

YUMA COUNTY COMMISSIONERS  
November 30, 2017  
Minutes<sup>1</sup>

On November 30, 2017 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Dean Wingfield, Commissioner Trent Bushner, Commissioner Robln Wiley, and Administrator Andrea Calhoon were present throughout the day.

The Commissioners reviewed and signed accounts payable and discussed various meetings attended throughout the first half of the month.

Department of Human Services

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

The Board of County Commissioners reconvened 8:47 a.m.

Road and Bridge

Road & Bridge Supervisor JR Colden joined the meeting at 9:27 a.m. to provide the following updates.

Current Projects

- *Beecher Rd and CR 16, CR MM, and CR 11& KK* – Colden reported on locations of current work projects for the Road & Bridge department. A discussion was had regarding the road impacts of various industries in the area.
- *Wauneta Property Update* – Colden presented a quote for the replacement of the cracked front window at the Wauneta house from Tri-State Construction. Colden and County Administrator Andrea Calhoon reported on the follow-up inspection of the Wauneta property completed the afternoon of November 29, 2017.
- *Highway Users Tax Fund Report* – Colden presented the 2017 Highway Users Tax Fund report.
- *Pressure Tester* – Colden reported a high frequency of service calls from Wagner Equipment for pressure testing of Road and Bridge CAT vehicles and provided information on the cost of purchasing a pressure tester to be owned and utilized by the Road and Bridge department. The total cost of the kit from Wagner Equipment was presented as \$1799.38 with a PSI gauge at a cost of \$187.24 and couplers at \$49.75 each. **Commissioner Bushner moved to approve the purchase of a CAT pressure testing kit from Wagner Equipment for a total of \$1799.38 with additional purchase of a PSI gauge and couplers from account 2-702-8941. Commissioner Wiley seconded the motion which passed by unanimous vote.**
- *DOT Rule 49 CFR Training* – Colden reported a training to be held December 6, 2017 for drug and alcohol testing supervision presented by CTSI at the Yuma County Elections Center.
- *Truck Re-gen Removal* – Colden discussed the potential removal of re-gen systems from Road & Bridge trucks. The Commissioners considered the request and discussed the potential legal impacts and the re-sale impact on the vehicles. The Commissioners determined that the risk was not worth the benefit at this time.

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

- *D-7 #0046 New Tracks* – Colden reported that one of the Road and Bridge dozers will need re-tracked in the near future. He is in the process of obtaining cost estimates and will return at a later date with more information.
- *CR 39 Robert Furrow Road Access* – Colden reported on truck traffic and access issues on CR 39 west of Highway 34 and a request by Robert Furrow to widen the road access from Highway 34 to CR 39 to improve truck access. The Commissioners approved the improvement of the road at the requestor's cost.
- *CR 35 and LL Incident* – Colden reported an incident where a Road and Bridge equipment operator hit a guy wire on a power pole and pulled the power pole down. No bill has been received for the correction of the pole to date but Colden will provide the information when received. A CAPP claim submission will be pending an assessment of the cost of the incident.

#### Health and Human Services Floor Replacement

At 10:18 a.m., the Board of County Commissioners met with contractor Steve Meier regarding the status of the kitchen floor replacement at the Health and Human Services kitchen. Maintenance Sargent Travis Dinsmore was present for the conversation as well. The Commissioners reviewed their assessment of the floor installation work and discussed areas of concern. Meier explained the process for the floor installation and reviewed the prior status of the floor. The Commissioners reviewed with Meier the durability vs. cosmetic issues related to the installation. Meier offered suggestions for the correction of the issues to be considered by the Commissioners. The Commissioners and Meier agreed to reduce the invoice by \$1000 and the County will explore further solutions.

#### Sheriff's Office Report

Yuma County Sheriff Chad Day and Yuma County Undersheriff Adam Wills joined the meeting at 10:57 a.m. to report on Sheriff's Office updates. A conversation regarding funding of the W-Y Communications center phone system was had with Sheriff Day providing status updates on the Communications Center. **Commissioner Wiley moved to go into executive session at 11:11 a.m. for purposes of discussion of Security and Investigations, CRS 24-6-402(4)(d).** The motion was seconded by Commissioner Bushner and passed unanimously. Executive session was ended and normal business resumed at 11:42 a.m.

#### Land Use

Yuma County Land Use Administrator/GIS Coordinator Rich Birnie was heard at 1:00 p.m. to conduct Land Use Hearings and to review Land Use and GIS business.

#### Land Use Hearings

Chairman Wingfield opened the Land Use hearings at 1:00 p.m.

#### Exemption from Subdivision

Birnie presented the staff report for:

- Exemption from Subdivision for Lance & Jennine Witte EFS1017-12, to divide 25.64 acres, more or less, from 160 acres, more or less, in the NE ¼ of Section 22, T2S, R45W. Birnie reported no public comment received on the application and recommended the following stipulations:
  - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.

#### Development Permit

Birnie read the staff report for:



- Development Permit for Neil & Peggy McDaniel DEV0917-01, to build a 5200 square foot steel seed storage building to be leased to McDaniel Enterprises, LLC, a seed dealer in Wray, Colorado. The commercial seed storage building is to be built on 8.61 acres of land on HWY 34 in the S ½ of Section 4, T1N, R 44W. Current land is reported as vacant with surrounding land being used for agricultural grazing land and has been deemed compatible. The property is located in the City of Wray intergovernmental agreement area and the City of Wray has added no comment to the application. Birnie reported two public comments received on the application and reported no objection to the permit. Birnie recommended the following stipulations:
  - The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards, reseeding of any disturbed ground with native grasses, and all setback requirements from property boundaries be adhered to.

Land Use hearings closed at 1:21 p.m.

Commissioner Bushner moved to approve the Exemption from Subdivision for Lance & Jennine Witte (Applicants Robert & Tonya Paxton) EFS1017-12, Resolution 11-30-2017 B-EFS, to divide 25.64 acres, more or less, from 160 acres, more or less, in the NE ¼ of Section 22, T2S, R45W to separate an existing homestead from farm land for resale with the following stipulations:

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

*Recorded under Reception No. 517467*

Commissioner Bushner seconded. The motion passed by unanimous vote.

Commissioner Wiley moved to approve the Development application for Neil & Peggy McDaniel DEV0917-01, Resolution 11-30-2017 A-DEV, to build a 5200 square foot steel seed storage building to be leased to McDaniel Enterprises, LLC, a seed dealer in Wray, Colorado. The commercial seed storage building is to be built on 8.61 acres of land on Highway 34 in the S1/2 of Section 4, T1N, R44W with the following stipulations:

- The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards. Any part of the site disturbed during construction shall be reseeded with native grasses and all setback requirements from property values shall be adhered to.

*Recorded under Reception No. 517466*

Commissioner Bushner seconded the motion which passed unanimously.

#### *Land Use Updates*

- *BioGas Processing Plant* – Birnie reported no contact from the presenters of the hopeful proprietors of a BioGas processing facility in Yuma County since before Thanksgiving. Birnie has assessed all property owners within one mile of the boundaries of the proposed BioGas site and property and mineral owners within five hundred feet of the facility boundary line. Birnie reported also having researched CAFO impoundment liner specifications as per Commissioner request. Specifications can be found in Department of Public Health and Environment Regulation #81, Section 81.7 – Groundwater Protection Requirements.
- *Yuma County Text Amendment Safety Beacon* – Birnie recommended the addition of language to the Yuma County Code to include the requirement for a safety beacon on all towers and other structures of one hundred fifty feet in height and taller. **Commissioner Wiley moved to recommend Planning Commission review of the addition of language to the Yuma County Land Use Code to include the requirement of a**





**safety beacon on all towers and other structures of one hundred fifty feet in height and taller. The motion was seconded by Commissioner Bushner and passed by unanimous vote.**

- **Pending Land Use Activity** – Birnie reported pending applications for:
  - EFS1117-13 – Randy & Teresa Meikelburg, to divide 5 acres, more or less, from 160 acres, more or less, in the SW ¼ of Section 12, T3N, R47W, for the purpose of resale to the existing renter. Planning Commission review is scheduled for December 19, 2017 with Board of County Commissioners hearing to be scheduled for December 29, 2017.
  - EFS1117-14 – Donna I & Richard W Moran, to divide 10.00 acres, more or less, from 320 acres, more or less, in the NE ¼ of Section 28, T4N, R48W, to separate an existing homestead from farm land for resale. Planning Commission review is scheduled for December 19, 2017 with Board of County Commissioners hearing to be scheduled for December 29, 2017.
  - EFS1117-15 – Estate of Bruce Hall, to divide 16.98 acres, more or less, from 141 acres, more or less, in the NE ¼ of Section 26, T2N, R46W, for the purpose of resale. Planning Commission review is scheduled for December 19, 2017 with Board of County Commissioners hearing to be scheduled for December 29, 2017.
  
- **Colorado Distributed Generation Workshop Presentation** – Birnie reminded of his upcoming presentation on December 6 at the Colorado Distributed Generation Workshop at the Yuma Community Center In Yuma, Colorado.
  
- **Retirement** – Birnie reported that his final year of employment prior to retirement is scheduled to being December 1, 2017 with planned retirement December 1, 2018.

GIS

- **Addresses** – Birnie said he will continue to work on the City of Wray addresses while editing street centerlines.
  
- **2018 Yuma County Plat Book** – Birnie reported his December work efforts are focused primarily on preparatory work for the 2018 Yuma County Plat Book.

United Wind Energy

Jason Kaplan, Esq. of United Wind Energy canceled his scheduled presentation to the Board of County Commissioners and will reschedule at a later time.

Fairgrounds Events Center

Yuma County Events Center Committee members David Blach and Nicole Frank joined the meeting at 3:30 p.m. to discuss the Yuma County Events Center GOCO grant application and Yuma County Events center project progress. Discussion ensued regarding potential funding opportunities, competing financial obligations within the county, and project requirements. Frank presented draft resolution 11-30-2017 C required by GOCO demonstrating Board of County Commissioners support for the project.

Administrator's Report

Administrator Andrea Calhoon 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 minutes from the November 14, 2017 Board of County Commissioners meeting. Commissioner Wiley seconded the motion; which passed unanimously.**
- **Certification of Accounts Payable and Payroll** drawn on Yuma County Funds on November 21, 2017 with Check #66877 for \$3,165.26 and November 30, 2017 with Check #66878 through #66940 for \$378,323.03 and Accounts Payable drawn on WY Communications Funds with check #8062 through #8080 in the amount of \$32,301.21 as well as Yuma County Payroll on November 30, 2017 with Check #31345 through Check #31374 and EFT #42107 through EFT #42246 for a total of \$315,588.52 were signed by Chairman Dean Wingfield.
- **CAPP Report Review** – The Commissioners reviewed the monthly CAPP report.
- **Signatures and Ratifications** – The Commissioners reviewed and signed the November 2017 Veteran's Report.

The Commissioners reviewed the 2018 VALE Grant SOGA. **Commissioner Wiley moved to authorize Chairman Wingfield to sign the 2018 VALE Grant #2018-13 for calendar year 1/1/2018 through 12/31/2018 for \$23,000 to be expended from Fund 12-280-Victim's Assistance. Commissioner Bushner seconded the motion which passed unanimously.**

The Commissioners discussed a request by County Treasurer Dee Ann Stults to have the County ACH agreement with First Pioneer National Bank updated to authorize her to originate debits to account 2000067 up to \$200,000 per year in accordance with tax lien sales. **Commissioner Wiley moved to sign an addendum letter to First Pioneer National Bank updating the existing agreement to allow the Yuma County Treasurer to originate debits to account 2000067 up to an annual total of \$200,000.00 in accordance with County tax lien sales. Commissioner Bushner seconded the motion which passed by unanimous vote.**

- **Department Reports** – The Commissioners reviewed the TV maintenance report for October 2017 and discussed W-Y Communications request for increased funds for a new phone system.
- **Budget Work Session Scheduling** – The Commissioners tentatively scheduled a budget work session for December 7, 2017 at 8:00 a.m. pending scheduling of additional special meeting agenda items.
- **Prior Meeting Follow-Up** – Calhoon provided updates on prior meeting discussion and action items.

Calhoon reported no additional information on existing ambulance service MOUs/IGAs within Yuma County and will finalize research in time for the upcoming budget work session.

Calhoon reported that Bret Johnson of Bret Johnson Architecture has submitted a request for presentation to the Board of County Commissioners regarding his plans for a single entry point for the Yuma County Courthouse. The Commissioners requested Calhoon attempt to schedule the presentation in conjunction with the upcoming budget work session.

Tallgrass Energy staff Dick Sears and Blaine Johnson joined the meeting via conference call to clarify requests and language for a proposed agreement between Yuma County and Tallgrass Energy for existence of the natural gas pipeline in the Yuma County Road right of way. The Board of County Commissioners requested that Mr. Sears work directly with Brandon Dittman, Esq. of Kissinger & Fellman, P.C. to develop an agreement related to the pipeline for Board of County Commissioners review and consideration.

Building Security – The Commissioners reviewed a letter written by Paul Godec, Esq. of Kissinger & Fellman, P.C. addressed to Mr. Daniel Robert Peery. **Commissioner Bushner moved to approve the service of a letter from the offices of Kissinger & Fellman to Mr. Daniel Robert Peery on behalf of Yuma County Government. The motion was seconded by Commissioner Wiley and passed unanimously.**

- *Correspondence* – Calhoon presented a letter of interest from Travis Ritchey for appointment to the East Yuma County Cemetery Board. Consideration for the Board vacancies will be made following posting of the vacancies in local circulars.
- *Maintenance Updates* – Yuma County Maintenance Sargent Travis Dinsmore joined the meeting to update the Commissioners on the status of the Yuma County Courthouse HVAC project. He reported the discovery of a cracked heat exchanger on the jail AC/heating unit needing correction. Currently functionality is able to be routed to a newly installed unit in another area, however the solution is temporary. Dinsmore provided 3 estimates for repair from Wern Air for Commissioner review. **Commissioner Wiley moved to approve replacement of the heat exchanger within the current unit, removal of the existing gas line and electrical and installation of new heat exchanger with gaskets and restoration of operation of the unit for a total cost of \$2,500.00 to be paid from 01-109-6366. Commissioner Bushner seconded the motion which passed unanimously.**


Calhoon reported on building maintenance project plans and tracking.

Sargent Joe Wells and Corporal Rhett Morris joined the meeting to discuss the status of outdoor camera equipment utilized to monitor the Courthouse exterior and review a bid by Diganet for the replacement of outdated equipment. **Commissioner Bushner moved to approve the Diganet bid for 3 wireless mesh ethernet antennas and 1 wireless mesh ethernet radio receiver including consumables, labor, travel, and bucket truck rental for installation for a total of \$6,952.00 to be paid from 20-903-8940. Commissioner Wiley seconded the motion which passed unanimously.**

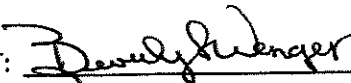
- *Hail Damage Claim Review* – Calhoon reported on pending insurance claims status resulting from the 2017 hail storm damage including the status of both the Courthouse and Health & Human Services building roof claims, the roofing bids for the County house at 311 Birch and the roofing estimates for the elections center and storage buildings.
- *HR Updates* – Calhoon reported updates on County Human Resource topics including the employee handbook review progress, a potential social media policy, and recommendations regarding updates to policy for recent nation-wide harassment concerns.
- *Permit Application, Ordinance 1982-1* – The Commissioners reviewed an oil well permit for Omimex Drilling per a state-approved form 2A. **Commissioner Bushner moved to approve the Permit Ordinance 1982-1 oil well drilling permit for Omimex Petroleum, Inc. giving 180 days for the drilling of the well to be located in the NW ¼ of the NW ¼ of Section 20, T1N, R48W on property owned by Randy and Debra Wilkins. Commissioner Wiley seconded the motion which passed unanimously.**

Maggie Metzler of the Yuma County Economic Development Corporation joined the meeting to discuss upcoming board vacancies and provided general updates.

There being no further business, the meeting adjourned at 4:34 p.m. The next regular meetings of the Board of County Commissioners will be on December 15, 2017 and December 29, 2017 with a Special Meeting tentatively planned for December 7, 2017 for purposes of a budget work session and presentation by Bret Johnson Architecture.

  
Dean Wingfield, Chairman

  
Andrea Calhoun, Administrator

ATTEST:   
Beverly Wenger, County Clerk

