

YUMA COUNTY COMMISSIONERS

July 31, 2014

Minutes¹



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On July 31, 2014 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session with Chairman Dean Wingfield, Commissioners Trent Bushner and Robin Wiley present.

Administrators Linda Briggs and Kara Hoover were present throughout the day.

The Commissioners reviewed with each other about affiliated meetings that each had attended within the last two weeks.

Maintenance and Custodial

The Commissioners met with Daryl and Sandy Juhnke to discuss various projects within the courthouse and at the Department of Health and Human Services (DHS).

The following were discussed:

- *Water Hydrant* - Daryl and Sandy reported on quotes they have received (verbally) to install a hydrant near the election center for use at the community garden. Commissioner Wingfield reported he had spoken with the Yuma County Extension Office about the garden. There seemed to be little interest in continuing with the project moving forward; at this time the Commissioners feel there is no need for a hydrant.
- *DHS Kitchen* - Maintenance report on sink, faucet and floor issues in the kitchen at DHS. The sink and faucet need to be replaced because of leaking issues. The floor has also sustained damage. Maintenance is instructed to get bids for the sink, faucet and the floor.
- *HVAC Controls* - Daryl reported about the current HVAC controls on the building. He conveyed that the current system uses a DOS product and has become obsolete. The cost to update to Windows based software, he believed is quite expensive, but relayed to the Commissioners this may need to be done at some point in the future. He will work on a quote for this, as well.
- *Courthouse Roof* - Recent repairs to the courthouse roof look good with no issues. Daryl reports that an entire new roof may need to be considered in the 2015 budget.
- *Trees* - Daryl/Sandy will have the trees on the courthouse lawn sprayed for spider mites this weekend.
- *DHS Sprinkler/Painting* - A couple more items to consider in the 2015 budget are the need to revamp the current sprinkler system at DHS and to repaint offices within the building.
- *Miscellaneous* - Commissioners noted that the south window on the election center is in need of repairs as there is evidence it has been leaking; also noted, was the ceiling above the vault in the treasurer's office has an area of tile that is falling down. Lastly, the floors in the basement bathrooms have a soft spot and may need to be repaired. Daryl reports he will look into all of this.

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 Robin Barnhart.

Dave reported that he and several of his staff will be attending the 13th Judicial District Permanency Symposium, Friday, August 15th, and will not be available for the next commissioner's meeting.

¹ Minutes prepared by Kara Hoover—summary of discussions, not verbatim.



Road and Bridge

In attendance from the Road and Bridge Department were: Supervisor Mark Shaw, and Truck/Mining Foreman Howard McGinnis. Also in attendance to discuss road issues: Dennis Wieser, Chester Wieser, Jr. and later in the meeting: Curt Fix, Brad Rock, and Alex Rock.

Road and Bridge personnel updated the Commissioners on road department activities:

- *Flooding* -- There has been a lot of rain lately; which has caused flooding on roads, specifically on Road PP. Shaw relayed that the graders are out trying to get over all the roads affected, but it is still a little wet to grade.
- *Sprinklers* – Shaw reported that they are noticing several sprinklers that continue to water the roads. Such offenders have become habitual and are posing safety hazards to those traveling the country road. The Commissioners suggested that a letter be sent to the offenders, and if there is no resolution that law enforcement be notified.
- *Mining* – McGinnis reported that the Moser pit has an out-of-bounds disturbance issue that carries a \$500 fine. Currently, the fine has been suspended until a hearing on August 20, 2014
- *Upgrading Business Band Radios* - Shaw reported on the need to upgrade to a narrowband radio system. The cost is approximately \$11,000-\$12,000. The repeater is the main cost in this upgrade.
- *Demolition Derby in Kirk* - The volunteer firemen have requested grader assistance to prepare and cleanup for the demolition derby. The Commissioners are in consensus to allow the grader operators to help with this.
- *New Hires* – Shaw reported that he has two new operators coming on board: Casey Sievers and Garret Twiss. He also mentioned that they have hired seasonal/part-time mowers, Mike Mathies and Leroy Wright.
- *Energy Impact Grant* - The Commissioners and Shaw reviewed several different repair options to County Road R and County Road 35 for the Energy Impact grant submittal. The group felt that the most cost-effective option outlined included asphalt on a portion of C.R. R and complete chipseal repair and overlay for the remainder of C.R. R and C.R. 35. This option has a total cost estimate of \$585,636. **Commissioner Wiley moved to submit a grant application for assistance of \$389,998 for County Road R and County Road 35 improvements to the Energy and Mineral Impact Assistance Program. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Underground and Utility Permit* - Shaw presented an Underground and Utility Permit for Augustus Energy. **Commissioner Wiley moved to approve the Underground and Utility Permits for Augustus Energy to install electric lines under County Road BB, 200' north of County Road 26. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Right-of-Way Issue* - Dennis and Chester Wieser were in attendance to voice their concerns about damage to their fence caused by the great amount of rainfall and water runoff. Recently, Road & Bridge operators moved dirt in the washed-out area and the Wieser's reported that they felt the repairs had caused additional damage to their fence. The repairs completed by Road and Bridge personnel were not satisfactory to the Wieser's expectations and they felt that Road & Bridge

Supervisor, Mark Shaw, did not communicate repair intentions appropriately. The Commissioners asked for all parties to communicate better in the future.

- *Mowing* - Curt Fix, accompanied by Brad and Alex Rock, visited with the Commissioners and Road and Bridge personnel about their concerns regarding mowing operations within the county. The group felt that there was too much discrepancy between mowing operations in regards to how, when, and where the ditches are being mowed. Discussion followed. The Commissioners reported to Mr. Fix that the county would make a practice to mow around 8 feet in areas where the ditches were being maintained for weed control; but would mow more (up to the 15 feet swath) in areas where the weeds were not being controlled. Mr. Fix mentioned that he understood that mowing out corners, for safety reasons, is a must and reported that he would not have any problem with this practice.

Landfill

E-cycling Grant - Cliff Henry, Landfill Manager, was in to discuss the electronic recycling grant from Recycling Resources Economic Opportunity Fund that was submitted to the Colorado Department of Public Health and Environment (CDPHE) in conjunction with Encore Life. A statement of work has been prepared. Original work completion dates were extended to September due to the delay of a grant received by Encore Life. The CDPHE grant includes placement of a cement pad and a storage pod at the landfill and also in Yuma. The pods need to be purchased; Cliff will research this. **Commissioner Wiley moved to approve the statement of work with the extended dates of September 29, 2014. Commissioner Bushner seconded the motion, which passed unanimously.**

Treasurer

Harris Bankruptcy - Treasurer Dee Ann Stults reported she has not heard anything about the Harris bankruptcy. The Commissioners conveyed they, too, are still waiting for the notice from the bankruptcy trustee and again reiterated that a payment to Harris will be processed only once this is received.

New Software System - Stults relayed that the new CCI system is up and running and this will be the first month that she will have reports solely on this system. Currently the company is charging interest on the unpaid portion of the new software; she asked how she should handle this. The Commissioners asked her to get a payoff amount for August and September to bring to the next meeting.

Personnel- Lisa Walter will be leaving the Treasurer's office in August to go back to teaching. This will leave just Dee Ann Stults (Treasurer) and Samantha VanVickle (Deputy Treasurer) in the office.

Sheriff's Office

Suit Filed - Undersheriff Adam Wills stopped by to discuss a suit that has been filed involving a sergeant from the sheriff's office. Undersheriff Wills reported that the Sheriff's Office is not named in the suit, just the sergeant at this time. Attorney Bob Lees has been contacted by the Sheriff's Office on behalf of the sergeant to handle the suit. Wills was instructed by the Commissioners to contact CTSI; Finance Officer Vicky Southards provided Wills with this contact information.

Land Use

Hearing – Opened at 1:06 p.m., Chairman Dean Wingfield opened the hearing for public comment on the following activities as advertised for Applications for Vacating Exemption and Exemptions from Subdivision Regulations.

Present: GIS & Land Use Coordinator Rich Birnie, Administrator Linda Briggs, and Peri Crabtree

Janet Keith & Mark Ramseier:

Rich Birnie presented the staff report on Keith/Ramseier's request to divide 2.56, plus or minus, acres in half resulting in two 1.28 acre tracts in NE ¼ of Section 21, Township 4 South, Range 44 West for the purpose of individual ownership. Birnie said no written comments or calls were received in his office relating to this request.

Glenn D. & Phyllis J. Adamson and Sam L. & Peri Kay Crabtree

Rich Birnie presented the staff report on Adamson/Crabtree's request to vacate three exemptions from subdivision permits on 24.44 acres in the NE and SE ¼ of Section 3, Township 1 North, Range 44 West. Birnie reported no written comments or calls were received in his office relating to this request.

Rich Birnie presented the staff report on Adamson/Crabtree request to divide 24.44 acres in the NE & SE ¼ of Section 3, Township 1 North, Range 44 West, into four tracts for resale. Birnie said no written comments or calls were received in his office relating to this request.

Mary Jane Idler

Rich Birnie presented the staff report on Idler's request to divide 5, plus or minus, acres from 160 acres in the NW ¼ of Section 6, Township 5 South, Range 46 West, for resale for home site purposes. Birnie reported no written comments or calls were received in his office relating to this request.

The Commissioners reviewed the planning commission recommendations on the applications. Chairman Wingfield closed the hearing at 1:37 p.m.

Commissioner Wiley moved to approve Resolution #07-31-2014 A/EFS for the Exemption from Subdivision Regulations for Janet Keith & Mark Ramseier dividing 2.56, plus or minus, acres in half resulting in two 1.28 acre tracts in NE ¼ of Section 21, Township 4 South, Range 44 West for the purpose of individual ownership.

Stipulations include:

- The applicant is responsible for verifying with CDOT that the existing access to Tract 2 is an acceptable highway access to this parcel and obtaining a highway access permit, if necessary.
- Recording a water easement with the Yuma County Clerk and Recorder.
- The applicant shall be responsible for complying with all Federal, State, and Local: regulations, rules, codes, conditions, and design standards.

Commissioner Bushner seconded the motion; which passed unanimously. Recorded under Reception No. 00561149

Commissioner Bushner made a motion to approve Resolution #07-31-2014 B/VEFS to Vacate the Exemption from Subdivision for Sam L. & Peri Kay Crabtree and Glenn D. & Phyllis J. Adamson recorded at Reception #00528330 (7-24-2008), #00539259 (09-10-2008) and Administrative Permit lot line adjustment, Reception # 0053925 (9/10/2008) thus combining the 24.44 acres in the NE and SE ¼ of Section 3, Township 1 North, Range 44 West. Commissioner Wiley seconded the motion; which passed unanimously. Recorded under Reception No. 00561150

Commissioner Bushner moved to approve Resolution #07-31-2014 C/EFS, which Commissioner Wiley seconded, for the Exemption from Subdivision Regulations for Sam L. & Peri Kay Crabtree and Glenn D. & Phyllis J. Adamson to divide 24.44 acres in the NE and SE ¼ of Section 3, Township 1 North, Range 44 West, into four tracts for resale. The motion passed unanimously. Recorded under Reception No. 00561204



Commissioner Wiley made a motion to approve Resolution #07-31-2014 D/EFS for the Exemption from Subdivision Regulations from Mary Jane Idler dividing 5, plus or minus, acres from 160 acres in the NW ¼ of Section 6, Township 5 South, Range 46 West, for resale for home site purposes.

Stipulations include:

- **The applicant is responsible for verifying with CDOT that the existing pasture access is an acceptable highway access to this parcel and obtaining a highway access permit if necessary**
- **Recording a water easement with the Yuma County Clerk and Recorder.**
- **The applicant shall be responsible for complying with all Federal, State, and Local: regulations, rules, codes, conditions, and design standards.**

Commissioner Bushner seconded the motion. The motion passed unanimously. Recorded under Reception No. 00561151

Viaero Tower - Rich Birnie reported on Viaero's request to set a 35' antenna tower near the high school. Viaero is having trouble meeting the setback requirements stated in Section 5-104, subsection E, paragraphs 2 & 3 of the Yuma County Land Use Code. Birnie reported that he researched setback requirements in other rural counties in Colorado and learned that Weld County has a 50' setback and Prowers County requires 100' or greater. The Commissioners relayed to Birnie that Viaero will have to meet the current setback requirements or get a variance for the non-residential/residential setback from the school or landowner.

Schramm Feedlot, Inc. - Rich Birnie and Linda Briggs presented a letter for the Commissioners to review that is to be sent to Schramm Feedlot, Inc., per attorney Barbara Green. This letter is in reference to a potential Yuma County Land Use violation.

Old Threshers

Toy Auction - Tim Stulp and Bill Brethauer reported that the Old Threshers Board met with Roy Mekelberg earlier in the day and approved allowing Mr. Mekelberg to hold a toy auction on Friday, September 5th during the Old Threshers Day at the fairgrounds. Mr. Mekelberg will still have to provide proof of insurance and pay rent for the beef barn use on this day.

Fairground Use - Stulp and Brethauer also requested that the Commissioners allow the Old Threshers to utilize the fairgrounds, as in the past, at no charge. **Commissioner Bushner moved to allow Old Threshers use of the fairgrounds at no charge. Commissioner Wiley seconded, the motion passed unanimously.**

Assessors

Tri-County Fair and Rodeo - Assessor Cindy Taylor presented the Commissioners with the Colorado Revised Statute 39-3-101" Property Exempt from Taxation," "Legislative declaration-presumption of charitable purpose." This statute better explains the Tri-State and Rodeo property tax exempt status. This statute is noted in the original application for exemption of property owned filed in 1983.

Harris - Assessor Taylor reports she is still waiting on bankruptcy notices from Harris, too.

Pictometry Software - Taylor relayed that she received information from Randy Schafer in Holyoke, about a pictometry software grant. She explained that this new software would help her office to recover omitted property within the county. The Commissioners asked her to research further and bring an updated proposal at a later date.

Early Abstract Notice - Taylor reviewed with the Commissioners the early abstract information. Preliminary

figures showed an increase of 12.6 million over last year's numbers.

Department Head

Assessor Cindy Taylor went over the preliminary assessments for use in the 2015 Budget. Present were, Commissioners Wingfield, Wiley and Bushner, Landfill Manager Cliff Henry, Treasurer Dee Ann Stults, Finance Officer Vicky Southards and Administrator Kara Hoover. Discussion was held on maintaining budget spending like 2014. Commissioners suggest that salaries remain the same.

A special Budget Meeting is set for Tuesday, September 9, 2014. Hoover will be sending out budget information mid-August.

Liquor License

Special Events Permit - Nancy Wright presented an application for a Special Events Liquor Permit for the Vernon Volunteer Fire Department, Inc. **Commissioner Wiley moved to approve the Special Events Permit for Liquor for the Vernon Volunteer Fire Department, Inc. for August 16, 2014. Commissioner Bushner seconded. The motion was unanimously passed.**

Management Change - Nancy Wright presented a completed change of manager form for Ballyneal Golf Ltd. **Commissioner Bushner moved to approve the Change of Manager for Ballyneal Golf, Ltd from Matt Payne to David Hensley. Commissioner Wiley seconded the motion; which passed unanimously.**

Administrators Report -

Administrators Linda Briggs and Kara Hoover reviewed calls, correspondence, and presented the following for action:

Commissioner Wiley moved to approve the minutes of June 30, 2014 and July 15, 2014. Commissioner Bushner seconded the motion; which passed unanimously.

Commissioner Wiley moved to appoint Commissioner Bushner to the CCI 2014 Legislative Committee. The motion was seconded by Commissioner Wingfield; which passed unanimously.

Commissioner Wiley moved to sign the Letter of Intergovernmental Agreement Concerning Election Services for the broadband ballot question. Commissioner Bushner seconded the motion; which passed unanimously.

Commissioner Wiley moved and Commissioner Bushner seconded to approve the Colorado Department of Transportation Agreement #15 HA4 70821 for US 34 and Yuma County Road H Intersection. Motion passed unanimously.

Chairman Wingfield signed the Veterans Report for July, 2014.

Certification of Accounts Payable for July 31, 2014, drawn on Yuma County Funds, with check # 57262 through #57353 totaling the sum of \$397,987.50 and Fund 16 W-Y Combined Communication accounts payable for July 31, 2014, check #6980 through #6994, totaling the sum of \$30,043.66 were signed by Chairman Dean Wingfield.


Certification of Payroll for July 31, 2014, drawn on Yuma County Funds, EFT system #36535 through #36664 and checks #30111 through #30135 totaling the sum of \$221,759.67, and along with Fund 16 W-Y

Combined Communication EFT system number #5196 through #5210 and checks #4344 and 4345 totaling the sum of \$34,148.98 were approved and signed by Chairman Dean Wingfield.

The Commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 4:55 p.m. The next meeting of the board will be August 15, 2014 and August 29, 2014.

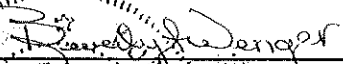
A listing of meetings attended by the Commissioners during the month of July 2014 is attached.


Dean Wingfield, Chairman


Kara Hoover, Administrator



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ATTEST: 
Beverly Wenger, County Clerk

