

YUMA COUNTY COMMISSIONERS
March 31, 2009

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 31st of March, 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.

Health and Human 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 Wingfield moved to sign the Building Use Agreement between Narcotics Anonymous and the Yuma County Commissioners, for use of the Health and Humans Services building at 340 Birch Street, in Wray. Commissioner Wiley seconded the motion. The motion passed unanimously.

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:

- Shaw submitted two gravel pit leases for review. Following discussion of lease changes specific to the respective sites, the following motions were made:
 - 1) **Commissioner Wiley moved to approve the lease for a gravel pit located in Phillips County with the Wise Family. Commissioner Wingfield seconded the motion, which passed unanimously.**
 - 2) **Commissioner Wingfield moved to sign the lease which will be presented to Alva Deterding for consideration. The purpose of the lease is to mine base material in SE¹/₄ NW¹/₄ of Section 6, Township 1 North, Range 44 West. Commissioner Wiley seconded the motion. The motion passed unanimously.** This lease will be submitted to the State requesting that the current temporary pit be converted to a permanent permit.

Shaw said he would like to have Randy Schafer do the permit applications to the State for the Wise gravel pit, and possibly some others, depending on the price. Other areas to be permitted were discussed. The commissioners confirmed that the Weatherby property should be pursued. The commissioners recognized that Mark Shaw is an owner in this property.

- The 2008 Bridge Inspection Report from Lonco, Inc. was reviewed. Thirty-one bridges were inspected and given a sufficiency rating. None of the bridges were considered structurally deficient or functionally obsolete. It was recommended that the report recommendations be evaluated and prioritize the work according to need, with safety as the top criteria.

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

- Shaw said the vendors will not quote the oil product for the chip-seal projects more than 30 days out. Because of this, it has been some what difficult to project the cost for the Energy Impact Grant. Projected costs of each road compiled by Shaw were presented. Briggs presented the grant for final review. Discussion of the requested grant amount and in kind amounts took place. **Commissioner Wiley moved to submit the Grant for Energy Impact funds in the amount of \$500,000, to chip seal 26.4 miles with an estimated total project cost of \$1,017,600. Commissioner Wingfield seconded the motion. The motion passed unanimously.** The roads to be chip sealed are: Lone Star, Vernon, and Kirk Highways; 1.5 miles of Road 35; two sections east of Hwy 385 in the Wauneta area; and six smaller segments around the City of Wray. The commissioners confirmed that it would be best to get a portion of the 4000 ton of chips hauled, anticipating the grant may be approved with the project starting in September.
- The Underground Permit from CenturyTel was reviewed. The "Special Provisions" section of the permit states that they want to install the phone line 36" deep within the traveled roadway. Shaw said according to the permit language, the minimum depth is 48". Discussion pursued as to the possibility of cutting a phone line during major road reconstruction. Following the discussion, **Commissioner Wiley moved to approve the Underground and Utility Permit for CenturyTel to install a telephone line along CR E, at a vicinity between CR 40 & CR 41. The permit application will be revised by removing the special provision. Commissioner Wingfield seconded the motion, which passed unanimously.** Chairman Bushner struck out and initialed the Special Provision section. All installations are to be 48 inches deep.

Brian Vance / CenturyTel² -

Brian Vance joined the Road and Bridge discussion to explain why CenturyTel requested locating the phone lines 36 inches deep. It costs extra to go the additional 12 inches, because often the installers have to make two passes in order to cut deep enough. This additional cost is passed onto the customers. Vance stated that the depth of the wires is checked to confirm that the installation is according to the permit. Discussion pursued. The commissioners restated their position of the need to keep the wires 48 inches deep.

Vonie Weaver / Wray Senior Community Center -

Vonie Weaver, Inaugural Director of the Wray Senior Community Center, wanted to give an update of the 55 and Over Club activities. Construction of the new building has made a difference on the amount of activities and the turnout for the various events held at the facility. Weaver said she has received grants in excess of \$110,000, the largest being from The Colorado Health Foundation for \$87,189. The grant funding supports programs on mental health, physical health, nutrition, education, and for services such as assisting with Medicare Part D sign up, USDA Commodities for Senior's over 60, Food Share America, and Wray Community Emergency Fund.

A calendar for April was presented showing the many activities going on at the Center. Every week day had at least one event, with many days showing two or three different events. Some of the activities are: meet-n-eat, card night, quilter's group, sit-n-knit, move to music class, arthritis exercise class, strong people exercise class, and pilates.

During the discussion, Weaver listed fundraisers previously held and planned by the organization. Her goal is to continue programs and services to sustain current activities, as well as develop new programs and services to the baby boomer population. She would also like to establish an Advisory Committee. Weaver invited the commissioners to participate on the committee if interested. Following questions and additional discussion, the meeting concluded by Weaver inviting the commissioners to an ice cream social, which will be held April 24th.

² Briggs called Brian Vance, the CenturyTel representative, of the Board's decision to keep the installations at 48 inches. He asked to discuss this directly with the Board of Commissioners.

Land Use –

At 1:00 p.m., Chairman Bushner opened the hearing for public comment on an Application for Exemption from Subdivision Regulations application for Byron and LaLani Weathers to divide 9.66 from 70.34 acres as advertised.

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.

No one from the public was present to make comment.

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

Commissioner Wiley moved to approve the Application for Exemption from Subdivision Regulations, #0309-01 for Byron and LaLani Weathers to divide 9.66 plus or minus acres from 70.34 plus or minus acres in NW/4 of Section 24, T1N, R47W, as recommended by the Planning Commission. Commissioner Wingfield seconded the motion, which passed unanimously.

At the March 17th Planning Commission meeting the Planning Commission reviewed the last draft of the Wind Energy Facility regulations from Attorney Barbara Green and passed a motion requesting that the Board of County Commissioners start the process for adopting these wind energy regulations. The Planning Commission was informed that changes could still be made to the document, for the public will have an opportunity to make comments which may justify modifications. The Commissioners directed Briggs to publish the required hearing notice, to start the process of adopting "Article 11 Wind Energy Facility" into the Yuma County Land Use Code.

Treasurer Dee Ann Stults –

- Treasurer Dee Ann Stults said she was not aware that she would not be able to transfer funds through the on-line banking into the checking account which was set up as Accounts Payable / Payroll Clearing account. Briggs said, when setting up the account this was discussed with bank staff and they said the account could not be set up for only credits or debits. One could not be restricted, it had to be both. Therefore the account was set up as a "view only" for the Finance Officer and the Treasurer. This will mean that twice a month, a check will need to be taken to the bank to cover the checks written at mid-month and at the end of the month. This process does what Stults wanted in regards of : 1) doing away with the warrants, and 2) of having to take a check over every day. Stults said she will try it this way, but it was not what she really wanted.
- Stults stated that she was thinking of sending a Request for Proposal out to all banks for her accounts, as the fees are more than she feels they should be with First Pioneer National Bank.
- Yuma Ethanol has not yet paid the taxes. She wants to make sure the check has time to clear, prior to the incentive reimbursement being sent.
- Stults asked what the board decided about the method of paying the Public Trustee. She agreed that the withholdings could be paid out of the Public Trustee funds, but felt it should be paid out as a salary, not as contract labor. Stults said she wants an attorney's opinion on the issue. The commissioners said they would get an opinion if that's what it takes. They will contact CTSI for assistance in the issue.
- Stults said she had been receiving the agenda too late and requested that it be sent when posted. Briggs confirmed that she would email it to her at that time.

Treasurer Cindy Taylor -

- Treasurer Cindy Taylor presented a petition for abatement for High Plains' interest amount. She did some investigating and found out that the City of Yuma has leased the restaurant, golf course, and golf cart sheds

to High Plains Recreation for 99 years. The restaurant is leased out to a third party. They cannot charge personal property taxes on the equipment to the third party, because the lease is between the City and High Plains Recreation, not the City and the third party. Following the discussion, **Commissioner Wingfield moved to approve Resolution 03-31-09 A, which shows an abatement of \$1,574.48 for the 2007 tax year, and a tax adjustment of \$1,599.42 for the 2008 tax year on personal property under schedule number P002280. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.** (Resolution attached.)

- Taylor wanted to clarify that the tax sales of June 07 to January of 08 were still increasing. She wants to make sure the information given to the public is the same information from both offices. There is always a delay in the assessed values in relation to what is currently happening in the market. The reduction in value may not be for the 2009 assessment year, but for the 2010 assessment year. The gas values change every year. It is too early in the process to know how the downturn will affect the 2009 county's assessment value. The reduction of value may not show in the 2009 assessment year, but will affect the 2010 assessment year.

Colorado CustomWare, Inc. – Also present: Lawrence Freytag and Richard Birnie.

Treasurer Dee Ann Stults and Assessor Cindy Taylor, joined with Ko Clifton from Colorado CustomWare, Inc., discussed the computer program wanted by the Treasurer and Assessor. Clifton said the company is located in Fort Collins and supports their programs, which are located in 16 states. Several counties in Colorado are using the product. Other counties in Colorado are in various stages of adding the Assessor or Treasurer packages. The cost includes the data conversion and also tying the data to the GIS maps. The company has already converted ACS data into their programs, so it will not be a problem. There was discussion of having a yearly appropriations clause in the contract. Stults said she had taken the ACS contract to Attorney Sarah Wagers - Johnson for comment. Johnson recommended that the list of amortized costs be acquired from ACS, for the county would be responsible for that cost. The commissioners confirmed that consideration needs to be given as to how to retire the agreement with ACS. Clifton said Colorado CustomWare, Inc. is expecting to increase their rates in July of 2009. The quote of \$54,720 for the Treasurer's package and \$68,820 for the Assessor's package, will not increase for 5 years. Stults presented a cost comparison between the proposed windows product from ACS and what CCI offers. Additional discussion took place. The commissioners said they would consider the information presented.

Sheriff Sam McCoy –

Sheriff Sam McCoy dropped in to inform the commissioners that they have been in the process of hiring a part time detention officer. Staff have concluded the interview process and made their assessment. A listing of the applicants and scores was presented as a confidential document. McCoy informed the commissioners that the top applicant is a relative of his wife. Following the discussion, the commissioners stated they did not have a problem, as long as it is compliant with the nepotism policy in the Employee Handbook. The handbook states that the relative cannot be the direct supervisor of a relative. McCoy confirmed he would not be the employee's direct supervisor.

Administrator's Report -

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

Chairman Bushner signed the Farm Services Agency document of Report of Commodities Farm Summary.

Commissioner Wingfield moved to have Chairman Bushner sign the Emergency Management Performance Grant # EMPG-CFDA# 97.042 for financial assistance in the amount of \$13,300, for providing the Office of Emergency Management in Yuma County. Commissioner Wiley seconded the motion, which passed unanimously.

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

1 Berry Petroleum Company wells:

J.P. Brophy 34-17 4N45W Jones 32-18 1N44W Jones 34-18 1N44W Miller 13-17 1N44W

2 Petroleum Development Corporation wells:

Rueb Farm 33-18 Rueb Farm 43-18 Rueb Farm 44-18 R&J Klie 31-34

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

Commissioner Wingfield approved of signing the Energy and Mineral Impact Assistance Contract #6496, accepting \$200,000 for the purchase of two road graders. Commissioner Wiley seconded the motion. The motion passed unanimously.

After review of the quotes received, **Commissioner Wiley moved to accept the bid of \$45.00 from Terry McArthur for mowing both the Courthouse and Health and Human Service lawns. He is charging \$22.50 for each yard when mowed. Commissioner Wingfield seconded the motion. The motion passed unanimously.**

Certification of Accounts Payable for March 31, 2009, checks #42100 through #42195 and checks #5200 through #5219, totaling the sum of \$273,154.11, were approved and signed by Chairman Trent Bushner.

Certification of Payroll for March 31, 2009, EFT system #28322 through #28449 / checks #28500 through #28523 and EFT system #4297 through #4310 / check #4300, totaling the sum of \$252,947.87, 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 4:30 p.m. The next meeting of the board will be April 16 and April 30, 2009.

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

Trent Bushner, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk