

**YUMA COUNTY COMMISSIONERS**  
**January 30, 2009**

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

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 30th of January 2009, with Chairman Trent Bushner, Commissioners Robin Wiley, and Dean Wingfield present.

Administrator Linda Briggs was present throughout the day.

The commissioners reviewed with each other on affiliated meetings that each attended within the last two weeks.

Sandy Juhnke informed the commissioners that the HHS roof is leaking around the sky lights. Discussion of having a pitched roof constructed on the building was held. Earl Wernlein of Wern Air will be called to see about moving the air-handling units located on the flat roof. Wern Air has been working on the HVAC system in the courthouse to see if air flow improvements can be made.

Social Services -

The commissioners conducted business with Dave Henson, Director of the Department of Health and Human Services. Also present: Phyllis Williams and Micki White.

Director Dave Henson requested executive session to discuss personnel. **Commissioner Wiley moved to enter executive session as outlined in CRS 24-6-402 (4)(f) for personnel matters. Commissioner Wingfield seconded the motion.** At approximately 9:20 a.m., Commissioners Bushner, Wiley, and Wingfield with Dave Henson, and Linda Briggs entered into executive session. Through a duly made motion executive session ended at 9:50 a.m.

Road & Bridge -

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

Three sealed bids for the backhoe (1983 580D Case) advertised in the papers were presented for the commissioners to open. The three bids were from Hilltop Feed Lot, Inc. (\$8,551), Joe Jay (\$8,505), and Witherbee Ranch, LLC. (\$10,750). Shaw informed the board he was a partner in Witherbee Ranch. Following discussion of the bids, **Commissioner Wiley made the motion, with Commissioner Wingfield seconding, to accept the offer from Witherbee Ranch, LLC's offer of \$10,750 for the 1983 backhoe. The motion passed unanimously.**

The following were discussed:

- Chairman Bushner signed the Colorado Department of Transportation annual mileage change report certifying that Yuma County has 2,282.53 miles of H.U.T.F. eligible roads.
- Shaw brought in signs which had been shot with a shotgun for the board to see. Replacing the signs is very expensive. The new signs have a special reflectivity process and when one bullet penetrates the sign the reflectivity shatters, therefore the sign will not reflect and cannot be seen at night.
- Shaw said 25 miles of roads are in need of being chip-sealed in 2009. Discussion centered on which roads should be included in the grant request due April 1<sup>st</sup>. The costs of the materials are unknown at this time, but the commissioners said they would like to do the Vernon and Lone Star roads for a total of 12 miles.

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

- An update was given of changes in grader operators and of one moving to a different area home. Following the discussion, **Commissioner Wingfield moved to sign the lease agreement with Nate Minor moving into the Abarr House. Commissioner Wiley seconded the motion. The motion passed unanimously.**
- The gravel pit lease content was reviewed. An update was given on the Wise Pit in Phillips County, the Brand Pit, and a few other locations they are exploring.
- Three offers have been made to applicants for open positions at the Road and Bridge Department.

**Commissioner Wingfield moved to approve the Underground and Utility Permits for the following:**

- **The Rosewood Resources Company submitted the following road crossing requests:**
  1. To install a #2 poly electric line across CR 47 at 600' east of CR R.
  2. To install an electric & 2" poly water line across CR L at ½ mile north of CR 41.

**Commissioner Wiley seconded the motion, which passed unanimously.**

Margaret Marr –

Margaret Marr asked for funds to support transporting 4-H youth to various activities. For the last several years, the county has made a contribution to assist with the gas costs to attend shooting events and judging contests.

Following the discussion, **Commissioner Wiley moved to commit \$300.00 for transportation expenses for taking the 4-H youth to these events. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.** A bill will be sent when the funds are needed. This will be paid out of the Recreation Fund.

Seismic Permit -

Vicky Slater, Permit Supervisor on behalf of Noble Energy, Inc., presented a seismic permit for approval. Maps showed the areas in which the testing will be located. Slater said this was one of four seismic projects for Yuma County. The other three have been pulled at this time due to the economy. Following discussion, **Commissioner Wiley moved to approve 3-D Vibroseis Seismic testing in T1S, R45W; T2S, R44W; T2S, R45W; and part of T1S, R44W. Commissioner Bushner seconded the motion. Commissioner Wingfield abstained for he has property in the area being tested. The motion passed by Commissioner Wiley and Bushner voting, Yea.**

WRAC -

Kara Hoover, Director for the WRAC effective December 1, 2008, presented a letter of request for a donation equal to the property taxes paid on the non-profit Wray Rehabilitation and Activities Center, Inc. Hoover discussed activities of the WRAC. **Commissioner Wiley moved to contribute \$333.55 to the WRAC. Commissioner Wingfield seconded the motion. The motion passed unanimously.** This will be paid from the Recreation Fund.

Land Use –

At 1:05 p.m., Chairman Bushner opened the hearing for public comment on a Yuma County Major Land Use Permit to allow Yuma County to open a gravel pit on land owned by Alva and Lael Deterding, as advertised.

Present: Mark Shaw and Howard McGinnis.

Briggs said no written comments or calls had been received at the administrative office relating to the application. The staff report was presented. The Yuma County Planning Commission had reviewed the application and recommended approval with the recommendations in the staff report, along with special consideration to blowing dirt along and across Hwy 34.

No public comments were received.

Commissioner Wingfield asked what type of material was going to be mined. Shaw said the material contains a lot of the white clay type of dirt, which will be used for road base.

The commissioners reviewed the planning commission recommendations on the application. Through a duly made motion, the hearing was closed at approximately 1:10 p.m.

**Commissioner Wingfield moved to approve the application for the Yuma County Development Permit Application #1208-10 for Yuma County Road & Bridge to open a 28.65 acre gravel pit leased from owners Alva and Lael Deterding, located in SE $\frac{1}{4}$  NW $\frac{1}{4}$  S6, T1N, R44W, with these recommendations of the Planning Commission:**

- 1. This permit will automatically renew February 1, 2010 and continue each year thereafter, unless there is a determination by the Board of County Commissioners that the permit should be terminated. The yearly renewal is contingent upon continued best management practices, which can be questioned by complaints or from a site inspection by a person authorized by the Board of County Commissioners.**
- 2. Special consideration should be given to blowing dirt along and across Hwy. 34.**
- 3. The Applicant shall be responsible for complying with all Federal, State, and Local regulations, conditions, and design standards.**

**Commissioner Wiley seconded the motion and the motion passed unanimously.** The permit resolution will be presented at the next meeting.

#### Probation Department –

Chief Probation Officer Steve Proctor and Assistant John Draxler informed the commissioners that the interview process for selecting a person to do administration services for the probation staff located in Wray, and to fill the Useful Public Service position, had been completed. The state will not allow the individual to start until March 1<sup>st</sup>. The commissioners confirmed that if the employee could start prior to March, doing probation duties, the county would pay for the time worked.

Discussion pursued on joint funding of the employee. The employee is to work three (8 hour) days each week. Yuma County will pay for one day a week, with the Probation Department paying for two days. Yuma County will pay the employee direct once a month. The employee will be supervised by John Draxler. Training will be done by an employee operating the Useful Public Service program in Morgan County. Draxler said he had checked with the Judge, and the person operating the UPS program does not need to attend court, unless there is a need to testify.

Other discussion centered on the UPS process, fees collected, and how the court buyout option works. Proctor said there is no problem with the UPS program being on the state computer.

#### Assessor Cindy Taylor -

Assessor Cindy Taylor informed the commissioners of 38 abatements and 1 addition to the tax roll. None of the 38 abatements were over the \$1,000, where the commissioners are to give approval. This is being done because the information put into the administration portion of the ACS computer program did not carry over into the CAMA section of the program. Therefore, these tax value changes were not picked up prior to the tax roll being finalized.

Taylor said this is another reason for the need to change programs. Additional demonstrations of the Colorado Custom Ware will be attended, to evaluate the progress being made with the Treasurer's package.

ACS has notified Taylor that they had not been charging the correct billing amount for the last 6 months, therefore the next bill will be higher.

Clerk Beverly Wenger –

Clerk Beverly Wenger informed the commissioners that additional revenue could be gained by assessing a fee, if license plates are renewed late. This is a county option with approximately one-half of the counties assessing a fee. The state already assesses a late fee if it is over 30 days late. A county fee assessment would be in addition to the state fee. Discussion pursued. The commissioners agreed that it may be necessary in the future, but did not want to start a fee assessment at this time.

Department Head Meeting -

In addition to the commissioners, the following department heads were present: Cindy Taylor, Sam McCoy, Dee Ann Stults, Beverly Wenger, Mark Shaw, Cliff Henry, David Henson, and Linda Briggs.

The following were discussed:

- Snow should be removed from the sidewalk along the south side of the old coop property.
- The reason the internet has previously been down some is because of the individuals streaming radio over the internet. This takes a lot of bandwidth which at times cuts some off from receiving internet service. This is an in-house problem and would not be fixed if service providers were changed.
- Cindy Taylor agreed to serve as chairman of the Department Heads.
- Dave Henson gave an update on the self defense class under consideration. The cost is \$60 per person. There was discussion if it should be on county time. Following discussion, the commissioners said the \$60 would be paid by the county from the Recreation Fund #5, but the employee is to use personal leave or make up the time during the week in which they take the training. Dave will get back to each department when the schedule is confirmed.
- Sam McCoy said additional equipment is being purchased before the building security is implemented.

Sheriff Sam McCoy -

Sheriff Sam McCoy informed the commissioners that the Crime Stoppers have been active. There have been several cases for which awards have been committed. So far approximately \$400 has been issued for information received. The Crime Stoppers account balance is around \$2,500, but the award commitment is much greater. His concern was, if all awards were substantiated and paid out, the organization would need additional funds to make the payout. Crime Stoppers will be approaching entities for additional financial support. The commissioners stated if the payout became more than funds available, they would see how they could assist.

McCoy confirmed the jail inmate numbers have still been running high.

Yuma County Water Authority Public Improvement District -

At approximately 4:00 p.m., the commissioners adjourned to conduct business of the Yuma County Water Authority Public Improvement District.<sup>2</sup> The Commissioner meeting resumed at around 4:35 p.m.

Administrator's Report -

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

Certification of Accounts Payable for January 30, 2009, systems/warrants #41660 through #41748 and systems/warrants #5075 through #5089 totaling the sum of \$307,413.08 were approved and signed by Chairman Trent Bushner.

Certification of Payroll for January 30, 2009, systems/warrants #28075 through #28197 and systems/warrants #4269 through #4282 totaling the sum of \$237,337.79 were approved and signed by Chairman Trent Bushner.

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

The Board of County Commissioners did the yearly evaluation on Administrator Linda Briggs.

**A motion was made by Commissioner Wiley and seconded by Commissioner Wingfield to approve the minutes of December 22 and December 30, 2008, and January 15, 2009. The motion passed unanimously.**

**Commissioner Wingfield moved to approve Resolution 01-30-2009 A authorizing the Treasurer of Yuma County to impose an additional ten dollar charge to certain delinquent taxes. Commissioner Wiley seconded the motion. The motion passed unanimously. (Resolution attached.)**

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

**1 Petroleum Development Corporation wells:**

Rueb-Herbst 13-22                      Westerberg 41-24

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

**Commissioner Wingfield moved to approve Resolution 01-30-09 B authorizing the Useful Public Service fee to be increased to one hundred twenty dollars. Commissioner Wiley seconded the motion, which passed by unanimous vote. (Resolution attached.)**

**Commissioner Wiley moved to approve Resolution 01-30-09 C which approves and accepts the Road Dedication of County Road 33.6 as a City of Wray public street, hereinafter called Canyon Ridge Drive, retroactive to May 5, 1997. Commissioner Wingfield seconded the motion which passed unanimously. (Resolution and documents attached.)**

The commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:30 p.m. The next meeting of the board will be February 17 and February 27, 2009.

A listing of meetings attended by the Commissioners during the month of January 2009 is attached.

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Trent Bushner, Chairman

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Linda Briggs, Administrator

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