

**YUMA COUNTY COMMISSIONERS**  
**May 31, 2013**

**Minutes<sup>1</sup>**

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 31st of May, 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.

Road & Bridge -

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

The following were discussed:

- Road R south of the landfill needs several more loads of base then gravel.
- The scraper has been moved to Dreher pit.
- Approximately 20 loads of gravel have been taken to CR 42.75 leading to the Probasco house on the hill as it is a designated county road.
- Shaw talked to the Yuma Children's Academy representative about the road accessing the facility. They want dirt removed and replaced with base material and asphalt on top. He will be receiving a plat of what they are proposing.
- Out of 12 applicants Keith Nieses, Larry Barnett, Matt Martin and Rick Hunter have been offered a position in the department. Part time mowers are still needed. No one applied for the part time positions. The commissioners approved of Shaw hiring one more full time position from the same pool of applicants.
- Shaw requested that the sheriff department handle issues that relate to the right-of-ways. This would include water from the irrigations systems, along with trash left in the ditch, trees, and fences. Calls reporting water on the road from irrigation sprinklers are currently being referred to the sheriff's department.
- Two New Holland rental tractors, to be used for mowing, are on site.
- The commissioners said if a contractor is selected to construct the office, concession, and restroom building in the north side of the arena, they need the current restroom removed and possible some fill material delivered.

Shaw presented the only engineering estimate he received regarding the testing required for the road for which the county will be receiving funding through the Energy Impact Grant. Following review of the document, **Commissioner Wingfield moved to enter into the contract with Earth Engineering Consultants, Inc. for the engineering work on Kamala and County Road 39 at a cost of \$14,100. Commissioner Bushner seconded the motion, which passed by unanimous vote.**

Health and Human Services -

The commissioners conducted business with Dave Henson, Director of the Department of Health and Human Services. Also present: Hollie Hillman, Phyllis Williams, and Dalene Rogers.

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

Roger Brown –

Roger Brown, Yuma County Emergency Management Officer, presented a user agreement for consideration. This agreement will allow emergency service communications with Kansas. Once radios are reprogrammed, emergency communications can take place between Colorado and Kansas. Yuma County Fire Departments have already approved the agreement. Following the discussion, **Commissioner Wingfield moved to sign the Communication System Infrastructure Radio Shared-User For Talkgroups Agreement with the Kansas Department of Transportation. Commissioner Bushner seconded the motion, which passed unanimously.**

The ICS 402 Class for Elected Officials and Administrators is scheduled for June 13<sup>th</sup>. The commissioners were encouraged to attend.

Brown said he is coming along with the resource plan, and stated the mutual aid agreements need to be in place, for FEMA would not reimburse any of the cost unless there is an agreement. He is working on hosting a cyber-security class.

Liquor License -

Nancy Wright presented a liquor application. **Chairman Bushner moved to approve the Liquor License Renewal Application for Papa's Bait Shop owned by Brenda Condrey. Commissioner Wingfield seconded the motion, which passed by unanimous vote.**

TCC Corporation -

Ernie Crownover, President of TCC Corporation and employee, Stephanie McCormack, reviewed the proposal for replacing the metal trim, metal soffits, fascia, gutters, downspouts, and of the damaged area around the perimeter and roof of the courthouse. Discussion focused on specifics of the project to confirm completeness of the work needed. Crownover recommended having an engineer test the strength of beams and rafters where stress is evident. An engineer can be scheduled to do this within the next several weeks. Once this report is received the next step can be discussed. Projects completed by TCC in Wray have been the day care, swimming pool, and remodel of the Catholic Church.

Land Use –

At 1:00 p.m., Chairman Robin Wiley opened the hearing for public comment on the Major Land Use Permit application from Tri-State Generation and Transmission Association, Inc. to construct approximately 50.7 miles of 230 kV transmission line in Yuma County.

Present:

Representing Tri-State Generation was: Mike Barningham, Gary Muellen, Burton C. Norem, and Steve Gray.

Representing Lone Tree Energy was Rick Crawford.

Representing Y-W Electric were Terry Hall and Andrew Marlo.

Others present: Darius Fix, Walter Smith, and Janet Smith.

Administrator Linda Briggs presented the staff report including with stipulations and added that Tri-State would like to have the county road requirements as part of the permit. (Staff report attached)

Mike Barningham said the staff report explained the project. He asked the county allowed a waiver of Financial Security requirements as they had done for the previous projects.

Commissioner Wiley asked for comments from the other commissioners. Commissioner Bushner asked the reason of making a loop route running north of Wray, then south to the substation. This will cause additional costs for the line, and he wanted to know the reasoning behind the decision.

Tri-State representatives explained that four routes were developed out of over the 100 segments of routes between Burlington and Wray. The routes were rated according to criteria, such as: stream crossings, environmental aspects, gas wells, existing structures and land issues. Each of the criteria is given a numerical value. This route going North of Wray rated the best even though it is a bit longer than other route options. Barningham stated they have talked to the land owners north of Highway 34.

Commissioner Wingfield asked if Tri-State will be staying out of the road right-of-way.

A Tri-State representative stated the next conversation with the county will be to spot the preliminary structures, and they will meet with the Road and Bridge department to obtain access with them for going off of the county road onto private property and will work hand-in-hand with them.

Mike Barningham explained that this structure is different from the single-pole structures that were done on the Olive Creek project and the requirements are different, too. Typically they expect to be 75 feet from the road right-of-way to the center of Tri-State's right-of-way.

Commissioner Wiley asked for public comments or concerns.

Darus Fix presented a picture of a power pole that had been placed 75 yards from his house which is part of the Olive Creek line. Fix was told that single wood poles would be used. This metal pole is cemented into the ground and is probably 6 feet across. He looks at it every day. It almost cost him a divorce because his wife thought he had lied to her.

Commissioner Wiley asked, on this Burlington to Wray line, if his concern was the line chopping the field up. Fix said they were going to be close to his property, which is located between road 31 and 32 with this new line. Fix said he just does not trust them. They lied to him once before.

Tri-State representatives explained the differences between the Olive Creek 115Kv line and the Burlington to Wray 230K line proposed; which is the Two H frame structures to be used, and they will try to minimize the impact to 800 foot spans. These are shown on page 4 of the applications.

Commissioners Wiley said there are two different issues here. One is the Olive Creek project and the other the Burlington to Wray line. Fix stated he realized there was a difference. They lied to him once. He does not trust them and it is going to catch up with them. Fix informed Tri-State staff to stay off of his property.

In answer to a question, Richard Crawford confirmed they would not be getting easements until they are done with the surveying and topography work. Mike Barningham said as a matter of practice, they don't start obtaining easements until after the local permitting process is done.

Commissioner Wiley asked if others had comments.

Walt Smith said they live near Hale and wanted to know if Tri-State gets permission from NRCS to make trails or roads over land that is in the CRP program. Restrictions in the lease state the landowners are not supposed to have any tracks across the ground. When Smith talked to a surveyor, the surveyor didn't seem to be aware of that. Generally, there are restrictions in the lease, and if one violates the CRP lease; the land owner would have to pay back money to NRCS.

Tri-State confirmed that they will take that up with NRCS and the Smiths, together, when the time comes. Tri-State stated they need to be in tune with the NRCS requirements. A reclamation plan is in place and they know NRCS is pretty particular about the seed mixes.

Chairman Wiley asked if there were additional comments, there being none, the hearing closed at 1:20 pm.

**Commissioner Wingfield moved to approve the Major Land Use Permit with the stipulations of the Planning Commission and administrator. The financial security for this project will be waived.**

**Commissioner Bushner seconded the motion. The motion passed by unanimous vote.** A resolution outlining the stipulations will be approved at a subsequent meeting.

#### Bid Opening for Fairgrounds Building –

Present: Ernie Crownover, Stephanie McCormack, Brad Rockwell, and Randy Rockwell.

At 2:00 pm, the commissioners opened and read aloud the bids for the Yuma County Rodeo Office, Concessions, & Storage building to be located at the Yuma County Fair Grounds, 410 West Hoag Ave in Yuma. Two bids from Ernie Crownover, President of TCC Corporation were received: the bid for a wood stick building was \$72,710 and the price for a pre-engineered building from American Buildings was \$88,416. Randy Rockwell, owner of Rockwell Construction, presented a bid for a wood stick building of \$68,593. The commissioners said they would need to review the bids prior to making a decision.

*Later in the day -*

The commissioners reviewed the bids. The Rockwell bid did not include everything as stated within request for proposal (RFP) document. Rockwell was called and he confirmed that if an item was missing in his bid document the submitted price would include everything that was on the RFP.

**Commissioner Bushner moved to accept the bid of \$68,593, from Rockwell Construction, to construct a 24' X 30' building at the fairgrounds that will contain a rodeo office, concessions area, restrooms, and storage room. Commissioner Wingfield seconded the motion, which passed by unanimous vote. Payment will be made from the Conservation Trust Fund (06-000-8920).**

#### Sheriff Chad Day –

Sheriff Chad Day discussing the following:

- The contract from Attorney Grinnan had been received after several reminders. This contract was for off-duty cops and patrol staff to help in court and transports. The court docket shows only seven days open in June which takes more man power.
- Two arrests have been made which might solve several burglary cases.
- The Denver County Jail Infirmery Ward agreed to take the quadriplegic, Marcos Loyas, who was sentenced to 30 days in jail. Day reviewed the estimated cost for keeping this inmate to be a minimum of \$20,000. This will be expensed from the jail professional services line item.
- The truck and trailer were 1033 Military Requisitions. A trailer was wanted for storage at the range. The cost to get it here was \$308. The military requisition value is \$110,000. The commissioners pointed out that there would also need to be insurance coverage on the truck. The 6 wheel drive truck must be retained for one year. The trailer will need to be returned to the military if it is every disposed.
- Day confirmed the sheriff's office would respond appropriately, when they can, to calls concerning irrigation sprinklers watering county roads. Farming of the roads is a condition where the property owner should be called from the sheriff's office.
- Montezuma County has several Durangos for sell. Day reviewed the specifics on the vehicles. Following the update, **Commissioner Bushner made the motion to allow the sheriff's department to spend up to \$4,000 on a used vehicle from Montezuma County. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.**

Day informed the commissioners of a COPS grant application being submitted. If funding is received the commissioners would need to sign a contract. The grant request will be for \$125,000 per officer for two officers. The commissioners had no problem as long as it does not obligate the county when the Drug Task Force signs the application.

#### Tri-State Bonanza -

Present: Nicole Frank, Cori Witte, Nick Witte, and Breann Witte

Nicole Frank and Cori Witte asked for clarification of what the rental fee covers and what was expected from individuals renting the grounds. Their organization had to hire others to get the lawn mowed and pens cleaned prior to the Tri-State Bonanza held May 27<sup>th</sup>. They had talk to Bud Wood prior to the event to make him aware of the areas they would be using. Frank and Witte reviewed the issues they had in using the facility. The commissioners said they expected the renter to clean the grounds after the event. Those groups that use panels are to set them up and return to storage when finished. The fee is used to furnish the paper products that are provided. The restroom in the concession building was open. Toilet paper was purchased for the east restroom. The commissioners said they would return all of the \$100 deposit.

#### Executive Session –

Present: Dave Henson.

**Through a duly made motion made by Commissioner Bushner, seconded by Commissioner Wingfield, and passing unanimously the board entered into executive session under CRS 24-6-402(3)(a ) (II) personnel matters.** At 4:10 Commissioners Wiley, Wingfield, and Bushner with Dave Henson, director of Human Services, entered into executive session. Executive session ended at 4:45 p.m.

#### 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 May, 16, 2013. The motion passed unanimously.**

A check was signed by the commissioners to transfer \$2,391.43 of CCOERA forfeiture funds to Fund 3, Human Services.

**Commissioner Bushner moved to sign Resolution No. 5-31-13A approving the revised IRC Section 125 Flexible Benefits Plan establishing an out of pocket medical maximum of \$2,500. Orthodontia standalone flex benefits are no longer allowable, an employee must use their medical reimbursement dollars that they allocate to comply with the current laws. Commissioner Wingfield seconded the motion. The motion passed by unanimous vote.**

**Commissioner Wingfield made the motion, seconded by Commissioner Bushner, and approved unanimously to approve the following fund transfer resolutions:**

- **Resolution # 5-31-13 B transferring \$100,000 from the General Fund #01 to the Capital Acquisition Fund #20.**
- **Resolution # 5-31-13 C transferring \$40,000 from the General Fund #01 to the Separation of Employment Fund #22.**
- **Resolution #05-31-2013 D transferring \$281,149.00 from the Yuma County General Fund (Fund 1) to the Capital Acquisition Fund #20 for R&B Capital Equipment Expenditures.**

**Commissioner Bushner moved to sign the engagement letter with McMahan and Associates which outlines the audit objectives, management responsibilities, audit procedures, engagement administration, and fees. Commissioner Wingfield seconded the motion, which passed unanimously.**

**Commissioner Bushner moved to approve the agreement with TetraTec for performing environmental, consulting and scientific review of the Major Land Use Permit application submitted by Invenergy for the Wray Wind Farm LLC wind farm to be located primarily North of Laird. Commissioner Wingfield seconded the motion which passed by unanimous vote.**

Certification of Accounts Payable for May 31, 2013, drawn on Yuma County Funds, with check #54046 through #54127 totaling the sum of \$274,223.85 and Fund 16 W-Y Combined Communications check #6597 through #6615, totaling the sum of \$29,800.97 were approved and signed by Chairman Robin Wiley.

Certification of Payroll for May 31, 2013, drawn on Yuma County Funds, EFT system #34704 through #34830 and checks #29749 through #29749 totaling the sum of \$219,389.60 along with Fund 16 W-Y Combined Communication EFT system number #5004 through #5017, totaling the sum of \$30,568.11 were approved and signed by Chairman Robin Wiley.

The commissioners made their routine inspection of the jail.

There being no further business, the meeting was adjourned at 5:00 p.m. The next meeting of the board will be June 14 and June 28, 2013.

A listing of meetings attended by the Commissioners during the month of May 2013 is attached.

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Robin Wiley, Chairman

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Linda Briggs, Administrator

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