



YUMA COUNTY COMMISSIONERS

March 31, 2016

Minutes¹

On March 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.

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

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:38 a.m. Human Services Director Phyllis Williams, Child Welfare Supervisor Hollie Hillman, and Receptionist Robin Barnhart were present. Detailed minutes from this meeting are maintained by the Department of Human Services.

Office Aide I – Williams reported that she and her staff conducted interviews for the Office Aide I and would like to hire Melanie Fisher, at G4/S3, beginning April 1, 2016. **Commissioner Wingfield moved to approve the Salary Authorization of Office Aide I for Melanie Fisher, G4/S3. Commissioner Bushner seconded the motion; which passed unanimously.**

The Board of County Commissioners reconvened at 9:06 a.m.

Liquor License

- *Vernon Community Center* – Nancy Wright presented for signature, by Chairman Wiley, the Special Events Liquor License for the Vernon Community Center, for an April 16, 2016 event at 25817 Colorado Street, Vernon, Colorado, that was approved at the March 15, 2016 BOCC meeting.

Road and Bridge

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

- *Gravel Pit Update* – Colden shared a review of the gravel pit status. He reported that work was started on expanding and reclaiming the Gelvin Pit. In addition, work is complete on the May Pit and it is being released.
- *Eckley Building* – J.R. relayed that the water and sewer tap for the new shop in Eckley will need to be relocated to the alley. The cost of such is \$1,200 for the water tap and meter and \$1,000 for the sewer. The consensus of the Commissioners was to proceed with the water tap and meter as presented.
- *Caterpillar Scraper* – Colden relayed that an issue was found with the 2007 Caterpillar 623G Scraper that was just purchased. A gearbox for paddle chain needs to be replaced with a cost of approximately \$7,000. In addition, new tires were purchased for the scraper from A&E Tire, Inc. with a cost of \$15,745.42. **Commissioner Bushner moved to purchase the tires for the Caterpillar 623G Scraper from A & E Tire, Inc. of Denver, CO, in the amount of \$15,745.42 and to pay for the gearbox repairs with an approximate cost of \$7,000, from Fund 20. Commissioner Wingfield seconded the motion; which passed unanimously.**

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



- *John Deere Scraper* – Colden presented an estimate for repairs for the John Deere, Model 862/862B, with an estimated cost of \$30,000. Commissioner Wiley would like to research the possibility of repairs and discuss further at a BOCC meeting.
- *Crusher/Conveyor* – J.R. revisited the pricing for the crusher and other equipment within his department that could be sold. The Commissioners discussed a reasonable asking price for the 0146 Conveyor, 0136-05 Crusher, and the 0135-07 Operator Station. The Commissioners asked J.R. to advertise for sealed bids for the equipment.
- *Crack Seal* – Colden shared that his crews recently tried out the Crack Seal Kettle on the south parking lot at the Courthouse. The process went very smoothly and they plan to work on the Vernon Road in April. Once the Vernon Road is complete, they will move to the Beecher Road.
- *Eckley Lot* – Colden said his crews are working on the lot in Eckley for the new shop. They have nearly everything cleaned up and are getting ready to move dirt to level and improve drainage for the building.
- *Used Oil* – J.R. reported that used oil storage containers are full at the Wray Shop and they will not be accepting any more oil from companies as this time.
- *Bridge Guard Rail* – J.R. shared he has been prioritizing repairs to various bridges throughout the county. He believes bridges located at CR O and GG.15, CR Y and 00.10 and CR X and 3.15 need guardrail and approach rails and other repairs this year. The cost for material will be approximately \$28,000.
- *Striping* – J.R. presented a striping map sample from James Hill, Pavement Maintenance Specialist, LLC. Colden said that the design and engineering should be complete by the end of April. He would like to have the entire crack sealing projects complete prior to striping. He plans to schedule the striping for later this summer.
- *Underground and Utility Permits* – Colden presented an Underground and Utility Permit for Gary Newton. **Commissioner Bushner moved and Commissioner Wingfield seconded to approve the following Underground and Utility Permit for Gary Newton to install an irrigation line across County Road 27 at ¼ miles west of the SE corner of Section 18, T1S, R45W. Special provision noted, because the installation was not completed per verbal agreement and lies within the county's right-of-way, the landowner will be responsible for moving the water/irrigation line in the event the County ever needs to install a culvert. The \$1,000 deposit will be retained to defray future costs. The motion unanimously passed.**

Maintenance

Maintenance Sergeant Travis Dinsmore presented the following for discussion:

- *Insurance Building Audit Review* – The Commissioners and Dinsmore reviewed the Insurance Building Audit responses. The list is quite extensive and the Commissioners encouraged Dinsmore to prioritize each suggestion.
- *Project Review* – Dinsmore presented a list of daily, small projects, and large projects for both the Courthouse and Human Services buildings. He relayed that he is somewhat overwhelmed with the list of projects and daily duties. It was his intent to have the Courthouse and the Department of Human Service building in optimal shape within a year of taking over the maintenance; but due to unforeseen

circumstances, he believes he has fallen short of this goal; naming the pipe breaks, leaky roof, and boiler issues as part of the problems.

- **Staffing Request** – To help alleviate some of the overtime and pressure off Dinsmore, the Commissioners considered a part-time position to help with Maintenance. **Commissioner Bushner moved to place an advertisement for a part-time Maintenance position averaging approximately 20 to 24 hours per week. Commissioner Wingfield seconded the motion; which passed unanimously.**
- **Piping Project** – Estimates have come in for the piping project and neither include asbestos abatement. The Commissioners requested that an estimate of costs for asbestos abatement be researched. Administrator Hoover will contact a company for an asbestos survey and try to schedule within the next two weeks.

Courthouse Roof

James Himes from Roofworks, LLC joined the meeting explaining his bid for the flat portion of the roof of the Courthouse. Later in the day Brad Rockwell, from Rockwell Construction, came in to discuss his bid.

The Commissioners reviewed three bid packets for resurfacing or repairing the flat portion of the roof at the Courthouse and discussed the different options. **Commissioner Wingfield moved to approve the bid from Rockwell Construction Company of Wray, CO for \$46,534 for a Duro-Last Roofing System for the Main level, entrance, antenna area, sally port, jail RTU and Clerks roofs and the placement of 350' of gutter and 6 down spouts. Commissioner Bushner seconded the motion; which passed unanimously.**

Courthouse-Human Services Lawn Care

The Commissioners opened three bids for lawn care at the Courthouse and the Department of Human Services. **Commissioner Wingfield moved to retain Mike Gartrell in providing lawn service at the Courthouse and the Department of Human Services at \$70 per week with appropriate liability insurance. Commissioner Bushner seconded the motion; which passed unanimously.**

Landfill

Yuma County Landfill Manager Cliff Henry stepped in to discuss the Engineering Design and Operations Plan letter received from the Colorado Department of Public Health and Environment. The letter granted approval of the Operations Plan with the following conditions: 1) The Division reserves the right to re-open the Facility's approved EDOP at a later date to ensure that the current EDOP meets the amended objectives of the Integrated Solid Waste and Materials Management Plan; and 2) The Division reserves the right to re-open the review of the EDOP should the Landfill continue to exceed the 20-tons-per-day threshold for a small landfill waiver as detailed in Section 1.5.3 of the Regulations. Henry will present to the Landfill Board for more discussion.

Economic Development Incentive Policy

The Commissioners reviewed Resolution #08-31-2005 A, the Yuma County Economic Development Incentive Policy and discussed matters brought forth by the Economic Development Director about incentive programs. No revisions or changes were made at this time. They may discuss various options at a later day.

Broadband Update

The Regional Broadband Committee met last week. They are planning to provide education on broadband, issues that have been noted. They are looking for ways to address the middle mile of fiber that includes the municipalities and the county. Educational sessions will possibly be held at the Yuma and Wray City Council meetings.



Land Use

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

Land Use Hearing

Chairman Wiley opened the Land Use hearing at 12:58 pm. No one from the public was present for the hearing.

Exemption from Subdivision

- Mekelburg – Birnie presented the staff report for Roy Mekelburg, to divide 17.21 acres, more or less, from 160.00 acres, more or less, in the NE1/4 of Section 25, T3N, R48W, for the purpose of separating residential property from agricultural property. No written objections or phone calls were received about this application
- Wise – Rich read through the staff report for Emmett W. & Bonita L. Wise, to divide 6.25 acres, more or less, from 160.00 acres, more or less, in the SW1/4 of Section 12, T3S, R48W, for the purpose of resale. Birnie reported he received one written objection and several phone calls concerning the land owner's minerals rights.
- Foreman/Lengel – Birnie shared the staff report for Mark Lengel, to divide 3.39 acres, more or less, from 46.03 acres, more or less, in the SE1/4 of Section 14, T5S, R44W, for the purpose of resale as a home site. Rich relayed that he has received no written objections or phone calls concerning this application.

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

Commissioner Bushner moved and Commissioner Wingfield seconded to approve:

- Mekelburg -- Resolution #03-31-2016 B, Exemption from Definition of Subdivision, #EFS 0216-02, for Roy Mekelburg, to divide 17.21 acres, more or less, from 160.00 acres, more or less, in the NE1/4 of Section 25, T3N, R48W, for the purpose of separating residential property from agricultural property. Stipulations include, the Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards. The motion passed unanimously. Recorded under Reception No. 00556585

Commissioner Wingfield moved to approve:

- Wise – Resolution #03-31-2016 C, Exemption from Definition of Subdivision, #EFS 0216-03 for Emmett W. & Bonita L. Wise, to divide 6.25 acres, more or less, from 160.00 acres, more or less, in the SW1/4 of Section 12, T3S, R48W, for the purpose of resale. Stipulations include, the Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards, and; Recorded under Reception No. 00556502
- Foreman/Lengel – Resolution #03-31-2016 D, Exemption from Definition of Subdivision, EFS # 0216-04, for Mark Lengel, to divide 3.39 acres, more or less, from 46.03 acres, more or less, in the SE1/4 of Section 14, T5S, R44W, for the purpose of resale as a home site. Stipulations Include: 1) The Applicant shall be responsible for complying with all Federal, State, and Local regulations, rules, codes, conditions, and design standards. 2) The Applicant shall apply for a septic system permit from the Northeast Colorado Health Department. 3) The landowner shall grant the buyer an access/utility easement off of County Road 3 along the west property line as shown on the attached survey. 4) The Applicant shall contact Yuma County Road & Bridge for access approval. 5) Prior to construction, the

Applicant shall submit an Activity Notice notifying the County of the type and cost of construction.

Recorded under Reception No. 00566534

Commissioner Bushner seconded. The motion passed by unanimous vote.

Pending Land Use Activity

Treasurer Dee Ann Stults joined the meeting.

- *Meek Gravel Pit* – Birnie reported that the application has been submitted for Meeks Gravel pit and the hearings will be in April with the Planning Commissioner and County Commissioners.
- *Kramer Feed Pens* – Birnie reported that he had received an email from Thaine Kramer outlining the actions taken in response to the complaint made against Gene Kramer's feed pens.
- *Auto Salvage Yard* -- Birnie shared that he has had an inquiry about opening an Auto Salvage Yard in the county. The Commissioners said the process would include a change in land use from agricultural to commercial. The landowner would be required follow the Major Land Use Permit process.
- *W-Y 911 Authority Board PUC Application* – Birnie said that he has been gathering information to begin work on the PUC Application. He was able to locate the initial application and all the comments that came back with the first application.
- *Rural Subdivision* -- Rich said he received a call inquiring about dividing up a 34-acre parcel on the east side of County Road FF, north of Highway 34. A major Land Use permit would be required.
- *Yuma County Abstract Inquiry* – Birnie reported that Yuma County Abstract phoned concerning the Royal Emily strip of land along the west line of the SW ¼ of Section 31, T2N, R44W, and the NW ¼ of Section 6, T1N, R42W, County Road PP. The Abstract Company would like the county to assign the tax certificates to Wray Ranch, who may be able to redeem later. The Commissioners were in consensus for the county to retain the tax certificates on this property, which according to Treasurer Stults, cannot be redeemed for deeds until 2018. The Commissioners asked Treasurer's office to research for heirs of this property. Treasurer Stults returned later in the day reporting that possible heirs were found and a letter will be sent to them.

GIS

- *Red Book/2016 Plat Book* – Birnie shared that production has hit a brick wall with every printer in his office down. The Assessor is able to send back the older Red Books back and she is ready to sell the new books once Rich can print.

Administrator's Report

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

- *Minutes* – Commissioner Bushner moved to approve the March 15, 2016 and March 22, 2016 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.
- Certification of Accounts Payable drawn on Yuma County Funds on March 17, 2016 with check #62088 for \$260,950.00 and on March 31, 2016 with check #62089 through #62176 for \$307,177.52 and Fund 16 W-Y Combined Communication accounts payable, with check #7548 through #7562 totaling the sum of \$29,266.13 were signed by Chairman Robin Wiley.



- Certification of Payroll for March 31, 2016 drawn on Yuma County Funds, EFT system #39288 through #39426 and checks #30745 through #30773 totaling the sum of \$237,723.05 and Fund 16 W-Y Combined Communications EFT system number #5478 through #5489, totaling the sum of \$28,184.60 were signed by Chairman Robin Wiley .
- **Transfer of 1 mill for construction/capital acquisition – Commissioner Bushner moved to approve Resolution #03-31-2016 A to transfer 1 mill of the 2015 Assessed value of \$279,837,810 equaling \$279,838 from the General Fund 1 to the Capital Acquisition Fund 20 for construction and/or capital acquisition. Commissioner Wingfield seconded. The motion passed unanimously.**
- **After Prom Party –** The Commissioners discussed donating certificates for concert tickets to the area schools for their after prom parties. **Commissioner Wingfield moved to donate certificates good for 8 concert or rodeo tickets to the 2016 Yuma County Fair Night Show, Old Dominion, to the Wray, Idalia, Liberty, and Yuma High School After-Prom Party. Commissioner Bushner seconded the motion; which passed unanimously.**
- **CCOERA Forfeitures–**Chairman Wiley and Commissioner Wingfield signed the CCOERA forfeiture check for \$1,679.47 for an employee's unvested portions of employer paid retirement, to be deposited \$1,110.03 in Fund 1 and \$569.44 in Fund 3.
- **WRAC Property Tax Reimbursement –** Hoover presented a letter received from the Wray Rehabilitation and Activities Center requesting tax reimbursement. The paid tax amounts of \$313.73 were confirmed through the Treasurer's office. **Commissioner Bushner moved and Commissioner Wingfield seconded to reimburse tax payments to the Wray Rehabilitation and Activities Center of \$313.73. The motion passed by unanimous vote.**
- **Miramontes Fair Ground Use Response Letter –** The Commissioners reviewed the Miramontes Horse Races response letter, received March 29, 2016. The letter indicated that Miramontes will address the issues brought to the Commissioners on March 15, 2016. **Commissioner Bushner moved to allow Jaime Miramontes to continue to hold horse races as long as he meets the following stipulations; increase security to prevent trespassing on private property; ensure the fence taken down is mended; refrain from leaving trash or other supplies lying about on the grounds; and to assist in the prevention of alcohol use or discharging firearms on County property. Commissioner Wingfield seconded the motion; which passed unanimously.**
- **Emergency Operations Center Training –** The training flyer for the Yuma County Emergency Operations Center was reviewed. This is a 4-hour class that will be held on April 14th at the Eckley Community Center. Commissioner Bushner plans to attend.
- **Nebraska Safety and Fire Equipment, Inc. –**The fire extinguisher inspection agreement with Nebraska Safety and Fire Equipment, Inc. was reviewed for the Department of Human Service's hood in the kitchen. **Commissioner Bushner moved to accept and sign the Fire Extinguisher Inspection Agreement with Nebraska Safety and Fire Equipment, Inc. Commissioner Wingfield seconded. The motion passed unanimously.**



- *SIPA* – Grant funding from the Statewide Internet Portal Authority of \$1,000 was received to help with the completion of the Fiber Tower project. The check was awarded on March 29, 2016 and the City of Wray's representative Lindsey Jones was present on behalf of the County and the City.
- *House Bill 1337* – The Commissioners discussed House Bill 1337, concerning the appellate process governing a district court's review of final agency actions concerning ground water. Current law allows new evidence to be presented in the appeal process that had never been considered by the commission or state engineer. Support of the bill limits the evidence that a district court may consider when reviewing a decision or action of the commission or the state engineer on appeal to the evidence originally presented. **Commissioner Bushner moved that Yuma County support House Bill 1337, unless amended, limiting the evidence presented to the District Court to the evidence provided to the commission or the state engineer in the original complaint. Commissioner Wingfield seconded the motion; which passed unanimously.**
- *Peters' Fence Request* - The Commissioners considered a request from Paul Peters' to produce a letter to be sent to the State of Colorado allowing a fence to be placed on the north section line of Section 16, T5S, R45W. After discussion, the Commissioners noted that this is an historical road that is not being maintained by the County at this time. The Commissioners discussed the need to contact neighbors of the property to learn if they had objections of the placement of a fence. Letters were sent to three neighboring property owners. There will be more discussion at the next BOCC meeting.
- *FEMA Request for Reimbursement DR 4229, Area 2-Project 9* – Hoover reported that FEMA has responded to their submission of the Request for Reimbursement on Area 2, Project 9. She stated there were three items that require additional information. Administrative staff will complete these spreadsheets and submit for further review. Area 3 Request for Reimbursement submittal will follow.
- *Veterans Report* -- Chairman Wiley signed the Veterans Report for March 2016.

The Commissioners made their routine inspection of the jail.

There being no further business; the meeting adjourned at 4:46 p.m. The next regular meetings of the Board of County Commissioners will be April 15, 2016 and April 29, 2016


Robin Wiley, Chairman


Kara Hoover, Administrator

ATTEST: 
Beverly Wenger, County Clerk

