

**YUMA COUNTY COMMISSIONERS**

**September 30, 2014**

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

On September 30, 2014 at 8 a.m., the Yuma County Board of Commissioners met in regular session with Chairman Dean Wingfield; Commissioners Robin Wiley and Trent Bushner present. Administrator Kara Hoover was present throughout the day.

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

**Augustus Energy Resources LLC**

A request was reviewed from Augustus Energy Resources, LLC for a waiver to construct a temporary pit (Chapman 13-19, 1S44W) to dispose of drill cuttings 96 feet from County Road AA in Section 19, Township 1 South, Range 44 West and 66 feet from the property line on Stuart and Melissa Chapman's property. The waiver is required because the COGCC requires a 150-foot setback from the property line. Gary Timmer, Landman for Augustus Energy Resources has spoken to the adjacent land owner, Mark Hagemann and has his approval. In addition, Timmer has submitted a letter signed by Stuart Chapman with his approval for the pit location. **Commissioner Wiley moved to approve the waiver and allow Augustus Energy Resources to proceed with the construction of a temporary pit on the Chapman property, Section 19, Township 1 South, Range 44 West, 66 feet from the property line, 96 feet from the County Road AA following all other COGCC rules and regulations. Commissioner Bushner seconded the motion; which passed unanimously.**

**Department of Health & Human Services**

Dave Henson, the Director of the Department of Health and Human Services presented Health and Human Services business and presented the 2015 preliminary budget to the Commissioners. Also present: Phyllis Williams and Robin Barnhart.

**Department of Local Affairs**

- **EIAF CR R/CR 34:** Greg Etl, DOLA NE Regional Manager presented his draft Pro/Con Statement for the Energy and Mineral Impact Assistance Program Application for County Road R and County Road 34. Etl reported that the dates set up for hearings are November 18-20, 2014 in Sterling at the court house. The Commissioners requested Yuma County's hearing date of November 20<sup>th</sup>. Etl will confirm a hearing date with the Commissioners at a later date. Greg suggested that the Commissioners contact vendors prior to the November hearing to secure bids for this project; thus reducing the possibility of a supplemental request.
- **Alternative Fuel Program:** Greg reported that DOLA is investing \$20 million dollars in the Alternative Fuel Program and CDOT is investing an additional \$20 million. DOLA's portion would cover the costs for public/private fueling stations using natural gas. In addition, Etl believes that DOLA will pay the difference in cost for a new vehicle from a gasoline to natural gas.
- **Broadband:** Etl asked the Commissioners to notify him about the results of the Broadband ballot issue. If it passes, Etl reported that DOLA could possibly have funding available to assist.

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<sup>1</sup> Minutes prepared by Kara Hoover-summary of discussions, not verbatim



- *Communications Center:* Commissioner Bushner asked Greg if DOLA would have funds available to help remodel the Communications Center. Etl reported that it would be necessary for both Yuma and Washington Counties to put funds into the overall project to ensure the viability of a budget proposal, but funds may be available.

#### Road and Bridge

Supervisor Mark Shaw and Truck/Mining Foreman Howard McGinnis were in attendance to give Road and Bridge department updates. The following items were discussed:

- *Kamala (County Road E) and 39* –The project is underway and currently is on schedule. Grinding is nearly complete. The area that is waiting on grinding is on County Road E between the emergency entrances by the hospital. Shaw relayed that paving will begin next Monday, taking approximately 3 days to complete. Commissioner Bushner asked Mark to check with the City of Yuma about repairing the part of the road that is in the Yuma city limits.
- *Flooding*-Shaw reported that there has been significant flooding in several areas caused by recent storms. On September 23<sup>rd</sup>, the Southern part of the county reported flooding; and on September 30<sup>th</sup>, there was major flooding in the Northern part of the county near the Lonestar Road, not far from Highway 59.
- *Underground and Utility Permits*- Shaw presented two Underground and Utility Permits for Rosewood Resources, Inc. Commissioner Wiley moved to approve the Underground and Utility Permits for Rosewood Resources, Inc to install a 3" water line and 2" electrical poly line under County Road N at approximately 600' South of County Road 52 and to install a 3" water line and a 2" electrical poly line under County Road 52 diagonally across County Road N. Commissioner Bushner seconded the motion; which passed unanimously.

#### Assessor

Assessor Cindy Taylor, presented her 2015 budget proposal. She mentioned that there is still an issue with the 2014 payments with CCI. The Commissioners report that the 2014 amount must be rolled into 2015 to cover the Bankruptcy trustee's portion of this software that is still outstanding.

#### McMahan & Associates, LLC

Auditor Paul Backes reviewed the complete 2013 Yuma County Audit via teleconference. Backes mentioned that the overall 2013 ending fund balances were \$21,469,085. He reported that the general fund balance is strong and would in essence allow the county to operate for over a year. Backes went over areas of improvement as outlined with the management letter. Backes was very favorable on the management practices at the county and the direction that the Commissioners have taken the county in the last year.

#### Yuma County Extension

Joy Akey, Chris Shelley and JoLynn Midcap provided a quarterly update, providing program highlights.

*Agriculture* - Shelley reported on various Agricultural Programs.

*Family & Consumer Sciences* – Joy Akey reported on several Family and Consumer Science Programs.

*4-H / Youth Development* – JoLynn Midcap reported on the programs for 4-H and youth development



The Commissioners continue to thank the Extension Office for all the work they do in Yuma County.

### Land Use

Rich Birnie, Land Use/GIS Coordinator present.

*Hearing* – Opened at 1:07 p.m., Chairman Dean Wingfield opened the hearing for public comment on the following activities as advertised for a Request for an Exemption from Subdivision from James A. Lapp, to divide 0.83 plus or minus acres from 5 plus or minus acres in the SW1/4 of Section 16, T4N, R43W, for the purpose of combining with the property of an adjacent property owner. Birnie reported no written comments or calls were received in his office relating to this request. Hearing adjourned at 1:11 p.m.

**Commissioner Wiley moved to approve Resolution #09-30-14 A/EFS for the Exemption from Subdivision Request from James A. Lapp, to divide 0.83 plus or minus acres from 5 plus or minus acres in the SW1/4 of Section 16, T4N, R43W, for the purpose of combining with the property of an adjacent property owner.**

**Stipulations include:**

- **The applicant shall be responsible for complying with all Federal, State, and Local: regulations, rules, codes, conditions, and design standards.**
- **The applicant shall provide a letter from the NCHD assuring that a septic system permit will be granted**
- **If applicant wishes to grant access to Tract A from the existing access point, an access easement shall be recorded with the Yuma County Clerk & Recorder. If access from Co. Rd. 51 is desired, the Applicant shall contact Yuma County Road & Bridge for access permission.**
- **Applicant shall have a water easement recorded with the Yuma County Clerk & Recorder**

**Commissioner Bushner seconded the motion; which passed unanimously. Recorded under Reception No. 00561660**

*Land Use Code Text Amendments* - Rich reviewed the text amendments to the Yuma County Land Use Code for presentation at the October 21, 2014 Yuma County Planning Commission meeting. Text revisions that were discussed include: Section 2-102 EXEMPTIONS FROM LAND USE PERMIT REQUIREMENTS -Home Occupations; Section 5-103 SITE DEVELOPMENT STANDARDS-residential setbacks & CAFO setbacks; Section 5-104 ADDITIONAL STANDARDS FOR CERTAIN USES-telecommunication facilities; Section 9-102 ENFORCEMENT PROCEDURES –requirement of notice; Section 10-101 DEFINITIONS-definition of words and phrases.

*Franson Family Partnership Mining Application* - Birnie reviewed a Notice of 110 Construction Materials Reclamation Permit Application received from the State of Colorado Division of Reclamation from the Franson Family Partnership in Yuma. This notice will be reviewed by the Planning Commission at their next meeting.

*Schramm Feedlot* – Rich reported that Schramm Feedlot submitted their amendment adjustments this morning for review at the next Planning Commission meeting.

### Sheriff

Sheriff Chad Day provided updates from the Sheriff's Office and presented the 2015 Sheriff's Office, Jail, and Victims Advocate Budget proposal. Also present were Undersheriff Adam Wills and Ana Baucke Victims Advocate



- *Personnel Update:* Chad reported that they have had a lot of difficulty in hiring due to the step and grade pay scale currently in place. Chad feels that it is quite difficult to compete in this market.
- *Court Security Commission Meeting* – Chad reported that he had a meeting earlier in the week. The committee asked for the Sheriff's office to submit as many projects as possible this year. This way the Commission will be able to produce the denials to the state that would show the great need in our area. Chad relayed that he will be requesting: radios, security cameras for the basement hallway, and emergency response training with the City of Wray. He plans to bring the completed list to the Commissioners at a later date.
- *Mandated Training* – Chad reported that there are several training programs that are mandated within the next year. He relayed that there is a Dog Protection Act (DPA) which is a 3 hour on-line training for all patrol officers, to include the School Resource Officer (SRO) one-day training, and Mandatory In-Service training from the state. A report of all training has to be maintained and provided to the Colorado Peace Officer Standards and Training (POST) Board to track.
- *Generators* – Chad reported he is still on the look-out for a good generator. He has been looking at some through the 1033 program that are on trailers and would be available for emergency use.
- *2015 Budget Proposal* -- Sheriff Day presented the 2015 Budget Proposal for the Sheriff's Office, Jail and Victims Advocate.
- *VALE Grant proposal-* Ana Baucke, Victim's Advocate, presented the 2015 VALE Grant proposal. She reported that she is asking the City of Yuma and City of Wray for additional funding as there are many cases specifically being handled for each of the cities. **Commissioner Wiley moved to accept and sign the 2015 grant proposal to VALE for \$21,770 for calendar year 1-1-15 to 12-31-15. Commissioner Wingfield seconded the motion; Commissioner Bushner abstained from the vote. The motion passed.**

#### Robert A. Lees & Associates

Attorney Bob Lees and Paralegal Jeannie Miller visited with the Commissioners about their law office and the services that they could provide for the county, beginning in 2015. He reports he is versed in land use and zoning, and regulatory law. Fees would be negotiable per project.

#### County Clerk

County Clerk Beverly Wenger brought the following items for discussion before the Commissioners:

- *Election Center* – Bev reported that elections are very close. She reminded the Commissioners that because they have so much work to do to prepare and then finish up after election; no other entity is allowed to use the Election Center in the months of October and November. The Commissioners suggested that Bev send a memo next year to remind County offices that the election center is not available during this time frame.
- *Tabor Notices* – Bev reported that Tabor notices will be going out this week. The City of Wray, Holyoke, and Liberty Schools are the only notices for this election period.
- *Left-Over Ballots* – Bev let the Commissioners know that the left-over ballots that are not sent out will be available in her office next week.



- *Ballot Testing* - Wenger reported that her office will conduct a ballot testing on October 8, 2014. She reported that the elections office is set up and ready for the day.

#### Benefits

- *AirMed Care Network* – Lynn Arenson presented information to the Commissioners about a Medvac Helicopter Group Plan for the county employees. The helicopter is based in Akron. The discussion was held on the cost of \$55 per employee household. **Commissioner Bushner moved to cover the costs for an AirMed Care group policy for every Yuma County employee, with the funding to come from the Self-Insurance Fund. Commissioner Wiley seconded. The motion passed unanimously. The Commissioners propose to work this in the 2015 budget year.**
- The Commissioners reviewed County Health Pool's insurance proposal for 2015. Health insurance has taken a 10% increase, dental 2.5% increase and vision/life will remain the same. In addition, the out-of-pocket maximums will increase in 2015 as well. All insurances offered fall within the mandated guidelines of the Health Initiative. The Commissioners reviewed the worksheets comparing employee and employer costs. **Commissioner Wiley moved to continue to offer the B1500 and allow employees to buy up to the B1000 or B500 and continue to cover 89% of the B1500 plan insurance costs. Commissioner Bushner seconded the motion; which passed unanimously.**

#### Administrator's Report

Administrator Kara Hoover reviewed calls, correspondence, and presented the following for action:

- *Minutes* – **Commissioner Wiley moved to approve the September 15, 2014 Board of County Commissioners minutes. Commissioner Bushner seconded the motion; which passed unanimously.**
- Certification of Accounts Payable for September 16, 2014, drawn on Yuma County Funds, with check # 57774 through 57776 for \$4,768.42 and for September 30, 2014, drawn on Yuma County Funds, with check # 57777 through #57856 totaling the sum of \$346,287.36 and Fund 16 W-Y Combined Communication accounts payable for September 30, 2014, check #7035 through #7050 totaling the sum of \$30,992.91 were signed by Chairman Dean Wingfield.
- Certification of Payroll for September 30, 2014, drawn on Yuma County Funds, EFT system #36805 through #36941 and checks #30171 through #30199 totaling the sum of \$233,764.29 and along with Fund 16 W-Y Combined Communications EFT system number #5226 through #5240 totaling the sum of \$32,794.84 were approved and signed by Chairman Dean Wingfield.
- *Department of Transportation* – Hoover presented the executed Department of Transportation agreement 15HA4 70821 for US 34 and Yuma County Road H Intersection. The Commissioners discussed combining two projects. Commissioner Bushner will check on this.
- *National Association of Counties* - A bill was presented from the National Association of Counties for the 2015. **Commissioner Wiley moved to pay invoice #103963 from the National Association of Counties in the amount of \$450 for the 2015 dues. Commissioner Bushner seconded. The motion passed unanimously.**
- *Garry Moore Amusements* – A contract was received from Garry Moore Amusements for the 2015 Yuma County Fair. The Commissioners discussed the contract and would like to make revisions to



Include: a date change, "for a period of 3 days and nights commencing August 2, 2015 and ending August 4, 2015;" a change in length of contract to "1 year;" and with the following noted about food vendors, "In addition to the existing food concessions listed on the 2014 contract, Yuma County Fair reserves the ability to add a snow cone and/or funnel cake concession in the rodeo infield, or on the fairgrounds south side, unless Garry Moore Amusements shows the ability to provide added concessions from what was available in 2014." Commissioner Wiley moved to approve the amended 2015 contract and to pay the down payment of \$3500 to Garry Moore Amusements. Commissioner Winfield seconded. The motion passed.

- Commissioner Bushner moved to approve Yuma County Permit Ordinance 1982-1 for Omimex Petroleum, Inc. to drill a well owned by Fiddler Peak Ranch, L.L.P., Section 3, Township 5 North, Range 45 West. Commissioner Wiley seconded the motion; which passed unanimously.
- **Building Repairs & Maintenance** – Hoover presented bids for various projects at the Court House and the Department of Health & Human Services building. Commissioner Wiley moved to approve the bids from the Carpet Surgeon, LLC for labor and carpet on the stairs at the Court House in the amount of \$3,380 and Department of Human Services in the amount of \$3,100. Commissioner Bushner seconded the motion; which passed unanimously.
- **247 SW Kansas Eckley, CO Property** – The Commissioners reviewed the contract to sell the 247 SW Eckley property to Wayne and Deanna Pletcher. Commissioner Bushner moved to sign the contract for the sale of the county house located at 247 SW Kansas, Eckley CO, closing on October 31, 2014. Commissioner Wiley seconded. The motion passed unanimously.
- **Property Tax Comparative Summary** – The Commissioners were given the comparative summary of the property tax revenues for their review.
- **CCI Foundation Winter Conference** – The Commissioners reviewed the dates for the Colorado Counties Inc. Foundation Winter Conference; which will be held in Colorado Springs from December 1 to December 3, 2014. The Commissioners and County Administrator will be attending the conference. The Commissioners asked Hoover to get everyone registered.
- **GOCO Grant**-The Commissioners reviewed a request from the Grassroots group in Joes for assistance in sponsoring a GOCO grant. They would like to request \$15,000 to cover the cost of: the gazebo, more picnic tables, BBQ pits for the roadside park, and more workforce development for youth to help maintain the space. The Commissioners would like Hoover to contact the group to determine if someone from their group was planning on writing the grant, and if the request was for the same area or different areas in the community. The Commissioners felt that this was probably something with which they could assist.
- **Social Media Training** - Cynthia Barnes, Senior Human Resource Specialist with CTSI, will be presenting a Social Media Training on December 9, 2014 from 1:00 to 3:00 p.m. The Commissioners felt that this was very important training for with the additional media outlays that are now available to staff.
- **Electronic Recycling** – Hoover reported that the concrete is complete at the landfill for placement of the pod for the electronic recycling program. The Commissioners requested that Hoover check with the City of Yuma to see when they may be ready for the pod. The Colorado Department of



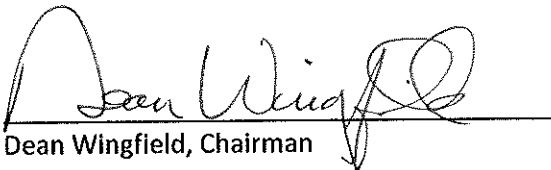
Public Health Grant, FY15 RREO grant, covers a portion of the two pods expense. One pod will be placed at the Landfill and the other will be in the City of Yuma.

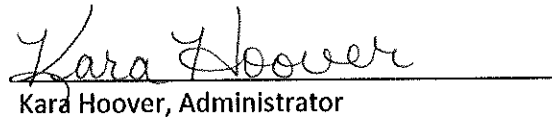
- **Fairground Use** – Commissioner Wiley moved to allow use of the fairgrounds and concessions building for funeral services and gathering for Danny Kirchenschlager this Saturday, October 4, 2014 at no fee, with Yuma County covering the insurance liability. Commissioner Bushner seconded the motion; which passed unanimously.

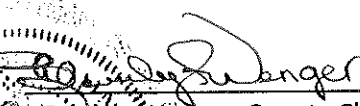
Chairman Wingfield signed the Veterans Report for September, 2014.

There being no further business, the meeting was adjourned at 6:20 p.m. The next regular meetings of the Board of County Commissioners will be October 16, 2014, and October 31, 2014.

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

  
Dean Wingfield, Chairman

  
Kara Hoover, Administrator

ATTEST:   
Beverly Wenger, County Clerk

