

YUMA COUNTY COMMISSIONERS

March 31, 2010

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 31st of March, 2010, with Chairman Robin Wiley, Commissioners Trent Bushner 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.

Tracy and Archer water rights -

At 8:00 a.m. the Board, on behalf of the Yuma County Water Authority (YCWA), met with Rex Tracy and John Archer to discuss purchase of the water rights tied to property they each own individually. Chairman Wiley presented the amount the board has discussed to purchase each of the water rights. At the conclusion of the discussion, Tracy confirmed that he would accept the offer. Archer said he wanted to check with his accountant prior to making his decision. The remainder of the discussion centered on the closing requirements including an O & M statement to show a clear chain of ownership through previous deeds of the water transfer. Once the information is reviewed by the YCWA attorney, the purchase can be completed.

Health and Human Services -

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

Road & Bridge -

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

The following were discussed:

- Shaw presented a bid summary for the asphalt needed for the Chip Seal project through the EIAF grant. Information was sent to several companies, but only one submitted a bid. **Commissioner Wingfield moved to accept the bid from Cobitco for the asphalt: Chip Seal at \$2.40 per gallon and Fog Seal at \$1.99 per gallon FOB Wray. Commissioner Bushner seconded the motion. The motion passed unanimously.**
- Mark reviewed the suppliers of the chip rock and the differences in the type of rock from each supplier.
- He is confirming the trucking expense to each location. This will be presented at a future meeting.
- Bids to purchase the scrap metal were presented. Following the review, **Commissioner Bushner moved to accept the bid of \$105.00 per ton for the scrap metal at the Wray shop from Rick Hunter and the bid of \$40.00 per ton for the scrap metal at the Mek 1 Pit from Robert Cook. Commissioner Wingfield seconded the motion. Motion passed by unanimous vote.**
- The earth moving work at the Brand Pit by Sprague should be finished today. Two piles have been made at the Brand Pit, one for the county to load from and one for the property owner to use. The boundary changes have been approved by the State. Signs will be put up and the gate locked. Each party with authority to access the pit will have their own lock for the gate.
- Gardner Estate road was discussed. The turnaround constructed by the county was destroyed when the owner excavated for construction of his home. The county position is that the owner is to give

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

additional land through a deed or recorded easement, and construct the turnaround according to county specifications prior to the county continuing maintenance of that section of the road. The grader operator cannot safely access that road segment without being able to turn the grader around.

- Individuals that should be contacted to discuss the Idalia drainage problem were identified.
- Sealing the cracks in the asphalt roads continues.
- Shaw discussed minor issues.
- An update of employee positions not yet filled was given by Shaw.

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

- **The Bitter Creek Pipelines, LLC submitted the following road crossing request:**
 1. To install a gas and water line under CR 51 at approx. halfway between CR's X & W.
- **Sandra Bowman submitted the following road crossing requests:**
 1. To install a 3" poly water casing line across CR Z.75 at ½ mile south of CR 22.
 2. To install a 3" poly water casing line across CR 22 at ½ mile east of CR Z.
 3. To install a 3" poly water casing line across CR Z at ½ mile south of CR 23.
- **Kenneth R. Goeglein submitted the following road crossing request:**
 1. To install a water line at the intersection of CR G & CR 18.

Commissioner Wingfield seconded the motion, which passed unanimously.

Exempt Rule 801 of the COGCC -

Seth Chappell, Tom Weaver, and Blain Sharp, representing various gas companies, requested the commissioners exempt Rule 801 of the Colorado Oil and Gas Conservation Commission. This rule relates to the visual impact of gas equipment. Currently to meet the State requirement, the gas company is to repaint oil and gas equipment a uniform tan color. With the number of wells in Yuma County, this is a significant cost to the gas industry. This includes the well equipment and meter sheds. After several years, the equipment and sheds have to be repainted due to weather deterioration.

Following additional discussion, **Commissioner Wingfield moved to pass Resolution #03-31-2010 A requesting an exemption from Rule 801, Visual Impact Mitigation, relating to the repainting of all oil and gas equipment activities located in Yuma County to a uniform tan color. Commissioner Bushner seconded the motion, which passed by unanimous vote.**

Yuma Ethanol -

Dave Kramer, President and General Manager of Yuma Ethanol, LLC, presented a letter requesting a tax refund of \$110,300.05 as outlined in Resolution 06-15-2006 B, Yuma County's Economic Development Incentive Policy. An updated employee report was also submitted to confirm the company is meeting the Economic Development Incentive requirements. The commissioners said the data looks similar to last year. Kramer said the taxes would be paid by the deadline requirement of April 30th. Following payment of the total tax amount, Yuma County would reimburse back to Yuma Ethanol ½ of the taxes paid. A resolution will be drafted, which will state the data was accepted and how the reimbursement would be made. This employee assessment will need to be done each year in order to receive the tax refund. Other discussion centered on the Yuma Ethanol plant operations.

Land Use -

At 1:10 p.m., Chairman Robin Wiley opened the hearing for public comment on an Application for Exemption from Subdivision Regulations for Donna Whomble and the Bruce Whomble Trust to divide a parcel of land and for two Development Permits: 1) Mike and Peggy Hassman to open a restaurant in a building previously used as a church, and 2) Jimmie E. Henson and John Porter to use a vacant house for commercial use. These applications had been advertised as required in the Land Use Code.

Present: Robert Richmond, Kim Richmond, Peggy Hassman, Mike Hassman, Leonard Whomble, and participating via the phone was Jim Henson.

Briggs gave the staff report for each application. Briggs said the planning commission had reviewed these requests on March 16, 2010 and recommended approval on each one with the requirement of meeting all federal, state, and local requirements. The City of Wray Planning Department reviewed the application and signed off on the request with no recommendations.

Briggs said the administration office received several calls inquiring about development permits requesting a new business location. The callers were more curious of the businesses going in near them. None stated they had concerns or wanted to make comments. All calling parties were informed of the hearings they could attend.

The commissioners reviewed the planning commission recommendations on the applications. Through a duly made motion around 1:21 p.m., the hearing was closed.

Commissioner Wingfield moved to approve the Development Permit Application #0210-01 for Mike and Peggy Hassman to open a restaurant in a building previously used as a church, located in S/2 SW/4 Section 2, T1N, R44W, also known as 29231 Co Rd 35, Wray, CO.

and

the Development Permit Application #0210-02 for Jimmie E. Henson and John Porter to use a vacant house for commercial use, located in NE/4 SE/4 Section 6, T1N, R43W, with the stipulation that the applicants comply with all Federal, State, and Local regulations, conditions, and design standards. Commissioner Bushner seconded the motion. The motion passed unanimously.

Commissioner Bushner moved to approve the Application for Exemption from Subdivision Regulations #0210-01 for Donna Whomble and the Bruce Whomble Family Trust to divide 9.87 +/- acres from 160 +/- acres, to sell to a family member for construction of a home. All acres are located in NE¼ Section 35, T1N, R43W, with the stipulation that Federal, State, and Local regulations, conditions, and design standards are complied with. Commissioner Wingfield seconded the motion, which passed unanimously.

Concession Building at Fair Grounds –

A call was made to Earl Wernlein of Wern Air, Inc. to discuss the design of the heating, ventilating and air conditioning system for the Concession Building, to be constructed at the fair grounds.

Northeastern Colorado Bookmobile -

Rhonda Gronewold and Roberta Helling met with the board to discuss a new building for housing the bookmobile services. USDA has rural development grants and loan options which could be used for a new building.

Gronewold said she could not find the type of organization the bookmobile is considered as. DOLA considers it an "other"; it is not a 501 type of organization nor a governmental agency with a mill levy. Because of this, it will be difficult to receive a USDA grant or loan. Gronewold asked if Yuma County could apply for the USDA grant and loan. Everyone concurred the building would remain under county ownership until the building loan had been paid off. Following the discussion, **Commissioner Wingfield moved to have Yuma County apply to USDA for funds to construct a building on behalf of the Bookmobile. Commissioner Bushner seconded the motion, which passed by unanimous vote.**

Coroner Jim Schmidt -

Coroner Jim Schmidt requested he be allowed to have health insurance coverage through Yuma County's plan. Administrative staff had checked and confirmed the insurance company "County Health Pool (CHP) through County Technical Services" would allow the coroner to be added if the Board of County Commissioners approved.

Schmidt said he would pay the premium cost. **Commissioner Bushner moved to approve the request and allow Coroner Jim Schmidt to be added to the CHP in order to receive health insurance with 100% of the cost being reimbursed to Yuma County by Coroner Jim Schmidt. Commissioner Wingfield seconded the motion. The motion passed unanimously.**

Seismic -

Larry Smith, from Geokinetics USA, Inc., requested approval to do seismic testing in Yuma County. A permit from the State of Colorado State Board of Land Commissioners was presented along with a map locating the area to be tested. Following the discussion, **Commissioner Wingfield moved to approve the request from Geokinetics USA, Inc. to do seismic activities in Section 36, T2S, R54W. Commissioner Bushner seconded the motion, which passed unanimously.**

Yuma County Water Authority Public Improvement District -

At approximately 3:00 p.m., the commissioners adjourned to conduct business of the Yuma County Water Authority Public Improvement District.² The commissioners meeting resumed at around 3:15 p.m.

Clerk Beverly Wenger –

Clerk Beverly Wenger informed the commissioners that the cost to install linoleum on the floors at the Election Center would be \$731. It was recommended that we include that project in with flooring for the courthouse basement restrooms. By making a large project, a better value could be achieved.

Wenger informed the board that she had been looking at different vendors to scan and index documents as required in her office. Wenger reviewed recording improvements offered by Computer Software Associates, Inc. She had compared different vendors and this company was her selection. The server, program, training, installation, data conversion, along with the first year of support and hosting fee is \$69,954. Wenger said record search would be available over the internet where vendors and individuals could then be charged to retrieve the information. This would help offset the cost of providing the service. The board requested to see a demonstration of the program before making a decision.

Ruben Gordo –

Ruben Gordo asked the commissioners what the charge was for vendors when they come to sell food during the races scheduled by Los 3 Alazanes. He has scheduled 9 weekends during 2010 at which there will be vendors attending the races. The commissioners said they had not considered that when the Yuma County Fair Fee Schedule was approved. There was a general discussion on the vendors being there to make money and the number of people that attended the event. Gordo asked if a race were rained out the day scheduled, would the county make some allowance, if it should happen. The commissioners said they would consider making arrangements such as selecting a different day. Each circumstance would be considered as it happens. The commissioners confirmed there would be a fee assessed to the vendors and they would discuss it more later.

Later in the day, **Commissioner Bushner moved to approve a charge of \$50.00 for using Yuma County's concession area, \$35.00 for using County water and/or electricity, and \$20.00 for bringing in a self contained food unit. Commissioner Wingfield seconded the motion. The motion passed unanimously.** (Fee schedule attached.)

² Minutes of the Yuma County Water Authority PID are done separately.

Board Appointment –

Commissioner Wingfield moved to appoint Pricilla Brown to the East Yuma County Cemetery District Board to finish the term held by the late Jim Wakefield. The term will expire in 2013. Commissioner Bushner seconded the motion, which passed by unanimous vote.

Administrator's Report -

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

A motion was made by Commissioner Bushner and seconded by Commissioner Wingfield to approve the minutes of March 15, 2010. The motion passed unanimously.

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

1 Augustus Energy Partners Company wells:

Crossland State 34-36 5N47W Keller Federal 24-10 2S46W Kirchenschlager 11-11 1N47W
Kirchenschlager 13-11 1N47W Kirchenschlager 22-11 1N47W Lebsock 41-22 3N47W
Lippert 24-05 1S44W

2 Omimex Petroleum, Inc. wells:

Bennett 4-15-5-45 Bledsoe 2-7-5-44

3 Rosetta Resources Operating, LP wells:

Blomstrom 09-12 Brueggeman 24-05 Brueggeman 24-06 Cantrall 02-03
Fonte 05-04 Lamb 07-12 Lamb 07-14 Pariset Farms 12-01
Pariset Farms 12-07 Pariset Farms 12-09 Pariset Farms 12-16 Peters 15-03
Shively 02-12 Truitt 10-06 Truitt 10-07

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

A check was signed by the commissioners to transfer interest from the accounts payable and payroll clearing account in the amount of \$12.79 for the month of March, 2010.

A check was signed by the commissioners to transfer \$344.67 of CCOERA forfeiture dollars to Fund 1.

Certification of Accounts Payable for March 31, 2010, checks #44949 through #45059 and checks #5550 through #5569, totaling the sum of \$374,943.23, were approved and signed by Chairman Robin Wiley.

Certification of Payroll for March 31, 2010, EFT system #29876 through #29997 / checks: #28795 through #28812 and EFT system #4471 through #4483 / checks: #4321 through #4322, totaling the sum of \$241,951.06, were approved and signed by Chairman Robin Wiley.

The commissioners made their routine inspection of the jail.

³The day long meeting concluded with a discussion on the concession building specifications with Randy Rockwell. The commissioners said they would include recommendations from this discussion as an addendum to the bid document. Clarification of the project would be made at the contractor's meeting to be held April 5th.

There being no further business, the meeting was adjourned at 6:30 p.m. The next meeting of the board will be April 15 and April 30, 2010.

³ At approximately 4: 45pm Briggs was excused to participate in job interviews for the assistant custodial position.

A listing of meetings attended by the commissioners during the month of March, 2010 is attached.

Robin Wiley, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk