

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 29, 2010**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER’S BOARDROOM.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner reporter for the Wet Mountain Tribune and Allen Butler, Town of Silver Cliff Mayor.

Kris Lang, Administrative Assistant for the BOCC reported the tape recorder was not functioning and this portion of the meeting would not be recorded.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of Minutes
- Audience introduction
- Resolution for vacation of Street St., Rosita, Colorado- BOCC Signatures
- Wetmore Project – Update and Discussion
- Wet Mountain Valley Waste Minimization Contract - Review and Discussion
- Baler (cardboard recycle) - Discussion
- Title 111 Funds, Public Notice Requirements
- Use of Magnesium Chloride on County Road - Discussion
- Correspondence to the Custer Conservation District responding to the presentation from June 30, 2010 – BOCC Signatures
- CSU Senior Design Student Project – Discussion
- Tobacco Education Prevention Coordinator Staff Report – Jean Mavromatis
- FEMA Mapping Discussion - Christe Feldman

MOTION BY Commissioner Attebery, seconded by Commissioner Custer:

To accept the posted agenda. The motion carried unanimously.

The Board signed Resolution 09-10 approved at the July 6, 2010 BOCC meeting.

CUSTER COUNTY RESOLUTION

RESOLUTION NO. 09-10

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO CONFIRMING A VACATION OF STREET ST. IN THE UNINCORPORATED TOWNSITE OF ROSITA, COLORADO.

WHEREAS, Custer County is a political subdivision of the State of Colorado; and,

WHEREAS, Colorado Revised Statutes (CRS) grant certain powers to Colorado Counties; and

WHEREAS, CRS 43-2-303 specifically grants Boards of County Commissioners the authority to vacate all rights, titles, or interests, of a county to any roadway in any unincorporated portion of the county; and

WHEREAS, Custer County has identified the following street as no longer required for public use in Custer County:

- A. A portion of platted but never constructed, city-street known as Street St. in the unincorporated town-site of Rosita, Colorado between Lots 358 and 359.

WHEREAS, no public or private property will be land-locked by the contemplated action; NOW, THEREFORE BE IT RESOLVED, that in Accordance with the provisions of CRS 43-2-303; Custer County hereby vacates all right, title, or interest in the above in the above described county street or road; AND

BE IT FURTHER RESOLVED, that in Accordance with the Provisions of CRS 43-1-202.7, this Resolution before us will be recorded with the Custer County Clerk and Recorder.

RESOLVED, ADOPTED AND SIGNED ON THIS 6TH DAY OF JULY, 2010, AT WESTCLIFFE COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn, Attebery, Chairman

Jim Austin, Vice-Chair

Carole J. Custer, Ph.D., Commissioners

Attest: Debbie Livengood, Clerk and Recorder

Commissioner Attebery reported that Environmental Testing of Southern Colorado, LLC. was in the process of revising the service agreement previously presented to the county. He said the service agreement was for the required asbestos testing in the building at 27278 Highway 96 (Wetmore Project) prior to demolition.

Rusty Christensen, Joanie Liebman, Mike Liebman and Christy Veltrie joined the meeting.

Commissioner Austin stated that the landfill facility committee has been meeting since the Wet Mountain Valley Waste Minimization Grant was awarded. He said the committee members were: Commissioner Austin; Rusty Christensen, Landfill Manager; Mike Liebman, General Contractor and Volunteer Coordinator; Jim Bradburn, Architect; Roland Williams, Engineer; Joanie Liebman and Christy Veltrie representing High Country Recycling (HCR). Commissioner Austin distributed a grant budget summary that outlined the grant monies being received, local cash match as well as an in-kind match. The summary included a methodology and work plan-project schedule/timeline for the Boards' review. Commissioner Attebery said although he supported the project, he felt that a metal building would require less maintenance, be cost effective and better conform with the existing metal county buildings. Ms. Liebman expressed concern that the grant application was submitted and approved with plans and diagrams for a wood stick built structure that included cardboard recycling and exterior stucco materials. Following a lengthy discussion it was agreed that the committee would check with the funding agency to determine if a metal building would be an acceptable alternative. A conference call is scheduled to take place on August 2, 2010 with the projects Grant Manager from the State Recycling Advisory Board as well as representatives from the Colorado Public Health Environment Division/Recycling Resource Economic Opportunity (RREO) program. Ms. Liebman stated that the proposed change to a metal building could be discussed at that time. Commissioner Custer agreed that would be an important item to discuss with the funders. She added that she was concerned about the initial size of the proposed building and she asked Mr.

Christensen if the proposed size of the facility is sufficient to meet current landfill needs for a building. Mr. Christensen responded that the size of the proposed building would only accommodate storage of the loader and not the other pieces of equipment used at the landfill. Commissioner Custer pointed out that it is important to have the original building designed and built so that it could be made larger in the future, without major revisions. She said that in touring the Eagle County Recycling Facility in June she asked the building manager what was the one thing he would have done differently in their project and he said "build a bigger building." Therefore, we should keep future expansion in mind and design this proposed structure so that it can be made larger without having to tear down or re-do exterior walls. Commissioner Attebery said the protection and storage of the landfill equipment was a priority when considering the project. Mr. Christensen said the building was the first phase of a larger plan for the county landfill and that he anticipated additional improvements in the future. He shared concerns regarding the state's rules and regulations for a recycling center.

Commissioner Attebery expressed concern regarding the local cash match for the grant. Ms. Liebman stated the \$15,500 cash match is available from the remaining recycling tip fees that have been collected since 2008. Commissioner Attebery reiterated his previous statement that he felt the local cash match should come from the private sector. He expressed concern regarding the county's liability for the project. Commissioner Austin said he had discussed the topic with Colorado Technical Services Inc. (CTSI) and that the county was covered under the existing insurance coverage. Commissioner Custer requested that the Board obtain written confirmation that the existing insurance and liability policy with CTSI will cover the changes at the landfill we are planning to implement with these grant funds, including the employment of a part-time recycling person so that we do have the proper paper trail for the County for this project.

Commissioner Austin said the committee is prepared to hire a part time Recycling Coordinator and that Mr. Christensen and HCR are in the process of completing a job description. Christy Veltrie stated that HCR would train the individual selected for the position. She also presented a petition of over 300 signatures in support of the recycling project. Commissioner Austin expressed concern regarding the power for the project and asked Commissioner Attebery whether Sangre De Cristo Electric has issued a timeline for the accessibility of electric power at the site. Commissioner Attebery responded that the engineers for Sangre De Cristo Electric were expected to investigate the option within the next few weeks. He said a definite time line for a completed installation was not available. Commissioner Austin said he would like the project to continue to move forward. There was a general conscience from the majority of those present that the committee wanted the project to proceed to the next step and to continue to work on the concerns expressed in today's meeting.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To move forward with the recycling project following the outcome of the teleconference call scheduled for August 2, 2010 including the determination as to whether there is flexibility within the grant to build a metal structure. Commissioner Attebery opposed. The motion carried.

Dave Trujillo, Road and Bridge Supervisor met with the BOCC to discuss the use of magnesium chloride on the county roads. He distributed statistical reporting and studies on the benefits of using magnesium chloride. He gave a report on a durablend product from Envirotech Services Inc. Durablend is advertised as an environmentally responsible answer to high-demand dust

control and road stabilization. The product is blended with a performance enhancing polymer to keep surfaces stable and dust free, while using only half the chloride of standard dust control products. He said the application would prolong the life of the roads; require less maintenance and ultimately be cost effective for the county. He said that the previous use of magnesium chloride on the county roads resulted in public opposition to the county using it and suggested methods of providing public education on the benefits of using magnesium chloride on county roads. Following a brief discussion the Board agreed that the Road and Bridge Department should schedule several public meetings to educate the public regarding the purposes.

The BOCC recessed at 10:55 AM.

The BOCC reconvened at 11:05 AM.

Kris Lang, Administrative Assistant for the BOCC reported the tape recorder was functioning and the remainder of the meeting would be recorded.

Jean Mavromatis, Tobacco Education and Prevention Coordinator met with the BOCC and gave a report. She presented a copy of the current State Tobacco Education Prevention Program (STEPP) purchase order: 10FLA00139 amended 10FLA5214 and the current Persistent Drunk Driving (PDD) purchase order PO OEIHMADA11000018 to be given to the Clerk and Recorder for her official county grant file. Ms. Mavromatis presented a revised signature page on the PDD contract #OEIHMADA11000018 for Board signature.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve and sign the PDD revision as presented. The motion carried unanimously.

Ms. Mavromatis reviewed a concern she shared at a previous BOCC meeting regarding the location of the previous grant applications she had forwarded to the clerk and recording office. She said following a conversation with Clerk and Recorder, Debbie Livengood she felt confident that the files were being retained in the courthouse. She understood that the current grant applications that had been funded were made available to the auditors and that expired grants were filed in the courthouse basement storage area. Ms. Mavromatis stated she will continue to forward copies of the grants to the clerk and recording office and will retain the originals in her office. She distributed a summary of funds awarded for tobacco education and prevention in Custer County dating back to January of 2001. Ms. Mavromatis reported on her participation in the Drive Smart Motorcycle Safety event; the Heart of Colorado Health and Wellness conference call; and the Southern Colorado Regional Health Collaborative webex conference. She said she would be attending the Mental Health First Aid class sponsored by West Central Mental Health; the Department of Behavioral Health training; the Custer County Interagency meeting; and the Prevention Leadership Council meeting scheduled next month. Ms. Mavromatis reminded the Board that there will not be a request made for future funding from STEPP for a Tobacco Prevention Coordinator as she reported earlier. She asked the county to recognize and continue to support the tobacco prevention efforts for our children and youth. Commissioner Custer asked Ms. Mavromatis how the Board could support and assist the existing programs that Ms. Mavromatis either administers directly or in which she provides a leadership role. She went on to point out that the BOCC will be reviewing 2011 budget requests from all county departments in October 2010. She suggested that Ms. Mavromatis submit suggestions and/or requests for continuation of program components that will no longer be supported with grant funding in Custer County and to do this prior to budget hearing meetings.

Christe Feldmann, Office of Emergency Management Director met with the Board to discuss the Federal Emergency Management Association (FEMA) mapping process. Jackie Hobby, Planning and Zoning Director and Joe Arbuckle, citizen joined the meeting. Ms. Feldmann said the first step in the process would be for the county to enroll in the National Flood Insurance Program (NFIP). Commissioner Attebery commented that the enrollment in the NFIP was involved and complicated. Ms. Hobby said it would be difficult for the county to enforce the NFIP and FEMA without the county adopting the International Building Code (IBC). Commissioner Austin asked Ms. Feldmann to research the guidelines of other Colorado counties that have enrolled in the NFIP and FEMA mapping process without an approved IBC. Mr. Arbuckle commented that the enrollment in the NFIP and FEMA would require that the county revise the subdivision regulations and the zoning resolutions. He asked the BOCC to proceed with caution. Ms. Feldmann shared concerns that without the required FEMA mapping, the county could potentially lose some fire and flood mitigation grant funds. Following a brief discussion the Board agreed that additional information and research would be necessary before a decision could be made. The BOCC asked that Ms. Feldmann contact Cristina Martinez, the State NFIP Coordinator to schedule an informational discussion at a future BOCC meeting.

Commissioner Custer reported that the Colorado State University Rural Technical Assistance Program is offering free design project services in the fall of 2010 and spring of 2011. She distributed a draft of a design project request for the Hanssen Haus Resource Center that included: exterior low maintenance landscape that supports Americans with Disabilities Act (ADA) physical access to the front and back of the building; xeriscape plantings along with welcoming landscaping that includes handicap and regular parking spaces off the street. The Board supported the submission of the proposal.

Commissioner Austin commented that an engineer from Colorado Department of Transportation (CDOT) planned to be in attendance at the July 16, 2010 BOCC meeting in Wetmore. He said there was a miscommunication regarding the specific location and that the CDOT representative was at the Wetmore Community Center Building instead of the Wetmore Fire Station.

Commissioner Attebery announced that the 45 day public comment period regarding the expenditure of the Custer County Title 111, Secure Rural Schools and Community Self-Determination Act of 2000 requirement has been met. The public notice was published on June 10, 2010 in the Wet Mountain Tribune, Westcliffe, Colorado. Commissioner Austin proposed that the funding allocated to the Search and Rescue (SAR) be presented at the SAR meeting scheduled for August 9, 2010. Commissioner Attebery said for informational purposes he would like SAR to share their current account balance with the BOCC. The Board agreed to review the time allocation for expenditure of the Title 111 funds prior to August 9, 2010.

The BOCC briefly discussed Amendments 60, 61 and Proposition 101. Commissioner Attebery reported that the Southern Colorado Economic Development (SCED) Board had motioned against the propositions. Commissioner Custer said that Colorado Counties Incorporated (CCI) had provided information in their steering committee meetings and that CCI is partnering with the Colorado Municipal League, the Colorado Association of School Boards and the Special Districts Association of Colorado to provide six forums across Colorado, and that she is attending the first one that is scheduled and will be in Trinidad on Thursday, August 6, 2010 and hopes to have more information on how our BOCC should be involved. She wants our BOCC to

remain pro-active regarding getting as much information as possible on the Amendments and the Proposition. At this point she is still gathering information. Commissioner Austin shared that he is signed up to attend the August 10th meeting in Alamosa.

The BOCC signed a correspondence prepared for the Custer Conservation District in response to their presentation at the June 30, 2010 BOCC meeting.

Commissioner Attebery said a motion was required to authorize the transfer of the Veterans Service Office (VSO) telephone line from the HHRC location to the Rocky Mountain Log Home Building at 511 Main Street. Commissioner Custer explained that Lorraine Silva will no longer be working in the HHRC facility and that she had asked the Board to change her position to a part-time 19 hour per week schedule with no benefits and to serve our veterans as the VSO assistant at the 511 Main Street facility, and that the request had been approved by the Board. Commissioner Custer went on to say that Ms. Silva will present a plan outlining the revised organization and functions of the VSO at a later date. She reported that the county is currently advertising to fill a position for a part time nineteen hour per week Resource Navigator to assume that part of Ms. Silva's former position at the HHRC facility. Ms. Silva has agreed to serve on the interviewing committee for the position.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To approve the transfer of the VSO telephone line from the HHRC facility location to the Rocky Mountain Log Home building location. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:20 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman