

# YUMA COUNTY COMMISSIONERS

May 18, 2009

## Minutes<sup>1</sup>

At 8 a.m., the Yuma County Board of Commissioners met in regular session on the 18th of May, 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.

### Health and Human Services -

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

### Greg Etl -

Greg Etl, Regional Representative from the Department of Local Affairs (DOLA), informed the commissioners that DOLA is uncertain how the grant requests to Energy Impact will be handled because revenues have been dramatically reduced. They have talked about having the 2009 April and August cycles combined. Yuma County submitted a grant on April 1<sup>st</sup> requesting funds to chip seal the Vernon and Lone Star highways along with smaller segments of paved roads. Etl said he would get the information out as soon as the DOLA makes their decision.

### 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:

- Shaw confirmed that he would be attending the summer CCI conference in Vail. He will pay for his room with the Road and Bridge charge card and get the walkout statement.
- A new CDL Licensing policy was presented and discussed by Shaw. After discussion, **Commissioner Wiley moved to approve the policy which states that if required by the job description, county equipment can be used up to three attempts to take the CDL driving skills test and the department would pay the fee for the first test. Commissioner Wingfield seconded the motion. The motion passed unanimously.** This policy clarifies the CDL process. (Policy attached)
- A draft lease agreement for proposed gravel pits was presented for consideration. Some release of liability wording was added at the request of one of the property owners. The commissioners recommended sending it to Attorney Rob Dee prior to final adoption.
- Discussions relating to other pits included the need to draft an agreement on the Brand pit and fix the fence at the Moser pit, so cattle can be turned out to pasture.
- Shaw said a lot of dirt was moved and felt leasing the scrapers was worth the expense.
- The most recent gas purchased from M&M has caused problems. They have had to change filters on trucks and on other gas filter equipment because of the fuel. The service from M&M has not been up to the other gas vendor standards. M&M has been contacted about the fuel problem, but no return call has been made to the Road and Bridge Department.

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

- Shaw informed the commissioners that he purchased: 1) 1997 GMC Diesel Pickup for \$3,500; 2) 2002 Dodge Ram flat bed truck for \$9,285; and 3) 2003 Chevy 2500 Pickup for \$8,035.
- Chip rock is being hauled to the Clarksville location.
- Additional road projects and requests were discussed. Shaw noted that some utility lines have been found that were only 11 to 12 inches deep and in some areas there have been encroachments into county right-of-ways.
- A request was made to remove the stop signs on Road PP & Road 32. The commissioners confirmed that the stop signs were to remain as currently posted.

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

- **Ruth H. Wise submitted the following road crossing request:**
  1. To install a water line across CR 10 at 214' west of intersection CR 10 & CR L.
- **The CenturyTel Company submitted the following road crossing request:**
  1. To install a telephone line along CR EE for 4608', at vicinity between CR 32 & CR 31.

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

Mark Shaw requested executive session to discuss personnel. **Commissioner Wiley moved to enter executive session as outlined in CRS 24-6-402 (4)(f) for personnel matters. Commissioner Wingfield seconded the motion.** At 10:25 a.m., Commissioners Wingfield, Wiley, and Bushner with Mark Shaw, Howard McGinnis, Ken Monk and Linda Briggs entered into executive session. Through a duly made motion, executive session ended around 10:35 a.m.

Honeywell Building Solutions -

Present: Brad Stevens and Gary Bergard, from Honeywell Building Solutions; Greg Etl, Regional contact to DOLA; John Canfield, representing the Governor's Energy Office; Stan Holmes, Manager for the City of Wray; Kara Hoover, Director of the WRAC; and Pat Duran, Director of Yuma County Economic Development.

Brad Stevens and Gary Bergard reviewed the "Energy Audit Preliminary Assessment Shopping List" they had prepared for each of the entities involved with the New Energy Communities Initiative Grant through the Governor's Energy Office (GEO). A lengthy discussion pursued. Honeywell requested each entity rank the energy conservation measure items for their respective entity on the listing presented. Honeywell would then make recommendations as to the financing source. The revenue sources would be from the GEO grant award of \$400,000 to make energy efficiency changes in the City of Wray and from stimulus funds through the "American Recovery and Reinvestment Act of 2009". Honeywell will check into all possible sources of funding and loans, but there will also need to be matching funds. Future energy savings on some of the items can be considered as the local match. Stevens and Bergard will get back to everyone after they get the ranking from each entity.

Doug Copley / District Attorney Office-

Doug Copley, Chief Investigator for the District Attorney, informed the commissioners of the following:

- The cases in Yuma County through April of this year are down from a year ago, although the district conviction rates are up and the sexual assault cases have increased.
- Copley thanked the commissioners for the additional funds to hire additional staff and briefed them on the new attorneys hired.
- Applications for grants have been submitted for two additional positions: 1) a prosecutor to handle sexual assault cases and 2) an investigator for financial fraud. Both of these positions require specific qualifications and take considerable amount of time to prosecute.

- The 2009 District Attorney's budget is on track.
- Grants are being pursued for the purpose of replacing vehicles.
- An update on Drug Task Force activities was given.
- The photo boards prepared for a court case by the Yuma County GIS was greatly appreciated.

Colorado CustomWare, Inc. –

Assessor Cindy Taylor and Treasurer Dee Ann Stults discussed the letter received from ACS representative John Lough relating to the amortization value expected from Yuma County when the contract is terminated. The cost was not accurate as ACS used the termination date of 6/30/2009, when it is expected that the program will continue in operation until 07/31/2010. Lough from ACS has requested a revised calculation from their finance department. There has not been a response from the Attorney General's office relating to the current contract. In response to a question, Taylor and Stults both confirmed that the Colorado Custom Ware, Inc. program is what they would like to purchase. The commissioners requested that the contract be available to sign at the next meeting. The commissioners will review the agreement left by Stults.

Treasurer's Report -

Dee Ann Stults presented the Treasurer's Report for the month of April, 2009. There were \$8,109,606.50 in current taxes collected, and \$196,127.62 in fees collected. At this time 68% of the taxes have been collected.

Irrigators complained about paying the Republican River Conservation District assessment of \$14.50 an acre. Several irrigators wrote a separate check for the assessment amount and on the check wrote that the payment was made under protest.

Kirk property -

Present: Joye Devlin, Josh Cure, and Julie McCaleb, Environmental Health Director for NCHD.

The commissioners reviewed a letter from the Northeast Colorado Health Department relating to a complaint taken May 8<sup>th</sup> by Corporal Joye Devlin at the Yuma County Sheriff's department in regards to human excrement being disposed in containers and left in the yard outside of the house. Photos showing trash, rubbish, and household debris along with the containers of feces and urine were presented to the Board. Devlin gave a review of her visit to the site. Devlin was allowed into the house by the person taking care of the cats, which were closed inside the home.

Cure said with the owner's consent, he and friends removed 20 tons of trash to the landfill. During the cleanup, over 40 bull snakes were killed. Around the same time frame a skunk came from the house over to his locker plant and was kicked by a steer to be slaughtered. The skunk was tested and confirmed to have rabies. Cure said the place still stinks.

McCaleb said the only water is at a hydrant outside the house. It was her understanding the water to the house was turned off because of leaks. At this point she does not know if the septic system is functional. This issue will be presented to the District Attorney to see what legal action can be taken.

Discussion pursued as to what action should be taken. The owner of the property is out of the state until later this month. The board recommended that when the homeowner returns, a representative from the Sheriff's office, Health Department, and Yuma County Human Services department should jointly visit the owner and see what services could be provided to rectify this situation and to keep it from happening again. Director of Human Services Dave Henson was contacted to see if he would assist in the situation.

The board recommended that the Kirk Community consider structuring a "Community Overlay District", as outlined in the Yuma County Land Use Code, which would allow the homeowners within the community to set some specific regulations within an identified area. Cure will discuss this with the community.

Economic Development -

Pat Duran, Yuma County Economic Development Director, informed the board of his understanding of funds available through the American Recovery and Reinvestment Act. There is \$200,000 available for the Northeast Region of the State. At a recent NE Colorado Economic Developer's meeting, there was a discussion of the Northeast Counties pooling and using these funds together for a project that would benefit all counties. One potential area for development and job growth exists in palletizing waste to be used as an energy source to heat buildings, which is currently being done in Boulder. The \$200,000 could fund a comprehensive feasibility study which could advance a regional project. Following the discussion, the commissioners confirmed that using the available funds this way would be satisfactory.

Public Trustee Dee Ann Stults -

Stults inquired how she was to handle pay for duties of the Public Trustee. Stults confirmed receipt of the memo drafted by Morgan County Attorney George Monsson. She said it did not address her major point of being paid through payroll, so she does not receive a 1099. Bushner said he was told that the payment could be done as it has been in the past. It is permissible to handle the pay either way. Discussion pursued on use of the public trustee revenue, the maximum amount of funds that should be retained in the Public Trustee Checking account, and payment to Stults and her employee doing Public Trustee work. Stults said she would hold off with paying for Public Trustee services until after the second quarter. She would be going to the Treasurer's conference and would get an opinion from their agency's attorney. The commissioners said they had no problem with paying the salary amounts through the same method as she has done in the past.

Administrator's Report -

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

**Commissioner Wingfield moved to approve the minutes of April 30, 2009. Commissioner Wiley seconded the motion, which passed unanimously.**

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

**Commissioner Wingfield moved to approve having Evan Schiel do the list improvements at the Kirk house which includes the stove fan, the fan in the bedroom, replace a bedroom door, and paint. Yuma County will pay for the materials. Materials need to be purchased within the county. Commissioner Wiley seconded the motion, which passed unanimously.**

**The commissioners acting as the Yuma County Water Authority Public Improvement District wrote a check to UMB Bank, 1670 Broadway, Denver, CO 80202 in the amount of \$99,913.55 for the scheduled Bond interest payment.**

**Commissioner Wingfield moved to have Chairman Bushner sign the City of Wray Landlord Agreement for Utility Service at Rental Units for the county house at 311 Birch Street. Commissioner Wiley seconded the motion. The motion passed unanimously.**

The meeting concluded by discussing and prioritizing the list of energy saving items, which had been presented by Honeywell.

Certification of Accounts Payable for May 18, 2009, checks #42403 through #42535 and checks #5251 through #5261, totaling the sum of \$335,072.99, were approved and signed by Chairman Trent Bushner.

There being no further business, the meeting was adjourned at 6:00 p.m.

The next meeting of the board will be May 29 and June 15, 2009.

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Trent Bushner, Chairman

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Linda Briggs, Administrator

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