

**YUMA COUNTY COMMISSIONERS**  
**January 15, 2010**

**Minutes<sup>1</sup>**

At 8 a.m., the Yuma County Board of Commissioners met in regular session on the 15th of January, 2010 with Commissioners Robin Wiley, Trent Bushner and Dean Wingfield present.

Administrator Linda Briggs was present throughout the day.  
The commissioners reviewed meetings that each attended within the last two weeks.

Yuma County Clerk -

Deputy Clerk Pam Zuege requested use of the Election Center building to host a baby shower for an employee expecting a baby. The commissioners said they would allow use of the building for the benefit of an employee, but felt it should not be used by an employee for family reunions, birthday parties, graduations, etc. Zuege was given approval to use the room for this baby shower.

Tracy Lungwitz -

Fair Manager Tracy Lungwitz was called for comments and recommendations for selection of the Fair Grounds Manager opening, who would cover grounds maintenance and event scheduling during the year, except for the week of the Yuma County Fair. Discussion pursued on the preferred qualifications and job duties.

Fair Grounds Manager Interviews –

At various times throughout the day the Board of Commissioners interviewed individuals interested in being the Fair Grounds Manager. The commissioners did not fill the position at this time, as several of the applicants said they would like to think it over.

Health and Human Services -

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

Road & Bridge -

In attendance from the Road and Bridge Department were: Supervisor Mark Shaw, Truck/Mining Foreman Howard McGinnis, and Office Assistant Micki White. Road and Bridge personnel updated the commissioners on road department activities.

The following were discussed:

- Shaw reviewed the location of crews and the projects.
- The commissioners were informed of gravel pit requirements brought to Shaw's attention at a recent training.
- A signed lease on the Mekelburg Pit was presented. Shaw said the county would be piling material in the pit for use by the landowner. The county cost of the stockpiling would be recouped from the amount, when the county pays for the material removed from the pit.
- In preparing for the chip seal project later in the year, additional rock will need purchased and trucked to the site. The commissioners said that the trucking would not need to be re-bid if the trucker that was selected last year will charge the same rate. Shaw said cracks in these highways are opening up and will need to be resealed.

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<sup>1</sup> These minutes prepared by Linda Briggs are summarized discussions, not verbatim.

- Quotes for a new loader have not been received. Several companies have allowed the county to try out some loaders.
- Mark asked how he should dispose of the equipment no longer used. It was recommended he check with the City of Wray and the school district to see if there were enough items for an auction. A list of the equipment will be presented later.
- There was discussion of the method of taking over maintenance of roads. Having a turn-around large enough for a road grader to easily turn is important. Some areas have been maintained as needed for school bus access, once there is no school children being picked up by the bus, these roads no longer receive regular maintenance.
- The commissioners reviewed the applications received for the open administrative position at the road and bridge department. Shaw and staff will review and make their selections for interviewing which will be scheduled in February.
- **Commissioner Wiley moved to approve the Underground and Utility Permits for the following:**  
**Trent Bushner submitted a road crossing request:**
  1. To install an electric line under CR C at ¼ mile south of CR 46.**Commissioner Wingfield seconded the motion, which passed unanimously. Commissioner Bushner abstained for he was the party requesting the road permit.**
- The unused leave, above the policy buyout amount, and the additional hours worked by the exempt employees were discussed. The board said they appreciate the dedication of the staff and know the department has been in an adjustment period. Purchase of the unused leave and compensation hours was discussed. The commissioners said they would pay for the additional unused leave hours this year, but from here forward they will only pay according to the established employee policy. At Shaw's request the commissioners will put their expectations in writing.  
(Later in the day the following motion was made:)  
**Commissioner Wiley moved to purchase accumulated leave earned by two employees during 2009 above the approved policy amount. Mark Shaw will receive pay for 104 additional hours and Howard McGinnis will receive pay for 120 additional hours. Commissioner Wingfield seconded the motion. Commissioners Wiley and Wingfield voted: Yea. Commissioner Bushner voted: Nay. The motion passed.** Compensation time amounts will be handled according to policy, which states: "the maximum amount of compensation time allowed for carry over to the next year is 32 hours." Hours accumulated above 32 as of December 31, 2009 are no longer available for use by the employee.

#### Ron Baucke -

Ron Baucke requested use of the fair grounds for the Junior Rodeo on June 12 and 13<sup>th</sup>. Kenny Mitchell said he was no longer doing the scheduling and he should talk to the commissioners. The board explained they were in the process of filling that position. Baucke said he may be interested in the opening. Discussion of the position pursued.

#### Treasurer's Report -

Dee Ann Stults presented and discussed several things with the board:

- The Treasurer's Report for the month of December, 2009 showed there was \$42.23 in taxes, and \$4,252.25 in fees collected.
- The commissioners confirmed that revenues from Mineral Leasing and Severance tax all go to Fund 2- the Road and Bridge Fund.
- Stults was asked if any legislation was in progress that would affect the treasurer's office. She reviewed several that would affect the Public Trustee. She will check with the Treasurer's Association and get back with others.
- The Colorado State Elected Official Salary Committee, on which Stults is a member, is recommending a 5% increase across-the-board as a salary increase for elected officials. It is not expected to pass due to

the financial status of the state.

- Interest revenue for the six months from July through December is \$118,399.07. This is very low compared to previous time frames.
- Stults presented and requested that some tax properties be deemed as not collectible. **Following the discussion Commissioner Wingfield moved to approve removing a total of \$230.63 from the Tax Roll for personal property owned by:**

**Efrain Tacos under Schedule # P002297 in the amount of \$80.02**

**Mendoza Tacos under Schedule # P002298 in the amount of \$80.02**

**Tomorrows Electronics under Schedule # P001227 in the amount of \$70.59**

**Commissioner Wiley seconded the motion. The motion passed by unanimous vote.**

- Stults presented a listing showing all tax adjustments during 2009. This includes the abatements and/or additions to the tax roll for various reasons which could be omitted property or clerical error. The total adjustment of \$30,708.52 was a reduction to the 2008 tax roll. These entries were from January 1, 2009 through December 31, 2009.
- Stults presented a resolution updating the agencies in which funds can be located. This shows the same listing as approved in 2009. **Commissioner Wingfield moved to approve Resolution #01-15-2010 D, authorizing the banking institutions in which the treasurer may deposit and invest funds. Commissioner Wiley seconded the motion, which passed by unanimous vote.** (Resolution attached.)

**Commissioner Bushner moved to approve Resolution #01-15-10 C which states Robin Wiley will be Chairman for 2010, reappointed Dave Henson as Director of the Human Services Department, Mark Shaw as Supervisor of the Road and Bridge Department, and Linda Briggs as Yuma County Administrator, along with appointments to regional boards, setting holidays, and administrative decisions for 2010. Commissioner Wingfield seconded the motion. The motion passed unanimously.** (Resolution attached.)

#### Land Use –

Resolutions confirming action made following the Land Use hearings held on December 30 were presented.

**Commissioner Wingfield moved to approve the following resolutions:**

**Resolution # 01-15-10 A (Permit #1209-04) a Yuma County Major Land Use Development Permit for Castle Rock Construction Co. of Colo. LLC, 6374 S. Racine Circle, Centennial, CO 80111, for a borrow site for the Hwy 385 project, on land owned by Ralph Weyerman located in T5S, R44W, NW¼NW¼ Section 12.**

And

**Resolution # 01-15-10 B (Permit #1209-05) a Yuma County Major Land Use Development Permit for Castle Rock Construction Co. of Colo. LLC, 6374 S. Racine Circle, Centennial, CO 80111, for a borrow site for the Hwy 385 project, on land owned by Kevin and Rebecca Shively located in T3S, R44W, SW¼SW¼ Section 1.**

**Commissioner Bushner seconded the motion which passed by unanimous vote.** (Resolutions attached.)

#### Earl Wernlein -

Earl Wernlein, owner of Wern Air, reviewed and gave a report of where his technicians are, in making the boiler and air conditioning changes in the Health and Human Service buildings. The majority of the work has been completed and they expect to have everything done within the next couple of weeks.

#### Sheriff Sam McCoy –

Sheriff Sam McCoy reviewed the quotes for vans to transport prisoners. Discussion centered on the weight of the cage to be installed in the van and engine size recommended for the additional weight. Sam checked out the information and returned to conclude the discussion by saying he has found that Wireless Advanced Communications, the company that installs the radios and detailing, also divides the van for transporting

passengers. This would be a better plan than purchasing the cage as discussed previously. Following the discussion, **Commissioner Bushner moved to purchase the van from Bonanza Ford for \$17,500 and have Wireless Advanced Communications divide the van into compartments as need for transporting prisoners at an expected cost of \$6,000. Commissioner Wingfield seconded the motion, which passed unanimously. These expenses will be paid from Fund 20, Vehicle Purchase Line 903-8942.**

Pat Duran / Economic Development -

Economic Development Director Pat Duran called in to review a request from Viaero Wireless locating a retail store in the City of Yuma. Duran outlined their intent to have 3 to 5 full-time employees and up to 3 part-time employees with benefits. The discussion concluded by the board confirming the business structure does not meet criteria established in Yuma County's incentive policy. The commissioners stated they were grateful for the addition of a new business and wished Viaero Wireless the best with this expansion.

