

**YUMA COUNTY COMMISSIONERS**

**November 28, 2016**

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

On November 28, 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. Commissioner Wingfield left the meeting at 10:09 am to serve jury duty, he resumed the meeting at approximately 12:10 pm.

The Commissioners reviewed and signed accounts payable and discussed various meetings attended through the month. Payroll will be reviewed and signed by Chairman Wiley on November 30, 2016.

Radio Show

The Commissioners joined Radio Station KSIR for the Northeast Colorado Talk with Lorrie Boyer, and discussed happenings in Yuma County and in the region.

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:48 a.m. Human Services Director Phyllis Williams was present. Detailed minutes from this meeting are maintained by the Department of Human Services.

- **Staffing** -- Williams reported that they hired Lori Summers for the Office Aide Position. **Commissioner Wingfield moved to approve the Salary Authorization for Lori Summers, Office Aide I, at a G4/S4, starting December 5, 2016. Commissioner Bushner seconded the motion; which passed unanimously.**

The Board of County Commissioners reconvened at 8:57 a.m.

Road and Bridge

Supervisor J.R. Colden called in conference to provide the following updates.

Current Projects

- **Moser Gravel Pit** – Colden said that they have been hauling material from the Moser pit to Abarr and to Area Y5, currently the area worked by Randy Wilkins. He said they are nearly complete in this area.
- **Weis Gravel Pit** – Colden reported that beginning this week they would be hauling material from the Weis Pit to the Y10 Area, worked by Casey Sievers. Placing gravel on County Road PP.5 will be the emphasis this week, according to Colden.
- **Crack Sealing** – Colden shared that this week they would also begin crack sealing on paved county roads, weather permitting. They will begin on the Eckley road, County Road T.
- **Mowing** – JR said they should be able to finish up with mowing this week.
- **Inventory** – Colden reported his staff, led by Bradley Nicklos, have been going through inventory with the intent on having each and every item accounted for. He relays that Brad is doing a great job and he hopes to have a fully functioning inventory system up and running very soon.
- **Yuma Shop** – Colden mentioned that the stand-alone shop lights are missing from the Yuma Shop. He suggests having the locks on all the area shops changed; to which the Commissioners agreed.

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



- *Scrap Iron* – Colden completed some research and learned that the price for scrap iron is about \$50.00 per ton. The Commissioners believe that he should wait for a better price. Commissioner Wiley suggested that he speak to Landfill Manager Cliff Henry about where the Landfill takes scrap iron.
- *Smithfield* – Colden mentioned that Smithfield, formerly known as Murphy Brown, has a location near County Roads J and 18. He shared that they have been hauling water from that location to another operation at County Road L and 26 where they lost their water well. The roads are in terrible condition with this much excess traffic. Colden stated that the roads were simply not built for heavy traffic. He asked if there was any type of an impact use agreement with Smithfield. The Commissioners stated that there was no such agreement and encouraged Colden to discuss the situation with management at Smithfield.
- *EIAF Grant-Beecher Island Road* – Colden requested an update from the grant hearing held last week. Commissioner Wiley shared that he is still working with DOLA Regional Representative Greg Etl in regards to the costs of the in-kind work. Commissioner Wiley said the panel was not in favor of counting the in-kind as matching funds; rather just accounting the cash for the match. JR did get the turn-key estimates for the project that Commissioner Wiley forwarded on to Etl. A formal decision has not been rendered at this time.
- *County Road FF* -- The Commissioners shared that they received a phone call from Harry Brinkema who commended the Road and Bridge Department on the condition of County Road FF by Phillips County line. He said that this road is in the best condition it has been in the last 70 years. He went on to say the road was beautifully mowed and as smooth as a highway. He said he just wanted the Commissioners to know.
- *Pickup* – JR would like to purchase a new pickup for one of the foreman. The Commissioners asked that he get quotes, locally, and bring them back for approval.
- *Signage* – Commissioner Bushner mentioned that he had a phone call from a resident on County Road L requesting signage that states “children playing” to slow traffic down in front of his house. JR said he would get signage to be placed next week.
- *Underground and Utility Permit*- Colden presented an Underground and Utility Permit for CenturyLink. **Commissioner Wingfield moved and Commissioner Bushner seconded to approve the Underground and Utility Permit for CenturyLink to install a Cooled Cabinet along County Road 39 at the Northwest corner of County Road E. The motion unanimously passed.**

#### Land Use

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

#### Land Use Hearing

Chairman Wiley opened the Land Use hearing at 9:52 am. Joel Lemons, Cargill Feedlot Manager, was present for the hearing.

#### Major Land Use Development Permit

- *DEV 1016-15* – Yuma County Road & Bridge Department/Crossland Gravel Pit -- Birnie read the staff report for Yuma County Road & Bridge Department to open a Regular (112) Construction Materials Operation on land leased from David A. Crossland, in the SE ¼ of Section 26, T5N, R46W, at County Road U and County Road 55. Birnie reported that he had received one phone call with a question about sand and gravel; the property owner's deed did not include such, so no objection was made. No written objections were received on this permit.



- **DEV1016-16** – Cargill, Inc. existing open gravel pit – Birnie reviewed the staff report for Cargill, Inc. who is seeking a Limited Impact (110) Operation permit for an existing open pit in the SE ¼ of Section 23, T3N, R47W on County Road N. The materials extracted will be used for road base for their cattle pens. Birnie presented a break-down of the impact on the roads from Yuma County Road and Bridge of approximately \$5,400 per year of road impact. Birnie stated that he received three phone calls with questions on this development permit. No written objections have been received.

Lemons presented an argument that this is a regular agricultural process and should be considered exempt. Land Use Administrator Birnie and the Commissioners relayed that the Yuma County Land Use Codes do not consider CAFO's as a regular agriculture process, but rather commercial.

The Land Use hearing closed at 10:18 am.

- **Commissioner Bushner moved to approve Resolution #11-28-2016 A Major Land Use Development Permit #DEV 1016-15 for Yuma County Road & Bridge to create a Regular (112) Construction Material Extraction Operation on 68.0 acres more or less, at the intersection of Co. Rd. 55 & Co. Rd. U, in the SE ¼ of Section 26, T5N, R46W, 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 stabilizing topsoil stockpiles with NRCS approved seed mixes if undisturbed for more than one growing season.**
  - **Should human remains be discovered during the proposed project activities, the Applicant must follow the requirements under State Law CRS 24-80 (part 13).**
  - **The Applicant shall comply with the setbacks from the boundaries of the permit site as required by the Yuma County Land Use Code.**
  - **Yuma County Board of County Commissioners' approval of the Crossland Pit is contingent upon approval by the State of Colorado Division of Reclamation, Mining and Safety.**

**Commissioner Wingfield seconded the motion; which passed unanimously. Reception No. 00568425**
- **Commissioner Bushner moved Commissioner Wiley seconded to approve Resolution #11-28-2016 B, Major Land Use Development Permit #1016-16 for Cargill, Inc. to seek a Limited (110) Construction Material Extraction Operation permit on an existing open pit mine on approximately 10 acres, at the intersection of Co. Rd. 44 & Co. Rd. N in the SE ¼ of Section 23, T3N, R47W 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 reclaiming the site with NRCS approved seed mixes once the mine has reached the end of life.**
  - **Should human remains be discovered during the proposed project activities, the Applicant must follow the requirements under State Law CRS 24-80 (part 13).**



- **The Applicant shall comply with the setbacks from the boundaries of the permit site as required by the Yuma County Land Use Code.**
- **Minerals from this permit shall be used solely by the applicant and shall not be for resale.**
- **Yuma County Board of County Commissioners' approval of the Cargill Pit is contingent upon approval by the State of Colorado Division of Reclamation, Mining and Safety.**

**The motion passed. Reception No. 00568426**

#### Land Use Updates

- *Charlotte A and Howard Smith EFS-1116-17* – Birnie shared that Charlotte A. and Howard Smith have submitted an application to divide 10.36 acres and 10 acres, more or less, from 160 acres, more or less, in the SW ¼ of Section 10, T1S, R45W, to separate homestead from grazing/farm land for the purpose of resale. This EFS will be reviewed by the Planning Commission and the BOCC in December.
- *Planning Commission* – Birnie shared that the December 20th Planning Commission meeting will take place at the Courthouse at 6 pm. After the meeting, the Land Use Office will take the Planning Commission Board of Directors to 4<sup>th</sup> & Main for a Christmas dinner. He relayed that the County Commissioners are invited.
- *M&L Cattle Company* – Birnie said that a letter and activity notice form was sent to M&L Cattle Company (Steve Winger). Birnie shared that M&L Cattle Company is building 3 more grain bins on Highway 34 east of Yuma.
- *Richards* – Birnie said that a letter and activity notice forms have also been sent to Tyler and Stephanie Richards who are building a residence near Co. Rd. 31 & JJ.
- *CHS* – Birnie shared that a letter was sent to CHS in regards to the fact that they have exceeded the approved 1.2 million bushel grain storage capacity at the facility located at the intersection of Yuma County Roads 30 and JJ in the NW ¼ of Section 4, T1S, R43W, according to Resolution #4-14-2015 E. CHS is to come back in to speak to the Commissioners at a future BOCC meeting.
- *Office of Emergency Management Website* – Rich mentioned that he has been working with Roger Brown about setting up his website on the County site. He said that the Sheriff's Office has also been working on this. Sheriff Day joined the meeting and after some discussion it was decided to allow the Sheriff's Department to manage the site and provide a link to the county's website.

#### GIS

- *Digital Map* – Birnie continues to work on adding addresses to the digital map.
- *Mapping Interface* – Birnie shared that he is changing the way that he receives updates from Sidwell. Teryx is working on re-automating the system at this time.

#### Sheriff' Office

*Camera* – Sheriff Day mentioned that the cameras in the jail are failing in a quick fashion. His staff is currently obtaining bids to replace the antiquated system. He will be providing bids for consideration at a later date.



Elected Officials/Department Head Meeting

Elected Officials: Sheriff Chad Day, Clerk Bev Wenger, Treasurer Dee Ann Stults and Department representatives: JoLynn Midcap – Extension Office and Rich Birnie-Land Use joined the Commissioners and Administrator Hoover for an Elected Officials/ Department Head meeting. The following items were discussed:

- *2016 Christmas Plans* – The group discussed the Christmas plans for this year. Christmas trees are being decorated as we speak. The deadline to have the trees decorated will be December 12, 2016. Open house will be the last week before Christmas. The Christmas Coffee will be Friday, December 23, 2016. There will be live entertainment that day with a visit from Santa Claus. The group discussed the judging of the trees by the public for "People's Choice." Cindy's office will put together a map for the trees.
- *HVAC Project* -- The group discussed the HVAC project and the timeline associated with the remodel. There was some concern in regards to how to work through the project in regards to the need to close or move offices. The Commissioner's office will keep all courthouse offices updated as things become available.
- *Security Survey* – Chad mentioned that there was a survey that was recently sent in regards to a one-point controlled access and also for concealed carry by employees in the County. Once the survey is completed the results will be presented to the group.
- *Cell Phones* – Dee Ann asked what the policy was on providing company cell phones. The Commissioners relayed that there were a few offices/departments that provided cell phones for their employees. They went on to say if she felt it was necessary to have a business cell phone and she could fit in her budget they were in favor of her purchasing one.

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 November 15, 2016 Board of County Commissioners minutes. Commissioner Wingfield seconded the motion; which passed unanimously.**
- *Veterans Report* -- Chairman Wiley signed the Veterans Report for November 2016.
- *SCAAP Federal Grant Funds* – The Commissioners reviewed the SCAAP funds received in 2016 that by statute must be deposited to the General Fund prior to being transferred to the Sheriff's Trust Fund. **Commissioner Bushner moved to approve Resolution #11-28-2016 C to transfer 2016 SCAAP Funds of \$5,383.00 from the Yuma County General Fund #01 to the Sheriff's Trust Fund #12. Commissioner Wingfield seconded the motion; which passed unanimously.**
- *Board Appointments* – The Commissioners read the letters of interest and acted on the following appointments to area boards.  
**Commissioner Bushner moved to appoint:**
  - **Jessie Vance to the Eckley Cemetery Board;****And reappointment**
  - **Roger Brown and Julie Rus to the W-Y Authority Board; and**
  - **Nathan Andrews, Tom Jackson, and Jim Coulter to the Economic Development Board.****Commissioner Wiley seconded. The motion passed.**

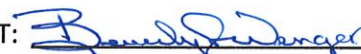


- *Air Med* – The Commissioners discussed the Air Med Benefit for all of Yuma County Employees for 2017. They elected to get additional information on the benefits for 2017 before making a decision on the benefit.
- *VOCA Grant* – The Commissioners reviewed the State of Colorado, Department of Public Safety, Division of Criminal Justice, Victims of Crime Act (VOCA) 2-year Grant Agreement 2015-VA-16-013889-13 in the amount of \$ 28,497 per year from 1-1-17 thru 12-31-18. These Federal Funds grant funds run through Fund 12-280 Victim's Advocate Budget. **Commissioner Wingfield moved to sign and the approve the State of Colorado, Department of Public Safety, Division of Criminal Justice, Victims of Crime Act (VOCA) 2-year Grant Agreement 2015-VA-16-013889-13 in the amount of \$ 28,497 per year from 1-1-17 thru 12-31-18. Commissioner Bushner seconded the motion; which passed by unanimous vote.**
- *Wauneta House Lease* -- The Commissioners reviewed an amended lease for the Wauneta House with Anthony Conde; stating that the basement will not be used for bedrooms, since there is no egress windows and allowing only one pet on the premises. **Commissioner Wingfield moved and Commissioner Bushner seconded to approve and sign the amended Wauneta House Lease with Anthony Conde; which includes refraining from inhabiting the basement bedrooms and possessing only one pet allowed in the house. The motion passed by unanimous vote.**
- *Intergovernmental Advisory Committee Recommendation* – The Commissioners discussed writing a support letter for County Attorney Ken Fellman to serve on the Commission's Intergovernmental Advisory Committee (IAD) at the Federal Level. **Commissioner Bushner moved and Commissioner Wingfield seconded to provide support and write a letter of recommendation for County Attorney Ken Fellman to serve on the Federal Intergovernmental Advisory Committee. Motion passed by unanimous vote.**
- *Exempt Salary* – The Commissioners reviewed the Exempt Salary requirements that have now been blocked by a judge and sits in limbo for this time. All proposed adjustments will be tabled pending the federal court's final decision.
- *Meeting Dates* – The Commissioners reviewed upcoming meeting dates and set as follows: January 16, 2017, January 24, 2017, February 14, 2017, February 28, 2017, March 20, 2017, and March 31, 2017.

There being no further business, the meeting adjourned at 12:28 p.m. The next regular meetings of the Board of County Commissioners will be on December 13, 2016 and December 30, 2016.

  
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Robin Wiley, Chairman

  
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Kara Hoover, Administrator

ATTEST:   
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Beverly Wenger, County Clerk

