's meeting resumed at approximately 3:43 pm.

#### Landfill

Landfill Manager Cliff Henry came in to discuss the following:

- *Electronic Recycling* -- Henry reports that Encore Life, Inc. Electronic Recycling program ends today. Encore Life's facebook page directs patrons to contact the Commissioner's office. Henry requests direction on electronic recycling. The Commissioners discussed the combined efforts of the municipalities and the county. The Commissioners suggested that Landfill just charge the same amount for electronic recycling as Encore Life was currently charging, until the next Landfill Board Meeting.

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<sup>2</sup> Minutes of the Yuma County Water Authority PID are done separately.

- *State Requirements* -- Henry also reviewed other state Landfill requirements and remaining in compliance. He mentioned that these requirements will be discussed at the next Landfill Board meeting.
- *Trailer Injury* – Henry reported an injury occurred on one of the cardboard trailers when a gentleman cut his arm on a metal sign that was marking the number on the trailer. The Commissioners asked Henry to remove metal signs with sharp edges and replace with signs with rounded, safer, edges.

Administrator's Report

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

- *Minutes* – The Commissioners reviewed the minutes from the previous BOCC meeting. **Commissioner Bushner moved to approve the August 15, 2016 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.**
- Certification of Accounts Payable drawn on Yuma County Funds on August 19, 2016 with check #63313 through #63319 for \$9,613.03 and August 31, 2016 with check #63320 through #63407 for \$381,831.42 and Fund 16 W-Y Combined Communication accounts payable, with check #7671 through #7688 totaling the sum of \$31,474.76 were signed by Chairman Robin Wiley.
- Certification of Payroll for August 31, 2016 drawn on Yuma County Funds, EFT system #39991 through #40137 and checks #30901 through #30934 totaling the sum of \$249,970.20 and Fund 16 W-Y Combined Communications EFT system number #5539 through #5551 and check #4365 totaling the sum of \$31,744.90 were signed by Chairman Robin Wiley.
- *Veterans Report* -- Chairman Wiley signed the Veterans Report for August 2016.
- *2015 EMPG Special Project #15EM-17-147* – The Commissioners reviewed the grant agreement between the State of Colorado Department of Public Safety, Division of Homeland Security and Emergency Management and Yuma County, 2015 EMPG Special Project #15EM-17-147 in the amount of \$4025. This grant is for a 50% match of funds for installation of two 60 KW military requisitioned generators with a double throw switch at the Courthouse. **Commissioner Wingfield moved to approve and ratify the August 22, 2016 signature of the grant agreement, for the 2015 EMPG Special Project #15EM-17-147, with the State of Colorado Department of Public Safety, Division of Homeland Security and Emergency Management, in the amount of 50% matching funds of \$4,025. Commissioner Bushner seconded. The motion passed by unanimous vote.**

Additionally, Hoover presented bids from AC Electric, Brophy Electric, and 4-D Electric for the electrical work for the installation of the two 60 KW military generators with a double throw switch at the courthouse. **Commissioner Bushner moved to accept the bid from AC Electric, for \$3,900, to replace the existing generator with two 60 KW military generators with a double throw switch, materials, and labor. Commissioner Wingfield seconded. The motion passed unanimously.**

- *CDBG 16-604 – Yuma County BLF Grant Contract* – Hoover presented the grant contract for the Community Development Block Grant project, # 16-604 for approval. **Commissioner Wingfield moved to approve and sign the Community Development Block Grant contract, #16-604 - Yuma County BLF, in the amount of \$348,000 to be used by May 31, 2018 for the purpose of Recapitalization of an existing Business Loan Fund for Job creation, retention, or expansion. Commissioner Bushner seconded the motion; which passed by unanimous vote.**