David Schaffner -

Resident David Schaffner asked if the county would consider a long term lease or allow him to purchase approximately 2.6 acres adjacent to the intersection of County Road Z and Hwy 34. Schaffner currently mows the area and will continue to maintain the area. The commissioners said they did not want a building or anything located there that would obstruct access to Hwy 34. Discussion continued. The commissioners said Schaffner could continue using the property with continued maintenance and with liability insurance to cover vehicles parked there. He will work with Briggs in drafting a long term lease for use of the property.

Board Appointment -

**Commissioner Bushner moved to reappoint Andrea Anderson to the Revolving Loan Fund. Commissioner Wingfield seconded the motion, which passed unanimously. This is a three-year appointment ending December 31, 2012.**

Attorney Michael Grinnan -

Attorney Michael Grinnan presented a letter outlining an agreement for attorney services. **Following discussion, Commissioner Bushner moved to sign the letter and appoint Michael Grinnan as the Attorney for the Yuma County Commissioners. Commissioner Wingfield seconded the motion, which passed by unanimous vote.**

The commissioners discussed the issues relating to marijuana dispensaries, as many concerns have been voiced by counties and municipalities statewide. Discussion on the topic ended by the commissioners requesting Grinnan to recommend what action the County should take regarding marijuana dispensaries.

Administrator's Report -

Administrator Linda Briggs reviewed calls, correspondence, and presented the following for action:

**Commissioner Bushner moved to approve the minutes of December 30, 2009. Commissioner Wingfield seconded the motion, which passed unanimously.**

**Commissioner Wingfield moved to approve the Ambulance Service License for the City of Yuma Ambulance Service. Commissioner Bushner seconded. The motion passed unanimously.** The Ambulance License, issued by Yuma County, authorizes these agencies to operate in Yuma County from January 1, 2010 to December 31, 2010.

The following were signed by Chairman Wiley:

- Veterans Report for December, 2009.
- Idle Service Authorization for Y-W Electric at service location # 124-18-90.
- The FSA Report of Commodities Farm Summary for Farm # 7532.
- Employee buyout of leave hours for the end of 2009.
- Certification of Accounts Payable for January 15, 2010, checks #44458 through #44529 and checks #5490 through #5496, totaling the sum of \$527,058.53.
- Certification of Payroll for January 15, 2010, EFT system #29613 through #29629 / checks: #28739 through #28755, totaling the sum of \$28,140.45.

**Commissioner Bushner moved to approve Yuma County Permit Ordinance 1982-1 for the following:**

**1 Noble Energy, Inc. wells:**

Witte 12-36

**2 Rosetta Resources Operating LP wells:**

Bowman 11-08	Bowman 11-09	Bowman 12-15	Bowman 13-04	Chapman 27-3
Chapman 27-4	Chapman 27-5	Chapman 27-6	Deterding 31-2	Deterding 31-7
Deterding 31-8	Fix 32-12	Fonte 21-11	Kerbs L&C 08-02	
Kerbs L&C 08-09	Kerbs L&C 17-03	Link-Strom 13-10	Link-Strom 13-12	
Link-Strom 13-14	Newton 18-08	Pariset 20-12	Stults 24-10	

**Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.**

**Commissioner Wingfield moved to approve Resolution #01-15-2010 E, a resolution amending the 2009 budget and appropriating additional money to defray expenses in excess of amounts budgeted for the County of Yuma. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.** (Resolution attached.)

**Commissioner Wingfield moved to purchase a Quick Sweep Power Angle Broom for the skid loader from Attachments Direct in the amount of \$ 3,500.00 to be paid out of Conservation Trust funds.**

**Commissioner Bushner seconded the motion.** The skid loader along with the broom attachment will be used at the Yuma County Fair grounds.

Finance Officer Vicky Southards, brought to the commissioners attention the increased cost for utilities at the fair grounds, which started when a new type of meter was installed by the City of Yuma.

There being no further business, the meeting was adjourned at 5:30 p.m.

The next meeting of the board will be January 28 and February 16, 2010.

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Robin Wiley, Chairman

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Linda Briggs, Administrator

ATTEST: \_\_\_\_\_  
Beverly Wenger, County Clerk