

**YUMA COUNTY COMMISSIONERS**

**February 28, 2017**

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

On February 28, 2017 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session. Chairman Dean Wingfield, Commissioner Trent Bushner, Commissioner Robin Wiley, and Administrator Kara Hoover were present throughout the day.

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

Liquor License

Nancy Wright presented an application for a Special Events Permit from the Akron Lions Club for the Foodbank of the Rockies/CHS Event to be held on March 18, 2017. **Commissioner Wiley moved to approve the Special Events Permit from the Akron Lions Club for the Foodbank of the Rockies/CHS Event to be held on March 18, 2017 at the Irrigation Research Farm, 40161 Highway 59, Yuma, Colorado from 5:00 pm to 12:00 am. Commissioner Bushner seconded. The motion was unanimously passed.**

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:30 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.

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

Road and Bridge

Supervisor JR Colden was present to provide the following updates.

Current Projects

- *County Road J* – Colden shared that Road and Bridge crews are graveling County Road J from County Road 40 north to County Road 46.
- *CDOT Highway 385 / County Road 33.6 Turning Lane Project* – Colden shared that CDOT has set a Pre-Construction meeting for the Highway 385 / County Road 33.6 Turning Lane Project on March 7, 2017 in Sterling. He will be attending and invited the Commissioners as well. JR also mentioned that he is meeting with the new State Engineer, Carlos Gomez, on March 1, 2017 to review a few items before the Pre-Construction meeting. Colden reported that Road and Bridge Crews are getting ready to begin the dirt work for the gravel pit in this area this week too.
- *Gravel Pit Maintenance* – Colden reported that Box Elder is hauling and spreading 20 loads of manure at \$30 a load to the Gelvin and Godsey pits. This work is part of the reclamation on these pits and Colden shared that crews will begin seeding soon.
- *Black Hills* – Colden presented a bill from Black Hills to repair a gas line that was damaged on County Roads J and 42.5 while mowing, in the amount of \$5,349.37. The Commissioners were surprised that the pipeline lay on top of the ground and were concerned that it was not marked. They were not willing to assume responsibility and instructed Colden to send a letter to Black Hills relaying this.

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



- ***AED-Defibrillator*** – Colden presented additional quotes for an AED/Defibrillator. **Commissioner Wiley moved to purchase a Cardiac Life Phillips AED in the amount of \$1,227.00. Commissioner Bushner seconded the motion; which passed unanimously.**
- ***Staffing*** – Colden said that he is short staffed and has placed an advertisement in the newspaper for truck drivers. With the recent passing of Niels Lieurance, JR said he is still looking for interest in the Lead Truck Driver position.
- ***CDL Training Site*** – Colden reported that Delbart Liming is interested in the sod that will be cut from the Fairgrounds CDL Training Site in preparation for the concrete pour; paying \$1,000. Colden will contact Elder Construction to coordinate with the concrete pour.
- ***Thumb for the Excavator*** – Colden shared that he may look at a thumb for the Excavator at Ritchie's Auctions.
- ***Walk and Roll*** – Colden said that Morgan County was not interested in the homemade Walk and Roll Compactors as previously reported. They tried the compactors and were not satisfied with the windrow left behind. Colden mentioned consigning these with Ritchies Auction as well. The Commissioners asked him to speak to Phillips and Washington County to see if they would be interested before taking them to Ritchies Auction to sell.

#### Clerk

Deputy Clerk, Pam Zuege presented the following for discussion:

- ***Engineering Services Contract*** – Zuege shared the Engineering Report that Clerk Wenger received from Cody Bohall of Studio 8.18 Engineering, on the possible expansion and connection of the motor vehicle and recording offices in the north main hall in the Courthouse. **Commissioner Wiley moved to approve the Engineering Services Contract from Studio 8.18 Engineering, for the estimated amount of \$1,050, to enlarge the doorways in the DMV and Clerk/Recorder offices. Commissioner Bushner seconded. The motion passed by unanimous vote.**
- ***Torrens Certificates***– Zuege presented for signature sixteen Yuma County Certificates of Title for withdrawal from the Torrens System and placed in regular recording. **Commissioner Wiley moved to sign the sixteen Torrens Certificate of Titles, Numbers: 1827 (ROW NW ¼ Sec. 4-2S-44), 1842 (ROW NE ¼ Sec. 5-5S-47), 1844 (ROW, SW ¼ Sec. 35-4S-47), 1852 (ROW, NE ¼ Sec. 22-4S-45), 1862 (ROW NW ¼ Sec. 6-1N-48), 1874 (ROW W ½ Sec. 23-1N-48), 2054 (ROW Sec. 7-2N-48), 5000 (4.0 acres-Sec. 24-2N-44 and .75 acres-Sec.19-2N-43), 8099 (ROW- N ½ of SW ¼ Sec. 3-2S-43 Whomble), 9017 (ROW L.C. Schmidt), 9019 (ROW Sec. 17-5N-46), 9021 (ROW Sec. 17-5N-46), 9129 (ROW,6.106! SE ¼ Sec. 30-2N-46), 12714 (Owen's Re-Subdivision #1, Block 1: Lot 5, Book 9, Page 459), 12715 (Owen's Re-Subdivision #1, Block 1: Lot 6, Book 9, Page 461), and 12716 (K and D Re-subdivision, Block 1: Lot 6, Book 9, Page 463); requesting their removal from the Torrens System, placing them in Regular Recording. Commissioner Bushner seconded. The motion passed by unanimous vote.**

