

YUMA COUNTY COMMISSIONERS

August 29, 2014

Minutes¹

On August 29, 2014 at 8 a.m., the Yuma County Board of Commissioners met in regular session with Chairman Dean Wingfield, Commissioners Robin Wiley and Trent Bushner present.

Administrator Kara Hoover was present throughout the day.

The Commissioners reviewed and signed accounts payable and payroll checks. They discussed and reviewed affiliated meetings that each had attended within the last month.

Department of Public Safety Grant Agreement

Commissioner Wiley moved to approve the Department of Public Safety, Division of Homeland Security & Emergency Management Grant Agreement, #14SHS15NER terminating August 31, 2016, award amount \$340,847. The motion was seconded by Commissioner Bushner; which passed unanimously.

Department of Health & Human Services

The commissioners conducted business with Dave Henson, Director of the Department of Health and Human Services. Also present: Hollie Hillman and Robin Barnhart.

Building Maintenance

Maintenance/Custodian Personnel Daryl Juhnke reported on water damage to the Jail office and south entrance from recent rains. The Commissioners met with Randy Wells on repairs needed to this entrance. Also, Juhnke reported that a bearing had burnt out on the air conditioning unit near the air handler the day before, filling the Sheriff's office with smoke. He is currently working on getting parts to repair it and should have the air conditioning back on this afternoon.

Road and Bridge

Supervisor Mark Shaw and Truck/Mining Foreman Howard McGinnis were in attendance to give Road and Bridge department updates. The following items were discussed:

- *County Roads 39 and Kamala (CR E), Yuma County Road Improvement EIAF Grant Supplemental 7115* - An email and phone conversation with Greg Etl was reviewed, regarding the supplemental for the Energy Impact Assistance Fund Grant-Yuma County Road Improvement CA#2. According to Etl, the supplemental grant was approved and signed on Thursday, August 28th. The Commissioners discussed the various bids for the job with Shaw. Commissioner Bushner moved to accept the McCormick Excavation & Paving bid of \$1,142,273 with add-ons or deductions for the paving project, County Road 39 and County Road E for the Energy Impact Assistance Fund Grant, EIAF 7115-Yuma County Road Improvement CA#2. Commissioner Wiley seconded the motion; which passed unanimously. Copy attached to minutes.
- *Road work* - Shaw reported they are currently working on County Road S. He also relayed that due to the rainy weather the Deterding gravel pit is the only one they are able to use right now. Shaw reported that he has not had the opportunity to meet with Kit Carson County, yet about use of their gravel pit. Commissioner Wiley mentioned a washed out area on County Road 7. Shaw reported that they would get this flagged immediately and do some patching on the road once the road dries out a bit. Commissioner Bushner passed on kudos for their work on the Old Post Road and also on County Road 32.

¹ Minutes prepared by Kara Hoover-summary of discussions, not verbatim





- *Staffing* - Shaw reported Mike Mathies was hired as a temporary mower operator, specifically in the north part of the county. Bruce Latoski has been changed from a part-time to full-time equipment operator. Shaw requested a step up in employee level, based on Latoski's years of part-time service. **Commissioner Wiley moved to accept the level of Grade 5/Category 2/Level 7 for Bruce Latoski. Commissioner Bushner seconded the motion; which passed unanimously.**

Shaw requested additional pay consideration for Sarah Carwin. According to Shaw, Carwin has taken on additional duties beyond her hired position. Shaw's request was tabled to allow the Commissioners to work through the budget.

Shaw reported that he has been short on grader operators due to vacations and an employee injury. He currently is shuffling operators around to keep graders running. He also relayed that new employees have been gone attending a 3-day new-hire mining class.

Commissioner Bushner questioned Shaw on a mower sitting at the Yuma shop. Mark reported that it was in for repairs on the morning in question; but was supposed to be out by afternoon mowing for Old Threshers and around Yuma. Shaw will check into this.

- *Equipment* - Shaw mentioned that because of the additional mowing required this year, the rental tractors are nearing maximum hours. Road & Bridge personnel are keeping a close eye on hours used by rentals.
- *CDOT/RAMP Project* – Commissioner Bushner reported that there is a big push to combine two of the RAMP projects together. He reports that there is fear that future funding may be cut and the projects will in turn be cut. The group discussed the feasibility of completing two of the projects next summer. Shaw felt that this may be a possibility, but did indicate that it would require all operators; and therefore, other areas of the county would not receive attention.
- *Kamala-Landfill (CR 35)Roads* – Shaw asked if it would be possible to work on the Landfill road (that is near complete failure) when the equipment was here working on the Kamala road. He reported to the Commissioners that the road has significant deterioration and will require complete grinding. It was the consensus of the Commissioners to go ahead and grind this portion of the road while equipment was available. This work will be considered the in-kind work for the EIAF County Roads R & 35 grant.

- *Underground and Utility Permits / Special Transport Permit*

Commissioner Wiley moved to approve the Underground and Utility Permits for Augustus Energy Resources, LLC:

- to install a 3 inch poly gas and 3 inch waterline under County Road R, 4700' south of County Road 59.
- to install an electrical line under County Road R at 3500' south of County Road 59.
- to install an electrical and water line under County Road 52 at 210' east of County Road M.

And approve Special Transport Permit for Wardcraft Homes, Inc.:

- to transport a building 30' wide, 76' long by 17'6" high on Yuma County roadways.

Commissioner Wingfield seconded the motion. The motion passed.

- *Road Access Forms* – Shaw presented Yuma County Road Access forms for Quentin and Tonya Simmons, for a new driveway off County Road 22, and for Source Gas Distribution LLC access to Town Border Station, off of County Road E.
- *Beatty Avenue, Yuma* – Later in the day, Yuma Police Department Chief Ralph Maher, faxed a letter of concern from LaRetta Mallory in regards to the road damage and signage on Beatty Avenue in Yuma. The

Commissioners immediately phoned Supervisor Mark Shaw and asked him to get additional signage up and/or close the road until such a time when repairs could be made.

Encore Life – Electronic Recycling

Director Vonie Weaver, and Encore Life staff Maggie Freeman and Hannah Furnish updated the Commissioners on the electronic recycling program. Cliff Henry, from the Yuma County Landfill, was also present for discussion. Weaver reported that Nick Webster will provide the trucking and Hannah Furnish will handle the educational and administrative portion of this program. Vonie and Maggie spent a day of training with Urban Mining and learned that they will be charged \$25 each for monitors recycled. This cost would need to be covered by the person recycling as there would not be funding to cover this. Encore Life staff is exploring another recycling option in Ogallala (Horizon Center); which may recycle monitors for \$12 a monitor. There are other items, such as keyboards that also require a fee; but the fee is much less at \$4. Weaver reported that the fees collected will be used to pay Nick and Hannah to manage the program. Weaver questioned Henry on the ability for the Landfill to capture fees for items. Henry reported that landfill staff currently charges for items, such as refrigerators, microwaves, etc., so charging for electronic recycling shouldn't be a problem.

The Commissioners asked Encore Life how they planned to handle the recycling center in Yuma; since it was to be set up as a drop point. Weaver reported that she would speak with Sid Fleming, the Yuma City Manager, and see how they can work this out. Weaver made note that Urban Mining personnel relayed to them that once others learn of the electronic recycling that there could be a lot of electronic equipment left in Yuma County. Henry reported that currently only county residents are allowed to use the dump and this would be the same for the electronic recycling. The concrete pad will be poured next week at the landfill; and shortly after, the pods can be ordered.

Sheriff's Office

Sheriff Chad Day and Undersheriff Adam Wills in to provide department updates.

Executive Session - Sheriff Day requested an executive session. **Commissioner Bushner moved to enter executive session for discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d). Motion was seconded by Commissioner Wiley and passed unanimously.** At 11:05 a.m., Commissioners Wingfield, Wiley, and Bushner with Sheriff Chad Day, Undersheriff Adam Wills and Administrator Kara Hoover entered into executive session. Executive session ended at 11:17 a.m. through a duly made motion.

Staffing – Sheriff Day wanted to relay the gratitude from the staff member that has been allowed to work flexed hours to care for a sick spouse. He reported that she is still working just enough hours to cover the insurance deductions as per agreement made in June, 2014.

Day reported that they have been conducting interviews for the open jailer position. They had about seven applicants and interviewed two. At this time the position is not filled.

Day asked for permission to fill the patrol officer's position that was recently vacated. The Commissioners granted permission, by consensus, for this request.

Storage– Sheriff Day asked for permission to clean-up the blue storage building. He reported that he and his staff are having difficulties getting to the evidence storage container due to the excess office furniture that is currently being stored. The Commissioners gave permission to clean the storage building. They asked Hoover to send a memo to the department heads alerting them that they may want to ensure their department doesn't have items in the building that they may need to use, or want to keep. Day also reported that their office has electronics for recycling and will be utilizing the E-recycling program when it is available.



Inmate Welfare & Commissary Account – Day presented a response letter prepared by Attorney Robert A. Lees in regards to handling of the Inmate Welfare & Commissary Account, as presented in the 2013 auditor's notes. Day reported that they have reassigned duties for the reconciliation on the account. The Sheriff's office has yet to change the signers on the account. Day reported that his preference will be to build back into the county budget lines the items noted in 2013 audit, to include, ammunition, vehicle repairs and maintenance and computer components. He plans to include these items in the 2015 budget.

9 News – Chris Vanderveen had sent a request via the website requesting information on items that were obtained from the Department of Defense 1033 program. Day reported that the he spoke with Vanderveen and he plans to be out in the next couple of weeks for an interview, and to review the items in question.

County Clerk

County Clerk Beverly Wenger brought the following items for discussion before the Commissioners:

- *ACE Project* - County Clerk Beverly Wenger reviewed the ACE Project put into place by the Secretary of State to track county elections communications throughout the state.
- *Computer* – Bev reported that her computer contracted a virus earlier in the week and has been in for repairs with Lawrence. She relayed what an imposition this has been as she had much of her elections information on the computer. She is hoping to have this back next week when she returns. The Commissioners shared the City of Wray has sent out a RFP for IT throughout the city offices. The city is considering an IT firm from the Front Range. Bev also noted that Kit Carson County has separate servers to back up computer information throughout the building. Additional research may be considered for the entire court house.
- *Staffing* – Bev shared that she is worried about being able to replace a retiring employee at the end of the year.

Land Use

Hearing – Opened at 1:07 p.m., Chairman Dean Wingfield opened the hearing for public comment on the following activities as advertised for an Application for a Major Land Use Development Permit and an Application for Vacating Exemption.

Present: GIS & Land Use Coordinator Rich Birnie, Scoular Company Staff Jeff Bhend and Wray School District Superintendent Susan Goettel.

The Scoular Company –Major Land Use Development Permit

Rich Birnie presented the staff report on The Scoular Company's request to build two grain bunkers for 500,000 bushels of grain storage each, with aeration fans, and tarps for coverage, on a 10-acre tract of land, currently leased, at the intersection of County Road LL and County Road 11; in the SE/4 of Section 3, Township 4 South, Range 43 West. Birnie reported no written comments or calls were received in his office relating to this request.

Fritz and Audrey Brueggeman, Leigh Floral and Gift, and Shutterbug, Inc.

Rich Birnie presented the staff report on Fritz and Audrey Brueggeman, Leigh Floral and Gift, and Shutterbug, Inc. request to divide 30.81, plus or minus acres in the NE ¼ of the NE ¼ of Section 11, in Township 1 North, Range 44 West, into two parcels containing 26.78, plus or minus, acres and 4.03, plus or minus, acres for the purpose of resale to a family member. Birnie reported no written comments or calls were received in his office relating to this request.

The Commissioners reviewed the planning commission recommendations on the applications. Chairman Wingfield closed the hearing at 1:20 p.m.



Commissioner Wiley moved to approve Resolution #08-29-14 A for a Yuma County Major Land Use Development Permit #Dev 0714-04 from The Scoular Company to build two grain bunkers for 500,000 bushels of grain storage each, with aeration fans and tarps for coverage located on a 10-acre tract of land, currently leased, at the intersection of County Road LL and County Road 11, in the SE/4 of Section 3, Township 4 South, Range 43 West.

Stipulations include:

- The applicant is responsible for contacting the Yuma County Road and Bridge Department for written access approval.
- The applicant shall be responsible for complying with all Federal, State, and Local: regulations, rules, codes, conditions, and design standards.
- For visibility reasons, the applicant shall move the Southern-most grain bunker north by 20 feet to comply with the 100-foot setback requested by the Road and Bridge Department.

Commissioner Bushner seconded the motion; which passed unanimously. *Recorded under Reception No. 00561426*

Commissioner Bushner moved to approve Resolution #08-29-2014 B/EFS for the Exemption from Subdivision #0814-16 from Fritz and Audrey Brueggeman, Leigh Floral and Gift, and Shutterbug, Inc. to divide 30.81, plus or minus acres in the NE ¼ of the NE ¼ of Section 11, in Township 1 North, Range 44 West, into two parcels containing 26.78, plus or minus, acres and 4.03, plus or minus, acres for the purpose of resale to a family member.

Stipulations include:

- The applicant shall be responsible for complying with all Federal, State, and Local: regulations, rules, codes, conditions, and design standards.

Commissioner Wiley seconded the motion; which passed unanimously. *Recorded under Reception No.00561425*

Rich Birnie, Land Use/GIS Coordinator, presented Land Use updates. The following items were discussed:

- *Tower Setbacks* – Rick Bailey, from Viaero joined the meeting. Rick presented Viaero's argument to change the wording in the proposed residential setback to read "residentially zoned or used property." After some discussion, the Commissioners felt that the proposed wording "residential structure" would better fit the intention of the setback requirements. Rick also questioned the need for a waiver if set-back requirements were set. The Commissioners explained that the waivers were meant for land owners to grant permission to allow towers that do not fall within the county's set-back requirements.
- *Land Code Revision* - Jim and Susan Barker joined the meeting to share their experience with a mobile home being set next door behind an already existing home. The Commissioners made note that the Land Use Codes require a side setback of 5 feet and a 25 foot rear set back. The current land owner is complying with these regulations. In addition, the landowner is working with the state on installation of a septic tank. The Commissioners told Barkers that they will check with the state on this, but this is really not in their control. Barkers report that there really aren't any conveyances in their particular area, and this has made things very difficult.
- *Land Swap* – Birnie relayed a request from Jim and John Lapp to change 0.83 acres from a subdivision of 5 acres for a farm storage building with a septic system. Rich relayed that Northern Colorado Health Department will grant the septic system, as long as the Lapp's meet the required setbacks.
- *Schramm Feedlot* – Rich reported that Schramm Feedlot has requested a 30-day extension to meet the Major Land Use requirements. He also reported that Thomas Holtorf was made aware of their responsibility to cover the attorney and consultant costs for the county. Birnie reports that he will continue to monitor this project.



- *Well Permit* – Rich reported that he had received a complaint about a fraudulent water well that was drilled recently in East Yuma County. Rich conducted research and learned that the well was permitted correctly (as a domestic well) and appeared to be drilled in the correct area. The land owner making the complaint reported that the state would be out to inspect next week.

Probation

Supervisor Marty Greek presented another option for remodeling the probation office. He would like to have an additional door put in through the hallway. This could take extensive engineering, because of the depth of the walls. Other variations were discussed. The Commissioners asked Marty to give them a month, or two, to research and discuss further.

Rural Community Resource Center

Lucie and Margo Ebersole from the Rural Community Resource Center in Yuma came in to request use of the fairgrounds for the Food Bank of the Rockies monthly distribution. They requested the use of the Home Economics Building and use of the bathrooms in the Concession Building. The truck usually comes on the 3rd Monday of each month and serves around 200 people. The Commissioners voiced their concerns on congestion of the fairgrounds, use of the restrooms, and cleaning of the facilities used. Lucy reported that they would make sure that all areas used were cleaned up, including the restrooms. Commissioner Bushner moved to allow a trial use of the fairgrounds with the use of the restrooms beginning Monday, September 29, 2014 from 7 am to approximately 12:00 noon, at no charge. Rural Community Resource Center and Food Bank of the Rockies shall provide appropriate insurance coverage, naming Yuma County as an additional insured. Commissioner Wiley seconded the motion; which passed unanimously.

Administrator's Report

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

- *Minutes* - Commissioner Bushner moved to approve the corrected August 15, 2014 Board of County Commissioners minutes. Commissioner Wiley seconded the motion; which passed unanimously.
- *311 Birch Street House* – An Addendum to the 02-18-13 house lease with Travis Dinsmore was reviewed. The addendum showed the repairs made to the home since February, 2013 totaling 524 hours of labor provided by Travis. These hours were calculated to a total of over \$10,000 and will be used to off-set rent on the property until August, 2015. Commissioner Wiley moved to accept the addendum to the 02-18-13 lease of 311 Birch Street, Wray, CO with Travis Dinsmore Tenant, to accept his labor for repairs and updates to the house, totaling \$10, 480, in lieu of rent payment until August 2015. Commissioner Bushner seconded. The motion passed unanimously.
- *Computer Information Concepts* – The invoice for the Treasurer's Office new software and installation was presented in the amount of \$118,684.98; which was approved for payment in the August 15th, 2014 Board of County Commissioner's meeting. The Finance Office suggested the funds come from both the Treasurer's line items and from Fund 20. Commissioner Wiley made a motion to use \$91,445 from Fund 20 to cover appropriate charges for software and installation. The remaining amount of \$27,239.98 is to come from the Treasurer's budget, and covers additional enhancements, training and support. Commissioner Bushner seconded the motion; which passed unanimously.
- *Drilling Contracts*- A drilling permit for Augustus Energy Resources, LLC was reviewed as presented. Commissioner Bushner moved to approve Yuma County Permit Ordinance 1982-1 for Gardner Trust 44-18 Township 2 North, Range 46 West from Augustus Energy Resources, LLC. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.



- *County Health Pool Representative* – The Commissioners were presented with the County Health Pool Designation of Representation for Yuma County. Previously, Administrator Linda Briggs was the named representative. There was unanimous consensus by the Commissioners to name new Administrator Kara Hoover as the designee with Commissioner Wingfield as the alternate.
- *Source Law PC* – A contract to retain Erik J. Cecil, Source Law PC for the ballot question language on C.R.S. 29-27-101, (broadband) was reviewed. Commissioner Bushner made the motion to accept the contract and subsequently share the cost with both the City of Wray and the City of Yuma for professional services rendered to date. Commissioner Wingfield seconded the motion; which passed unanimously. Commissioner Wiley executed the contract.
- *Resolution No. 08-29-14 C* – The resolution to present ballot issue question # 1B was presented for review. Commissioner Wiley moved to accept the resolution that includes wording for the Question #1B;
 - **WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF YUMA COUNTY COLORADO RE-ESTABLISH THEIR COUNTIES' RIGHT TO PROVIDE ALL SERVICES AND FACILITIES RESTRICTED SINCE 2005 BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS "ADVANCED SERVICES," "TELECOMMUNICATIONS SERVICES," AND "CABLE TELEVISION SERVICES," INCLUDING PROVIDING ANY NEW AND IMPROVED BROADBAND SERVICES AND FACILITIES BASED ON FUTURE TECHNOLOGIES, UTILIZING EXISTING OR NEW COMMUNITY OWNED INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO THE EXISTING FIBER OPTIC NETWORK, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, TO POTENTIAL SUBSCRIBERS THAT MAY INCLUDE TELECOMMUNICATIONS SERVICE PROVIDERS, RESIDENTIAL OR COMMERCIAL USERS WITHIN THE BOUNDARIES OF YUMA COUNTY?**