- *Yuma County Fair Parade Account* – Hoover presented Resolution #08-31-2016A, naming county representatives at the Bank of Colorado, Yuma County Fair Parade Account. The resolution updates signatures on the account by removing Treia Means and adding Commissioners Robin Wiley and Trent Bushner. **Commissioner Bushner moved to approve Resolution #08-31-2016 A, removing Treia Means from the authorized signers and adding Robin Wiley and Trent Bushner to the Bank of Colorado, Yuma County Fair Parade Account #4202002712. Commissioner Wingfield seconded. The motion passed by a unanimous vote.**
- *Marijuana Plant/Grow Limit* – The Commissioners, Sheriff Chad Day, and Land Use Administrator Rich Birnie reviewed a draft ordinance, prepared by Attorney Ken Fellman, adopting a new Section 5-104 to the Yuma County Land Use Code, regarding restrictions on residential marijuana grows. A few questions came up regarding the distinction between hemp and marijuana; the inclusion of county building, electrical, mechanical, plumbing and fire codes; and the definition of residential “premises” as opposed to using the word “structure.” The revisions will be sent back to Attorney Fellman for further review.
- *Fairground Use Form and Policy* – Hoover presented the final revisions for the Fairgrounds Policy and Use Agreement made by Attorney Ken Fellman. **Commissioner Wingfield moved to adopt the new Fairgrounds Policy and Use Agreement. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Salary Authorizations* – The Commissioners reviewed the Salary Authorization for Assessor Transfer Clerk, Amy Wells. **Commissioner Bushner moved to approve the Salary Authorization for Amy Wells, Transfer Clerk in the Assessor’s Office, at G5/S4, beginning August 22, 2016. Commissioner Wingfield seconded. The motion passed by unanimous vote.**
- *CCI 2016 Legislative Committee Members Appointment*—Hoover submitted the nomination form for the CCI 2016 Legislative Committee Appointment. **Commissioner Wingfield moved to appoint Commissioner Trent Bushner to serve as Yuma County’s representative on the 2016 CCI Legislative Committee. Commissioner Wiley seconded the motion; which passed.**
- *Commissioner Meeting – October Date Change* – The Commissioners discussed a conflict for the mid October meeting and the date was changed to October 17, 2016.
- *County Express Vehicles* – County Express requested 20% matching funds of costs for vehicles, signage, and radios used in Yuma County. The estimated cost is thought to be approximately \$15,000. **Commissioner Wingfield moved to provide 20% matching funds to County Express for the purchase of an ADA minivan and a standard minivan, signage, and the radios and installation for each vehicle for Yuma County. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Board Positions* – The Commissioners reviewed letters of interest for various Board appointments in the county.
  - *Fair Board* - **Commissioner Wingfield moved and Commissioner Bushner seconded to re-appoint Kim Latoski, and appoint BJ Mekelburg, and Kevin Neb to the Yuma County Fair Board for a 3-year term ending 8-31-2019. The motion passed by unanimous vote.**
  - *Northeast Colorado RETAC Board* -- **Commissioner Wingfield moved and Commissioner Bushner seconded to re-appoint Krista Terrell to the RETAC Board for a 2-year term ending 6-30-2018. The motion passed unanimously.**








- *Republican River Water Conservation District Water Board* – The Commissioners tabled the appointment for further discussion at the next meeting.
- *Eastern District CCI Meeting-NE Counties Budget Meeting* – Hoover reminded the Commissioners that the Eastern District CCI Meeting and the Northeast Counties Budget meeting is scheduled for September 16, 2016 in Akron at the Washington County Events Center.
- *CHP Election of Officers* – Hoover shared an email from the Meredith Burcham, CTSI Benefits Managers in regards to nominations and election of County Health Pool Board of Directors. Up for reappointment are Mack Loudon, Commissioner, Las Animas County, David White, Commissioner, Montrose County, Randy Schafer, County Administrator, Phillips County and Karla Shriver, Commissioner, Rio Grande County.
- *CCI New Commissioner Orientation-Parliamentary Procedures Training* -- Commissioner Bushner has been asked, once again, to present Parliamentary Procedures Training at the Colorado Counties, Inc. New Commissioner Orientation to be held on Friday, January 13, 2017.
- *NACo* – Hoover reviewed a letter announcing that Commissioner Bushner has been nominated as a member of the Agriculture and Rural Affairs Steering Committee with the National Association of Counties.
- *Colorado Customware, Inc. Chapter 11* – Hoover shared the final documents of the Motion to Approve the Settlement Agreement between Colorado Customware, Inc. and Yuma County, signed by the Bankruptcy Court on August 23, 2016.
- *Quiet Title* – Hoover shared an email from Attorney Ken Fellman that included the Stipulation for Dismissal without Prejudice in the Quiet Title suit with plaintiff Robert H. Velten. Fellman explained that the County is agreeing to the dismissal of the lawsuit.
- *2016 Assessed Valuation-Comparative Tax Revenues* – The Commissioners reviewed August 25, 2016 Assessed Valuation for 2016 for Yuma County, showing a projected value of \$239,108,430. This is a reduction of over \$40 million in assessed valuation compared to last year.
- *Jail Visit* -- The Commissioners conducted an inspection of the Yuma County Jail.

There being no further business; the meeting adjourned at 5:48 p.m. The next regular meetings of the Board of County Commissioners will be September 14 and September 30, 2016.

  
Robin Wiley, Chairman

  
Kara Hoover, Administrator

ATTEST:   
Beverly Wenger, County Clerk