#### Executive Session

**At 11:19 a.m., Commissioner Bushner moved to enter into Executive Session for a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to**



**negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). The motion was seconded by Commissioner Wiley; which passed unanimously.** Present were Chairman Dean Wingfield, Commissioner Trent Bushner, Commissioner Robin Wiley, Assessor Cindy Taylor, Treasurer Dee Ann Stults, Administrator Kara Hoover, and joining by conference call Attorney Ken Feliman. Executive Session concluded at 11:32 a.m.

#### City of Wray-Broadband

Wray City Manager James DePue was present to provide an update on the Broadband project for the City of Wray. James reported that the City has considered several partners to assist with the design and engineer, build out, and maintenance of the middle mile broadband network: and are currently in the process of negotiating with one company. He has been instructed by Council to speak with community partners; financial, educational, and promotional. DePue stated that the City Council has identified the biggest risk of this project to be the number of people who will actually use the service once implemented. He is here today to discuss the role that the county will play in this process. The Commissioners were clear that they do not want to complicate the process for the City. After discussion, the Commissioners were in consensus that an Intergovernmental Agreement between the City of Wray and Yuma County for use of the middle-mile fiber and access of the fiber to all County buildings would be acceptable. DePue will work with the consultant on compiling a draft IGA. DePue thanked the Commissioners and the County for supporting this project and shared that he will continue to provide updates as the project moves forward.

#### Land Use

Rich Birnie was present to conduct a Land Use Hearing and review additional Land Use and GIS business. Curt Gardner and Reese Shay were present for the discussion of vacating the City of Robb, but left before the Land Use Hearing.

#### Land Use Hearing

Chairman Wingfield opened the Land Use hearing at 1:34 pm. No one from the public was present for the hearing.

#### Exemption from Subdivision

- *Ortner EFS 0117-01* – Birnie presented the staff report for an Exemption from Subdivision for Stuart C. Ortner, on behalf of D&A Fix, LLC, EFS 0117-01, to divide 3.12 acres, more or less, from 185.89 acres, more or less, in the NW ¼ of Section 3, T1S, R43W, for the purpose of resale for a residence. Birnie reported that there were no written objections or phone calls received about this application.
- *Dickson Trust, EFS 0117-02* – Birnie read the staff report for Dickson Trust on an Exemption from Subdivision for Patricia to divide 1.65 acres, more or less, from 150 acres, more or less, in the NW ¼ of Section 28, T1N, R44W, for the purpose of resale. He reported that there is not a survey for this property and the main reason for this is to bring this parcel into compliance. Birnie reported that there were no written objections or phone calls received about this application.

The Land Use Hearing closed at 1:44 p.m.

**Commissioner Wiley moved and Commissioner Bushner seconded to approve the following:**

- **The Exemption from Subdivision for Stuart C. Ortner, EFS 0117-01, applying for D&A Fix, LLC Resolution #02-28-2017 A/EFS, to divide 3.12 acres, more or less, from 185.89 acres, more or less, in the NW1/4 of Section 3, T1S, R43W, for the purpose of resale for a residence.**  
**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 apply for a septic system permit from the Northeast Colorado Health Department.**
- **The Applicant shall contact the Colorado Division of Water Resources, Department of Natural Resources, to change the owner name on the existing well permit.**
- **The Applicant shall contact Yuma County Road & Bridge for access location approval on County Road 30.**

*Recorded under Reception No. 00569150*

- **The Exemption from Subdivision for Charlene Curtis as POA for the Herbert M. Dickson Revocable Trust and Ester A. Dickson Revocable Trust, EFS 0117-02, Resolution #02-28-2017 B/EFS, to divide 1.65 acres, more or less, from 150 acres, more or less, in the NE1/4 of Section 28, T1N, R44W, for the purpose of resale and to bring the parcel into compliance with the County Land Use Code.**

**Stipulations include:**

- **The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards.**

*Recorded under Reception No. 00569151*

**The motion passed by unanimous vote.**

*Land Use Hearing Updates*

Curt Gardner and Reese Shay, of Shay Realty, were present to revisit the requirements of vacating the City of Robb and separating the Gardner parcels that were divided by the railroad.

- *City of Robb* -- Shay asked about the process for vacating the City of Robb. The Commissioners relayed that they would handle this vacation as they did when they vacated the Community of Happyville; which follows the same procedure as a minor Land Use Code, in accordance with CRS 43-2-303, 2(a) and (b). Birnie relayed that the streets and alleys will be vested according to CRS 43-2-302, 1(c) and (d); which states, "the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway." Commissioner Wiley stated that vacating this property was equally advantageous to the County as to the property owners; citing recent non-vacated city issues in Park County, Colorado. Gardner asked the Commissioners if they would consider waiving the fee for this permit process since it seems it would be mutually beneficial. After some discussion, **Commissioner Wiley moved to approve waiving the Minor Land Use Fee, but require Gardner pay a \$125 deposit where only actual costs be assessed for completing the Minor Land Use process, refunding the remaining amount. Commissioner Bushner seconded. The motion passed by unanimous vote.** There was continued discussion about obtaining a survey, but Birnie presented a copy of the original City of Robb plat from February 1918 which he believes can be used in lieu of a survey. The Commissioners were in consensus to accept the plat instead of acquiring a survey.
- *Separating Parcels* -- Gardner and Shay looked at the parcel of ground owned by Gardner that is divided by the Burlington Northern Railroad. Gardner is requesting that this piece be divided into two parcels one on each side of the railroad right-of-way. Shay reported he spoke with Curt Fix from Yuma County Abstract about the boundaries of this parcel. Fix reported that he believes that a legal description can be obtained on the parcel that is divided by the railroad, without a formal survey. Gardner will continue to work on this process as well.



- *Floodplain Ordinance* -- Birnie reviewed an outline for a proposed Yuma County Floodplain Code. Birnie asked the Commissioners to read through and provide any feedback to this draft.
- *Solar and Wind Text Amendments* – Birnie also presented draft provisions for small wind energy system and solar energy systems. Birnie stated that today he received another request from Innovative Solar Systems, LLC for a zoning determination. Birnie stated that he will provide a letter to Innovative Solar Systems, LLC, stating the County does not have codes in place at this time.
- *Website Update* – Birnie shared that he had been in contact with both Washington and Phillips County about their experience using SIPA to host their website. He will plan to share this information at the next Elected Officials / Department Supervisor Meeting.

### GIS

Birnie stated that he continues to work on adding addresses to the digital map.

### Landfill – Groundwater Monitoring

Cliff Henry, Landfill Manager, joined the meeting to review the Groundwater Monitoring Well Installation Plan for the Yuma County Landfill as compiled by Mark McMullen with American Environmental Consulting, LLC. The plan includes provisions on the Existing Disposal Cell Configuration and Groundwater Monitoring Program and reviews the Recent Communications Regarding the Landfill Design and Groundwater Monitoring System. The Commissioners discussed the plan and felt like the plan was sound and were in consensus to have McMullen submit to the Colorado Department of Public Health and Environment Solid Waste Division.

### Denver Post-Tom McGhee

Denver Post Reporter Tom McGhee joined the meeting, by way of teleconference, to discuss an article that he is working on regarding the Sheriff's Office. McGhee reviewed the Sheriff's current staffing and asked questions about the county's budget process. The Commissioners imparted that there has been a decrease of the assessed valuation from 2010 to 2017 of 43%. They went on to explain the Sheriff's Office's budget has increased 29% over those same years. They also explained that the county relies entirely on property taxes, there is no sales tax assessed in Yuma County. An article will run later this month.

### Administrator's Report

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

- *EIAF #8414 Emergency HVAC Grant* – Hoover presented the Grant Agreement between the State of Colorado Department of Local Affairs and Yuma County for the Courthouse HVAC Emergency Funding, in the amount of \$383,683. **Commissioner Wiley moved to approve and sign the Grant Agreement, EIAF #8414, between the State of Colorado Department of Local Affairs and Yuma County for the Courthouse HVAC Emergency Funding in the amount of \$383,683 to be completed by August 31, 2018. Commissioner Bushner seconded the motion; which passed unanimously.**
- *EIAF # 8302 Beecher Island Road Grant* – The Commissioners discussed the grant agreement for the Beecher Island Road. DOLA Representative Greg Etl reported to Hoover that the contract should be in route to the County. **Commissioner Wiley moved and Commissioner Bushner seconded to approve and sign the Grant Agreement, EIAF #8302, between the State of Colorado Department of Local Affairs and Yuma County for the Beecher Island Road Improvements in the amount of \$345,500 to be completed by October 31, 2018. The motion passed by unanimous vote.** In follow up, the grant agreement was reviewed and mailed to the Department of Local Affairs on March 2, 2017.



- *Minutes* – The Commissioners reviewed the minutes from the previous BOCC meeting. **Commissioner Bushner moved to approve the February 14, 2017 Board of County Commissioners minutes. Commissioner Wiley seconded the motion; which passed unanimously.**
- Certification of Accounts Payable drawn on Yuma County Funds on February 16, 2017 with check # 63803 in the amount of \$300.00 and on February 28, 2017 with check #64757 through #64831 for \$364,687.93 and Accounts Payable drawn on WY Communications Funds with check #7838 through #7852 in the amount of \$31,262.87 were signed by Chairman Dean Wingfield.
- Certification of Payroll drawn on Yuma County Funds on February 28, 2017, with check #31089 through #31110, system #40843 through #40977 for \$233,633.04 and drawn on WY Communications funds with system #5622 through #5633 for \$27,611.17 were signed by Chairman Dean Wingfield.
- *Veterans Report* -- Chairman Wingfield signed the Veterans Report for February 2017. Administrator Hoover also presented the invoice from KT Gregg to attend an out-of-state Veteran's Service Officer Training. Gregg explained that this training in Omaha, Nebraska is in lieu of the conference in San Diego that he presented in the 2017 Budget preparation. **Commissioner Wiley moved to approve the registration fee for a National Accreditation for Veteran's Service Officer Training in Omaha Nebraska, for KT Gregg of \$300. Commissioner Bushner seconded. The motion passed by unanimous vote.**
- *Certificates of Deposits* – Treasurer Dee Ann Stults reported that she has two Certificates of Deposit that are coming due in the amount of \$100,000 each. She mentioned with the large Courthouse HVAC project coming up that the Commissioners may wish to cash these CDs. The Commissioners reviewed Fund 01 cash fund and believe the current Fund Balance should cover the many large projects set to occur this year.
- *Eckley Cemetery Board* – Hoover presented an interest letter for the Eckley Cemetery Board, received from Willie Williams, to fill the position that was recently vacated by Stacey Owsten who moved out of state. **Commissioner Wiley moved to appoint Willie Williams for the remainder of Stacey Owsten's term on the Eckley Cemetery Board, ending November 1, 2018. Commissioner Bushner seconded the motion; which passed unanimously.**
- *Eastern Transportation Planning Region IGA* – The Commissioners reviewed the Eastern Transportation Planning Region IGA. **Commissioner Wiley moved to approve and sign the Eastern Transportation Planning Region Intergovernmental Agreement. Commissioner Bushner seconded the motion; which passed by unanimous vote.**
- *Bucking Chutes Bid Clarification*– The Commissioners revisited the bids for the bucking chutes after learning that the bid from WW Livestock Systems, accepted in the February 14, 2017 BOCC meeting did not include freight. The freight cost is \$1,300. The Commissioners reviewed all of the bids once again and noted that even with the additional freight charge, the bid from WW Livestock Systems was still the lowest bid. **Commissioner Wiley moved to approve the \$1,300 freight charge to the bid from WW Livestock Systems; which now would total \$27,895.75, to be paid with Lottery Funds, 06-000-8940. Commissioner Bushner seconded. The motion passed unanimously.**
- *Court Security Grant* – The Commissioners reviewed the amendment to the Court Security Grant in the amount of \$20,000 that will go towards the additional security cameras throughout the Courthouse. **Commissioner Wiley moved to approve and sign the Court Security Grant Amendment, effective January 1, 2017 through December 31, 2017, in the amount of \$20,000 to be used towards security cameras,**



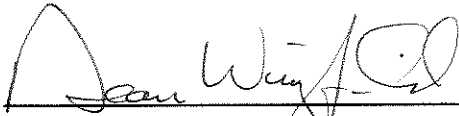
**paying from Fund 09-305-8940. Commissioner Bushner seconded the motion; which passed by unanimous vote.**

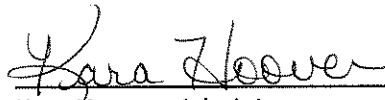
- *Rocket Ryan Entertainment / Big West Sound* – The Commissioners reviewed a contract with Rocket Ryan Entertainment-Big West Sound for the music and sound system at the PRCA Rodeo in conjunction with the 2017 Yuma County Fair. Commissioner Wingfield confirmed that additional sponsors will be obtained to cover the costs of the extra sound system with Rodeo Chairman Jed Gleghorn. **Commissioner Bushner moved to approve the contract with Rocket Ryan Entertainment/Big West Sound in the amount of \$1,000 per performance, \$2,000 total for the 2017 PRCA Rodeo associated with the Yuma County Fair; with the understanding that the Rodeo Committee will obtain additional sponsors to cover the costs. Commissioner Wiley seconded the motion; which passed unanimously.**
- *Jail Kitchen / Quest* – Hoover presented a preliminary report received from Robert Woellner, Quest Industrial Hygienist, that was hired to test the air quality in the Jail Kitchen and Jail Control Room, following a recent employee allergic reaction. Quest is waiting on diagnostic findings from a sample that was sent in following their visit to the jail. The final report will be made available in the next couple of weeks. **Commissioner Wiley moved to pay the invoice to Quest, which included an additional \$65 for lab sampling that was sent after the initial visit, totaling \$2,085, once the final report is received. Commissioner Bushner seconded the motion; which passed by unanimous vote.**
- *University Technical Assistance Program*– The Commissioners reviewed the University Technical Assistance Program's Draft Scope of Services requested by the Fairground Improvement Committee, to provide planning and design for an Indoor Arena at the Yuma County Fairgrounds. This program will be initiated by the Fairground Improvement Committee.
- *Financial Software* – Administrative staff is planning to review financial packages to replace the antiquated Fundware package. Webinars are set for March 2 and March 8, 2017. The Commissioners indicated that they would try to attend.
- *Sheriff's Work Session* – The work session requested by the Sheriff is set for March 31<sup>st</sup> at 10:00 a.m. to discuss 1033/DRMO equipment.
- *Courthouse HVAC Project* – Hoover explained that a Memo was sent to Courthouse offices explaining that the ceiling grid tile removal will occur mid-March and that the Asbestos abatement will begin the week of April 10<sup>th</sup>. The Commissioners are awaiting the signed EIAF Grant Contract before naming the HVAC contractor.
- *Security Camera Update* -- The new security cameras have been installed in the Courts, the Jail, and outside at the Courthouse. The monitors are reading the cameras and the picture is greatly approved. The remaining hall cameras will be installed when the HVAC/piping project is complete.
- *Probation* – The Commissioners reviewed the Probation area at the Courthouse. The new Probation offices are ready at the Department of Human Services and Probation plans to move on March 8<sup>th</sup> and 9<sup>th</sup>. Treasurer Dee Ann Stults and Assessor Cindy Taylor looked at the old Probation area in the basement of the Courthouse and felt that the Vault, Marty Greek's current office, would work fine for a break room. The other offices will be offered to the Sheriff's Office with the auspice that Use Public Service can be moved from the Land Use / GIS Office. Administrator Hoover will contact Sheriff Day and discuss logistics.

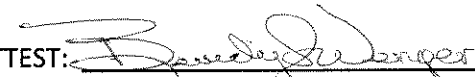


- *PRCA Rodeo* – The Commissioners reviewed the contract for the PRCA Rodeo that was approved by the Fair Board.
- *2017 Fair Entertainment* – The Commissioners also looked at the Creative Artists Agency Entertainment / Big Productions, Inc. for entertainer Canaan Smith that were approved by the Fair Board and signed by Chairman Wingfield. **Commissioner Wiley moved to approve Chairman Wingfield's signature on the contract with Creative Artists Agency Entertainment / Big Productions, Inc. for Canaan Smith in the amount of \$20,000 for the 2017 Yuma County Fair Entertainment; with a \$10,000 deposit and remaining \$10,000 to be paid in July. Commissioner Bushner seconded the motion; which passed by unanimous vote.**
- *Jail Visit* -- The Commissioners made their routine inspection of the jail.

There being no further business, the meeting adjourned at 3:43 p.m. The next regular meetings of the Board of County Commissioners will be on March 20, 2017 and March 31, 2017.

  
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Dean Wingfield, Chairman

  
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Kara Hoover, Administrator

ATTEST:   
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Beverly Wenger, County Clerk

