

YUMA COUNTY COMMISSIONERS
February 27, 2009

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 27th of February, 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.

Cindy Stulp and Phil Asmus / Old Thresher's Show -

Cindy Stulp and Phil Asmus presented a letter requesting use of the Fair Grounds for the 29th Old Threshers Show to be held September 11, 12, and 13, 2009. Last year they had a great show. They are going to continue asking the Air Stream visitors to attend. Scheduling of the event will be worked out with Kenny Mitchell. Last year everything went well and other than the dates, there were no changes. Old Threshers will get the race track back into condition after it is used for the tractor pull. A certificate of insurance will be acquired with Yuma County listed as additional insured. A motion was made following the discussion.

Commissioner Wingfield moved to approve the Old Threshers Group using the Yuma County Fair Ground Facilities for the Old Threshers Show held September 11, 12, & 13, 2009 with grounds access from August 7th to September 16th. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.

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.

Commissioner Wiley moved to sign Resolution #02-27-2009 B, a resolution adding the Yuma County Treasurer and Deputy Treasurer as signators to the Department of Human Services Client Services Account. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote. This resolution shall nullify Resolution 11-15-2007 D. (Resolution attached.)

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.

The following were discussed:

- NRCS would like the county to build fences and till the soil on the two locations selected for a living fence which is on Road 3 and Road 7 in the southeast portion of the county. Shaw said the problem is they want this done in March, which is a very busy time for the department. The commissioners said they support the projects, but the county should not let it interfere with the regular needs.
- Shaw gave some prices for leasing pickups. Discussion pursued. The commissioners said they did not think leasing was the best options for the county. A used vehicle would be adequate for those areas where one puts on low mileage during the year.
- Shaw reviewed the options for getting water when they will be upgrading County Road 26 this summer. Gas industry frac tanks can be rented for \$50 a day. Costs for having a third party haul the water was estimated and the cost of purchasing water was presented. There is a tank at an auction which Shaw would

¹ These minutes prepared by Linda Briggs are summarized discussions, not verbatim.

like to attend. **Commissioner Wingfield moved to sign a letter authorizing Mark Shaw to purchase at the March 10th Ritchie Brothers Auction in Brighton, Colorado. Commissioner Wiley seconded the motion, which passed unanimously.**

- Washington County has asked if the department would be interested in purchasing a double wall 20,000 gallon tank for fuel storage. Two tanks are being sold, but Washington County only wants one. Shaw will contact Washington County to find out the details.
- Concrete Specialties from Sterling has visited the Homm Bridge to consider a proposal for replacing the bridge. Once they get the specifications and cost, a comparison can be made to see if they still want to proceed with the state replacement option.
- Shaw briefed the commissioners of road improvement locations and from which pits the road material was being removed.
- The county is in the process of crushing and screening the asphalt for the City of Wray. There was discussion of crushing asphalt in Idalia. Shaw said this needs done when the weather is cold. They probably could not get to it until next winter.
- A lease template was presented for the commissioners to consider as a master. This document can then be changed to meet a land owner's specific needs. The commissioner approved of the lease format.
- Interviews have been done to fill the open positions in the department. Upon request by Shaw, the commissioners agreed to allow hiring one additional above the maximum allowed in the budget. Shaw said these were good applicants and wanted to take advantage of the applicant pool.

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

- **The Rosewood Resource, Inc. submitted the following road crossing request:**

To install a 3" poly & #2 electric line across CR Q at approx. ½ mile north of CR 44.

Commissioner Wingfield seconded the motion, which passed unanimously.

Joes Fire Department -

Dean Tyner, Ken Sears, and Keith Drager said the Yuma County Fire Protection District has committed \$213,000 over two years toward construction of a Fire Hall in Joes. Tyner asked if it would be possible for the Fire Protection District to pursue an Energy Impact Grant to assist in financing the building. Community contributions of approximately \$15,000 have been committed. A four acre plot of land just west of the State Highway shed will be acquired. The Highway Department said they would assist in clearing the lot to make sure the fire trucks could get out during a snow storm. Following the discussion, the Commissioners confirmed that they would give a letter of support to submit with the grant application.

Treasurer and Clerk -

Treasurer Dee Ann Stults and Clerk Beverly Wenger requested that a resolution be signed allowing the Treasurer and Deputy Treasurer to receive cash back from funds that are deposited. In the past, the Clerk's cash drawer is under the cash amount of \$1,200. In the past the deposits were taken to the bank and cash received to bring the cash drawer to the \$1,200 balance. The bank will no longer give cash back, because it is not the best financial management practice. Instead of receiving cash back, a check should be written on the account. Needing to get cash into the drawer does not happen often, possibly two times in the last year. Stults said that they have tried replacing the funds by writing a check and the Treasurer's accounting system is always off. They cannot figure out how to make the accounts equal with the check writing process.

The bank said they would allow the practice to continue if the Commissioners approve the practice through a resolution. Discussion continued. After the commissioners were informed that two people always go to the bank and there are paper documents showing the transaction through each department, **Commissioner Wiley moved to approve Resolution 02-27-2009 D, which allows cash back on a deposit made as needed, to restore the cash**

balance in the Clerk's office. Commissioner Wingfield seconded the motion. The motion passed unanimously. (Resolution attached.)

Treasurer Dee Ann Stults –

Treasurer Dee Ann Stults informed the commissioners she distrained the Wray Liquor store on February 12th for non-payment of personal property taxes. She had called all parties involved to inform them of the tax liability. The property has had several owners in recent years. The tax liability stays with the property. The 2007 taxes around \$890.00 have not been paid. The cost will increase for all advertising and costs of closing will be added to the tax bill. The main item is a walk-in cooler with a glass front, which is estimated to be worth several thousand dollars. Stults said she can line up an auctioneer to sell the personal property, the Sheriff can hold the auction, or she and staff can go through the process. She is not going to do anything for several weeks. Stults will keep the commissioners informed.

Nicole Frank / Wauneta Fire Hall -

Nicole Frank presented the GOCO grant application for signature. The commissioners had agreed to sponsor the application for playground equipment and picnic tables to be located on the Wauneta Fire Hall grounds. Following review of the application, **Commissioner Wiley moved to sign the application and Resolution 02-27-2009 E which states Yuma County supports Wauneta's GOCO grant application and authorizes the expenditure of funds necessary to meet the grant award. Commissioner Wingfield seconded the motion, which passed by unanimous vote.** (Resolution attached.)

Cliff Henry / Yuma County Landfill-

Cliff Henry, Landfill Supervisor, said he has found out that through a resolution the Commissioners can authorize one person to issue burn permits. Henry applies to the State for approval when there is a need to burn at the landfill. Pros and cons of having the authority at the local level was discussed. The Board decided to retain the current process.

Pat Duran / Economic Development –

Pat Duran, Director of Yuma County Economic Development, said he met with members of the community wanting to find a way to keep Cedardale Health Care Centre operating. This business employs 30 people. An impact to the community would be evident if the facility should close. Duran said he gave the interested parties references to assist with organizing and establishing an economically viable business plan.

Duran gave an update on the Runaway Inn. The State Department of Health has had meetings with the owner, so this restaurant near Joes might be opened this summer.

Quotes relating to New Energy Communities Grant -

Also present: Pat Duran, Stan Holmes, and Sue Jarrett

John McAllister and Ed Wernsman from EMC Engineers, Inc. and Brad Stevens and Gary Bergard from Honeywell Building Solutions presented and discussed their respective quotes for doing the facility energy audit as required by the grant received through the Governor's Energy Office. Representatives from each company gave a review of the company they represent, and why they would be the firm to select for the project. The commissioners asked questions, discussed, and compared the two proposals with each agency. The commissioners said they would discuss the information presented and make a decision later in the day.

Later, Stan Holmes and Pat Duran joined the Commissioners to discuss and select the company to perform the energy audit. At the conclusion of the discussion, **Commissioner Wiley moved to award the energy audit to Honeywell pending approval of the Wray City Council. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.**

Alberto Gomez –

Alberto Gomez asked if he could park a trailer on the county owned property across the street west of the courthouse. He has a food vending business which is currently located in the industrial park. He would like to locate it within town. Gomez confirmed he had the required permits. The commissioners said they did not have enough parking spaces as is, especially on court days. Other possible locations in town were suggested.

Clerk Beverly Wenger –

Yuma County Clerk Beverly Wenger requested approval to conduct the November 3, 2009 election by mail ballot. Following discussion of the voting process, **Commissioner Wiley moved to approve Resolution # 2-27-09 C giving approval to conduct the November 3, 2009 election according to the Mail Ballot Election Act and the regulations of the Secretary of State. Commissioner Wingfield seconded the motion. The motion passed unanimously.** (Resolution attached.)

Wenger said there has been additional water damage in the northwest corner of the building in which the election equipment is located. Briggs said the open area to the west side of the building had been filled. She would have someone take down the guttering to see if more needs done under the gutter area.

Wenger said the motor vehicle office opened in Yuma has been working well. The business is about the same when you combine both offices.

Jail Meals –

Sheriff Sam McCoy, Jail Sergeant Rick Schorzman, and Dave Henson met to discuss the prospect of providing meals for the inmates from the kitchen in the Health and Human Services Building. McCoy said CBM, a new meal provider, has presented a quote for preparing meals for the inmates. The quote is based on a sliding scale according to the number of meals prepared.

Henson said the kitchen will still be used for program training through the Human Services department. It will be open to provide meals to the inmates also. The problem is in who will be hiring and supervising the staff needed for the inmate meals. Grant Smith does not have the time to provide oversight of the inmate meal preparations.

Discussion continued on who would have oversight of the 1.75 full time positions needed to operate the kitchen 365 days a year; the additional equipment that would need to be purchased; and a method of transporting meals from the kitchen at the HHS to the jail. The kitchen improvements will continue with the future possibility of preparing the inmate meals. Henson confirmed that training could be provided through a program in his department.

Richard Birnie / GIS –

Richard Birnie, GIS Coordinator, met with the commissioners. The commissioners asked if he would be interested in taking GPS points along the Laird and Pioneer irrigation ditches so they can have an accurate map of where they are currently located. Birnie confirmed it is a project he would like to do.

Eldon Fisher / Golden Plains Extension –

Eldon Fisher dropped in to ask if a pop and candy dispenser machine could be placed in the elevator lobby. Revenue from the sales will support the Extension user fee required by CSU. The commissioners approved of the vending machines.

Land Use –

Commissioner Wingfield moved to approve Resolution No.02-27-09 A which approves a Major Land Use Development Permit for Yuma County Road & Bridge, to operate a gravel mine on land owned by Alva and Lael Deterding in T1N, R44W, Section 6. Commissioner Wiley seconded the motion. The motion passed by unanimous vote. (Resolution attached.)

Sue Jarrett and Dean Jarrett -

Sue Jarrett and Dean Jarrett met with the commissioners. Discussion centered on the legislative review of the Colorado Oil and Gas Conservation Commission rule changes and the need to have them delayed. The affect of the gas industry retracting nearly all drilling activity within the county has caused companies to terminate employees. Other bills being considered by the Colorado Legislature were discussed.

Administrator's Report -

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

A call was made to the Construction Manager of the Colorado Water Conservation Board, Tim Feehan. Discussion centered on the \$9,595,000 million CWDB loan closing date. The date selected by the commissioners will be used to calculate the interest and schedule the yearly principal and interest due date. The commissioners said they anticipated having enough tax revenue by June 1st of each year. Feehan will send out a final packet and revised payment schedule the first week of June, 2009.

A motion was made by Commissioner Wingfield and seconded by Commissioner Wiley to approve the minutes of February 17, 2009. The motion passed unanimously.

Commissioner Wiley moved to have Chairman Bushner sign the Colorado Division of Criminal Justice Assistance Grant 2009 Application for the Sheriff Department to receive \$44,261 for agencies in the 13th Judicial District to detect, apprehend and prosecute persons using, possessing, manufacturing and trafficking narcotics in Eastern Colorado. Commissioner Wingfield seconded the motion which passed unanimously. Grant year is from 10/01/2009 to 09/30/2010.

Commissioner Wingfield moved to reimburse Carol Boden \$489.66, as documentation has been provided that the yearly deductible amount to both CEBT/PacifiCare and to County Health Pool/Anthem Blue Cross has been paid for her. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.²

Commissioner Wiley moved to approve the South Y-W Ambulance License for 2009. Commissioner Wingfield seconded the motion. The motion passed unanimously.

Commissioner Wingfield moved to send a letter to Governor Ritter, requesting relief on the Colorado Oil and Gas Conservation Commission Rules, by delaying implementation of the rules for one year. Commissioner Wiley seconded the motion. The motion passed unanimously.

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

1 Berry Petroleum Company wells:

J.P. Brophy 11-07 4N45W

J.P. Brophy 13-07 4N45W

J.P. Brophy 13-18 4N45W

J.P. Brophy 23-17 4N45W

J.P. Brophy 24-07X 4N45W

J.P. Brophy 24-08 4N45W

J.P. Brophy 41-18 4N45W

J.P. Brophy 43-07 4N45W

Ferguson 11-30 2N46W

² See related motion in April 30, 2008 minutes.

Kitzmiller Grazing 41-33 4N45W	McCaslin 12-14 1N47W	Zwirn 11-32-1S43W
Zwirn 12-32 1S43W	Zwirn 13-32 1S43W	Zwirn 14-32 1S43W
Zwirn 21-32 1S43W	Zwirn 23-32 1S43W	Zwirn 31-32 1S43W
Zwirn 32-32 1S43W	Zwirn 41-32 1S43W	

2 Petroleum Development Corporation wells:

Soehner 21-34

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

Certification of Accounts Payable for February 27, 2009, systems/warrants #41864 through #41957 and systems/warrants #5099 through #5114 totaling the sum of \$280,565.28 were approved and signed by Chairman Trent Bushner.

Certification of Payroll for February 27, 2009, systems/warrants #28198 through #28321 and systems/warrants #4283 through #4296 totaling the sum of \$241,435.08 were approved and signed by Chairman Trent Bushner.

The commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:45 p.m. The next meeting of the board will be March 16 and March 31, 2009.

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

Trent Bushner, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk