

YUMA COUNTY COMMISSIONERS
January 31, 2013

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 31st of January, 2013, with Chairman Robin Wiley, Commissioners Dean Wingfield and Trent Bushner 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: Hollie Hillman and Dalene Rogers.

Robert Vance -

Present: Mark Shaw and Howard McGinnis.

Robert Vance said a couple weeks ago he was traveling west on County Road 51 in his little Neon. A row of rocks were in the middle of his lane. At a hill, he had to be on the wrong side of the road or travel where he was going to hit the rocks. One of the rocks was hard and dented the wheel rim. The rocks were in a dirt row and 3 to 4 feet to the right of the center of the road. **Following the discussion Commissioner Wingfield moved to pay \$100 for the loss of the wheel. Commissioner Bushner seconded the motion. The motion passed unanimously.**

Road & Bridge -

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

The following were discussed:

- Mark said crack seal is being done on the Eckley Highway. Getting the crack seal completed this winter will depend on the weather.
- Road 23 west of Hwy 59 is being graveled; but it is slow due to the cold weather.
- The gravel in the Knodel Pit is not in a wide band. They are finding only pockets of gravel. The commissioners requested they contact a property owner on which gravel had been mined years ago to see if there is better gravel.
- Jon Harouff is retiring the first week of February after 26 years with the department. There are three open positions in the department. Shaw said he will be filling them in early spring.
- Other counties have the Rock & Roll packers used behind graders. Shaw will get some prices.

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

- **Augustus Energy Partners, LLC to install a 3" water line under County Road 26 at approximately 50' east of County Road X.**
- **Augustus Energy Partners, LLC to install a 3" water line under County Road Z at approximately 1/2 mile south of County Road 30.**
- **Robert Simmons to install a water line under County Road 22 at approximately 238 feet east of intersection.**
- **Omnimex Petroleum, Inc. to install a natural gas line under County Road Y at County Road 60.**

Commissioner Wingfield seconded the motion, which passed unanimously.

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

Red Blazer and Helen Brown -

Red Blazer and Helen Brown joined the meeting with the road and bridge department. Brown informed the commissioners of the history of the development called Sunset Lane. Blazer said he would like the paved road, running parallel to but north of County Road 35, be crack sealed and improved when the county does work on the adjacent County Road 35. Blazer said when he was supervisor of the road department this road was considered as county maintained. Discussion centered on who had ownership of the land where the side road is located. The county does work on roads when there are recorded right-of-ways, easements, or deeds to the county. The commissioners stated there are more county roads than the resources to keep all of them adequately maintained. Research needs done to find out what the ownership, easement, or right-of-way status is on this road before a decision is made.

Bureau of Reclamation -

Aaron Thompson and Marla Simpson, from the Federal Bureau of Reclamation, discussed the Bonny Park. Thompson stated that the Bureau of Reclamation has a contract with the state of Colorado. The state has not paid all of last year's maintenance fees and with additional due this year the total will be over \$100,000. Thompson stated he is hoping the state will pay; but if not, the issue will be turned over to the treasury. Thompson said he manages the operations and management of the dam and stated that the Bureau of Reclamation has up-held their responsibilities under the contract. With no water in Bonny, it is more difficult to maintain the dam structure as cracks form more easily.

Thompson stated he came to hear from the Board of County Commissioners what they would like to have in the Bonny area. The commissioners explained their proposal for having a wildlife recreations area. The proposed business plan centered on non-water recreation activities such as horseback riding, bird watching, and RV parking. The commissioners stated they would like to have some type of recreation that employed 10 to 20 people, as that would be an economic asset to the county. They hate to have 9 million dollars of infrastructure at Bonny dozed under. The business plan was contingent on being able to have corporate sponsors, which would not be possible with a lease from the Colorado Division of Parks and Wildlife. If the county could own the property, the county would then lease back part of the property to the Division of Parks and Wildlife. A question and answer session followed.

Thompson said if the contract with Colorado is null-and-void, the Bureau would possibly store water in the facility. Discussion focused on the Colorado, Kansas, and Nebraska compact and what had been done by Colorado to get into compliance. Thompson said he would send a letter to the commissioners that he received in March of 2012 that indicated the South Fork of the Republican was close to compact compliance.

Tri-State Generation -

Present: Mike Barningham and Gary Mueller from Tri-State Generation, Terry Hall of Y-W Electric, and Stan Holmes, Manager for the City of Wray.

Mike Barningham said they would be submitting the application for the Tri-State Generation Transmission line from Burlington to Wray no later than April. The environmental assessment is being finished. The line will be started early 2015 and finished late in 2015, but not to exceed mid-year of 2016. Gary Mueller is the project engineer and the lead on the line routing and scheduling. Mueller showed maps of the selected transmission line route. They have been in contact with the 137 property owners and have the right-of-entry for surveying. This is a 72 mile line which will have a 150 foot wide easement for the two pole structure to hold the 230 kV line.

Following the discussion, the commissioners said they would allow the major land use application to show confirmation that the property owner had been notified of the application being submitted to Yuma County, instead of having a signed statement from the property owner. The easement document signed by the property owner would be submitted to the county prior to construction of the line. The commissioners confirmed that no bonding would be required for this project.

Land Use –

At 1:00 p.m., Chairman Robin Wiley opened the hearing for public comment on the following activities as advertised for one Application for Exemption from Subdivision Regulation and one Major Land Use Permit.

Present: Donna Roberts.

Donna Roberts/ Exemption from Subdivision:

Briggs presented her staff report on Roberts's request to separate 12 acres from the surrounding property for the purpose of dividing a home site from the surrounding farm land. Briggs said no written comments or calls were received at the administrative office relating to this request. Donna Roberts said she was present to answer questions.

Yuma County Road & Bridge – Dreher Gravel Pit / Major Land Use Permit:

Briggs presented the staff report on the Yuma County Road and Bridge request to establish a gravel pit on 67 acres leased from Daniel Dreher. Briggs said no written comments or calls were received at the administrative office relating to this application.

There were not public comments relating to the applications.

Chairman Wiley closed the hearing at 1:04 p.m.

Commissioner Wingfield moved to approve the Exemption from Subdivision through Resolution #01-31-2013 C/EFS for Donna M. Roberts to divide 12.00 plus or minus acres from 80.00 plus or minus acres in the E/2 NE/4 of Section 13, T1N, R43W, to separate the house and buildings from grass land for change of ownership. Commissioner Bushner seconded the motion which passed unanimously. Recorded under Reception No. 00556132.

Commissioner Bushner moved to approve the Major Land Use Permit through Resolution # 01-31-2013 A/DEV for the Yuma County Road and Bridge Department to open a gravel pit mine on property owned by Daniel Dreher for the purpose of extracting road material for used on Yuma County roads. The permitted acreage is for 67 acres located in the SW/4 SW/4 of Section 34, T4S, R47W. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote. Recorded under Reception No. 00556131.

Liquor License Hearing for Wauneta Volunteer Fire Department Foundation Inc. –

Present: John Archer, Jeff Gallegos, and Sara Wagers-Johnson

At 1:34 pm, Chairman Wiley opened the public hearing on the special events application submitted by the Wauneta Volunteer Fire Department.

Nancy Wright presented the application for review. Jeff Gallegos said they wanted the special events permit for an oyster fry on February 23rd and would like the ability to serve beer. Someone would be at the door to check the age of those wanting served. No one objected to the application. The hearing was closed at 1:36 pm.

Commissioner Wingfield moved to approve the Special Events Permit for the Wauneta Volunteer Fire Department Foundation Inc. to serve liquor on February 23, 2013. Commissioner Bushner seconded the motion. The motion passed by unanimous vote.

Clerk Beverly Wenger -

Clerk Beverly Wenger informed the commissioners that the Sheriff Department was using the Election Center building according to the approved policy. She has been assured that the building is not being used for anyone's financial gain.

Wenger reviewed legislation that could affect her office.

Sheriff Chad Day –

Sheriff Chad Day said the panic button system is not working. A quote was presented for replacing the batteries and testing the system. Following a discussion of what department heads want for their employees, the commissioners asked Day to proceed with purchasing the upgrade from Secure Tech Systems, Inc. for \$ 855.50 plus a two year extended warranty of \$965.00. Total payment of \$ 1,820.50 for the panic button upgrade will be out of Fund 20 / Department 903.

Day said his department has two servers for the department's computer network and both of them had the hard drives go out in the same week. The replacements have been ordered but he does not know what the cost will be.

Day gave an update on the concealed weapons class he has been giving at the Election Center. Day stated that proceeds of the class go into the inmate welfare account according to policy.

Day presented a proposal for vehicle replacements by direct purchase or lease. The request was to replace four cars with 4 X 4 2013 Dodge 1500 SSV pickups. Three of the pickups would be marked and one unmarked for a total expenditure of \$139,969. The commissioners supported a direct purchase over the lease option. Following a discussion of the purchase, the commissioners stated they did not support having an entire fleet of 4X4 vehicles because of the cost to operate. Day stated that the commissioners should not be making the decision of what the sheriff buys. The board approved purchase of two of the vehicles, as that is the number of vehicle replacements considered when the 2013 budget was prepared last year. The cost for a marked 2013 Dodge 1500 SSV pickup is \$36,184 plus approximately \$1,000 for the graphics. The same pickup, but unmarked, is \$31,417. The purchase will be paid from Fund 20. Day will get the last 2006 Crown Victoria (Unit 16) ready to sell.

Rich Birnie –

GIS Coordinator Rich Birnie informed the commissioners that he was not awarded the grant for mapping. It sounds as though they went to the more populated areas.

Birnie said he had contacted GIS coordinators from the counties of Garfield, Moffat, Montrose, and Rio Blanco. A detailed review of each of the counties was presented. All had positive comments of the Sidwell program with the biggest problem being in support response. Following the review, **Commissioner Bushner moved to purchase the program from Sidwell over two years for a total of \$ 68,615.00. (Contract states Year 1 - \$40,000 and year 2 – \$ 28,815.00) Commissioner Wingfield seconded the motion, which passed unanimously.** The agreement will be submitted for signature at a later date. Payment will be from Fund 20.

Roger Brown –

Roger Brown, Yuma County Emergency Management Officer updated the commissioners on his activities along with the following:

- Homeland Security money was used to purchase thirty-five battery packs as replacements for the fire departments.
- The Hazard Mitigation Plan will be reviewed.
- Meetings with the fire departments are being scheduled to get ready for the fire season.
- Spotter training will be held in Wray and Yuma during March.
- Emergency measures will be discussed with the assisted living facilities.
- Updating the Resource Mobilization Plan is mandatory for 2013. This is a website where every agency is to list equipment what would be available during an emergency.
- He will be attending the State Emergency Management Conference in Loveland on February 26 through the 28th.

Marijuana ordinance # 02-15-2013-01 –

Administrator Briggs presented Ordinance NO. 02-15-2013-01, which prohibits the operation of marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, or retail marijuana stores, within the unincorporated boundaries of Yuma County. This ordinance has been published in its entirety in the Wray Gazette on January 23, 2013 and in the Yuma Pioneer on January 24, 2013.

Briggs stated that according to statute the ordinance is to be published at least 10 days prior to adoption. Therefore adoption will take place on February 15, 2013.

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 January 15, 2013. The motion passed unanimously.

A check was signed by the commissioners to transfer \$1,331.74 of CCOERA forfeiture dollars to Fund 1 also known as the General Fund, as an employee of the Clerk's department left employment prior to the retirement contribution being fully vested.

Certification of Accounts Payable for January 31, 2013, drawn on Yuma County Funds, with check #53134 through #53263 totaling the sum of \$467,880.32 and Fund 16 W-Y Combined Communications check #6488 through #6510, totaling the sum of \$33,059.49 were approved and signed by Chairman Robin Wiley.

Certification of Payroll for January 31, 2013, drawn on Yuma County Funds, EFT system #34208 through #34328 and checks #29638 through #29655 totaling the sum of \$220,338.25 along with Fund 16 W-Y Combined Communication EFT system number #4948 through #4961, totaling the sum of \$28,979.15 were approved and signed by Chairman Robin Wiley.

Commissioner Wingfield moved to reimburse Kathryn George and Ronald Baker \$500 each, as documentation has been provided that the 2012 yearly deductible of \$1000 has been paid to the County Health Pool/Anthem Blue Cross. Commissioner Bushner seconded the motion. The motion passed by unanimous vote. Baker's reimbursement was for a dependent.

Commissioner Wingfield moved to approve the Ambulance Service License for the Idalia Ambulance Agency from January 1, 2013 to January 1, 2014. Commissioner Bushner seconded the motion. The motion passed unanimously.

Commissioner Bushner moved to approve Resolution 01-31-2013 B an Investment Policy for the Yuma County Treasurer. Commissioner Wingfield seconded the motion, which passed by unanimous vote. (Resolution attached.)

Commissioner Wingfield moved to pay the \$100 High Plains Highway dues for 2013. Commissioner Bushner seconded the motion, which passed by unanimous vote.

Commissioner Bushner moved to have the chairman sign the Farm Service Agency's FSA Report of

Commodities Farm Summary for 2013 on 132.34 acres of grass which is located at the Yuma County Landfill. Commissioner Wingfield seconded the motion, which passed unanimously.

Commissioner Wingfield moved to sign the contract between the State of Colorado for the use and benefit of the Department of Local Affairs and Yuma County for Yuma County to be the fiscal administrator of a \$350,000 CDBG grant for replacing the siding and one-half of the original windows in the VH Villa Townhomes managed by the Housing Authority of the Town of Yuma. Commissioner Bushner seconded the motion. The motion passed by unanimous vote. This grant is contract encumbrance number H3CDB13054 and CFDA # 14.228.

The commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:45 p.m. The next meeting of the board will be February 15 and February 28, 2013.

A listing of meetings attended by the commissioners during the month of January 2013 is attached.

Robin Wiley, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk