

YUMA COUNTY COMMISSIONERS

January 23, 2015

Minutes¹

On January 23, 2015 at 8:00 a.m., the Yuma County Board of Commissioners met in regular session with Chairman Trent Bushner; Commissioners Robin Wiley and Dean Wingfield were 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.

Department of Health & Human Services

The commissioners conducted business with Dave Henson, the Director of the Department of Health and Human Services. Also present: Hollie Hillman and Robin Barnhart.

Rural Community Resource Center

Lucie Ebersol and Silvia Castillo from Rural Community Resource Center visited with the Commissioners about the continued use of the fairgrounds for the Food Bank of the Rockies Food Distribution. Ebersol presented a report from the Food Bank of the Rockies showing an average of 516 people per month using the food drop off in Yuma. Ebersol relayed that people come from: Joes, Yuma, Eckley and Wray. Ebersol reported that the food bank at Rural Community Resource Center is used less now and she feels this is because of easier access to the Food Bank of the Rockies drop off.

Ebersol told the Commissioners that the fairgrounds usage was working out beautifully. She reported how much she appreciated the work of Fair Maintenance staff, Bud and Eva Woods, stating that they always go the extra mile. Ebersol once again would like to ask the Commissioners to waive the fee for use of the fairgrounds for 2015. **Commissioner Wiley moved to waive the use fee for Rural Community Resource Center's monthly Food Bank of the Rockies Food Distribution. Commissioner Wingfield seconded the motion; which passed unanimously.**

Road and Bridge

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

- *Augustus Energy* – Shaw reported that he had spoken with Augustus Energy about a proposed seismic area east of Highway 385 from approximately CR 31 to CR 27 and CR DD to CR HH. Augustus reported that they will let Road and Bridge know when they will be crossing roads. The Commissioners asked for formal notification from Augustus Energy.
- *Road Issues* –Shaw reported that they have had many issues with frozen roads throughout the county. Karen Pariset phoned the Commissioner's office with concerns about road conditions on CR 28. She emailed pictures showing deep ruts; which were forwarded to Road & Bridge and to the Commissioners. Shaw reported that Road and Bridge staff had worked on the road the previous week, but there had been heavy truck traffic down the road since then, leaving deep ruts that are now frozen. The drifting snow, rain, and freeze have made roads very difficult to maintain. Shaw reported that Road & Bridge personnel will be out to work on CR 28 again today.
- *Fire District* –Commissioner Bushner advised Shaw that the condition of county roads may be discussed at the next combined fire district meeting. County Road M seems to be the road that gets the most complaints. Shaw reported he believed that CR M to CR 54 really needs to be paved, but recognizes the high-cost associated with paving a road and knows that this will deter the possibility.

¹ Minutes prepared by Kara Hoover-summary of discussions, not verbatim



- *Jared Sharp* –Shaw reported that Jared Sharp contacted him to report damage his vehicle sustained when he ran over a broken steel fence post on the side of CR N. He reported that he had pulled off the road and ran over the fence post and ruined a tire. He is requesting a new tire. The Commissioners believe that the County is not responsible for damages caused by items on the side of the road
- *CDOT/Ramp Grant* –On January 20, 2015, Commissioners Bushner, Wingfield and Wiley, Administrator Kara Hoover, Road & Bridge Personnel Kevin Ritchey and Debbie Logue met with Jake Schuch, Brad Pierce, Brett Locke, Long Nguyuen and other CDOT personnel about CR J and US 34 road project in Fort Morgan at the Commissioners Conference Room. The group learned that Yuma County Road & Bridge will function as a subcontractor on this road project; moving dirt, and extending the culverts where necessary. The Commissioners would like to see the dirt work completed in late May to early June, 2015. CDOT will be responsible for testing the soil, advertising for bids and getting any easements necessary to complete the project.
- *Gravel Pits* - Commissioner Wingfield requested an update from Truck and Mining Foreman McGinnis on new prospects for gravel pits. Howard reported that he hadn't recently devoted time to locating potential gravel pits. He reported on previous findings near the Evans gravel pit, but relayed it was very sandy; and reported on a location near Blain Sharp on CR 58 and Q. Commissioner Wingfield mentioned two potential sites Northeast of Kirk. The Commissioners emphasized the importance of finding new sites within the county. They would like to see McGinnis completing the necessary paperwork for the gravel pits, as well. The Commissioners asked McGinnis if he felt that he could perform in this job capacity. Howard conceded that maybe someone else would be better at this part of the job. Shaw relayed that he believes there is other Road and Bridge staff that could be capable of filling this position, but is unsure if they have time based on their current positions and workloads.
- *Training* – Shaw reported that Road and Bridge personnel completed the annual MSHA, Miner Refresher Training conducted by CTSI Loss Prevention Leader Ted Lindtveit on January 21, 2015. Shaw reported that East Cemetery District Employee Travis Ritchey also attended the meeting. The Commissioners relayed that they would like Shaw to invite other special districts, within the county, for such trainings in the future.

Treasurer

Treasurer Dee Ann Stults presented the following items for discussion:

- *2014 Year-End Report* – Treasurer Dee Ann Stults presented the 2014 Semi-Annual Report for the period of July 1 to December 31, 2014.
- *Staffing Update* – Stults reported that Deputy Treasurer Samantha Van Vickle has accepted another position in Wray and is resigning her position, effective February 20, 2015. Stults relayed how hard it is to lose good employees to other businesses. She reported that it is very difficult to compete with the current pay scale. She reported that she will be asking current employee Chrystal Hammond to step up to the Deputy position and will adjust her pay to reflect a Step 5, Grade 7 level. She will be looking for a new person to fill the void left by VanVickle and will most likely offer a new hire at a Step 5, Grade 5.

Officials/Department Head Meeting

An Elected Official/Department Head meeting was held. Those present were: Cindy Taylor, Dee Ann Stults, Chad Day, Bev Wenger, Dave Henson, Vicky Southards, Cliff Henry, Adam Wills, Mark Shaw, Dean Wingfield, Robin Wiley, Trent Bushner and Kara Hoover. The following items were discussed:



- *Self-Defense* - Dave Henson reported that he is organizing a self-defense class and would like to have a good idea of how many would like to participate. He asked for County Officials/Department Heads to ask those in their area and get back to him by Tuesday, January 27, 2015
- *Wages* - Dave Henson opened up the meeting by relaying his thoughts on the wages offered throughout the county. He relayed he understands that it is a difficult time to request increase in wages at a time when the county has a significant reduction in funding. He noted the recent loss of an employee in the Treasurers department. This employee had an offer for \$4,000 more a year with less responsibility. Sheriff Day reported that there is not only the difficulty of attracting employees, but in retaining employees. Commissioner Wiley relayed that in addition to the hourly/monthly salary, employees need to be made aware that their compensation package is enhanced 40-45% with benefits. Yuma County still pays a good portion of health insurance compared to other counties in the area. The group discussed various departments that have outside or additional state funding and are able to pay better, such as Landfill and Road and Bridge. Sheriff Day relayed that he doesn't believe that any office within the County should be offended if other areas are able to offer different compensation based on their outside funding. Commissioner Bushner relayed that part of the commissioner's job is to balance funds used and the current set of commissioners would never be in favor of tapping into the reserve fund balance to cover salaries. He felt that this was a very risky practice. The group agreed with Commissioner Bushner. Treasurer Stults relayed that it really comes down to finding additional revenue sources or looking at cutting services. Enforcing a county sales tax was discussed, as Yuma County is one of eleven in the state that currently do not have a county sales tax. After a discussion, it was decided that a task force should be formed to research various ways to increase revenues in the County. Dave Henson volunteered to chair the committee; Adam Wills, Dee Ann Stults, and Vicky Southards will also serve.
- *Maintenance Request Forms*—Kara Hoover presented to the group a new "Maintenance Request Form." This form is to be used when a maintenance or custodial issue occurs. Upon completion, the form is to be returned to the Administrative Office and they will forward to maintenance/custodial staff.
- *Material Safety Data Sheet Manual* --Hoover reviewed the updated Material Safety Data Sheet (MSDS) Manuals, asking each office to inventory their cleaning supplies and alert the Administration office if they have something that is not currently included in the MSDS manual. The MSDS Manual will be kept in the Commissioners Meeting Room at the Courthouse and another will be kept at the Department of Health & Human Services in the commons area. All staff in both buildings were encouraged to refer to the manual in case of an emergency.
- *Digital Recordings* - Sheriff Day presented a memo signed by County Clerk Wenger, Treasurer Stults, and Sheriff Day requesting that all Board of County Commissioners meetings in Yuma County be digitally recorded. Chairman Bushner asked for feedback from other officials and department heads. Dave Henson reported that he would not be in favor of this because of the protected information that he presents to the Commissioners. He also relayed he enjoys the informal conversation and the relaxed nature of the meetings. Stults reported that she has had experiences where she felt she heard the Commissioners say one thing and the next meeting it was different. She feels that having a digital recording would alleviate this issue. Assessor Taylor reported she has had no such issue and sees no need for recording, as the minutes are available to the public. Commissioner Wiley mentioned that the minutes are a bit more detailed now. Commissioner Wingfield reported to Sheriff Day that he could bring a digital recorder and record his portion of the meeting. The Commissioners were in consensus that they are very happy with the written minutes and do not wish to record their meetings at this time.

Land Use

Rich Birnie, Land Use/GIS Coordinator was present for a Land Use Hearing and Department updates. Steve O'Brian, Engineering, Inc. representing the Franson Family Partnership was also present.

Land Use Hearing

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Yuma County Recorder, BEVERLY WENGER Page 3 of 8
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Chairman Bushner opened the hearing at 1:01 pm.

- **Application for Major Land Use Development Permit:** Birnie presented the staff report for the Franson Family Partnership's request to create a limited Impact (110) Mining Operation on 9.99 acres, more or less, on Yuma County Road C in the NE/4NW/4 of Section 31, T5N, R48W 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 Washington County Road & Bridge for written approval at the proposed access location; and the application is approved with the proposed 15' setback, Technical Infeasibility Waiver. A technical infeasibility waiver was required because Steve O'Brian was unaware that there was a 100' setback for such pits when he applied for this permit. If the waiver is not granted then the area that could be mined is only 4.83 acres. Birnie reported no written comments or calls were received in his office relating to this request.

Through a duly made motion the Land Use hearing closed at 1:23 p.m.

- **Franson Family Partnership Mining Operation –Commissioner Wingfield moved to approve Resolution #1-23-15 A for a Major Land Use Development Permit #1114-23 for Franson Family Partnership to create a limited Impact (110) Mining Operation on 9.99 acres, more or less, on Yuma County Road C in the NE/4NW/4 of Section 31, T5N, R48W 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 Washington County Road & Bridge for written approval at the proposed access location; and the application is approved with the proposed 15' setback, Technical Infeasibility Waiver. Commissioner Wiley seconded the motion; which passed unanimously. Recorded under Reception No. 00562717**

Plotter – Birnie reported that he has an individual interested in purchasing the used HP Design Jet Printer with stand. He no longer uses this plotter, but reports it is still in good condition. He values the plotter at about \$500. The Commissioners asked Birnie to advertise for additional bids by placing a flier on the bulletin board by the Commissioner's office; and selling it to the highest offer at no less than \$500.

Sheriff's Office

Sheriff Day and Undersheriff Adam Wills presented the following items to discuss:

SB-15-006 – State Bill 15-006, Prohibit Forfeitures Without Criminal Conviction was discussed. Day relayed that he thinks that the bill would prevent local agencies from keeping funds from seized property. This can be an issue as many times this is the only means a defendant has to pay fees. As the bill reads, currently any proceeds received by a law enforcement agency must be credited to the state general fund. Commissioner Bushner reported that this bill was not supported by CCI.

Body Cameras – Day reported on the use of body cameras, to be worn by officers at all times. He reported that some agencies are going to these, but there have been issues with the cameras. They are very expensive; the batteries do not last throughout a shift, and there is not enough space for storing data. He does not believe that body cameras would be a good investment for his office at this point in time.

Legislative Mandate – Day and Undersheriff Wills reported on a new legislative mandate that requires all certified POST (Peace Officer Standards and Training) officers to complete 24 hours of in-service training, per year. Day reported that, to ensure his office is complying, he has purchased an on-line policy manual from Lexipole that provides best practice policies. The manual can be tailored and customized for each individual office. The tracking for in-services and policy changes is all digitalized and will provide better accountability. Colorado POST is picking up the \$8,000 cost for the initial online subscription, and will fund the subscription renewal of \$6,000 going forward.



Executive Session - Sheriff Day requested an executive session. **Commissioner Wingfield moved to enter executive session for discussion of a matter required to be kept confidential under C.R.S. Section 24-6-402(4)(c). The motion was seconded by Commissioner Wiley and passed unanimously.** At 1:37 p.m. Commissioners Bushner, Wiley, and Wingfield with: Sheriff Chad Day, Undersheriff Adam Wills, and Administrator Kara Hoover entered into executive session. Executive session ended at 1:49 p.m.

Vehicle Replacement – Wills reviewed the quotes that he had received from: Limon Dodge, L.H.M. Dodge, Korf Continental, John Elway Group, and Bonanza Ford for replacement vehicles. The Sheriff's office would like to trade-in and replace four vehicles this year. The Commissioners reviewed the comparison worksheet. They reported to Wills and Day that there is just not enough funding this year to replace four vehicles and asked them to prioritize. Day reported that replacing the 2007 Dodge Charger #072, and the 2009 Dodge Charger #081 are critical this year. The group discussed the differences between brands of vehicles. The Commissioners relayed their desire to do business in Yuma County whenever possible. After reviewing the quotes presented and discussion, **Commissioner Wingfield moved to purchase a 2015 Dodge Ram 1500 SSV from Korf Continental for \$28,434 and a 2014 Chevy Tahoe from John Elway Group for \$32,085, not to exceed \$10,000 upfit per vehicle from L.A.W.S, and retiring the 2007 Dodge Charge #072 and the 2009 Dodge Charger #081 at a local auction, or a sealed bid sale. Commissioner Wiley seconded. The motion passed unanimously.**

Diana and Ben Cantrall

Diana and Ben Cantrall reported that they had purchased unpaid mineral rights at a Treasurer's sale in November 2008 that should not have been sold, as the 40 acres of minerals were under production in a pooling agreement with Stelbar Oil Corporation. Cantrall's continued to pay the taxes through 2014. Treasurer Stults reported that there is really no method to track royalty owner or pooling agreements, making these types of tax sales very difficult to avoid. Stults reported that the only thing she could suggest is to refund Cantrall's their fees, and taxes plus interest. **Commissioner Wingfield moved to repay Diana and Ben Cantrall the fees, taxes and interest back for the 40 acres in SW4SW4 Section 12 2-S-44 per CRS 39-12-111 Land wrongfully sold - repayment. Commissioner Wiley seconded the motion; which passed unanimously.**

Assessor Taylor relayed that in the past the previous Assessor had looked at quarter sections instead of full sections for production. Taylor reported that to avoid this issue in the future her office will look at an entire section for production. In addition, both Taylor and Stults felt that there needs to be improvement on indexing for pooling agreements in the Recording office, as it is quite difficult to uncover mineral owner names in these agreements.

Administrator's Report

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

- **Minutes – Commissioner Wiley moved to approve the January 13, 2015 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.**
- Certification of Accounts Payable for January 23, 2015, drawn on Yuma County Funds, with check #58733 through #58740 for \$322,214.44 was signed by Chairman Trent Bushner.
- Certification of the 2014 Personal Leave Buyout for January 23, 2015, drawn on Yuma County Funds, EFT system #37351 through #37364 and checks #30294 through #30301 totaling the sum of \$17,677.26 was signed by Chairman Trent Bushner.
- **Broadband Request for Proposal** –The Commissioners reviewed the revisions to the Request for Proposal for the master plan of a county-wide broadband network approved by the City of Wray.



Commissioner Bushner moved to reconsider the motion to approve the RFP as presented on December 16, 2014 for purposes of language updates. Commissioner Wiley seconded the motion; which passed unanimously. Commissioner Wiley moved to adopt the new language for the RFP as updated by the City of Wray on January 12, 2015. Commissioner Wingfield seconded the motion; which passed unanimously.

- *Maintenance/Custodial Review* – Hoover reviewed current repairs and maintenance projects at the Courthouse and Health and Human Services buildings. She also reviewed with the Commissioners new job descriptions, task lists, and time attendance worksheets for Maintenance and Custodians.

Health and Human Service Building - A leak has been noted under the kitchen floor at HHS. The floor is solid concrete and even with extensive searching the location of the leak is hard to determine without tearing up the entire floor. Commissioner Wiley hired American Leak Detection out of Firestone, CO to trace the leak. Rockwell Construction will come next week to cut through the concrete to locate the leak. Tom's Plumbing has been secured to fix the piping once the concrete is removed.

Elevator Review – HES Elevator Services, Inc. from Denver was out to conduct a routine maintenance check on the elevator. They will return to complete a 5-year witness test prior to the state inspection.

Roof – The courthouse roof received some much needed repair work on the south side of building by Road and Bridge personnel. The Commissioners are in hopes that this will prevent further leaking until more in-depth repairs can be made.

Maintenance/Custodial Job Descriptions – Hoover presented Maintenance and Custodial job descriptions and task lists for the Commissioners to review. Hoover reported that the documents were compiled with the help of Commissioner Bushner and information from neighboring counties. She reported that the job descriptions and task lists were meant to provide clear direction and expectations for the maintenance/custodial staff. **Commissioner Wiley moved to accept the Maintenance and Custodial job descriptions and task list as presented with an expectation start date of February 1, 2015. Commissioner Wingfield seconded the motion; which passed unanimously.** Hoover also reviewed time attendance worksheets as recommended by Human Resource Specialist Cynthia Barnes to comply with Federal Labor and Standards Act, Department of Labor and Workers Compensation regulations. Formal employee evaluations with Daryl and Sandy Juhnke will be held Tuesday, January 27th with Commissioner Bushner and Administrator Hoover.

- *DOLA, Greg Etl* – Greg Etl stopped in to visit with the Commissioners. He reported that funds may be available through an Administrative grant or Tier 1 funding for Broadband. He also relayed that there may be funds available for assistance with a study for the Communication Center remodel or build. The Commissioners reported to Etl that both projects were in their infancy, but they would keep him up-to-date as they moved forward.
- *EIAF Grant 7605 Award Letter Revision*– Hoover reported that Yuma County had received a revised award letter from the Department of Local Affairs, EIAF #7605 granting \$438,479 for County Road R and County Road 34 road project reflecting the projections presented at the November, 2014 hearing; instead of \$389,998 based on projections with the application. Greg Etl noted the difference, notified Yuma County, and requested the amount be amended based on the revised projects that were presented at the grant hearing with DOLA in November, 2014. The Commissioners acknowledged their appreciation to Etl for his thoroughness.
- *Workers Compensation Report*– The Commissioners review the 2014 Workers Compensation Report.

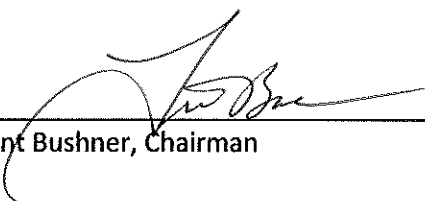


- **Kinnison Property-Eckley** - Commissioner Wingfield mentioned that he had a lead on land that may be for sale in Eckley, owned by Morrison Kinnison. He reported there is about ¾ of a block. He has spoken to relatives of Mr. Kinnison and believes the land could be acquired for approximately \$10,000. The property would require cleanup prior to building. The Commissioners instructed Administrator Hoover to research the property and contact Attorney Margaret Seboldt about acquiring the property. They also requested, if a deal can be made, that the County split the closing costs, deed and title work not to exceed \$500 for the seller. **Commissioner Wingfield made a motion to make an offer of \$10,000 for Block 26: Lots 1-14 (All), Second Plat of Catchpole's First East Addition to the Town of Eckley, Colorado, if Attorney Seboldt deems the property clear for purchase. The county is to split the closing costs, deed and title work not to exceed \$500 for the seller. Commissioner Wiley seconded the motion; which passed unanimously.**
- **Road & Bridge Christmas Eve Overtime Authorization** - The Commissioners reviewed and approved the overtime compensation for Road & Bridge employees that worked on Christmas Eve.
- **Buyout of Accumulated Leave** – The Commissioners reviewed the buyout of accumulated leave for year-end 2014. There was a total of \$1,257.05 of hours of buyout, 408.25 of forfeited hours and 263.25 of comp time forfeited. **Commissioner Wiley moved to approve the 2014 accumulated leave buy outs as presented. Commissioner Wingfield seconded the motion; which passed unanimously.**
- **Fair Events** – Jed Gleghorn phoned and asked about funding for a steer tripping event. He relayed that this year the Fair Board has opted not to hold a Ranch Rodeo, and he is requesting that they be allowed to use the \$1,000 for a steer tripping event. The Commissioners had questions for the fair board regarding the event and will discuss it more at a later date.

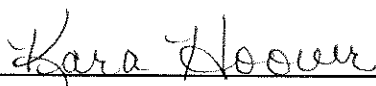
Chairman Bushner signed the Veterans Report for January 2015.

There being no further business; the meeting was adjourned at 5:17 p.m. The next regular meetings of the Board of County Commissioners will be February 13 and February 27, 2015.


A listing of meetings attended by the Commissioners during the month of January 2015 is attached.



Trent Bushner, Chairman



Kara Hoover, Administrator

ATTEST: 

Beverly Wenger, County Clerk

