

YUMA COUNTY COMMISSIONERS

October 31, 2017

Minutes¹

On October 31, 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 Andrea Calhoon were present throughout the day.

The Commissioners reviewed and signed accounts payable and discussed various meetings attended throughout the first half of the month.

Liquor Licenses

Nancy Wright of the Yuma County Clerk & Recorder's Office presented for signature the following Liquor License Renewal Applications:

- Dorothy J Meade, DBA Jo's Liquor, 6491 US HWY 36, Joes, CO 80822
Commissioner Wiley moved to approve the liquor license renewal application for Dorothy Meade, DBA Jo's Liquor at 6491 US HWY 36, Joes, CO 80822. The motion was seconded by Commissioner Bushner and passed by unanimous vote.
- William M Carpenter, DBA Roadhouse Liquors, 26783 HWY 36, Idalia, CO 80735
Commissioner Wiley moved to approve the liquor license renewal application for William Carpenter, DBA Roadhouse Liquors at 26783 HWY 36, Idalia, CO 80735. Commissioner Bushner seconded the motion which passed unanimously.

Department of Human Services

The Board of County Commissioners convened as the Board of Social Services at 8:29 a.m. Human Service Director Phyllis Williams and Bookkeeper Melanie Fisher were present. Detailed minutes from this meeting are maintained by the Department of Human Services.

- *Colorado Works Memorandum of Understanding* – The Commissioners reviewed two draft memorandums of understanding related to State requirements for the Colorado Works and Child Care local office requirements. One MOU was drafted by Colorado Department of Healthcare Policy and Financing and the other by Colorado Counties, Inc. **Commissioner Wiley moved to sign the draft memorandum of understanding provided by CCI regarding Colorado Works and Child Care production requirements. Commissioner Bushner seconded the motion which passed by unanimous vote.**
- *Annual Merit System Review* – The Commissioners reviewed the CDHS Certification of Compliance – Year 2018 for County Personnel and Merit System. **Commissioner Wiley moved to sign the CDHS Certification of Compliance – Year 2018, County Personnel and Merit System. Commissioner Bushner seconded. The motion passed by unanimous vote.**

The Board of County Commissioners reconvened at 8:42 a.m.

Road and Bridge

Road & Bridge Supervisor JR Colden joined the meeting at 9:36 a.m. to provide the following updates.

Current Projects

- *Mowing Update* – Colden provided an update on mowing operations and reviewed a map of mowed areas.

¹ Minutes prepared by Andrea Calhoon are a summary of discussions, not a verbatim account.





- *CR 58, 51, T, 30 Graveling* – Colden provided updates on graveling operations for County roads and discussed plans for upcoming repairs of roads and priorities from the Commissioners.
- *Dirt for Fairgrounds*— Fairgrounds manager Bud Wood requested delivery of 25 loads of dirt to be delivered in front of the grandstands at the Yuma County Fairgrounds. Colden estimates this will take approximately 1 day of work for the Road & Bridge Department. Colden reported he would gather further information and report back.
- *Roof Replacement*— Colden presented two estimates for replacement of Road & Bridge roofs following hail damage from the June 2017 hail storm. Bid #1 was from Howard's Tri State Construction LLC for a total of \$40,000 with an additional \$1500 for removal of old materials. Bid #2 was from Alan Huskin for \$43,694 for matching material types. A decision on replacement is pending a review of insurance estimates and tentative payments.
- *Base Stabilizer for CR 39 Project* – Colden reported adding a base stabilizer coat to the CR 39 project adding approximately \$39,000 to the project estimate. Colden has reported this information to Kara Hoover who has included it in the estimate provided in the Change of Scope Request for EIAF Grant #8302.
- *Bonus Program for 2017 & 2018* – Colden presented a proposed merit-based bonus structure for 2018 and reviewed his recommended department bonuses for 2017. **Commissioner Wiley moved to implement a merit-based bonus program at Yuma County Road & Bridge beginning in 2018 based on a peer-group rating for the top two performers in each area as presented by Road & Bridge Supervisor JR Colden. The motion was seconded by Commissioner Bushner and passed by unanimous vote.**
- *Return to 8-hour days* – Colden reported that the Road & Bridge Department is returning to 8-hour days beginning November 6, 2017 after Daylight Savings Time ends.
- *Service Truck Purchase* – Colden presented an invoice for a 2008 STRG Service Truck for the Road & Bridge Department. **Commissioner Bushner moved to approve the purchase of a 2008 STRG Service Truck, unit 0023-17 from Drive Train Industries for \$39,000 to be paid out of 02-702-8940. Commissioner Wiley seconded the motion which passed unanimously.**
- *CAT Grader Trades* – Colden provided information from Wagner Equipment offering trade of three 2013 140M2 Motorgraders in trade value of \$180,500 each in trade for 2 new 140M3 AWD Motorgraders matching quote 170888-10 presented at the September 22, 2017 Commissioner's meeting for \$278,555 each. Total expense of \$557,110 less total trade value of \$541,500 for total cash expense of \$15,610. Warranties are not included in the quoted expenses and Colden discussed with the Commissioners his recommendations for a seven-year rotation and 5-year warranties with warranty expense at \$10,494. Delivery on equipment is estimated at 4-5 months. **Commissioner Wiley moved to purchase two 2018 140M3 AWD Motorgraders from Wagner Equipment for \$278,555 each with 5-year warranties costing \$10,494 each in trade for three 140M2 Motorgraders with trade-in value of \$180,500 each for a total expenditure of \$36,598 to be paid from 20-920-8940 with delivery expected in approximately 4 months. Commissioner Bushner seconded the motion which passed by unanimous vote.**

4-H Contributions

CSU Extension Office Extension Program Associate, 4-H Youth Development JoLynn Midcap was heard at 10:44 a.m. to request consideration of continuing the Board of County Commissioners' annual contribution for 4-H travel expenses. Midcap reported that the amount previously given has been sufficient for their needs. **Commissioner Wiley moved to give a \$300 contribution to Yuma County 4-H travel expenses paid from the Recreation Fund (Fund 5). Commissioner Bushner seconded the motion, which passed by unanimous vote.**

Midcap presented questions about possible County contributions toward 4-H enrollment fees. Midcap requested a \$5 contribution toward individual enrollment fees during the current open enrollment period. **Commissioner Wiley moved to contribute \$5 toward individual Yuma County enrollment fees during the 2017 year-end**

plant properties. It is estimated that the plant will produce 500 mcf of 950 BTU bio gas per day +/- 10% by processing 500 tons of waste per day. Methane gas will be sold to British Petroleum that will be comingled into a Tallgrass interstate pipeline and a transport contract is in place. The gas is considered a renewable green gas. Containment efforts are intended to include a CO2 containment/chilling effort with CO2 byproduct being sold to oil wells in Weld County. Additional byproducts will include a liquid substrate that can be used for soil amendment and a dry soil amendment/compost product. There is additional potential for an animal bedding byproduct in the future. The dry product will be stored in windrows and will be moved out as sold.

Heritage Dairy is expecting to put a concrete vat in to dump waste with a slurry line to be constructed to pump the waste approximately 1 mile to streamline transport of dairy waste to the plant. This should account for approximately half of the daily waste needs for the plant, leaving approximately 250 tons of waste to be trucked in daily.

The project capital spend is expected to be \$12-15 million with \$2-3 million in local labor costs. The plant is expected to employ 3-4 full-time staff and there will be an increased trucking employment impact to the local economy as well. As the project moves forward, economic impact will be refined. A financial close on the project is slated for year-end pending a few remaining requirements for the funding. Land Use Administrator Rich Birnie reviewed land use permit requirements for Yuma County for reference on the project.

Land Use

Land Use Administrator Rich Birnie was present at 1:00 pm to review Land Use and GIS business.

Land Use Updates

- *October Land Use Hearings* – Birnie reported no Land Use Hearings scheduled for October.
- *Land Use Code Additions*—Birnie reported that the land use code changes approved at the September 22 Board of County Commissioners meeting went into effect on October 22, 2017.
- *Pending Activity*—Birnie reported pending permit applications:
 - Development permit DEV0917-01 for Neil & Peggy McDaniel to build a 5200 square foot steel seed storage building to be leased to McDaniel Enterprises, LLC to be built on 8.61 acres of land on Highway 34 in the S1/2 of Section 4, T1N, R44W with Planning Commission hearing to be held on 11.21.2017 and Board of County Commissioners hearing to be held on 11.30.2017
 - Exemption from Subdivision permit for Lance and Jennine Witte to divide the homestead off of 160 acres, more or less, in the NE ¼ of Section 22, T2S, R45W for purpose of resale to Robert & Tonya Paxton with anticipated Planning Commission review on 11.21.2017 and Board of County Commissioners hearing on 11.30.2017, pending survey submission.
 - Steve Winger to add more grain bins to his parcel on Highway 34 in Yuma with potential for lease of wind turbines to United Wind who would apply for a distributed wind permit.

GIS

- *Addresses* – Birnie said he will continue to work on the City of Wray addresses while editing street centerlines.

Hemp Growth Inquiry

Mr. Kyle Roberts joined the meeting at 1:26 p.m. to discuss his desire to grow industrial hemp at his property consisting of 35 acres located in the W1/2 of Section 36, T2N, R47W. He was joined by Mr. Stephan DeHaven and Mr. Keven Snyder of K and S in his discussion. Roberts would like to grow and potentially process hemp at his property. Roberts and the Commissioners discussed the goal of processing hemp in Yuma County including the processing of hemp oils. Discussion ensued regarding water resources, property location and access, and permitting requirements for processing.



enrollment period for enrollments completed by February 1, 2018. The motion was seconded by Commissioner Bushner and passed unanimously.

Ken Buck Northeast Area Representative Legislative Update

Dusty Johnson, Northeast Colorado Area Representative for Congressman Ken Buck, joined the meeting at 10:59 a.m. to provide the Board of County Commissioners with a legislative update on behalf of Congressman Ken Buck's office.

- *Assistance with Federal Offices* – Johnson reminded that their office as well as Senators' offices can assist with individuals and agencies having issues with federal agencies and/or needing help in contacting or researching Federal Agencies.
- *Unborn Child Protection Act* – Congressman Buck voted to support the Unborn Child Protection Act making abortions after 20 weeks illegal as a step toward moving to full pro-life legislation. The Act is currently passed by the House and is waiting on being picked up by the Senate.
- *Tax Reform* – Congressman Buck is working on tax reform for both individuals and organizations.
- *State Criminal Appropriations Bill* – Congressman Buck is working on a bill to provide funding to support local law enforcement agencies in the incarceration of undocumented immigrants.
- *National Right to Work Act* – Congressman Buck is the co-sponsor of a bill preventing labor organizations and employers from requiring membership to labor unions.
- *Bills Passed* – Johnson reported the passage of the No Sanctuary for Criminals Act restricting some funding for states not in compliance with federal immigration law and increases funding and functions for detention of criminal aliens. Johnson also reported the passage of Kate's Law increasing penalties for deported criminal aliens who try to return to the United States.
- *Amendment to Justice Department Spending Bill, Return of 2nd Amendment Rights* – Congressman Buck presented an amendment to the Justice Department spending bill allowing citizens with former convictions to petition to have their second amendment rights returned.
- *Farm Labor Work Visas* – Congressman Buck is working on legislation to allow year-round visas for dairy industry and considering the possibility of shared visas for the crop industry allowing migrant workers to legally work crops in various regions of the country based on harvest schedules.
- *DACA* – Commissioner Wiley inquired as to Congressman Buck's stance on DACA. Johnson reported that Congressman Buck wants to ensure that we have proper border control before addressing the issue of DACA children.
- *County Updates* – The Commissioners reported work on the South Republican River and a coalition of local agencies working on a river restoration project on the South Fork of the Republican River, including Bonny Reservoir. The Commissioners have contacted Senator Gardener's office to provide updates and request assistance. The Commissioners discussed with Johnson local efforts to improve broadband access and availability in Yuma County.

Rose Exploration Animal Waste Processing Update

Brian Johnson of Rose Exploration/Sheldon Kye and Al Nackernd with Harvest Operating were heard at 11:34 a.m. to provide the Board of County Commissioners with an update on previously approved animal waste processing in Yuma County. Johnson reported working with the Colorado Department of Public Health and Environment and the Department of Agriculture to complete requirements for those agencies for hog waste management. The Commissioners reviewed properties that are in the process of being acquired for purposes of waste processing and had discussion regarding neighboring properties and odor considerations. There will also be an approximately 10-million-gallon lagoon storing liquid waste.

Johnson reported their intent to stick to animal waste processing as opposed to other types of commercial and food waste processed at other sites and their hope to pull waste primarily from entities in the area surrounding their

Yuma County Fairgrounds GOCO Grant Application

Yuma County Fair Board members Nicole Frank and David Blach were heard at 2:55 p.m. to present a GOCO grant application on behalf Yuma County for exploratory funds to support research and development of plans for new facilities at Yuma County Fairgrounds. Frank and the Commissioners reviewed the application eligibility criteria, application content and intent, and project focus. Following review of the application and plan, **Commissioner Wiley moved to approve signature on the Yuma County GOCO Planning Grant Application for exploratory funds for new facilities at the Yuma County Fairgrounds. Commissioner Bushner seconded the motion which passed by unanimous vote.**

Administrator's Report

Administrator Andrea Calhoon reviewed calls, correspondence, and presented the following for action:

- *Minutes* – The Commissioners reviewed the minutes from the previous BOCC meetings. **Commissioner Bushner moved to approve the minutes from the October 13, 2017 Board of County Commissioners meetings. Commissioner Wiley seconded the motion; which passed unanimously.**
- *Certification of Accounts Payable* drawn on Yuma County Funds on October 31, 2017 with Check #66652 through #66730 for \$449,017.78 and Accounts Payable drawn on WY Communications Funds with check #8033 through #8052 in the amount of \$34,314.46 were signed by Chairman Dean Wingfield.
- *Certification of Payroll* drawn on Yuma County Funds on October 31, 2017 with check #31312 through check #31344 and EFT #41969 through EFT #42106 for \$249,971.21 and W-Y Communications Payroll beginning with check #4383 through check #4384 and EFT #5728 through EFT #5740 totaling \$30,186.60 were signed by Chairman Dean Wingfield.
- *Signatures and Ratifications* – The Commissioners reviewed letters of support drafted for a grant application by the South Fork Restoration Coalition's application sponsored by the Republican River Water Conservation District. **Commissioner Bushner moved to ratify Yuma County Board of County Commissioner signatures on the letters of support from the Yuma County Board of County Commissioners to the Republican Rive Water Conservation District's Colorado's Water Plan Grant Fund application for a stream management program. Commissioner Wiley seconded and the motion passed unanimously.**

The Commissioners reviewed a lease between Yuma County and Darren Kilpatrick for the property located at 26982 County Road 9.1, Idalia, CO 80735, otherwise known as the Idalia House. The lease was signed by Mr. Kilpatrick on October 17, 2017. **Commissioner Wiley moved to sign the rental lease between Yuma County and Darren Kilpatrick for the Idalia House at the rental rate of \$37.00 per month plus a \$25.00 per month sewer tap fee with a \$250.00 damage deposit beginning October 17, 2017 for a term of Kilpatrick's employment with Yuma County and/or until 30 days' notice is given by either party. Commissioner Bushner seconded the motion which passed by unanimous vote.**

The Commissioners reviewed an invoice for Board of County Commissioners attorneys, Kissinger & Fellman. **Commissioner Wiley moved to pay to Kissinger & Fellman for legal services provided between 8/21/17 and 9/20/17 for a total of \$1,450.00 out of 01-102-6352. The motion was seconded by Commissioner Bushner and passed unanimously.**

The Commissioners reviewed a letter drafted to give notice of intent not to renew the County's benefits contract with AirMedCare Network for the 2018 benefit year. **Commissioner Wiley moved to sign a letter of notice to AirMedCare Network notifying the organization of Yuma County's intent not to renew our existing contract for the 2018 benefit year. Commissioner Bushner seconded the motion which passed by unanimous vote.**



The Commissioners reviewed and signed the October Veteran's report.

- *Correspondence* – The Commissioners reviewed correspondence received and sent including:
 - Yuma County Ambulance license renewals were sent out by Calhoon on October 27 being due back for Commissioner signature by the end of the year;
 - An oil well permit being processed by the Colorado Oil and Gas Conservation Commission for Omimex. Calhoon has notified the Assessor's office and, following approval at the state, will send a Yuma County permit as per ordinance 1982-1;
 - Letters of interest received for Yuma County board vacancies for 2018 terms including a term renewal request from Jeanne Yenter for the Eckley Cemetery Board and a letter of interest from Lois Spelts for the Eckley Cemetery Board;
 - And the 2018 FSA Report of Commodities Farm Summary report showing 130.99 acres of grassland including 7.64 acres in the N2NE4 of Section 20 T5N, R47W (Clarksville Scale House), 33 acres in N2NE4 Section 16 of T1N, R46W (Landfill), and 90.35 acres in the SE4 Section 7 and the N2NE4 of Section 18 of T1N, R43W (Road & Bridge Department). **Commissioner Wiley moved to approve and sign the Report of Commodities Farm Summary Report for 2017, Farm #7532 reporting 130.99 acres of grassland. Commissioner Bushner seconded and the motion passed unanimously.**

- *Proposed Category/Grade/Step Change Reviews* – The Commissioners reviewed proposed job description changes for Administrative Office Staff Kay Prentice, Sarah Carwin, and Vicky Southards, Assessor's Office Staff Patrick Dolezal, and longevity category changes for Road & Bridge Staff Larry Barnett, Ronald Bliven, Richard Hunter, Larry Jelneck, Matt Martin, Gary Stone, Justin Lorimer, Christopher Wood, and Don Marr. **Commissioner Bushner moved to approve the salary authorization for Rhonda Kay Prentice for change from Grade 7, Step 13 to Grade 7, Step 14 effective 12/1/2017. Commissioner Wiley seconded the motion, which passed unanimously.**

Commissioner Wiley moved to approve the salary authorization for Sarah Carwin for change from Grade 6, Step 17 to Grade 7, Step 19 as per updated job description presented by Kara Hoover and Vicky Southards at the October 13, 2017 Board of County Commissioners meeting effective 12/1/2017. Commissioner Bushner seconded the motion and it passed by unanimous vote.

Commissioner Wiley moved to approve the salary authorization for Vicky Southards for change from Grade 12, Step 16.5 to Grade 12, Step 17 effective 12/1/2017. Commissioner Bushner seconded the motion which passed unanimously.

Commissioner Bushner moved to approve the salary authorization for Patrick Dolezal for change from Grade 5, Step 5 to Grade 6, Step 3 as per updated job description presented by Yuma County Assessor Cindy Taylor. Commissioner Wiley seconded the motion which passed by unanimous vote.

Commissioner Bushner moved to approve the salary authorization for Yuma County Clerk's Office new Motor Vehicle Clerk Sara Vance at Grade 5, Step 4 effective date of hire 10/23/2017. Commissioner Wiley seconded the motion which passed by unanimous vote.

- *Landfill Fund Closure Post Closure Transfer* – The Commissioners discussed a recommendation approved by motion at the Yuma County Landfill Board at the October 18, 2017 meeting to transfer \$5,000.00 from Landfill Fund #11 to Closure Post Closure Fund #21 for future reclaiming costs associated with operating the Yuma County Landfill. **Commissioner Wiley moved approve Resolution 10-31-2017 A to transfer \$5,000.00 from Yuma County Landfill Fund #11 to Yuma County Closure Post Closure Fund #21 for future**



reclaiming costs to be transferred before the end of 2017. Commissioner Bushner seconded the motion, which passed unanimously. Resolution attached.

- *Separation of Employment Fund Transfer* – The Commissioners reviewed a recommendation from the October 23, 2017 Board of County Commissioners Budget Work Session to transfer \$60,000.00 from Yuma County General Fund #01 to Yuma County Separation of Employment Fund #22 to cover future separation of employment leave dollars. **Commissioner Bushner moved to approve Resolution 10-31-2017 Btransfer \$60,000.00 from Yuma County General Fund #01 to Yuma County Separation of Employment Fund #22 for purposes of covering future separation of employment leave dollars to be transferred before the end of 2017. Commissioner Wiley seconded the motion; which passed unanimously.** Resolution attached.
- *2018 GOCO Colorado Lottery Division Reauthorization Resolution* – The Commissioners reviewed a request from Geoffrey Wilson, Special Counsel/Coalition Coordinator at Murray, Dahl, Kueghenmeister, Renaud, LLP for a resolution supporting the reauthorization of the State Lottery Division by the Colorado General Assembly during the 2018 session. **Commissioner Wiley moved to sign Resolution 10-31-2017 C supporting the reauthorization of the Colorado State Lottery Division by the Colorado General Assembly at its 2018 session as requested. Commissioner Bushner seconded the motion which passed by unanimous vote.** Resolution attached.
- *Yuma County Water Authority Public Improvement District Meeting* – The Commissioners discussed scheduling of a meeting for the Yuma County Water Authority Public Improvement District, to be held November 14, 2017 at 10:30 am.
- *Prior Meeting Follow-Up* – Calhoon reported having spoken with County Attorney Ken Fellman regarding the easement request made by Tallgrass at the October 13, 2017 Board of County Commissioners meeting. Calhoon relayed the directions for forward motion received from Mr. Fellman.

Calhoon reported a follow-up discussion with Wray City Manager James DePue regarding any existing Memorandums of Understanding and/or Intergovernmental Agreements impacting the utilization of ambulances in Yuma County between various emergency medical service agencies.

The Commissioners reviewed a proposed bonus structure for County Employees for the 2017 year. **Commissioner Wiley moved to approve bonuses for county employees to be paid out of department budgets with the November payroll net of FICA and FICAMED deductions. Commissioner Bushner seconded the motion, which passed by unanimous vote.**

- *Yuma County Fairgrounds No Charge Request* – Calhoon presented a letter of request from Kindra Kirchenschlager to utilize the Yuma County Fairgrounds building the day before and after her scheduled event in December of 2017 at no charge. **Commissioner Wiley moved to allow Kindra Kirchenschlager to utilize the fairgrounds building one day prior to and one day following her event at no charge so long as no scheduling conflicts arise before the event, in which case the matter will be revisited. Commissioner Bushner seconded the motion which passed by unanimous vote.**
- *Maintenance Updates* – Calhoon reported on building maintenance project issues and status including the current status of the HVAC project.
- *Gravel Pit Usage* – Calhoon discussed discrepancies identified in the records of gravel sales from two County-run gravel pits.




- *Idalia/Yuma 1 Tower Discussion* – The Commissioners reviewed proposed footprints for the rebuilding of the Yuma 1 and Idalia towers and provided follow-up research questions for Calhoon for review at the next regular meeting.
- *Hail Damage Claim Review* – Calhoon provided an update on the status of the hail damage claims with CTSI and provided a copy of the bid from Fowler Construction for \$14,575.26 to repair of the County House roof at 311 Birch in Wray. The Commissioners pended acceptance of the bid for review of additional bids to be gathered for the same property.
- *Employee Handbook Review, 2018 County Holiday Schedule* – Calhoon presented the 2018 federal holiday schedule for consideration of the 2018 Yuma County Government holiday schedule. **Commissioner Wiley moved to approve the following Official Yuma County Government 2018 Holiday Schedule, which was seconded by Commissioner Bushner and passed unanimously:**
 - **Monday, February 19 – Washington’s Birthday**
 - **Monday, May 28 – Memorial Day**
 - **Wednesday, July 4 – Independence Day**
 - **Tuesday, August 7 – County Fair Day**
 - **Monday, September 3 – Labor Day**
 - **Monday, October 8 – Columbus Day**
 - **Thursday, November 23 – Thanksgiving Day**
 - **Friday, November 24 – Day After Thanksgiving**
 - **Monday, December 24 – Christmas Eve**
 - **Tuesday, December 25 – Christmas Day**
 - **Tuesday, January 1, 2019 – New Year’s Day**

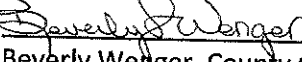
Jail Visit

The Commissioners made their routine inspection of the jail.

There being no further business, the meeting adjourned at 4:32 p.m. The next regular meetings of the Board of County Commissioners will be on November 14, 2017 and November 30, 2017.


Dean Wingfield, Chairman


Andrea Calhoon, Administrator

ATTEST: 
Beverly Wenger, County Clerk

