

YUMA COUNTY COMMISSIONERS
April 30, 2009

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 30th 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 with each other on affiliated meetings that each attended within the last two weeks.

Assessor Cindy Taylor –

Assessor Cindy Taylor dropped in to inform the commissioners that ACS has stated the amortized cost will be in excess of \$27,000, should the contract be terminated. The cost given did not have support information as to how they came up with that amount. Taylor will contact ACS for clarification.

Taylor informed the commissioners that she had denied an abatement request for taxes due on personal property. This party may follow up with a formal appeal to the Board of Equalization.

Wes Gilstrap -

Wes Gilstrap, an employee of the Road and Bridge Department for 41 years, wanted to personally inform the commissioners that he was retiring effective May 4th. The commissioners thanked Gilstrap for his many years of service to Yuma County with the last 30 as a road maintainer operator. Mark Shaw, Road and Bridge Supervisor, was also present and joined in the brief discussion. A photo was taken by Lori Rose of the Wray Gazette.

May Declared Foster Care Month -

Hollie Hillman, Child Welfare Supervisor, joined by John Harrison, Case Worker Aide III, requested the Board of County Commissioners declare May as Foster Care Month. A declaration statement was presented for consideration. **A motion by Commissioner Wingfield moved to approve Resolution 04-30-09 B proclaiming May as Foster Care Month was seconded by Commissioner Wiley. The motion passed by unanimous vote.** A photo of those present was taken commemorating the event.

Health and Human Services -

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

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.

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

The following were discussed:

- Shaw said it had been reported that 3.5 inches of rain fell between Eckley and Clarksville.
- Shaw presented a list of employees he would like to use as vendors, as they have a side business in addition to their employment with Yuma County. **Following discussion of the list, Commissioner Wingfield moved to approve the revised employee vendor list for use by the Road and Bridge department. Commissioner Wiley seconded the motion. The motion passed unanimously.** The approved list of employees are: Clinton Metzler, Jack Parker, Mark Shaw, Ronald Tribbett / Precision Windshield Repair, and Kent Twiss.
- A revised time sheet was presented by Monk. He explained that one portion of the sheet seemed confusing for the employee, therefore it was removed. The board stated the new form looked fine.
- Monk presented a propane clause for consideration. Following review, **Commissioner Wiley moved to insert this paragraph into all county house leases that use propane. Commissioner Wingfield seconded the motion. The motion passed unanimously.** (Statement attached.)
- Shaw presented and discussed the one bid received for hauling chip rock. **Commissioner Wiley moved to accept the bid from RCI, Inc. owned by Ron Clark, for hauling the chip rock from the Carr plant at the rate of \$12.45 per ton. Commissioner Wingfield seconded the motion, which passed by unanimous vote.**
- Shaw presented the contract for purchase of rock from the Carr, Colorado plant. Discussion took place. **Commissioner Wiley moved to approve the contract with L.G. Everist, Inc. to purchase approximately 4000 tons of 1/2" x #4 Crushed Gravel at \$13.00 per ton. Commissioner Wingfield seconded the motion. The motion passed unanimously.**
- Shaw reviewed the problems with the trucks. They have been using a loaner from the company to cover the down time. The environmental cleaning requirement causes at least one truck to stop for up to an hour a day, which adds up to a considerable amount of down time. The truck on loan may not be available much longer. He is talking to the company about the problems.
- Road and Bridge employees complained to the County Health Insurance Representative of problems: 1) the prescription charges are too high. Some felt it would be cheaper not to use the prescription service. 2) There is a higher cost if you go out of state for medical services. Lab work is not paid if done out of state.

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

- **The Cargill Cattle Feeders Company submitted the following road crossing request:**
To install a water line across CR N, just south of CR 42.
- **The Y-W Electric Association, Inc. submitted the following road crossing request:**
To install an underground, Single-phase 7200 volt line across CR X at 780' south of CR 5.

Commissioner Wiley seconded the motion, which passed unanimously.

Shaw reviewed a request to use a county right-of-way. The issue was discussed and followed by a motion. **Commissioner Wiley moved to allow Cargill Cattle Feeders Company to place a pipe in the Yuma County right-of-way, along County Road 42 east of County Road N, for approximately one-half mile for the purpose of transporting water. The county right-of-way will be used for no more than 10 days from the start date, which will be during the week of May 4, 2009. This is a one-time emergency consideration. Cargill will sign a release containing these stipulations. Commissioner Wingfield seconded the motion. The motion passed unanimously.**

Alan Krier, Erick & Gloria Draht –

Present: Alan Krier, President of Concrete Specialties and Utilities Const. Inc.

Eric Draht, Principal Engineer, & Gloria Draht, Office Manager, of Draht Consulting, LLC.

Eric Draht presented and discussed his Engineering Services Proposal for replacing the Yuma County Bridge number YUM Y- 00.10 (the old Homm Bridge). He reviewed the previous bridges he engineered for Yuma County when Colorado State funds were available for bridge replacement. The proposed bridge will consist of prestressed concrete superstructure consisting of two spans of 80'6" and a width of 34'6" providing a clear travel way of 32' between guardrails. Other discussion focused on environmental and other agency compliance requirements. The document presented stated the total engineering fee would be \$32,900.

Alan Drier presented and reviewed the construction services proposal for replacing bridge number YUM Y- 00.10. He said the county would need to remove the existing structure, construct the temporary by-pass road, and backfill the new structure. The proposed construction cost was \$471,717.

The discussion concluded by the commissioners saying they would need to pursue funding before they could make a commitment.

Dean Koenig -

Resident Dean Koenig requested that the commissioners not approve any more drilling permits for Berry Petroleum or Agustas, until he receives payment for a well that had been drilled last September. He is a mineral interest owner in a pooled area, and he should have received payment at the end of March. He has called the company and talked to the land agent with no success. The commissioners said they would check into what Koenig would need to do.

Jamie Gardner / Colorado Resource Alliance –

Jamie Gardner said she is working with a company called Colorado Resource Alliance, which provides a tracking service of State and Federal agencies. There are methods of tracking what is going on in the legislature, but not as to what the State and Federal agencies are implementing. Once there is legislative action, the agencies structure rules and regulations based on what new legislation directs. This agency puts out a daily email to subscribers with information on what specifically that agency is doing, and links to websites where specific information can be reviewed. Examples of the agencies are: Public Utilities Commission, Air Pollution Control Division, Water Quality Control Commission, and Environmental Protection Agency. There will be information on what rules they are developing, hearing dates, when comments are due, etc. Gardner felt this would be a benefit for Yuma County. The annual fee is based on population. Gardner will send the subscription information for review. The commissioners said they would review the information and talk it over.

Land Use –

At 1:00 p.m., Chairman Bushner opened the hearing for public comment on two Applications for Exemption from Subdivision Regulations application as advertised.

Present: Steve and Jane McEntire

Briggs said no written comments or calls had been received at the administrative office relating to either application. The staff report for each application was presented. The Yuma County Planning Commission had reviewed the applications and recommended approval for both.

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 1:05 p.m.

Commissioner Wingfield moved to approve, as recommended by the Planning Commission, the Applications for Exemption from Subdivision Regulations for:

- 1) Steve and Jane McEntire to divide 3.94 plus or minus acres from 225.75 plus or minus acres in the SW/4 of Section 3, T1N, R44W, for financing purposes.**
- 2) Garry and Sharon Fisher to divide 6.88 plus or minus acres from 160 plus or minus acres in NE/4 NW/4 of Section 19, T1N, R43W, for the future sale of the existing home site.**

Commissioner Wingfield seconded the motion, which passed unanimously.

Yuma County Landfill -

Cliff Henry, Yuma County Landfill Supervisor, presented a draft of the 5-Year Financial Assurance Estimate Update for the Yuma County Landfill. Discussion centered on the pit covering requirements. The document showed that should the Landfill be shut down at this time, the cost of closure and post closure costs would be in excess of \$690,000. The commissioners said to continue with the plan being drafted by American Environmental Consulting, LLC. This plan is required by the State of Colorado.

Northeast Colorado Health Department -

John Crosthwait, Administrator of the Northeast Colorado Health Department, presented a resolution outlining services which NCHD will provide for the associated counties according to legislative action. Following discussion, **Commissioner Wiley moved to approve Resolution 04-30-09 A, which is a Joint Resolution and Intergovernmental Agreement between the counties of Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma, for the continued support of The Northeastern Colorado Health Department. Commissioner Wingfield seconded the motion. The motion passed unanimously.** (Resolution attached.)

Liquor License -

Pam Zuege presented a liquor renewal application for approval from the Hale Store. Trent Bushner said he had contacted the state and was informed there was no responsibility to Yuma County when a liquor license was issued for a location that is not open. **Commissioner Wingfield moved to approve the renewal application for Wilson Lincoln at the Hale Store. Commissioner Wiley seconded the motion. The motion passed unanimously.**

Curt Soehner -

At the request of the Board of County Commissioners, Curt Soehner met with the board. The commissioners discussed the possibility of purchasing the remaining water rights along the North Fork of the Republican River. Discussion centered on the remaining property owners holding water rights and what the purchase cost might be. Soehner said he would think about his holdings and get back to the board.

Election Center Roof -

Randy Rockwell dropped in to discuss his bid for replacing the roof on the Election Center. The need to cover the north end and west side was also discussed. Rockwell will get a cost for covering the walls in the same material. Earlier in the day, the Commissioners reviewed the other bids for making the roof improvements. No decision was made.

GIS -

Richard Birnie, GIS Coordinator, showed the new GPS unit to the commissioners.

Administrator's Report -

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

Commissioner Wingfield moved to sign a letter to Northeast Colorado Transportation Authority stating that Margaret Marr is a part-time contract driver for Yuma County and Yuma County will assume responsibility for her while driving County Express vehicles. Commissioner Wiley seconded the motion. The motion passed unanimously.

A motion was made by Commissioner Wiley and seconded by Commissioner Wingfield to approve the minutes of April 16, 2009. The motion passed unanimously.

Commissioner Wingfield moved to renew membership to the West Yuma County Chamber of Commerce and pay the \$810 dues for membership from 5/1/2009 to 5/1/2010. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.

Commissioner Wiley moved to approve Resolution # 04-30-09 C, which approves the Colorado County Officials and Employee Retirement Association (CCOERA) Revised Participation Agreement . Commissioner Wingfield seconded the motion. The motion passed unanimously. (Resolution attached.)

Commissioner Wiley moved to sign the lease agreement between Yuma County and Gina Morris for the lease of the county house located at 311 Birch in Wray. Commissioner Wingfield seconded the motion. The motion passed unanimously.

Commissioner Wiley moved to sign and send a letter of support to the Colorado Public Utilities Commission in favor of the proposed transmission lines by Tri-State Generation. Commissioner Wingfield seconded the motion, which passed unanimously.

Commissioner Wiley moved to reimburse Edward J. Baker \$500.00 for a dependent, 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. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.²

Commissioner Wiley moved to have Chairman Bushner sign the two Colorado Division of Criminal Justice Assistance Grant 2009 Recovery (JAG-Recovery) Applications:

- 1) for the Sheriff Department to receive \$52,385.00 for Training for Self Defense and Active Shooter for the Yuma County Sheriff's Department. Grant year is from 10/01/2009 to 09/30/2010.**
- 2) for the Eastern Plains Drug Task Force to receive \$90,712.00 for Drug Treatment and Enforcement Programs for Law Enforcement agencies in the 13th Judicial District of Colorado. Grant year is from 10/01/2009 to 09/30/2010 .**

Commissioner Wingfield seconded the motion which passed unanimously.

² See related motion in April 30, 2008 minutes.

Certification of Accounts Payable for April 30, 2009, checks #42310 through #42402 and checks #5236 through #5250, totaling the sum of \$294,405.34, were approved and signed by Chairman Trent Bushner.

Certification of Payroll for April 30, 2009, EFT system #28450 through #28575 / checks: #28524 through #28545 and EFT system #4311 through #4324 / check: #4301, totaling the sum of \$253,670.56, 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 May 18 and May 29, 2009.

A listing of meetings attended by the commissioners during the month of April, 2009 is attached.

Trent Bushner, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk