

**YUMA COUNTY COMMISSIONERS**  
**April 16, 2009**

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

At 8 a.m., the Yuma County Board of Commissioners met in regular session on the 16th of April, 2009 with Chairman Trent Bushner, Commissioners Robin Wiley, and Dean Wingfield present.

Administrator Linda Briggs was present throughout the day.

The commissioners reviewed meetings that each attended within the last two weeks.

Social Services -

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

Road & Bridge -

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

The following were discussed:

- The need to have water near where major road construction is taking place was discussed. Shaw will see if the property owners have any commercial wells where the county could purchase water. Due to the rule changes, irrigators would probably not allow use of their water.
- An agreement to purchase a portion of the chip rock needed for roads late summer and fall was reviewed. Bids for transporting the rock are being advertised. Potential locations of where the rock will be stockpiled were given along with the timing of the road projects.
- EnviroTec contacted the Road and Bridge to see if the county would object to them applying mag-chloride on roads in front of homes that are located next to county roads. If there are no objections from the county, they request that it not be maintained for a period of time after application. Shaw said the county will not assist in the application process, but would request the grader operators to consider their request during regular maintenance. The commissioners had no objections.
- The scraper is in need of a major rebuild on the elevator chains. It will take two weeks to do the work. A local party will contract with the county for \$160.00 an hour which includes labor and fuel. Discussion of comparable costs took place. The commissioners said it would depend on the volume of material the contractor could move. They recommended giving it a try.
- Shaw reviewed where crews had been working on the roads. There had been a lot of patching of various roads.
- Wes Gilstrap will be retiring May 4<sup>th</sup> after 41 years of service to Yuma County.

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

- **The Cargill Cattle Feeders Company submitted the following road crossing request:**
  1. **To install a 10" water line across CR 42 at approx. 2200' west of CR P.**
- **The CenturyTel Company submitted the following road crossing request:**
  1. **To install a telephone line along CR EE at 1/2 mile south of Hwy 34.**

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

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

Laird -

Present: Nettie Sheldon, Larue Jay, Joe Jay, Marv Carlock, Dar Benton, and Marty Greek.

Marv Carlock said there are some concerns in the community of Laird, since the Yuma County Water Authority PID has purchased the water along the Laird Ditch. They were wondering if the ditch was going to be filled in, or kept open to carry the rain water out of the community. Photos of how the community flooded last June was passed around. Carlock said there definitely is a problem on Randolph Avenue when the rain is heavy. All of the community on the north side of town slopes toward the highway. Carlock said that in 20 years it has flooded his home twice. There was discussion of the drainage problem.

The commissioners said the YCWAPID has an easement for the purpose of transporting water through the ditch at any time in the future. The concern here is a drainage issue and not a water flow issue for irrigation purposes.

There was discussion of who has the responsibility and liability of keeping the ditch open for providing drainage for the community. The other option was to fill in the ditch and let the water flow with the natural contour topography of the land. All felt the ditch provided a path for moving the water through the community.

Discussion centered on the need to keep the water from entering the community to the west. It was recommended that the ditch be opened to allow the water to flow onto a field. The canal through town would carry the water to the east out of the community where the ditch could be opened allowing the water to flow onto an open area. The commissioners said they felt it is the County's responsibility to keep the ditch open through the community. There is no guarantee that by keeping the ditch open, the ditch could contain the water and stop from flooding the area. It depends on the amount of rainfall received.

Shaw will work with the property owners to see where the best locations are to open the ditch.

Colorado Custom Ware –

Assessor Cindy Taylor and Treasurer Dee Ann Stults asked the commissioners to sign the contract to purchase the computer program discussed at the last meeting. The commissioners asked: 1) if the vendor had found out what the ruling was from the Attorney General's office relating to the current contract, and 2) had they found out what the unamortized cost would be from ACS as recommended by Attorney Wagers-Johnson, should the county terminate the contract? Stults said she would email CCI to find out about the AG's ruling. ACS has been contacted several times requesting the unamortized cost, but have not received a response.

Discussion centered on the time frame of meeting the notification requirements of the contract with ACS and accepting the program offered by CCI prior to the price increase. In conclusion, it was decided that a letter signed by the Assessor, Treasurer, and a Commissioner, would be sent to ACS requesting the information by the end of the month.

Assessor Cindy Taylor –

Assessor Cindy Taylor presented a Stipulation Agreement signed by Dave Kramer from Yuma Ethanol agreeing that the Valuation for 2009 and 2010 would remain the same as 2008 with real property at \$14,400,000 and Personal Property at \$20,600,000. This value is to stay with the property regardless of changes in ownership. Taylor reviewed the meeting where the values were discussed with Mr. Kramer and commended John Zimmerman for his input, as Mr. Kramer was not very cordial during the discussion. Taylor said she was going to have the document recorded at the Clerk's office.

Weed & Pest District –

Fred Raish, Supervisor of the Weed and Pest District, presented a revised Noxious Weed Management Plan which is submitted to the State of Colorado every three years. This 12 page plan gave an overview of the Yuma County Weed and Pest District Management and Policies, listed the designated noxious weeds, set priorities and goals, and

stated how the plan would be implemented. Following discussion of the plan, **Commissioner Wingfield moved to adopt the Yuma County Noxious Weed Management Plan under which the Yuma County Weed and Pest District operates. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.**

Raish presented a Yuma County Noxious Weed Management Plan for Property Under Development and requested that the commissioners adopt this noxious weed management plan for land development permits issued by Yuma County. Raish said this was taken from some other county land use plans. The commissioners supported the proposal of controlling the noxious weeds from spreading when the land is disturbed through land use changes. Discussion of how to best implement the plan pursued. The commissioners confirmed they would use this for those requesting a Major Land Use permit. There would need to be a resolution drafted outlining on what types of projects this plan would be implemented.

#### Treasurer's Report -

Dee Ann Stults presented the Treasurer's Report for the month of March, 2009. There were \$2,838,356.91 in current taxes collected, and \$56,654.87 in fees collected.

Stults discussed the following:

The personal property taxes on Wray Liquor was paid, therefore she would not be holding an auction to liquidate the property.

Yuma Ethanol has not yet paid their taxes.

Stults wanted to know where the Board was with the Public Trustee's Salary. Bushner said a lot of information had been received from CTSI referring to statutes and legal cases. He had not had time to review the documents and would be contacting an attorney.

#### Attorney Doug Dent -

**Commissioner Wingfield moved to enter into executive session at 1:26 p.m. for attorney client privilege discussions on legal matters under CRS 24-6-402(4)(b). The purpose of the discussion was for receiving legal advice from Attorney Doug Dent relating to worker's compensation. Commissioner Wiley seconded the motion which passed unanimously.** In executive session were Commissioners Bushner, Wiley, and Wingfield. Attorney Doug Dent from Dworkin, Chambers, & Williams participated via a phone call. Linda Briggs was also present. Through a duly made motion the executive session concluded at 1:40 p.m.

#### Clerk Beverly Wenger -

Clerk Beverly Wenger said the Election Center water problems are causing more warping of the walls and more of the ceiling tile to come loose. Briggs said a section of the gutter was removed and the boards under the roofing material were wet as far back as the worker could reach. Discussion centered on what type of roof should be installed. The commissioners requested that bids be taken for pitching the roof and then putting on metal. The west and north side of the building should also be covered with the same metal.

Wenger said the Motor Vehicle late fee of \$25.00, established by the State of Colorado, will take effect June 1<sup>st</sup>. Wenger reviewed what equipment was exempt from the fee. She recommended getting your vehicles licensed on time or you will have to pay the additional fee.

#### Liquor License -

Pam Zuege presented a Liquor License Renewal for the Hale Store for consideration. Discussion centered on the fact that the store had not been open for many years. Bushner said he would like to call the State Department that reviews the Liquor Licenses and talk this over prior to making a decision. This will be postponed until this review takes place.

Administrator's Report -

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

**Commissioner Wingfield moved to approve the minutes of March 17 and March 31, 2009. Commissioner Wiley seconded the motion, which passed unanimously.**

Chairman Trent Bushner signed the Veterans Report for March, 2009.

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

Brenner 43-5-SWD

Busby 12-6

Newton 43-2x

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

**Commissioner Wingfield moved to approve Resolution 04-16-2009 A, a resolution approving a tax reimbursement in the amount of \$ 102,975 to Yuma Ethanol, LLC, as they met the requirements of the Yuma County Tax Incentive policy. Commissioner Wiley seconded the motion. The motion passed by unanimous vote. (Resolution attached.)**

**Commissioner Wiley moved to sign the 2009 Colorado State Hazard Mitigation Program Grant Application which will provide \$600 (1/2 of the cost) for purchase of NOAA weather radios.**

**Commissioner Wingfield seconded the motion, which passed unanimously. This grant is operated by Roger Brown, the Yuma County Emergency Management Officer.**

**Commissioner Wingfield moved to sign the 2009 Ambulance License for the Wray Ambulance Service. Commissioner Wiley seconded the motion. The motion passed unanimously.**

**Commissioner Willey moved to accept the bid of \$5,756.00 for shingling the house at 311 Birch in Wray. Commissioner Wingfield seconded the motion, which passed by a unanimous vote.**

**Commissioner Wingfield moved to accept the bid of \$275.00 from Randy Rockwell for the .17 acres (a 30' X 250' strip of land located in the SW1/4 of Section 7, T1N, R43W which lies adjacent to and east of the property known as 34455 Hwy 385), with the stipulation that Rockwell pays the fee for surveying the property, all closing costs, and there will be no title opinion. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.**

Certification of Accounts Payable for April 16, 2009, Yuma County checks #42196 through #42309 and W-Y checks #5220 through #5235 totaling the sum of \$372,593.08, were approved and signed by Chairman Trent Bushner.

There being no further business, the meeting was adjourned at 5:00 p.m.

The next meeting of the board will be April 30 and May 18, 2009.

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Trent Bushner, Chairman

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Linda Briggs, Administrator

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