

YUMA COUNTY COMMISSIONERS

June 30, 2017

Minutes¹

On June 30, 2017 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Dean Wingfield, Commissioner Trent Bushner, Commissioner Robin Wiley, and Administrator Kara Hoover were present throughout the day. Town of Eckley Councilman Jesse Vance also attended throughout the day.

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

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:30 a.m. Human Service Director Phyllis Williams, Eligibility Supervisor Grant Smith, and Receptionist Robin Barnhart were present. Detailed minutes from this meeting are maintained by the Department of Human Services.

Annual Contracts – Williams presented the following contracts for approval:

- *Centennial Mental Health Annual Contract* – Commissioner Bushner moved to approve the annual contract for services with Centennial Mental Health from June 1, 2017 to May 31, 2018, not to exceed \$45,000. Commissioner Wiley seconded the motion. Commissioner Wiley abstained from the vote; which passed.
- *Rural Community Resource Center Contract* – Commissioner Wiley moved to sign the Rural Community Resource Center Contract for \$12,000, using TANF funds for July 1, 2017 to June 30, 2018. Commissioner Bushner seconded. The motion passed by unanimous vote.
- *Memorandum of Understanding with the State of Colorado* – Commissioner Wiley moved to sign the Title IV-E Memorandum of Understanding with the State of Colorado for the 2017/2018 year. Commissioner Bushner seconded the motion, which passed unanimously.

The Board of County Commissioners reconvened at 8:50 a.m.

Road and Bridge

Supervisor JR Colden was present to provide the following updates.

Current Projects

- *Striping Paint* – Colden said that he spoke with CDOT about their process of striping and learned that they have a two-step process; which includes a water based paint first following up with polyurethane. Colden said that he wants to try this process with the Vernon Road and if he has good results will do the same on the Beecher Road later this summer.
- *County Roads* – Colden said that Road and Bridge Crews continue to work on County Roads R, 39 and Q. He said that Roger Brenner phoned and had concerns about County Road BB, between County Roads 6 and 8. Colden said he sent a blade to that area to take care of the issue.

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



- *Abarr* – Colden reported that Equipment Operator Sean Malay had an incident with a postal carrier in the Abarr area. Colden stated that the postal carrier confronted Malay at his house on his day off about the condition of the roads. Malay completed a written statement saying this was not the first incident with this postal carrier; reporting approximately six other confrontations. Colden requested that the Commissioners send a letter to the Postal Service requesting the postal carrier refrain from contact with Malay.
- *Office Furniture* – Colden shared that he would like to purchase different furniture for his office, reporting that the current set-up is not functional for him. He presented a quote for a new desk for \$1,890 from Wayfair. The Commissioners asked him to complete additional research.
- *Eckley Shop Fuel Theft* – Colden shared that there was a fuel theft from the Eckley Road and Bridge shop. He reported that approximately 85 gallons of diesel was stolen. A written report was filed with the Yuma County Sheriff's Office.
- *Tower* – Colden said that there is a wire flopping on the tower at Road and Bridge. Emergency Manager Roger Brown noted the cable is causing interference with emergency towers and needs to be secured. Colden said that he will look at it and have the cable repaired or removed.
- *Salary Authorizations* – JR presented Salary Authorizations for Equipment Operator Kasey Hill and Truck Driver Gary Brandner for approval.
 - **Commissioner Wiley moved to approve the Salary Authorizations for:**
 - **Equipment Operator Kasey Hill at G5/C1/L1, effective June 26, 2017; and**
 - **Truck Driver Gary Brandner, effective July 1, 2017 for G5/C1/L15.**
 - **Commissioner Bushner seconded. The motion passed by unanimous vote.**
- *Road Access* – Rich Birnie joined the meeting, he and Colden shared that Benito Olivares was in requesting assistance with establishing a road to his property so that a school bus could have access his house. He currently has to travel down a section line of land owned by another person who has a gate across the road. After discussion, the Commissioners asked Birnie to inform the Olivares of his legal right to have access down the section line at County Road P. Olivares may build the road to county standards and petition for the county to take it over at a later date.
- *Underground and Utility Permit*- Colden presented a request to extend the deadline for CenturyLink to install a Cooled Cabinet along County Road 39 and County Road E that was approved on November 28, 2016 with an 180 day completion date. **Commissioner Wiley moved and Commissioner Bushner seconded to approve the extension of the Underground and Utility Permit for CenturyLink to install a Cooled Cabinet along County Road 39 at the Northwest corner of County Road E for an additional 60 days. The motion unanimously passed.**

Yuma County Weed & Pest District

Mike Foor, Don Brophy, Renee Goeglein, and Bruce Mann came to the meeting to discuss the 2016 decision to withhold payment to the Weed & Pest District. Emergency Manager Roger Brown also joined the meeting. Road and Bridge Supervisor JR Colden remained for this portion of the meeting. Foor was introduced as the new Yuma County Weed and Pest Supervisor, effective July 1, 2017. Foor relayed that withholding the payment has negatively affected their budget and would like a better understanding of expectations from Road and Bridge Supervisor. The Commissioners explained that the decision was made at the August 31, 2016 meeting because Road and Bridge Supervisor JR Colden reported that work requested had not been



completed. Colden reported that he took maps and had a discussion with the former Weed and Pest Supervisor. A letter was sent last year to the District explaining the County's position; to which there was no response. Foor shared that the District was not aware of the issue. He said there seemed to be a breakdown of communication with their previous Supervisor. Mann shared that they would like to resolve the issue and work together with the County. Foor and Colden plan to work together moving forward. After discussion the following motions were made:

- **2016 Contract -- Commissioner Bushner moved to pay the \$15,000 for 2016 contract with Yuma County Weed and Pest District. Commissioner Wiley seconded the motion; which passed unanimously.**
- **2017 Contract -- Commissioner Bushner moved to honor the 2017 contract with Yuma County Weed and Pest District for \$15,000. Commissioner Wiley seconded the motion; which passed by unanimous vote.**

Water Line Request-Brett Rutledge

Brett Rutledge visited with the Commissioners about an alternative route to install a 3" water line to supply water to his residence along County Road H and County Road 30. Colden remained in the meeting as well. Rutledge mentioned that his well went dry several months ago and he had one test well drilled, but it was dry. He said it was very expensive to drill test wells so he decided to find another alternative. He requested to install a water line under and along County Road 29 and County Road 30 in the County's right-of-way but was denied on May 15, 2017. The Commissioners suggested, at that time, that Rutledge contact adjacent landowners to obtain an alternative route on their property; refraining from county right-of-way. Rutledge shared that he was given permission from adjacent land owner, Jim Kennison, to trench the pipe line along his property, but the other neighbor Patti Bruch would not allow the trenching on her property.

Rutledge mentioned his only other alternative is to place the line on state ground but it is very expensive, state charges \$34 a rod and may take a long time to obtain permission. He is proposing running a line on the Kennison property and then moving to county property to install the line along a non-maintained portion of County Road 31. After considering several options, the Commissioners conceded to allow Rutledge to install the water line along non-maintained portion of County Road 31. The Commissioners instructed Rutledge to complete a new Underground and Utility permit. After discussion, **Commissioner Wiley moved to allow Brett Rutledge to install a 3" water line along the non-maintained portion of County Road 31 to supply water to his residence. Commissioner Bushner seconded the motion; which passed by unanimous vote.** An Underground Utility Permit to be submitted at a later date.

Road Question-Blane Johnson

Colden remained and Rich Birnie joined the meeting. Blane Johnson introduced himself to the Commissioners. He noted that he recently purchased property from Troy Welton in the southern part of the county. He questioned whether a primitive road that runs through the N ½ of T2S, R43W, is a County Road. He said that the road is minimally maintained and is causing great erosion. Commissioner Wingfield noted that the road had historical use; therefore, would be considered a county primitive road. According to Johnson, the road is marginally used and he is requesting the road be abandoned. The Commissioners asked Johnson to contact area landowners to see if they have an issue with closing the road. Rich offered to assist with the research. Once Johnson obtains permission from adjacent landowners he is to return to the Commissioners for consideration of abandoning the road.

Yuma County Economic Development

Yuma County Economic Development Director Maggie Metzler joined the Commissioners to discuss her new position as the Yuma County Economic Development Director. Metzler recently took the position and has been working on several projects throughout the County. Metzler reviewed the boards the previous director

Page 3 of 9



served on. She requested direction as to what Boards the Commissioners felt were important for her to participate in. The group also discussed current projects or topics: Biofuel Plant, CDL Testing Site, CDL School, Yuma County Events Center, alcohol use at the fairgrounds, E-Recycling Processing Center, and Strategic Planning. The Commissioners shared that they believe the following are priorities for Yuma County: wind and solar industry, water, alternative crop production such as hemp, housing, and future technology needs. Metzler thanked the Commissioners for their candid conversation and promised to be back with further updates.

Land Use

Rich Birnie was present to conduct a Land Use Hearing and review additional Land Use and GIS business. Planning Commission Board Member Scott Weaver was present for the meeting. No one else from the public was present.

Land Use Hearing

Chairman Wingfield opened the Land Use hearing at 1:03 pm.

Birnie presented the staff reports for the following:

- Exemption from Subdivision, EFS 0517-09 for Mason and Corie Chamberlain to divide 5.97 acres, more or less, from 21.41 acres, more or less, in the SE ¼ of Section 3, T1N, R44W, to separate a future home site from the existing homestead. Rich stated that there were no phone calls or written objections to this application.

The Land Use Hearing closed at 1:10 p.m.

- **Commissioner Wiley moved to approve Resolution #06-30-2017 A/EFS, Exemption from Subdivision, for Mason and Corie Chamberlain to divide 5.97 acres, more or less, from 21.41 acres, more or less, in the SE ¼ of Section 3, T1N, R44W, to separate a future home site from the existing homestead; with the following stipulations:**
 - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.
 - When ready to sell the home site, the Applicant shall record an access easement to the site with the Yuma County Clerk, and Recorders Office.

Recorded under Reception No. 00570266

Commissioner Bushner seconded. The motion passed by unanimous vote.

- *Renzelman-Rose Administrative Permit, ADM 0617-05.* Birnie reviewed the request from the Alfred W. Renzelman Estate and Kenny and Jeri Rose to change the ownership of 2.31 acres in the SW ¼ of Section 22, T2S, R43W. **Commissioner Wiley moved and Commissioner Bushner seconded to approve Resolution 06-30-2017 B ADM, Administrative Permit, ADM 0617-05 to change ownership of 2.31 acres, more or less, in the SW ¼ of Section 22, T2S, R43W, from the Alfred W. Renzelman Estate to Kenny and Jeri Rose.** The motion passed unanimously. *Recorded under Reception No. 00570267*
- *Solar and Wind Text Amendments* – Rich shared that the Planning Commission reviewed the Solar and Wind Text Amendments.
- *Land Use Code Enforcement* -- Planning Commission Board Member Scott Weaver was present to talk with the Commissioners about general enforcement of Land Use Codes. The group discussed the costs



to have inspectors on staff specifically for County Codes. The Commissioners discussed the rights outlined in the land use code to hire inspectors on specific cases. They noted to Weaver that the burden of following regulations set by the Land Use Codes falls on the land owner and/or contractors. The County does not have stand-alone plumbing or electrical codes; but relies on the state codes. The Commissioners said that they are very confident with the current process; noting what a thorough job Birnie does with informing land owners of rules and regulations.

- *Planning Commission* – Birnie reported that Ross Tuell will be out in July and August due to a health issue. He plans to be back in September, resuming his Planning Commission duties.
- *Hilt Revocable Trust EFS 0617-10* – Birnie reported that the Elmer R. Hilt Revocable Trust, has applied for an Exemption from Subdivision to divide 12.1 acres, more or less, from 255.07 acres, more or less, in the NE ¼ and SE ¼ of Section 3, T3S, R42W, to separate the existing homestead from the farm land for resale. This will be heard in July by the Planning Commission and brought to the July 31, 2017 BOCC Meeting.
- *LiDAR Project* – Rich shared the information that he has been gathering on the LiDAR project. He shared that LiDAR stands for Light Detection and Ranging, which uses light pulses to measure variable distances to the earth to generate three-dimensional information about the shape of the earth and its surface characteristics. This technology is used to produce high quality topographic data for flood hazard analysis. The project will be conducted by the Colorado Water Conservation Board with FEMA grant funding. Birnie said it is a five-year grant (October 2016 to September 2021). He shared that FEMA only funds a portion of this project and the Colorado Water Conservation Board is searching for supplemental funding from local governments. Birnie says that Northeastern Colorado appears to hold a low priority for this project. After discussion, it was decided that no funding be set aside to help with this since Yuma County may not be part of this work.

GIS

- *Electronic Information / Interactive Map* -- Birnie says that as of last week the automatic retrieval for the interactive map was working from Harris to Sidwell, but now he is having issues because of the recently installed server for the Assessor Office. The installation has caused the interface to the Harris database to be lost and he is not able to pull up ownership information currently. He is working with Teryx, Inc. on a solution.

City of Wray –SIPA Grant/Broadband

Wray City Manager James DePue and Assistant Lindsey Jones were in to update the Commissioners on the following:

- *SIPA Grant* – DePue reported on the use of the Statewide Internet Portal Authority grant funding that was received in 2016. DePue told the Commissioners that they requested a change to the City's grant funding usage that was originally received to help with the intra governmental network. The City and County have found that the original company, FiberTower, was not reliable and neither have expended any SIPA funds. The City asked permission to change the use of SIPA funds. The new use would go towards a project scope to build a city-wide fiber broadband network in which they would still plan to build a high-capacity fiber backbone intra-government network. The Commissioners agreed that they would also ask SIPA for a usage change on the County granted funds. Hoover was instructed to submit the change request to SIPA.



- *Broadband* – DePue stated that they are still working on the contract for the Broadband with PlainsTel. The City has retained Attorney Ken Fellman to handle all of the Broadband contract review. DePue stated that they are working on the eighth draft of the contract and are waiting to finalize the contract. DePue noted that once a contract is finalized he will send a copy to the Commissioners for review and comment before executing.

Wray Community Learning Center

Wray Community Child Care Center, dba Wray Community Learning Center, Board Member James DePue, Director Jori Archer, and independent accountant Daniel Prentice provided information on the Center's property taxation revocation. Treasurer Dee Ann Stults joined the meeting. The State of Colorado Division of Property Taxation revoked the exemption from property tax in a notice received June 5, 2017, effective January 1, 2015. The notice cited "the property is not owned and used for strictly charitable purposes, pursuant to CRS 39-3-110. Prentice stated that the method in which the center based their fees upon does not meet the state requirements of charitable write-off of 5% of Revenue or 10% of tuition. A petition to appeal was filed, but a hearing date has not yet been scheduled.

DePue stated that the costs associated with such appeal are a concern so the group requested the County forgive the taxes owed. The Commissioners were in consensus that they would allow such, but explained that the Center would have to in-turn, contact each district separately to request the same. The estimate of taxes for year 2015 without interest is approximately \$12,000 and for 2016 jumps to over \$13,000. The County portion makes up only about 25% to 28% of those amounts. DePue stated that the Center would contact the other taxing districts to learn if they would also reimburse the tax monies before making a determination to follow through with the appeal. He also noted that the Center has reapplied for property tax exemption status for 2016. The group will let the Assessor's office know if they plan to go ahead with the appeal once they have contacted the other taxing districts.

Liquor License

Clerk Bev Wenger and Nancy Wright were present to discuss the following:

Papa's Bait Shop – Nancy Wright presented for signature a Liquor License for Brenda Condrey, dba Papa's Bait Shop, 1844 US Highway 385, Idalia, CO which was approved at the May 31, 2017 BOCC meeting.

Liquor Licenses – Wenger discussed the liquor license process. She reported that she spoke to the state who says that any public gathering where liquor is available, rather sold or given away, requires a liquor license. Only private parties, such as wedding receptions, etc. are exempt from obtaining a liquor license. Wenger reports that she will advertise the liquor license requirements in the newspaper.

Sheriff

Sheriff Chad Day was not present for the meeting, but presented an outline for discussion.

- *Staffing* – Day shared that they had two applicants for the patrol and jail positions that successfully passed the written testing. They have scheduled oral boards on July 11th with these applicants. Day writes that Austin Clapper began as a Detention Deputy on June 23, 2017 at a Grade 1/Step 3. **Commissioner Wiley moved and Commissioner Bushner seconded to approve Salary Authorization for Detention Deputy Austin Clapper at G1/S3, beginning June 23, 2017. The motion passed by unanimous vote.**



- *Homeland Security Grant* – Day reported that they were awarded \$15,000 for 800 MHz portable radios and \$14,300 for AED's. He stated that his office is waiting to see if the regions Emergency Preparedness received grant funding prior to placing orders.
- *Audit Recommendations* – Day addressed the following audit recommendations:
 - *Signors* – Day shared that signors on the non-tax and commissary accounts will be adjusted, removing Office Manager Shannon Mooney. This was necessary to follow GASB guidelines.
 - *Treasurer Involvement* – Day mentioned that he has worked with Treasurer Dee Ann Stults who will be added to the both the Non-Tax and Commissary Accounts. Stults indicated in a note to the Commissioners that her office will review the monthly bank statements, reconciling report, and monthly transaction report for each account.

Day mentioned that a new resolution may need to be considered to address the changes. He is in hopes that this will alleviate any concerns that the Auditor has in regards to these accounts.

- *Donation* – Chad reported that there has been an anonymous donation, in the amount of \$36,728, through the Posse, for an electronic forensic analyzer called Cellibrite. He shared that this piece of equipment will be very useful for nearly every search warrant they serve.
- *Vehicles* – Day said that Road and Bridge has an interest in utilizing retired patrol pickups. He writes that the Sherriff's Office has two pickups that could be retired, but would have to replace them first.

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 meetings. **Commissioner Bushner moved to approve the June 14, 2017 Board of County Commissioners minutes. Commissioner Wiley seconded the motion; which passed unanimously.**
- *Certification of Accounts Payable* drawn on Yuma County Funds on June 30, 2017 with check #65638 through Check #65719 for \$632,018.46 and Accounts Payable drawn on WY Communications Funds with check #7935 through #7951 in the amount of \$30,521.69 were signed by Chairman Dean Wingfield.
- *Certification of Payroll* drawn on Yuma County Funds on June 30, 2017, with check #31197 through #31220, system #41405 through #41544 for \$241,356.85 and payroll drawn on WY Communications funds with check #4382 and system #5675 through #5688 for \$30,708.35 were signed by Chairman Dean Wingfield.
- *Veterans Report* -- The Veterans Report for June 2017 as signed by Chairman Wingfield.
- *Mike Cervi Championship Rodeo Company, LLC* – The Commissioners reviewed the contract with Mike Cervi Championship Rodeo Company, LLC for 2018, 2019, and 2020 rodeos as approved at the June 19, 2017 Fair Board Meeting. **Commissioner Wiley moved to approve the contract with Mike Cervi Championship Rodeo Company, LLC to stage and produce the 2018, 2019, and 2020 PRCA Rodeos. The costs are as follows: 2018-\$18,540, 2019-\$19,096.20, 2020-\$19,669.09, reflecting a 3% cost of living increase each year. Commissioner Bushner seconded the motion; which passed by unanimous vote.**




- *Audit Extension* – Commissioner Wiley moved to approve a 60-day audit submission extension to September 30, 2017, with the Office of the State Auditor as signed by Chairman Wingfield on June 29, 2017. Commissioner Bushner seconded. The motion passed unanimously.
- *Queen Pickup* – The Commissioners reviewed the pickup lease for the 2017 Yuma County Fair Queen/Lady in Waiting for use in July and August. Commissioner Wiley moved to approve the lease for a 2016 F-350 Pickup with Bonanza Ford in the amount of \$800 for July and August, 2017 to be used by the 2017 Yuma County Fair Queen and Lady in Waiting. Commissioner Bushner seconded. The motion passed unanimously.
- *Kinnon Entertainment* – The Commissioners discussed the contract with Kinnon Entertainment for the stage and sound for the entertainment at the 2017 Yuma County Fair. Commissioner Bushner reported that he has been in contact with Kinnon Entertainment and will report back at the next BOCC meeting.
- *HVAC Piping Project* – Hoover reported on the progress on the HVAC project. She stated that the chiller at the Courthouse, the roof top units at HHS, and the piping through the chimney were all installed on June 28, 2017 with the use of a very large crane. The start-up for the chiller has to be performed by Trane and was set for today, but was unavailable. Frank Wernlein of Wern Air, Inc. made arrangements for the start-up on Saturday. Hoover also reported that the ceiling tiles have been delayed. Randy Rockwell reported to her that the fire ceiling tiles are now special order and were not in stock. This affects the Commissioners and Extension offices as there is an open ceiling. Painting in the Commissioners' office will begin next week where there is a hard ceiling. We are in hopes to have the ceiling tile grid installed the first week of July so that painting in the other offices can be complete. The controls are partly installed; waiting on open time in the Courts and Jail to complete. Everything else on the project seems to be on schedule at this point.
- *Appeals Values*—The Commissioners reviewed the final Assessor appeals report.
- *MVS Construction* – The Commissioners discussed a request from Marv Southards to trade his labor to install a window in the Administrator's Office for a storage container. The Commissioners instructed Hoover to check with the Sheriff's Office about such exchange.
- *CDL Testing Site* – Matt Miesner, CDL Testing Consultant, phoned earlier in the week to report that the painting is complete on the site. He has contacted the state and will set up a time for the site to be certified. A Land Use Authorization was completed by Miesner, and signed by Commissioner Wiley on June 21, 2017, confirming that use of the site for CDL driver skill testing. This authorization expires on June 30, 2018. Miesner indicated to Hoover that he would re-certify with the county each year. The Commissioners also discussed the many uses of the site and the cost for such. The Sheriff's Office will also be using this site for driver training for the region. The Commissioners noted that use of the site will have to be coordinated like other fairground use, through the County Administrator's office. **Commissioner Wiley moved and Commissioner Bushner seconded to allow use of the CDL Testing Site at the Yuma County Fairgrounds at no charge for the first year. The motion passed by unanimous vote.**
- *June 26, 2017 Hail Storm* – The Commissioners reviewed the claim and the massive damage to vehicles and buildings at the Courthouse, HHS, 311 Birch Street County House, and Road and Bridge Department. Hoover shared that the property adjuster was out on June 29, 2017 to go through the damage to the buildings. The auto adjuster plans to be out on July 5, 2017 to look at the 32 vehicles and equipment damaged.




- *Federal Grant Site Visit* – Hoover reported that the Colorado Division of Homeland Security and Emergency Management requested a grant monitoring site visit for Emergency Management Performance Grant, CFDA# 97.042, Homeland Security Grant Program, CFDA# 97.067, and Public Assistance, CFDA# 97.036. The site visit is set for January 9, 2018.
- *District Attorney's 3rd Term Ballot Question* – The Commissioners discussed District Attorney Brittny Lewton's request to place a ballot question to allow a 3rd term for the District Attorney in the 13th District. They are concerned with the high cost of placing in this year's election; stating that it would be the only county-wide ballot question. The Commissioners would like to speak to other County Commissioners to learn of their decision.
- *Old Bucking Chute and Alley* – Jed Gleghorn reported to Commissioner Bushner that he had a gentlemen interested in purchasing the old bucking chute and alley for scrap iron price. The Commissioners were in consensus to allow.
- *Meeting Dates* – The Commissioners set upcoming meeting dates as follows: Budget Work Session on September 5, 2017. Regular BOCC meeting dates of September 13th and 22nd, October 13th and 31st.

There being no further business, the meeting adjourned at 4:37 p.m. The next regular meetings of the Board of County Commissioners will be on July 14, 2017 and July 31, 2017.


Dean Wingfield, Chairman


Kara Hoover, Administrator

ATTEST: 
Beverly Wenger, County Clerk