YES _____

NO _____

Commissioner Bushner seconded the motion; which passed unanimously. See attached resolution. The Commissioners also discussed the various deadlines in regards to the ballot issue. There will need to be a ballot question pro/con statement reviewed soon.

- *Cianco Ciancio Brown, P.C.* - An invoice for legal services performed was presented in the amount of \$3,023.50. Commissioner Bushner moved to pay the expense from the Commissioner's Professional Service line item. Commissioner Wiley seconded. The motion passed by unanimous vote.
- *Leave Buyout* – A letter from former Administrator Linda Briggs was presented requesting additional leave buyout beyond what the current employee handbook allows. Briggs requested 60.67 and reported she would forfeit an additional 9.75 that is on the books. The amount was included in the 2014 budget. Commissioner Bushner moved to allow the full amount of 70.42 to be paid to Linda Briggs. The motion seconded by Commissioner Wiley; which passed unanimously.
- *Exempt Status* – Employee status for Finance Officer Vicky Southards was reviewed by the Commissioners. The FLSA Employee Exemption test was reviewed. The Commissioners felt that Mrs. Southards certainly did fall within the exemption guidelines. Commissioner Bushner moved to change the employee status for the Financial Director from non-exempt to exempt, as of September 1, 2014. Commissioner Wiley seconded. The motion passed by unanimous vote.



- *Notary* – Administrator Kara Hoover recently renewed her Notary certification for county use, as requested by the Commissioners. She presented invoices for reimbursement for such. **Commissioner Wiley moved to reimburse Ms. Hoover in the amount of \$124.15 for course work, testing and renewing her Notary Commission, expiring August 19th, 2018. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Fairground Employee* – The payroll department presented a salary authorization for a temporary, part-time fair maintenance employee, for approval. **Commissioner Wiley moved to accept a salary authorization for Janet Pauling. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Broom Repairs* – An invoice for repairs to the Quickattach sweep/broom was presented. The repairs totaled \$2,236.93. Consensus of the Commissioners is to pay this invoice from the Fair maintenance budget.

Chairman Wingfield signed the Veterans Report for August, 2014.

Certification of Accounts Payable for August 29, 2014, drawn on Yuma County Funds, with check # 57536 through #57643 totaling the sum of \$403,200.65 and Fund 16 W-Y Combined Communication accounts payable for August 29, 2014, check #7004 through #7025, totaling the sum of \$30,418.70 were signed by Chairman Dean Wingfield.

Certification of Payroll for August 29, 2014, drawn on Yuma County Funds, EFT system #36669 through #36804 and checks #30140 through #30170 totaling the sum of \$225,528.15 and along with Fund 16 W-Y Combined Communication EFT system number #5211 through #5225 totaling the sum of \$34,132.27 were approved and signed by Chairman Dean Wingfield.

The Commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:05 p.m. The next regular meetings of the Board of County Commissioners will be September 15, 2014, and September 30, 2014.

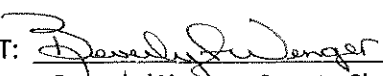
A listing of meetings attended by the Commissioners during the month of August 2014 is attached.



 Dean Wingfield, Chairman



 Kara Hoover, Administrator

ATTEST: 

 Beverly Wenger, County Clerk