

YUMA COUNTY COMMISSIONERS

April 15, 2013

Minutes¹

At 8:00 a.m., the Yuma County Board of Commissioners met in regular session on the 15th of April, 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 about affiliated meetings that each had attended within the last two weeks.

Health and Human Services -

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

Bally Neal-

Present: John Curlander, Harry Brinkema, Ross Brinkema, Mark Shaw, and Howard McGinnis
John Curlander said the road to Ballyneal would be an improvement. Ballyneal is a solid source of employment for roughly 75 people. It has provided 1 million dollars in service to the community through the payroll. He is in the process of changing the perception of the private club. The cost for a membership has been lowered to \$10,000. They will be allowing carts on the course and started a family membership to encourage involvement and social activity. Hopefully, one new building will be constructed this season.

Curlander said having a road for a fire break would help with acquiring insurance. He could find only one company to provide coverage. The potential cost of constructing a road from Hwy 385 to County Road FF could approach \$600,000 depending on the site selected. Curlander asked if the road could be constructed only for lower weight and capacity. The commissioners said if county dollars were used it would be open to all traffic but the best option might be for Ballyneal to do the construction and make it a private road.

Curlander stated that possibly there could be a lodging tax assessment of 10% for 5 years on the lodging at the facility to pay for the road. He did not think that would affect his members. Construction estimate needs to be as if contracted as the county road and bridge department needs to take care of the current road system. The next step will be to decide on the acceptable route, estimate the cost, and for Curlander to consider what percentage of the project Ballyneal can support. The county is open to it being a private road, and they appreciate having the facility in Yuma County.

Road & Bridge -

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

Landfill Operator Cliff Henry joined the meeting and asking for improvements to the landfill road (CR R). Complaints have been received from the truck drivers. There was discussion of how best to make the repairs needed.

¹ These minutes prepared by Linda Briggs are summarized discussions, not verbatim.

The following were discussed:

- Shaw reviewed the current road projects and where they would be moving to next. The county will haul the material to County Road 57.25 as requested by Brinkema from either the Weis or Weatherby pits. This will take approximately two days.
- Trees within the county right-of-ways will be removed when they interfere and are a problem with the road work.
- The scraper is out of commission until a hydraulic problem is fixed.
- Three of the new graders are out working.
- An ad will be placed in the paper for full time and part time employees.

Commissioner Wingfield moved to make Kevin Ritchey the Lead Equipment Operation at grade 8 / category 1 / level 10 at \$2,747 per month effective April 1, 2013. Commissioner Bushner seconded the motion. The motion passed by unanimous vote.

Commissioner Wingfield moved to approve the Underground and Utility Permits for Augustus Energy Partners, LLC to install a 3" Poly line under County Road Z.75 at ½ mile south of County Road 22. Commissioner Bushner seconded the motion, which passed unanimously.

Ron Meyer/Golden Plains Extension -

Colorado State University Extension Agronomist Ron Meyer gave a power point of the activities and programs that are part of his position. Meyer reviewed the progression of increased yields due to new technology. He reviewed test plots locations and results. These test plots are successful through a joint cooperation with the farmers, seed companies, and Colorado State University Extension. A wheat summit, held in Burlington, was a success with another being planned in the future. A general discussion continued on the services provided by Ron Meyer.

Land Use Hearing –

Present: Tyler Deganhart, Rik Chance, Margie Chance, Cindy Taylor, Tony Rayl and Mark Shaw.

At 1:00 p.m., Chairman Robin Wiley opened the hearing for public comment on the Major Land Use change for Western Sugar Cooperative's request to change the stipulations of Resolution 7-31-12A.

Administrator Briggs stated that Western Sugar's original request was considered at a hearing before the Board of County Commissioners on June 29, 2012 and continued to July 17th, and then later to July 19th. It was approved under Resolution 07-31-12A. In February of 2013, Western Sugar presented a request to Yuma County to change the first and second stipulations in the resolution. The amended changes were advertised in the Wray Gazette and Yuma Pioneer and the public was notified of the hearing being held April 15th at 1:00 pm. The amended stipulations that Western Sugar wanted in place were to read:

Stipulation #1: Pursuant to Section 5-101-E2 of the Yuma County Land Use Code: "Western Sugar Cooperative shall pay an impact fee to the County for road damage and safety of fifteen-thousand dollars (\$15,000), per year, for ten years from when the site was first used as a receiving station. The fee will be due and payable to the County on December 31st of each year."

Stipulation #2: "Western Sugar Cooperative shall enforce an overloaded truck policy to all growers delivering beets to the Yuma Receiving Station located in the NE ¼ of Section 19, T2N, R47W. The policy is as follows:

1. All affected growers will be notified and it will be posted at the scale house that incoming truck weights are to be less than 105,000 pounds.
2. All delivering trucks will be given 2 warnings each day for in-weights that are over 105,000 pounds. On the 3rd offense, the contract card assigned to the offending truck will be confiscated by the scale person and the offending truck will not be allowed to deliver beets to the Yuma receiving station for the rest of that day.
3. Any truck that has their card pulled for being overweight for the third time will not be allowed to deliver beets to the Yuma receiving station for the rest of that year.”

The commissioners asked if there were public comments.

Rick Chance asked for definitions and weight limits between tandem loads and single axle loads. The commissioners said load limits for single axle trailers was less than 105,000 pounds, and that they didn't investigate the load limits for tandem axles.

Cindy Taylor wanted to know how the commissioners could tax the sugar beet farmers and not others. The commissioners responded, because these stipulations applied strictly to this permit and this facility. Their actions could not be retro-active or influence other businesses.

Rick Chance had some questions about County Road J and Beatty Street and how trucks would come in and out of town. He felt going past Seward's house and entering the highway north of the overpass at the bottom of the hill could be dangerous.

Chance asked about installing a merging lane at Highway 34 and County Road J to improve safety. The commissioners expressed they had observed re-haul trucks during beet season, and most of them used the Highway 34 and not Beatty St, which appeared to ensure the safety preference for the highway.

Margie Chance wanted to know how the truckers would know the citizens preference of keeping the trucks on the highway and off of city streets, and the commissioners responded that Deganhart would be the one responsible for telling the truckers.

Discussion ensued on installing cost-effective turning lane at the Highway 34 turn-off. Rik Chance wanted to know about the cost of installing stop lights.

Linda Briggs stated a phone call from Gerald Gottbehuet asking about the notice he received. Once he was informed of the purpose for the notice, he had no objections to the project.

Deganhart pointed out most of the sugar beets are moved by February 4 of the following year that they were dug. The commissioners wanted to know if trucks would be hauling 24-hours a day, and Deganhart said, most likely, no.

The commissioners requested Deganhart encourage beet growers and truckers to avoid Beatty and to use Highway 34; Deganhart said he would. The commissioners asked if there was any additional discussion; there was none, and the hearing was closed at 1:22 pm.

Commissioner Wingfield moved to approve Resolution 04-15-13 A, which approves a sugar beet receiving station for Western Sugar Cooperative in the NE/4 of Section 19, T2N, R47. Commissioner Bushner seconded the motion, which passed unanimously. This resolution renders Resolution 07-31-12 A null and void. *Resolution 04-15-13 A is recorded under reception number 00556897.*

Treasurer's Report -

Dee Ann Stults presented the Treasurer's Report for the month of March, 2013. There were \$898,699.40 in taxes collected, and \$30,131.10 in fees collected.

The 2013 first quarter's public trustee report showed receipts of \$4,260.00. The amount due to the public trustee for the first quarter is \$3,125.00.

Stults said legislators took no action on the salary commission's recommendation to increase the elected official's salaries. This is her last year on the salary commission, as there are term limits on this commission.

Assessor Cindy Taylor –

Assessor Cindy Taylor introduced Laura Olsen, the data collector clerk primarily for gas company and production information.

The commissioners confirmed the starting salary for this position should be a grade 4 step 6 for a monthly amount of \$1,780.

Manager of the W-Y Ground Water Management District is certifying to the County Treasurer property ownership as recorded in her office, so the water fee collected by the treasurer will be to the correct owner. A letter has been sent to the Central Yuma and Sandhills Ground Water Management Districts inviting them to confirm changes of ownership, but that has not yet happened.

Taylor informed the commissioners to expect a drastic drop in the assessed value placed on the gas industry. The price of gas is lower and the industry can take off up to 95% of eligible expenses.

Clerk Beverly Wenger –

Clerk Beverly Wenger said she was on a conference call when the internet went down last week. She was not quite so upset when she found out it was a problem through CenturyLink. Problems with service in her office happen when someone is working on the internet in the Sheriff's office.

She has been working with Sid Fleming, Yuma's new city manager, about increasing her office space in the Yuma City Hall building. Increasing the square footage will mean additional rent of \$250.00. The commissioners said they will work with them, but want to include the security system.

Wenger reviewed SB 1303. The biggest problem is having connectivity to each polling place as the outlying area of Clarkville does not have this capability. Early voting may need to take place in Yuma. This bill contains some new changes, but most of the bill is putting into writing what the working practices have been.

Sharing a vehicle with the assessor's office will not work when the assessor's staff is doing inventories during the summer months. Wenger stated that one of the vehicles being retired from the Sheriff's office would work.

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 March, 29, 2013. The motion passed unanimously.

Chairman Wiley signed the Veterans Report for March, 2013.

Certification of Accounts Payable for April 15, 2013, drawn on Yuma County Funds, with check #53683 through #53809 totaling the sum of \$391,043.23 and Fund 16 W-Y Combined Communications check #6561 through #6570, totaling the sum of \$2,189.90 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 6:00 p.m. The next meeting of the board will be April 30, 2013.

Robin Wiley, Chairman

Linda Briggs, Administrator

ATTEST: _____
Beverly Wenger, County Clerk