

YUMA COUNTY COMMISSIONERS
October 31, 2016
Minutes¹

On October 31, 2016 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Robin Wiley, Commissioner Dean Wingfield, Commissioner Trent Bushner, and Administrator Kara Hoover were present throughout the day. Jessie Vance, Town of Eckley Council member, was present from 8:10 am to 2:48 pm.

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

Liquor License

Nancy Wright presented Liquor License Renewal Applications for Roadhouse Liquors, in Idalia Colorado. Nancy reported that Roadhouse Liquors did have an incident on November 16, 2016 and they were cited by the State, no other instances were noted. After a short discussion, **Commissioner Bushner moved to approve the Liquor License Application for William Carpenter dba Roadhouse Liquors, at 26783 Highway 36, Idalia, Colorado. Commissioner Wingfield seconded. Commissioner Wiley abstained from the vote. The motion passed.**

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:42 a.m. Human Services Director Phyllis Williams and Receptionist Robin Barnhart were present. Detailed minutes from this meeting are maintained by the Department of Human Services.

- **Staffing** -- Williams reported that Income-Maintenance Technician, Karen Merritt, has submitted her resignation, effective 12-31-2016. Williams presented promotion requests for 2016. **Commissioner Wingfield moved to approve the promotion requests as follows, effective December 1, 2016:**
 - **Income Maintenance Technician Dalene Rogers from IMT II to IMT III, to a G7/S5;**
 - **Income Maintenance Technician Jana Gallegos from IMT II to IMT III, to G7/S4;**
 - **Case Worker Janice Twiss from CW I to CW II, to a G8/S3;**
 - **Office Aide Melanie Fisher from Office Aid I to Office Aide II, G5/S3, and;**
 - **Case Worker Amanda Holloway from CW II to CW III, G9/S7.****Commissioner Bushner seconded. The motion passed by unanimous vote.**

- **Core Contract** – Williams presented a Core Service/PA3 Contract with Donna Ferrell to provide family preservation in-home services for a client in Pueblo Colorado. **Commissioner Bushner moved to approve the Core Services/PA3 Program Contract with Donna Ferrell, 878 South Glenvista Drive, Pueblo West, Colorado, effective October 20, 2016 to May 31, 2017 at \$90 per hour for Home Based Services, not to exceed \$3,000. Commissioner Wingfield seconded the motion; which passed unanimously.**

The Board of County Commissioners reconvened at 8:52 a.m.

Road and Bridge

Supervisor J.R. Colden was present to provide the following updates.

¹ Minutes prepared by Kara Hoover are a summary of discussions, not a verbatim account.

Current Projects

- *County Road DD* – Colden relayed that there has been roadwork completed on County Road DD, north of Idalia, to County Road 12.
- *Work Day Change* – Colden shared that Road and Bridge will resume the 8 hours-a-day, 5-day workweek on Monday, November 7, 2016, after the time change. The 5-day-a-week hours will be 7:00 am to 3:30 pm.
- *Eckley Shop*—Colden reviewed estimates to run the water and sewer lines to the new Eckley shop. He believes the estimates he has are too high and he is researching additional avenues. He reported that they are still waiting on the water tap from the Town of Eckley.
- *Link Belt Excavator* – Colden relayed that the check for Unit 0045-94, the 1986 Link Belt Excavator, Model # LX 28008, that was sold on August 4, 2016 for \$6,500 at the Ritchie Bros. Auction was lost and is being re-issued to Yuma County. He thanked Finance Officer Southards for alerting him that the check had not arrived.
- *November 14th BOCC meeting* – Colden informed the Commissioners that he is scheduled to attend a TAP meeting in Loveland on November 14th and will not be attending the BOCC meeting. He will provide information from Road and Bridge, or send another staff member in his absence.
- *Kirk Road* – Colden said that the Maintenance Crew is set to begin stripe painting on the Kirk Road the week of November 7, 2016 if the weather cooperates.
- *Inventory* –JR shared that he has all the area men completing sign inventories to ensure that signs are in place along all county roads. Colden said that additional signage may be necessary.
- *Water Well* – Colden relayed that he got a call from Margie Anderson about a water well cap that was damaged while crews were mowing on County Road J, 1 mile south of County Road 26. The group discussed the fact that the well is within the County right-of-way and was not marked. The Commissioners were in consensus that protective markers be placed around the water well cap so this does not occur again.
- *County Road Right Away* – JR is researching County right-of-way mapping. The Commissioners suggested he check with Rich Birnie, GIS, and/or the Abstract Office.
- *Pit Inspections* – JR presented a summary of pit inspections that were conducted by the Division of Reclamation, Mining and Safety on October 24, 2016. Pits reviewed included; Gelvin, Meeks, Mullins, Wudtke, Benton, and Drager Pits. Colden stated that revisions were necessary on the Gelvin, and Mullins pits; all requirements have been met now and the pits have been released. Nothing was noted on the Meeks, Wudtke, Benton, or Drager Pit and they were all released upon inspection.
- *Four-Wheeler* – JR would like to purchase a 4-wheeler to be used for spraying and reseeding in the pit areas. The Commissioners were in consensus to allow this purchase in 2016.



- *Underground and Utility Permit*- Colden presented an Underground and Utility Permit for CenturyLink. **Commissioner Bushner moved and Commissioner Wingfield seconded to approve an Underground and Utility Permit for CenturyLink to install 1500' of 144 fiber cable along and under County Road 33.6 at US Highway 385. The motion unanimously passed.**

Landfill

Landfill Manager Cliff Henry joined the meeting to speak to the Commissioners about the State mandated Small Landfill requirements, including some type of cell liners and ground water monitoring. Henry shared the new requirements will make it hard on small landfills; stating that previously the Landfill had a waiver and was not required to have liners or monitoring. Henry went on to explain that these new mandates were put into place after the current cells were dug and utilized. He shared that the Landfill has the opportunity to discuss compliance revisions with the State Landfill Board on November 9, 2016 from 1:00 to 3:00 pm. Commissioner Bushner plans to attend the meeting with Cliff.

2017 Budget Discussion

The Commissioners met by way of teleconference with the Phillips, Washington, Kit Carson, Sedgwick, and Morgan County Commissioners to discuss the District Attorney's region wide budget request. The Counties discussed the 7.5% increase. The counties reviewed the varying assessed valuations with a decrease over the majority. Some counties are asking their departments to cut their budgets. The group also discussed the use of funding. All were in consensus that they needed to support the DA and provide the office with funding to work with, but the reduction in Assessed Valuation across the region has influenced the county's ability to fill her request. After some discussion Sedgwick, Phillips, Yuma, Kit Carson, and Washington County Commissioners made the decision to increase the District Attorney's 2017 budget by 2.5% over last year's budget amount.

Yuma County Water Authority Public Improvement District

At 11:29 a.m., The Commissioners adjourned the Commissioner meeting to conduct business as the Yuma County Water Authority Public Improvement District Board.²

The Commissioner's meeting resumed at approximately 11:34 a.m.

Ordinance 10-17-2016-01, Marijuana Plant/Grow Limit

The Commissioners completed the second and final reading of Ordinance 10-17-2016-01 regarding Restrictions on Residential Marijuana Grows. It is noted that the ordinance was properly advertised in full, after the first reading and approval at the October 17, 2016 BOCC meeting. **Commissioner Wingfield, after the second reading, moved to adopt Ordinance 10-17-2016-01, concerning a new Section 5-104 (J), Marijuana Cultivation within Primary Residential Structures, of the Yuma County Land Use Code, Regarding Restrictions on Residential Marijuana Grows. Commissioner Bushner seconded the motion; which passed unanimously.** The adoption of this ordinance will be appropriately advertised, by title only, in the Wray Gazette and Yuma Pioneer.

Land Use

Rich Birnie was present to conduct Land Use and GIS business.

Land Use Hearing

Chairman Wiley opened the Land Use hearing at 1:03 pm. Jeff Bhend from Scoular was present for the hearing.

² Minutes of the Yuma County Water Authority PID are done separately.



Major Land Use Development Permit Amendment

- *DEV0916-04* – Birnie read the staff report for an amendment to DEV0916-04 by the Scoular Company to build two additional grain bunkers with aeration and tarps to store approximately 750,000 bushels of grain each. Birnie shared that one bunker is to be built immediately and the other may be built at a future date. The two bunkers would be built on 10.65 acres of leased land at the intersection of County Road LL and County 11, in the SE ¼ of Section 3, T4S, R43W. Birnie reported that the only objection was from Scoular Company in regards to the impact fee.

Jeff Bhend relayed that Scoular was a little taken back by the impact fee, but understood from a discussion with Chairman Wiley that there will be impact to the roads caused by the increase in traffic. Bhend asked if the \$0.0083 per bushel rate would remain the same for future expansions. The Commissioners explained that the bushel rate was backed into based on the flat rate of \$6,225 and the 750,000 capacity; and could vary for future inquiries. Bhend conceded that Scoular would comply.

The Land Use hearing closed at 1:25 p.m.

Commissioner Bushner moved to approve Resolution #10-31-2016 B approving the creation of additional grain storage, amending the Yuma County Major Land Use Development Permit #0916-14, for the Scoular Company; allowing the Company to build two additional grain bunkers with aeration and tarps to store approximately 750,000 bushels of grain each. The two bunkers would be built on 10.65 acres of leased land at the intersection of County Road LL and County 11, in the SE ¼ of Section 3, T4S, R43W; with the following stipulations:

- The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.
- The Applicant shall be responsible for contacting Yuma County Road & Bridge for written access approval for the proposed new access.
- Any part of the site, other than internal roads and driveways, disturbed during construction shall be re-vegetated using an approved vegetation plan by Natural Resources Conservation Service (NRCS).
- All structures, including bunkers, shall comply with the setback from site boundary lines as required in the Yuma County Land Use Code.
- Pursuant to Section 5-101-E2 of the Yuma County Land Use Code, The Scoular Company shall pay an impact fee to the County for road damage of six thousand two hundred twenty-five dollars (\$6,225) per year (based on \$0.0083 per bushel for 750,000 bushels) for ten years from when the site is first used as a receiving station. The fee is due and payable to the County by December 31st of each year. When the expansion to the facility grows to more than 750,000 bushels, The Scoular Company must come back to the BOCC for review of this fee.

Commissioner Wingfield seconded the motion; which passed unanimously. Reception No. 00568249 / Rerecorded with corrections, see attached.

Land Use Updates

- *Crossland Gravel Pit #DEV1016-15*– Birnie reported that Yuma County Road and Bridge has applied to the State for a permit to open a Regular (112) Construction Materials Operation on land leased from David A. Crossland, in the NW ¼ of Section 26, T5N, R46W, at County Road U and County Road 55.
- *Cargill, Inc. #DEV1016-16*—Rich shared that Cargill, Inc. has applied to the state seeking a Limited Impact (110) Operation permit for an existing open pit in the SW ¼ SE ¼ of Section 23, T3N, R47W on County Road N. The materials extracted will be used for road base for their cattle pens.



- *Tax Notice Stuffers* – Birnie revisited the discussion of placing information about the Yuma County Land Use permitting process in the Tax notices that will be going out in early November. He is researching costs; noting the Assessor spent \$379 last year. The Commissioners were in consensus to place the information in the tax notices if the costs were similar to the Assessor's costs last year.
- *Heritage Dairy* – Rich relayed that the Wind Turbines are functioning at the Heritage Dairy.
- *Commercial/Industrial Setbacks* – Birnie reminded the Commissioners that the new Commercial/Industrial Setback revisions to the Yuma County Land Use Codes went into force today. The new Land Use Codes will appear on the website.

GIS

- *Digital Map* – Birnie shared that he is still working on adding addresses to the digital map.
- *Mapping Interface* – Birnie reported that the issue for the interactive map may be resolved. Apparently, the ownership information was set for Tax Year 2015. This has been remedied at this point.

Viaero

Rick Bailey, from Viaero, presented a lease agreement for an approximate 8' X 12' strip of land located on Yuma County property west of the Courthouse to place a telecommunication facility, consisting of a 60' wooden utility pole and supporting equipment. The proximate location would be the space between the west blue storage building and the Elections Center. The tower, according to Bailey, will be a critical link in Viaero's wireless network service within the Wray area. **Commissioner Wingfield moved to accept the lease for an approximate 8' X 12' strip of land located on parcel ID# W000090, 303 Ash Street, between the west Blue Storage Building and the Elections Center for \$1,200 per year. Commissioner Bushner seconded the motion; which passed by unanimous vote.**

John Westerberg

Land owner John Westerberg joined the meeting to inquire about placing a road to his property in Section 28, T1S, R46W. Westerberg told the Commissioners that a lending company is requesting that he get, in writing, authorization from the Commissioners that a road easement would be granted and a road would be built to his property. Westerberg was also concerned about access to his property saying it was somewhat landlocked.

The Commissioners shared that the County has 60 foot easements on every section line for County roads. They would allow the property owner to build a road along the section line, utilizing the County easement, but would not build the road for the land owner. They also told Westerberg that he has historic access to his land; therefore, there should be no problem with him or any future property owners accessing the land.

A letter will be written and sent to Westerberg outlining that the County's approval for a road to be built along the Section line to the property and will confirm his right to gain access to this property. Westerberg thanked the Commissioners for their help.

EIAF Grant-Beecher Island Road

Greg Etl, DOLA Regional Representative, was present to discuss the Energy Impact Assistance Funding Grant Hearing Pros and Cons on the Beecher Island Road. The grant hearing is set for Wednesday, November 16th at 11:00 am at the Lamar Civic Center in Lamar, Colorado, following the City of Wray's Broadband presentation. The group discussed the presentation. Chairman Wiley will plan to present. He and Administrator Hoover will organize a Power Point to be used that day.



Administrator's Report

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

- *Minutes* – The Commissioners reviewed the minutes from the previous BOCC meeting. **Commissioner Bushner moved to approve October 17, 2016 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.**
- Certification of Accounts Payable drawn on Yuma County Funds on October 31, 2016 with check #63814 through #63903 for \$378,441.92 and Fund 16 W-Y Combined Communication accounts payable, with check #7731 through #7746 totaling the sum of \$28,998.18 were signed by Chairman Robin Wiley.
- Certification of Payroll for October 31, 2016 drawn on Yuma County Funds, EFT system #40280 through #40418 and checks #30964 through #30995 totaling the sum of \$241,647.18 and Fund 16 W-Y Combined Communications EFT system number #5566 through #5577 and check #4368 through #4369 totaling the sum of \$28,854.44 were signed by Chairman Robin Wiley.
- *Veterans Report* -- Chairman Wiley signed the Veterans Report for October 2016.
- *Soehner Water Rights Lease Revenue* – The Commissioners reviewed the Soehner water right lease revenue for 2016. The Board of County Commissioners revisited the fact that Yuma County is the only entity that holds interest in the Soehner Water rights; therefore it is resolved that lease revenue should be transferred to the Yuma County General Fund. Lease revenue in 2016 totals \$29,412.50. **Commissioner Wingfield moved to approve and sign Resolution #10-31-2016 A to transfer \$29,412.50 from the Yuma County Water Authority Fund #10 to the General Fund #1. Commissioner Bushner seconded. The motion passed unanimously.**
- *FSA Report of Commodities Farm Summary*– The Commissioners reviewed the Report of Commodities Farm Summary for program year 2017, showing 130.99 acres of grassland. The report includes grassland as follows: 7.64 acres in the N2NE4 Section 20 T5-N-R47 (Clarksville Scale House); 33 acres in N2NE4 Section 16 T1-N-R46 (Landfill); and 90.35 acres in Section 7; N2NE4, Section 18 T1-N-R43 (Road & Bridge Department). **Commissioner Bushner moved to approve and sign the Report of Commodities Farm Summary Report, Farm #7532, reporting 130.99 acres of grassland for program year 2017. Commissioner Wingfield seconded. The motion passed unanimously.**
- *Command Van, Charger, Generator* – The Sheriff's Office sent an email relaying the results from the Request for Proposal for auction services. Schaffner Auction Service provided the best bid at a 5% commission. Chad shared that the County has three items that could be included; the Command Van, Unit #072, 2007 Charger, and the old Generator from the Courthouse. The Commissioners were in consensus to include the items on the sale. The Commissioners are requesting a minimum bid of \$1,000 for the Command Van, \$4,000 minimum for unit #072, 2007 Charger and no minimum set for the old Courthouse generator.
- *CBM Contract with YCSO* – The Sheriff's Office presented the 2017 contract with CBM Managed Services to provide meals for the jail. The new contract reveals an increase of approximately 4% from the 2016 rate of \$4.40 to the 2017 rate of \$4.58 per meal. **Commissioner Wingfield moved to approve the food service contract with CBM Managed Services for January 1, 2017 through December 31, 2017 at \$4.58 per meal. Commissioner Bushner seconded. The motion passed by unanimous vote.**

- *Laura Jane Musser Fund* – The Commissioners reviewed a support letter for the grant application to the Laura Jane Musser Fund for the Master Gardner Program, Greenhouse Project and the Paws for Prisoners Program. These programs are a collaborative effort with the Yuma County Sheriff's Office and CSU Horticultural Program. **Commissioner Wingfield moved to approve and sign the support letter to be sent with the grant application to the Laura Musser Fund for the Master Gardner, Greenhouse, and Paws for Prisoners Programs, ran collaboratively with the Yuma County Sheriff's Offices and the CSU Extension Horticultural Program. Commissioner Bushner seconded the motion; which passed unanimously.**
- *CDL Training Site* – The Commissioners reviewed the list of businesses, organizations, and individuals who have committed the remaining \$42,812. Economic Development Director Darlene Carpio is currently gathering all the letters of commitment and will provide them to the Commissioners. Once this is completed, a letter will be sent to El Pomar Foundation.
- *NACo* – Hoover presented the National Association of Counties 2017 dues invoice. **Commissioner Bushner moved and Commissioner Wingfield seconded to approve the payment of the 2017 National Association of Counties dues of \$450 from the 2017 budget. The motion passed by unanimous vote.**
- *Bookmobile Bus* – The Northeast Colorado Bookmobile requested assistance in finding a different bus; stating that their current bookmobile bus is failing. They report they may have funding resources up to \$25,000. The Commissioners located a used Bookmobile bus. They negotiated purchase price of \$20,000; which would leave funds that can be spent on picking up the bus from Winnemucca, Nevada; for new tires, and any repairs that the bus may require. The County will act as the fiscal agent for this purchase. **Commissioner Bushner moved to act as the fiscal agent and purchase the 2000 Thomas Transit Book Mobile Bus for \$20,000, paying from Fund 20, with funds to be fully reimbursement by the Northeast Colorado Bookmobile. Commissioner Wingfield seconded the motion; which passed unanimously.**
- *Part-Time Maintenance Position* – Hoover reported that applicants phoned for interviews, as instructed at the October 17, 2016 BOCC meeting, were no longer interested in the position. Another advertisement was run in the local papers, giving applicants to November 4, 2016 to apply. Hoover presented additional applications that have been received so far. The position will be revisited at the next BOCC meeting.
- *Underfunded Courthouse Grant* – The Commissioners reviewed the Power Point presentation for the grant hearing set on Friday, November 4, 2016 at 12:20 pm at the Ralph L. Carr Judicial Center in Denver. Commissioner Bushner will be making the presentation. Administrator Hoover and possibly Chief Judge Michael Singer will be attending as well.
- *CDOT/BNSF Railroad Crossings PP, L, H, J* – Hoover reported that she received the contract for the crossing on County Road H. She e-filed the contract with the PUC; which completes that crossing requirements. The group continues to wait on the engineering for the crossing on County Road J before construction can begin.
- *Mobile Home* – Hoover relayed that the 1979 New Moon mobile home located at 619 N. Birch St., Lot 11, Yuma Colorado, remains occupied. The Commissioners took possession of the mobile home in June of 2016. The Commissioners discussed their plans for the trailer and instructed Hoover to have a letter posted on November 1, 2016, by the Yuma County Sheriff's Office, informing the resident that the county is taking control of the property and giving them the opportunity to either lease, purchase, or vacate the premises by November 15, 2016.

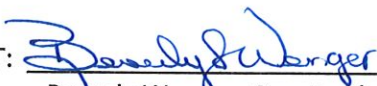


- *2017 Yuma County Fair* – The Commissioners confirmed the dates for the next Yuma County Fair as August 5 through August 9, 2017.
- *Board Appointments*– Hoover shared several appointments to boards that are coming up at the end of the year. The board openings will be advertised and letters will be sent to the current Board members for the following positions: Planning Commission, Eckley Cemetery, Revolving Loan Fund, W-Y Authority, and the Economic Development Board. Appointments will be made at a later BOCC meeting.
- *Northeast ACCA Meeting* – Yuma County will be hosting the Northeast Association of Colorado County Administrators meeting in November. The meeting date was set for November 18 and will be held at the Human Services Conference room. A meal will also be provided.
- *Beer Garden Opposition Letter* – The Commissioners read a letter presented by the First Southern Baptist Church opposing the beer garden. The elders informed the Commissioners that the church would no longer provide transportation from vehicle parking to the grandstand area by golf carts if a beer garden is allowed.
- *Exit Interview* – The Commissioners reviewed an exit interview.
- *Deputy Coroner* – The Commissioners reviewed the statute and insurance requirements regarding deputy coroners. The statute states that the Coroner must administer an Oath of Office to all Deputy Coroner's and this must be recorded in the Clerk's office in order to be covered under the insurance and to be paid. This clarification will be relayed to Coroner Baucke for future reference.
- *Meeting Date* – The mid-November meeting date was changed back to November 15, 2016, since the EIAF grant hearing was scheduled for November 16, 2016.
- *Jail Visit* – The Commissioners completed a review of the Yuma County Jail.

There being no further business, the meeting adjourned at 5:53 p.m. The next regular meetings of the Board of County Commissioners will be November 15, 2016 and a half-day meeting on November 28, 2016.


Robin Wiley, Chairman


Kara Hoover, Administrator

ATTEST: 
Beverly Wenger, County Clerk

