

## YUMA COUNTY COMMISSIONERS

May 30, 2014

Minutes<sup>1</sup>

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 30th of May, 2014, with Chairman Dean Wingfield, Commissioners Trent Bushner and Robin Wiley 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.

### Marty Greek -

Marty Greek, Probation Administrator in Yuma County, said the state has granted hiring another probation officer for this area, effective July 1<sup>st</sup> through the approval of the state fiscal budget. When the needed probation officer is hired, Greek will become a full time manager. Greek stated an office in Yuma would be acceptable. If office space could be found, they would be willing to relocate the department to another building in Wray or Yuma. The current waiting room could be made into an office with the secretary being located in the reception area. The state has funds for furnishings and computer equipment; but not for remodeling the space. The commissioners said they would check with the City of Yuma. Greek will draft a plan for remodeling the current probation office space.

### 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.

### Bill Cure-

Bill Cure dropped in to inform the commissioners that the Stanley Brothers would be planting approximately 30 acres of hemp in the center of a circle he owns. The type of hemp, called Charlotte's Web, is used for medical purposes such as epilepsy and other medical conditions. The plants will be transported to Boulder for extraction of the oil. A brief discussion ensued. Cure said he and the Stanley Brothers have a meeting with the sheriff at 11:30 a.m. this morning. The commissioners stated this would need to be in compliance with the state's requirements.

### Road & Bridge -

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

The following were discussed:

- Mark will talk to South Y-W Ambulance personnel about removing the ambulance box from the pickup as it to be picked up by the party purchasing the box. The county can find a use for the pickup parts.
- The department will bring some dirt material for the community garden around the two blue garages west of the courthouse.
- Mowers are cutting patches of rye along roads to cemeteries for Memorial Day. Parts for the Landpride mowers can be purchased from Yost.
- Bids for the Kamala/Road 39 project from McCormick Excavation & Paving and McAtee Construction Company were reviewed and discussed. The bids came in \$300,000 higher than the grant request to DOLA submitted in December of 2012. A detailed comparison of the bids will be made. Greg Etl will be contacted to see if an additional request could be made to cover part of the unexpected increase.

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

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 Bushner seconded the motion, which passed unanimously.** At 10:07 a.m., Commissioners Wingfield, Wiley, and Bushner with Mark Shaw, Howard McGinnis, Casey Stults, and Linda Briggs entered into executive session. Through a duly made motion the executive session ended at 10:28 a.m.

Whitey Seward –

Whitey Seward visited with the commissioners about the poor workmanship when the cement steps were made at the south entrance to the courthouse. Seward said current cracks showing in the cement should not be there. There is no slope on the top platform so the water will not flow away from the building. He recommended and supported having them replaced.

Land Use –

At 1:02 p.m., Chairman Dean Wingfield opened the hearing for public comment on three Exemptions from Subdivision Regulations and a one Major Land Use Permit.

Present was: Tom Tripp and Jeff Schaefer representing Tallgrass Energy Partners.

Richard and Johnna White / Exemption from Subdivision:

Briggs presented the staff report on the request by Richard and Johnna White to separate 21.58 acres from 358.24 acres for changing ownership. Briggs said no written comments or calls were received at the administrative office relating to this request.

Douglas and Robin Renzelman / Exemption from Subdivision:

Briggs presented the staff report on the request from Douglas and Robin Renzelman to separate 4.5 acres from 320 acres for financing purposes. Briggs said no written comments or calls were received at the administrative office relating to this request.

Tallgrass Pony Express Pipeline, LLC / Exemption from Subdivision:

Briggs presented the staff report on the request by Tallgrass Pony Express Pipeline, LLC. to separate 6.54 acres from the surrounding property for establishing a pump station on an underground pipeline which goes across this parcel of land. Briggs said no written comments or calls were received at the administrative office relating to this request.

Tallgrass Pony Express Pipeline, LLC / Development Permit:

Briggs presented her staff report on Tallgrass Pony Express Pipeline, LLC's request to establish a pump station on a 22 inch diameter oil pipeline. Briggs recommended an Emergency Response Plan and a reclamation plan be submitted as an addendum to the application. Briggs said no written comments or calls were received at the administrative office relating to this request.

Relating to the two submittals by Tallgrass, Tom Tripp reviewed the company's organization through purchases and mergers into a company the federal government determined to be too large and had to downsize. The final organization resulted in to the current company called Tallgrass Pony Express. A portion of the 22 inch pipeline, being converted from transporting natural gas to crude oil will connect to a newly constructed pipeline in Kansas and ending in Cushing, Oklahoma. The pipeline has been thoroughly tested. Some sections needed replaced with other areas needing additional top cover. Discussion ensued.

Tripp submitted a letter dated May 23, 2014, as the decommission restoration plan. He will be sending an emergency response plan summary which will include operators contact information for emergency purposes.

The commissioners reviewed the planning commission recommendations on the applications.

Chairman Wingfield asked if there were additional comments from the public. There being none, the hearing was closed at approximately 1:15.

**Commissioner Wiley made a motion to approve, which Commissioner Bushner seconded, the following resolutions which contain stipulations:**

- **Resolution 05-30-2014 A/EFS giving approval for Douglas C. and Robin L. Renzelman to divide a 4.5, plus or minus, acres from 320 acres in the South 1/2 of Section 18, T 1 North, R 42 West, for home refinancing. *Recorded under Reception No.00560634 .***
- **Resolution 05-30-2014 B/EFS giving approval for Richard N. and Johnna F. White to divide 21.58 acres from 358.24 acres located in the NE1/4 and SE1/4 of Section 24, Township 2 North, Range 43 West, so the home and improvement parcel can be sold separate from the grassland. *Recorded under Reception No. 00560592.***
- **Resolution 05-30-2014 C/EFS giving approval for Tallgrass Pony Express Pipeline, LLC to divide 6.54, plus or minus, acres from 160, plus or minus, acres owned by TP Ranch LLLP in the SW1/4 of Section 8, Township 5 North, Range 44 West to establish a pump station for a 22-inch diameter underground pipeline, which goes across this parcel of land. *Recorded under Reception No. 00560891.***

**The motion passed by unanimous vote.**

**Commissioner Bushner moved to approve Resolution 05-30-14 D/Permit #DEV0414-03 a Major Land Use Development Permit for Tallgrass Pony Express Pipeline, LLC. to establish a pump station, for a 22-inch diameter underground light crude oil pipeline, on a 6.54 acre parcel of land in Yuma County approximately 20 miles north of Wray in the SW1/4 of Section 8, Township 5 North, Range 44 West. Commissioner Wiley seconded the motion, which passed unanimously. *Recorded under Reception No. 00560892.***

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Attorney Stephen Monks -

At 1:20 p.m., Attorney Stephen Monks (via the phone), Commissioners Wingfield, Wiley, and Bushner, Assessor Cindy Taylor, and Treasurer Dee Ann Stults discussed the bankruptcy status of the Colorado Customware, Inc. Monks had no additional information on the bankruptcy, but confirmed the county would at some point be billed for the license fee for the time it was used. The commissioners stated that they did not want to sign a contract with a new company as the county should not be paying twice for the program. Taylor said at some time her office would not be able to use the CCI software. Monks will keep the county informed of any decision on the bankruptcy.

Assessor Cindy Taylor / Tri-State Rodeo Grounds -

Also present: Jason Wiltfang, Danny Cumley, Linda Shively, Max Shively, Josh Jones, Becky Combs, Sue Jarrett, and Norma Seward via the phone.

Assessor Cindy Taylor presented a statute justifying the Tri-State Rodeo Grounds being classified as exempt property because of it being used as a rodeo grounds. The non-profit status has not been submitted to the state since 1979. The discussion focused on the organization, past membership, how to continue using the grounds as intended by the grantor, the possibility of reestablishing membership of the organization in order to make some decisions; such as having the revenue to cover maintenance and electrical costs. The commissioners asked Seward to get what information she has to Assessor Taylor. The commissioners recommended that the organization using the facility make a list and cost of the materials purchased for the improvements that have been made to the grounds. Taylor will check to see if the non-taxed status should remain. This can be reviewed again once all the information is received.

Sheriff Chad Day-

Sheriff Chad Day said he had met with the Stanley Brothers about the industrial hemp they will be growing in Yuma County. Day said everything will be within the regulations of Amendment 64.

Day said he is having a COPS grant written for partial funding of a new officer and equipment for the new employee. The grant proposal was handed out, which gave an overview, match requirements, and key elements of the grant funds. Following the discussion, **Commissioner Wiley moved to approve the 25% required match for hiring and equipping an employee as outlined in the COPS application as presented. Commissioner Bushner seconded the motion. The motion passed unanimously.**

Day presented a sheet showing grant funds through USDA Community Facilities Grant and Loan Program are available for facility improvements. Day said this could be a funding source for the south entrance should a security check area be established.

Day said he is holding a Sheriff Sale which was ordered by the court, but it is on property of which he is to sell a share of an undivided interest. He is getting clarification from the courts as to how this is done due to being an undivided interest.

Through an agreement with Viaero staff, the sheriff department has received tablets to use for a year for the purpose of testing the equipment.

Liquor License -

Nancy Wright presented a liquor renewal application. **Commissioner Wiley moved to approve the Colorado Liquor Retail License renewal application from Papa's Bait Shop located at 1844 US Hwy 385, Idalia CO 80735. Commissioner Bushner seconded the motion. The motion passed by unanimous vote.**

Administrator's Report -

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

Certification of Accounts Payable for May 30, 2014, drawn on Yuma County Funds, with check #56796 through #56874 totaling the sum of \$429,737.34 and Fund 16 W-Y Combined Communication checks payable for May 30, 2014, check #6929 through #6944, totaling the sum of \$30,456.39 were signed by Chairman Dean Wingfield.

Certification of Payroll for May 30, 2014, drawn on Yuma County Funds, EFT system #36276 through # 36402 and checks # 30062 through #30083 totaling the sum of \$218,445.08, along with Fund 16 W-Y Combined Communication EFT system numbers #5170 through # 5182 totaling the sum of \$34,751.67 were approved and signed by Chairman Dean Wingfield.

**Commissioner Bushner moved to approve the minutes of April 30, 2014. Commissioner Wiley seconded the motion which passed unanimously.**

**Commissioner Wingfield moved to approve Yuma County Permit Ordinance 1982-1 for Augustus Energy Partners LLC to drill the following wells:**

**Marion and Hazel Chapman 13-22 1S44W**

**Doug Brophy DBA Legacy Acres, LLC 34-35 1S44W**

**Norman J. & Diane K. Hays 32-03 2S44W**

**Norman J. & Diane K. Hays 31-03 2S44W**

**Norman J. & Diane K. Hays 14-35 1S44W**

**Commissioner Wiley seconded the motion, which passed by Wingfield and Wiley voting Yea.**

Commissioner Bushner had taken a phone call and was out of the room

**Commissioner Wiley moved to have Chairman Wingfield sign the Access Agreement for Groundwater Sampling and Authorization for Data Release, as presented by Augustus Energy Resources LLC., relating to gas well McCall 43-09 1N46W. The document will be checked to affirm that Yuma County does wish to have the landfill water well sampled. Commissioner Bushner seconded the motion. The motion passed by unanimous vote.**

**Commissioner Wiley moved to approve Resolution 5-30-2014 E which changes county representatives on the Fair Association Account at the Bank of Colorado. Commissioner Bushner seconded the motion. The motion passed unanimously. (Resolution attached.)**

**Commissioner Wiley moved to sign the engagement letter for auditing services by McMahan and Associates, LLC. for 2013 Audit. Commissioner Bushner seconded the motion. The motion passed unanimously.**

**Commissioner Bushner moved to purchase a 2013 Ford F-450 Life Line Type I ambulance for South Y-W Ambulance Agency from Rocky Mountain Emergency Vehicles in the amount of \$163,999. Commissioner Wiley seconded the motion. The motion passed by unanimous vote.** Yuma County will be reimbursed \$15,000 from South Y-W Ambulance Agency CO EMS Funds \$ 99,999, CAPP insurance reimbursed \$ 19,500 and \$ 29,500 from EMS budget 01-403-8940 in the general fund.

Chairman Wingfield signed the Energy Impact Grant #7115 Contract Amendment extending the grant completion date from June 30, 2014 to October 31, 2014. These grant funds are for overlaying asphalt on 2.25 miles of Kamala Street and County Road 39.

Chairman Wingfield signed the Veterans Report for May, 2014.

The commissioners made their routine inspection of the jail.

The meeting concluded with the commissioners reviewing applicant test results for the Yuma County Administrator position.

There being no further business, the meeting was adjourned at 6:40 p.m. The next meeting of the board will be June 16 and June 30, 2014.

A listing of meetings attended by the commissioners during the month of May 2014 is attached.

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Dean Wingfield, Chairman

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Linda Briggs, Administrator

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