

YUMA COUNTY COMMISSIONERS

March 15, 2019

Minutes¹

On March 15, 2019 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Robin Wiley, Commissioner Trent Bushner, Commissioner Dean Wingfield, and Administrator Andrea Calhoon were present throughout the day.

The Commissioners reviewed and signed accounts payable and discussed various meetings attended throughout the prior month.

Special Events Permit

At 8:05 a.m. Deputy County Clerk Nancy Wright presented for signature a previously approved special events liquor permit for the Vernon Community Center.

Public Comment

At 8:07 a.m. the Commissioners heard public comment regarding current legislative concerns on a State and National level.

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:30 a.m. Human Services Director Kara Hoover, Child Welfare Supervisor Hollie Hillman, Eligibility Supervisor Dalene Rogers, Bookkeeper Melanie Fisher, and Receptionist Robin Barnhardt were present.

The Board of County Commissioners reconvened at 9:24 a.m.

Road and Bridge

Road & Bridge Supervisor JR Colden joined the meeting at 9:30 a.m. to provide the department updates.

Current Projects

- **Deterding Gravel Pit Lease** – Colden reported the May expiration of the Deterding Gravel Pit lease and presented a draft renewal lease for discussion. The landowner shall be permitted 500 yards per year at their discretion and documentation consistent with prior lease agreements. **Commissioner Wingfield moved to approve the renewed lease agreement with Alva Deterding for use of the Deterding Gravel Pit at a rate of \$0.55/yard for a term of March 15, 2019 to December 31, 2029 with an allowed 500 yards landowner personal use gravel per year subject to owner's tracking. Commissioner Bushner seconded the motion, which passed unanimously.**
- **Oil Bids** – Colden presented a comparison of oil bids received from Sapp Brothers, Dooley, and Schaeffer's. The group discussed variances between the bids as well as various uses of products bid.
- **Truck Pricing** – Colden presented comparative pricing on three trucks for consideration. Colden will gather additional information on trade-in value before the Commissioners issue a final decision.
- **Air Testing Parts Room** – Colden requested air testing in the parts room at the Road & Bridge Office due to complaints received by staff. The Commissioners agreed with the need for testing for the room.
- **Parts Room Heater** – Colden presented a request to replace an aged electric heater in the parts room at the Road & Bridge Office. **Commissioner Bushner moved to approve the purchase and installation of a new heater for the Road & Bridge parts room by Brophy Electric for an amount not to exceed \$600 to be paid from Fund 2. Commissioner Wingfield seconded the motion, which passed unanimously.**

¹ Minutes prepared by Andrea Calhoon are a summary of discussions, not a verbatim account.





CTSI Loss Prevention, Marilyn Wagner

The scheduled presentation on CTSI loss prevention statistics was cancelled and rescheduled for April 15, 2019.

Angels for Life on the Plains, Travis Dinsmore

At 11:40 a.m. the Commissioners were joined by Travis Dinsmore and Lyle Dinsmore of Angels for Life on the Plains to discuss planning for their annual fundraiser, most generally held at the Yuma County Fairgrounds. The group discussed potential fundraiser options the organization is considering and what considerations the Commissioners would require for the various types.

Land Use

Yuma County Land Use Administrator/GIS Coordinator Colten Yoast was heard at 1:00 p.m. to review Land Use and GIS business.

- *Pending Land Use Activity* – Yoast reported receipt of application EFS0319-03 for Boyd Arnold east of Wray.
- *Floodplain Update* – Yoast will be attending a floodplain training in Colorado Springs on Monday, March 18.
- *Land Sales* – Yoast reported on proposed dates for the closing on a parcel of land sold to Schaffners. The Commissioners will attend closing on March 26.
- *Correspondence* – Yoast reported on correspondence received and discussed with the group.

GIS

- *Mapping* – Yoast reported working on updates for the master map and continues work on Road & Bridge and Emergency Management maps.
- *Conference Attendance* – Yoast will be attending an ESRI professional mapping conference in Colorado Springs next week.

Colorado Natural Heritage Program

At 1:30 p.m., the Commissioners met with Denise Culver of Colorado State University's Colorado Natural Heritage Program to view a presentation regarding the program. Culver discussed the origination and function of the program as well as the county's role in facilitating data collection for the program. Culver discussed that a county-wide survey would identify natural resources in the county, primarily focused on flora and fauna with the intended primary purpose of assisting in conservation efforts. Additionally, Culver reported that the survey would provide informational resources to local landowners. Culver reported on the processes for data collection as well as frequently asked questions and concerns typically expressed.

Ag Innovation Center

At 2:30 p.m. the Commissioners heard updates from Dave Blach, Curt Fix, Gary Hoffner, and Jed Gleghorn on grant application statuses and proposed construction plans for the Yuma County Fairgrounds prepared by the Ag Innovation Center, LLC. The group discussed what information is needed to move forward with next steps of the process.

The Commissioners requested finalized layout drawings comparing existing to proposed facilities, including a footprint and to-scale layout drawings as well as final construction and demolition plans with bids for selection. The Commissioners enquired as to the status of an award letter and contract for the approved GOCO grant and reminded the group that bids must not be reviewed or awarded until after grant contracting takes place. The group discussed the requirements for expenditures, planning, and reporting and reiterated that documentation and correspondence would need to be submitted to and run through the Commissioner's Office as the grant awardees and that all bids and record-keeping activities would be required to follow County requirements. The Ag Innovation group will put together a bid packet to submit to the Commissioner's Office for advertising and mailing.



Emergency Communications Review

The Commissioners met with various first response sectors to complete a review of emergency communications processes and procedures. At 3:30 p.m., the EMS Council was heard, at 4:15 p.m. local law enforcement was heard, and at 5:00 p.m. representatives of fire departments and districts were heard.

Administrator's Report

Administrator Andrea Calhoon reviewed calls, correspondence, and presented the following for action:

- **Minutes** – The Commissioners reviewed the minutes from the previous BOCC meeting. **Commissioner Wingfield moved to approve the minutes from the February 28, 2019 Board of County Commissioners meeting. Commissioner Bushner seconded the motion, which passed unanimously.**
- **CAPP Report & Claim Review** – The Commissioners heard information on pending CAPP and workers' compensation claims. The Commissioners held an executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on a specific legal issue. Present for executive session were Chairman Robin Wiley, Commissioner Dean Wingfield, Commissioner Trent Bushner, Administrator Andrea Calhoon, and County Attorney Ken Fellman via teleconference. **At 11:15 a.m. Commissioner Bushner moved to enter into executive session under CRS 24-6-402(4)(b) for purposes of receiving legal advice on specific legal matters. Commissioner Wingfield seconded the motion, which passed unanimously.** Executive session ended at 11:40 a.m. and the Commissioners reconvened in open session.
- **Signatures and Ratifications** –
 - Resolutions/Ordinances/Signatures:
 - **Commissioner Bushner moved to approve signature Resolution 03-15-2019 A declaring Yuma County as a red flag sanctuary for HB19-1177 after review by the County Attorney. Commissioner Wingfield seconded the motion, which passed unanimously.**
 - **Commissioner Bushner moved to approve \$3,856 in additional funds for a new ambulance for South YW Ambulance service due to the total cost exceeding State allowed amounts. Commissioner Wingfield seconded the motion, which passed by unanimous vote.**
 - Invoices/Finance Requests:
 - Chairman Wiley signed the certifications of accounts payable for:
 - Funds drawn on Yuma County Accounts Payable on February 13, 2019 with Check #69099 through 69205 for \$219,942.23:
 - Funds drawn on W-Y Communications Accounts Payable on February 13, 2019 with Check #8509 through 8520 for \$1,802.16;
 - Funds drawn on Yuma County Accounts Payable on February 28, 2019 with Check #32827 through 32847 and #69206 through 69259 for \$539,299.79;
 - Funds drawn on Yuma County Payroll on February 28, 2019 with Check #34603 through 34633 and EFT #44276 through 44402 for \$246,002.40;
 - Funds drawn on W-Y Communications Accounts Payable on February 28, 2019 with Check #8411 through 8422 and #8521 through 8522 for \$32,873.76; and,

Funds drawn on W-Y Communications Payroll on February 28, 2019 with Check #4398 though 4399 and EFT #5933 through 5946 for \$35,554.76.

- Commissioner Bushner signed the certification of accounts payable and Payroll for:

Funds drawn on Yuma County Accounts Payable on December 31, 2018 with Check #32610 through 32790, #32795 through 32800, #32821 through 32826, and #32848 through 32859 for \$516,170.97;

Funds drawn on Yuma County Payroll on December 31, 2018 with Check #34535 through 34557 and EFT #44002 through 44128 for \$241,437.07;

Funds drawn on W-Y Communications Accounts Payable on December 31, 2018 with Check #8376 through 8398 for \$36,975.12; and,

Funds drawn on W-Y Communications Payroll on December 31, 2018 with Check #4398 and EFT # 5907 through 5919 for \$32,955.31.

- Grant Updates – The Commissioners reviewed information regarding pending and submitted grant applications.
- *Department Reports* – The Commissioners reviewed the February 2019 Treasurer's Reports and February 2019 TV System Maintenance Log. The Commissioners also heard updates regarding the relocation of the courthouse postage machine, state legislature activities, the completion of the Road & Bridge apportionment withholding for the Town of Eckley, Landfill board financial discussions, a post-spill report approval for Seedorf Sow Farm, the renewal of the food service contract for the jail kitchen, and a request from Sheriff Todd Combs for the purchase of training ammunition.

Commissioner Wingfield moved to add \$10,000 to the 2019 Sheriff's Office budget training line item 01-301-6380 for purposes of purchasing training ammunition. Commissioner Bushner seconded the motion. It passed unanimously.

Commissioner Bushner moved to approve signature on the 2019 renewal of the jail food services contract with Summit (formerly CBM) for a cost of \$6.22 per meal with a 40 meal per day minimum to be effective March 1, 2019. Commissioner Wingfield seconded the motion, which passed by unanimous vote.

- *Prior Meeting Follow-Up* – Calhoon provided updates on ongoing projects including the implementation of new accounting software.
- *Correspondence* – Calhoon presented correspondence received since the last meeting including:
 - The Commissioners set upcoming meeting dates of May 14 & 31, June 14 & 28, July 15 & 31, and August 14 & 30.
 - The Commissioners reviewed their schedules for availability for an upcoming regional Independent Ethics Committee training to be held in Akron on May 6.
 - The Commissioners reviewed a request for comment on a land use application for Washington County to host CannaFest.
 - The Commissioners reviewed a request to appoint Special District Board members to the Idalia Sanitation District as all board positions were determined to be vacant. **Commissioner Wingfield moved to appoint Ken Brenner, Tyson Cure, Justin Hardwick, Kyle Kite, and Larry Weyerman to**

- the Idalia Sanitation District Board until such time as a special election can be held within the next six months. Commissioner Bushner seconded the motion, which passed unanimously.**
- The Commissioners reviewed a request for nominations for attendance at an upcoming regional meeting to be hosted by Building a Better Colorado. The Commissioners declined to make any nominations.
 - The Commissioners reviewed a request to donate fair and rodeo tickets to County high schools as student gifts. **Commissioner Bushner moved to approve donation of 8 concert tickets to each Yuma County high school for use as after prom party door prizes or any other student gift purpose as determined by each school. Commissioner Wingfield seconded the motion, which passed by unanimous vote.**
- *Oil & Gas Updates* – Calhoon reported on oil and gas updates since the last meeting including the receipt and disbursement to the Assessor's Office of 3 notices of flowlines abandoned.
 - *IT Updates* – Calhoon presented updates on IT issues including a request for approval on the contract with Cob-Web Creations to update the Yuma County Sheriff's Office website and to include ongoing maintenance with the Yuma County website. **Commissioner Wingfield moved to approve signature on the agreement with Trisha Coberly/Cob-Web Creations for update of the Yuma County Sheriff's Office website for an amount not to exceed \$1,000 to be paid out of 01-301-6350. Commissioner Bushner seconded the motion. It passed by unanimous vote.**
 - *Maintenance Updates* – Calhoon reported on various facilities maintenance topics. Including the scheduling of the jail kitchen floor replacement in May of 2019 to be completed by Maintenance Manager Travis Dinsmore.
 - *HR Updates* – Calhoon reported updates on County Human Resource topics including recruitment efforts for County employment vacancies and pending HR issues.

Commissioner Bushner moved to approve Yuma County membership to the Northern Colorado Chapter of the Society of Human Resource Management for \$115 to be paid out of 01-101-6338. Commissioner Wingfield seconded the motion, which passed unanimously.

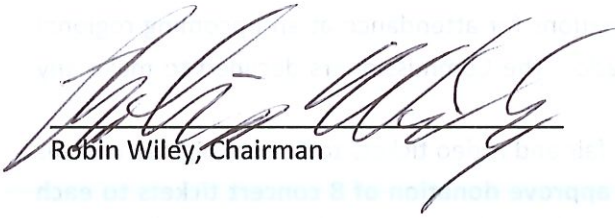
Commissioner Bushner moved to approve the purchase of an online Government Accounting training program for Finance Assistant Sarah Carwin for \$80 to be paid out of 01-101-6495. Commissioner Wingfield seconded the motion. It passed unanimously.


Commissioner Wingfield moved to approve the increase in salary for Land Use Administrator/GIS Coordinator Colten Yoast to G9/S17.25. Commissioner Bushner seconded the motion, which passed by unanimous vote.

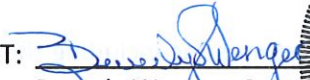
Commissioner Bushner moved to hire Jaden Campbell for the posted vacancy of Seasonal Fairgrounds Maintenance for a period of May 1, 2019 through September 30, 2019 at G9/S15. Commissioner Wingfield seconded the motion, which passed unanimously.



There being no further business, the meeting adjourned at 6:40 p.m. The next regular meetings of the Board of County Commissioners will be on March 28, 2019 and April 15, 2019.


Robin Wiley, Chairman


Andrea Calhoon, Administrator

ATTEST: 
Beverly Wenger, County Clerk



BOARD OF COUNTY COMMISSIONERS
COUNTY OF YUMA, STATE OF COLORADO

RESOLUTION NO. 03-15-2019 A

A RESOLUTION DECLARING YUMA COUNTY SUPPORT FOR
CONSTITUTIONAL RIGHTS UNDER THE 2ND AMENDMENT OF
THE UNITED STATES CONSTITUTION

WHEREAS, C.R.S. §30-11-101, provides that Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues; and

WHEREAS, C.R.S. §30-11-101, provides that the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the *Districts of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed that “[t]he Second Amendment...is the very product of an interest balancing by the people...(which) surely elevates above all other interests the rights of law-abiding, responsible citizens to use arms in defense of hearth and home.”; and,

WHEREAS, the Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed the right of an individual to “keep and bear arms,” as protected under the Second Amendment, which is incorporated by the Due Process Clause of the Fourteenth Amendment against “infringement by the states”; and,

WHEREAS, the Supreme Court, in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, and that could contribute to the common defense are protected by the Second Amendment; and,

WHEREAS, Article II, Section 3 of the Constitution of Colorado provides that all “persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness”; and

WHEREAS, Article II, Section 13 of the Constitution of Colorado provides that the “right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question”; and

WHEREAS, Article II, Section 11 of the Constitution of Colorado provides that no “ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation... shall be passed by the general assembly”; and

WHEREAS, Article II, Section 7 of the Constitution of Colorado provides that the “people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures”; and

WHEREAS, Article II, Section 15 of the Constitution of Colorado provides that “[P]rivate property shall not be taken or damaged, for public or private use, without just compensation,” which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily; and

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Yuma County Recorder, BEVERLY WENGER Page 1 of 2
RES R 0.00 S 0.00 ST 0.00 D 0.00

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Yuma County Recorder, BEVERLY WENGER Page 1 of 2
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Yuma County Recorder, BEVERLY WENGER Page 2 of 2
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WHEREAS, it is the desire of the Board to declare its support of the Second Amendment to the United States Constitution and the Colorado Constitution protecting citizens inalienable and individual right to keep and bear arms; and

WHEREAS, the members of this Board took an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado, and by implication question the constitutionality of legislation that infringes upon constitutional rights,

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Yuma County by the authority granted the Board by the laws of the State of Colorado and people of Yuma County, Colorado to stand and defend all rights and liberties guaranteed by the United States and Colorado Constitutions, including those delineated in the Second Amendment.

BE IT FURTHER RESOLVED that this Board affirms its support for the duly elected Sheriff of Yuma County, Colorado in the exercise of his sound discretion and affirms its resolve to support decisions by our Sheriff to refuse to initiate unconstitutional actions against any citizen,

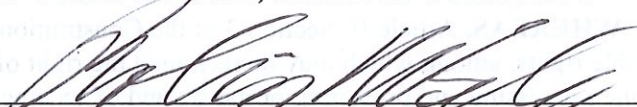
BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or officers to initiate unconstitutional seizures or other actions that unconstitutionally infringes on the right of the people to keep and bear arms.

BE IT FURTHER RESOLVED that in coordination with the Yuma County Sheriff, the Board commits to actively resist legislation introduced in the Colorado General Assembly, including leading the charge in legal action if warranted, to protect the Second Amendment rights of all lawful gun owners in the state, and not just in Yuma County. We invite all like-minded counties to join us in this effort.

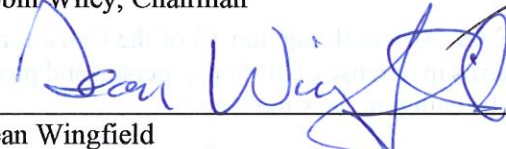
MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Yuma, State of Colorado, at its regular meeting held on the 15th day of March, 2019. The above and foregoing Resolution was, on a motion duly made and seconded, adopted by unanimous vote of the Board of Yuma County Commissioners.

ADOPTED this 15th day of March, 2019.


**THE BOARD OF COUNTY COMMISSIONERS
OF YUMA COUNTY, STATE OF COLORADO**



Robin Wiley, Chairman

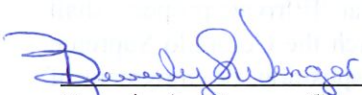


Dean Wingfield

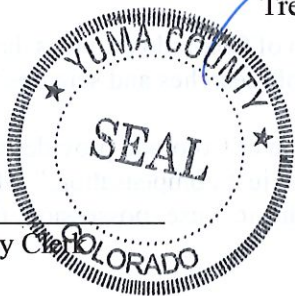


Trent Bushner

ATTEST:



Beverly A. Wenger, County Clerk



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Yuma County Recorder, BEVERLY WENGER Page 2 of 2
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