

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, FEBRUARY 29, 2012**

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
Allen Butler	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Terry Skaggs, Dave Simpson, Earl Fox, Bob Dreher, Carol Kennedy, Terry Barragree, Kelley Carroll, Ann Robinson, Pete Michaelson, Terre Davis, Tom Davis, Robin Schmutzler, Jean Schmutzler, Debbie Williams, Dave Nequette, Ken Felty, Lorraine Silva, Joe Arbuckle, Carol Clemenson, Betty Johansen and several additional community members.

**AGENDA:**

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- Audience introduction
- Public Comment

Old/New Business:

- Review vouchers and sign checks
- Transfer interest from County General to Conservation Trust Fund
- Planning and Zoning File: 100-52-100 Special Use Permit update
- Board of Zoning Adjustment discussion
- CDBG #08-001 Grant Contractor revision
- Landfill Report
- Custer Health Proclamation
- County Survey Fee discussion and review.
- ACS Conversion Project update – IT Director
- Resource Center Annex discussion and report
- Public Library Annual Report for 2011
- Region 2 CDOT Director introduction
- Wet Mountain Valley Saddle Club sponsorship
- Hydraulic Fracking information CANCELLED
- Annual Jail Tour

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:**  
**To accept the posted agenda. The motion carried unanimously.**

**MOTION by Commissioner Austin, seconded by Commissioner Butler :**

To approve the minutes from February 22, 2012 as presented. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Hearing none he continued with the meeting.

County payroll and accounts payable were approved from the following funds:

County General	\$196,749.01
Road and Bridge	\$108,368.60
Emergency Services	\$ 13,834.01
Human Services	\$ 23,565.49
Capital Improvement	\$ 1,550.81
Airport Fund	\$ 408.17
Tourism Fund	\$ -0-
Self Insurance	\$ 446.25
TOTAL	\$ 344,922.34

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To approve the February 2012 accounts payable. The motion carried unanimously.

Commissioner Attebery said that at the February 7, 2011 BOCC meeting, the Board agreed to postpone any discussions or address any issues on File 100-52-100 until after February 13, 2012. The property owners were given until February 13, 2012 from the Custer County Planning and Zoning Department to apply for a special use permit. The Board asked Jackie Hobby, Planning and Zoning Director if an application for a special use permit had been received. Ms. Hobby responded that property owners Tom and Terre Davis have applied for a home occupancy certificate but have not applied for a special use permit. She said that since Mr. and Mrs. Davis have retained legal representation on the matter, the file has been turned over to the county attorney. Ms. Hobby stated that the planning and zoning department did not have any comments or statements at this time. Pete Michaelson, Attorney at Law said he was representing Tom and Terre Davis. He said that his clients meet the criteria of a home occupancy by use and that a home occupation certificate should be issued. He said that he strongly believes that his clients should not have to go through the special use permit process and expense. Mr. Michaelson said that it appeared to be more of an administrative issue that could simply be handled within the planning and zoning office with the approval of a home occupation status. Tom Davis said it was not his intent to establish a business but rather to help the people of the community. Terre Davis said it was wrong for the planning and zoning office to investigate as the result of an anonymous phone call. She added that the notice letter received from the planning and zoning office to close down the practice was appalling. Carol Clemenson, Joe Arbuckle, Betty Johanson, Dave Nequette and Robin Schwartz spoke in support of the services Doctor Davis provides to the community and felt the issue should be resolved as quickly and inexpensively as possible. Joe Arbuckle and Dave Nequette expressed concern regarding the special use permit fee. Commissioner Austin stated as a patient of Doctor Davis he would recuse himself from any discussion. Commissioner Butler said that since the file was turned over to the county attorney, he would not make any statements or take any action without the county's legal representation present. Commissioner Attebery thanked those present for attending and said that the BOCC has heard the public comments made.

He said that the BOCC will follow the procedural process and address the concerns at the March 13, 2012 BOCC meeting when John Naylor, County Attorney was present.

Jackie Hobby, Planning and Zoning Director presented the BOCC with an informational packet regarding the Board of Zoning Adjustment (BZA). She said that three members of the BZA had stepped down and this would be the perfect opportunity to have a discussion on other possibilities for the structure of variance requests. She summarized three options for consideration: Option #1 the County Commissioners would take over and assume the responsibilities of the BZA as noted in Colorado State Statute 30-28-117. Option #2 the Planning Commission takes over the responsibilities of the BZA. Option #3 retains the current procedure and appoints new members to the BZA. Ms. Hobby stated that the topic is scheduled for the March 13, 2012 BOCC meeting when the county attorney would be present.

Kris Lang, Administrative Assistant to the BOCC reported that she had contacted the Department of Local Affairs (DOLA) regarding the Community Development Block Grant (CDBG) #08-001. The Board had requested that Ms. Lang follow-up regarding having Carol J. Custer Ph.D., County Commissioner listed as the contractor of the grant. Ms. Lang reported that DOLA had informed her that the grant contract has been closed out and that no further action is needed.

Rusty Christensen, Landfill Manager met with the BOCC and gave a report. He said that he had received correspondence from the Colorado Department of Public Health and Environment (CDPHE) regarding the closed Westcliffe Landfill site. The CDPHE Hazardous Materials and Waste Management Division are requiring an updated monitoring plan on the site. Mr. Christensen said that the project would require the assistance of an engineering firm and would be both time consuming and costly. The BOCC agreed to discuss the topic with John Naylor, County Attorney at the March 13, 2012 BOCC meeting.

Mr. Christensen said the cost to the county for the disposal of tires has increased. He proposed increasing the public fee to dispose of tires at the landfill go from \$3.00 to \$4.00 per tire.

**MOTION by Commissioner Butler, seconded by Commissioner Austin:**

To increase the public tire disposal fee at the landfill from \$3.00 to \$4.00. The motion carried unanimously.

Linda Brigham and Donna McDonnall joined the meeting and requested that the BOCC adopt a Proclamation declaring the month of March as Health and Happiness month. Kris Lang reported the proposed Proclamation was reviewed and approved by the county attorney.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To endorse and sign the Proclamation as presented. The motion carried unanimously.

Ms. Brigham read the Proclamation into the record.

PROCLAMATION BY THE BOARD OF CUSTER COUNTY COMMISSIONERS  
DECLARING THE MONTH OF MARCH "HEALTH AND HAPPINESS MONTH"  
Whereas, Custer County takes pride in happiness and well-being of its citizens; Whereas promoting health is promoting happiness; Whereas, activity and nutrition are fundamental components of health; Whereas, our bodies were made to move, and vigorous exercise helps prevent chronic disease; Whereas, a health diet provides more energy, helps boost immunity, and fights disease;

Whereas, healthy bodies support healthy minds; Whereas, healthy bodies and minds are both a community and individual good; Therefore, Custer County government, with the help of Custer Health, county health professionals, fitness organizations, food providers, citizens, parents, and children, resolves to promote the health of others and to help provide each individual with the means of bettering his or her own health. The Board of Custer County Commissioners affirms that the month of March 2012 is a special time to focus attention on the health and wellbeing of all county residents. This is an occasion to encourage everyone, regardless of age, economic status, or current state of health, to explore and take advantage of the best health and nutritional resources the county has to offer, both in public and private sectors. Lynn Attebery, Chair; Jim Austin, Vice-Chair; Allen Butler, Commissioner.

Joe Arbuckle said he had another appointment and asked the chairman if he could make a comment regarding the Veterans Service Office. He said the 2000 census revealed that 22% of the Custer County population were veterans. He emphasized the need for a working and productive veteran service office in the county. Mr. Arbuckle said the current veteran's service office provides those services and asked that the BOCC not take any action to diminish or harm those services.

Chuck Ippolito, Virginia Trujillo and JD Henrich joined the meeting. Mr. Ippolito said that the ACS conversion project was in progress. He said that the ACS project was added on the one DSL line in the courthouse. He remarked that it created a band width issue and the departments using the ACS system were being disconnected. Ms. Trujillo and Mr. Henrich agreed and said they have been disconnected from the internet while trying to complete transaction for the public. Mr. Ippolito proposed the addition of a second DSL line in the courthouse to handle the increased volume. He said the cost would be approximately \$60.00 per month.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To proceed with the addition of a second DSL line in the courthouse. The motion carried unanimously.

Commissioner Attebery stated that the addition of a DSL line was a non-budgeted item. He asked Mr. Ippolito to check with the Human Resource/Finance Department for confirmation that the expenditure could be applied to the current communications budget.

Mr. Ippolito reported that six (6) computers were available for purchase following the ACS conversion. He reported that the Wetmore Community Library would purchase two computers and that the IT Department would purchase the remaining four computers.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To approve the purchase of the existing ACS computers as proposed by Chuck Ippolito. The motion carried unanimously.

Donna Squire, Resource Navigator met with the BOCC and gave a report. She said that she had provided services for approximately 70 phone calls during the month of February 2012. She reported that the first set of life skill classes has been completed. She said that babysitting classes have been scheduled for April 2012. She said facility was being used by Family Crisis and the representative for Congressman Scott Tipton's office. She provided a summary on the car seats purchased from the recent grant. She reported that Drive Smart has agreed to purchase eight (8) pole brackets for the community.

Ms. Squire remarked that the freezer that is currently on the exterior property of the resource center is blocking the handicap ramp and it needs to be moved and relocated. Commissioner Austin said that he had donated the freezer and will follow-up on moving the unit. Ms. Squire said there is a refrigerator in the garage of the resource center annex that had been donated by the clinic that is not being used.

Bob Dreher asked the BOCC for an explanation and the basis of the decision to consolidate the part time positions of the veterans' service office assistant and the resource navigator into one full time position housed at the resource center annex. Commissioner Attebery responded that the original intent was for one person to be handling both positions at the resource center facility and that the Board was trying to restructure and get back to the original intent. He said the BOCC is trying to keep the asset of the resource center in line with the county needs. The facility would provide services to the public during the same hours as the courthouse. Ken Felty, Veterans Service Officer said that the veterans in our community need a full time, forty hour, five days per week veterans' service office assistant. He said the job cannot be done in combination with resource navigating. Lorraine Silva, Veterans Service Office Assistant agreed. Commissioner Attebery thanked everyone for attending and sharing the public comments. He said that the VSO topic was not part of the published or posted agenda and that the BOCC could not address or make any decision at this time. Commissioner Austin and Commissioner Butler agreed. The BOCC reminded those present that the veterans service topic is scheduled on the agenda for the March 12, 2012 BOCC meeting. The Board encouraged those present to attend the meeting.

The BOCC recessed at 10:50 AM.

The BOCC reconvened at 11:05 AM.

Marty Frick, Director; Ray Varney, Vice-President; Mary Ann Moon, Treasurer and Jim Gearhart Trustee for the West Custer County Library District joined the meeting. Ms. Frick presented the Library's 2011 Annual Report.

Debbie Livengood and Kit Shy met with the BOCC to discuss the statutory surveyor salary and the county surveying fees. Following a discussion the BOCC agreed to continue with the current Custer County protocol. The county surveyor receives a statutory salary. The clerk and recording department will continue to accept the process the surveying fees on behalf of the county.

Debbie Livengood, Clerk and Recorder asked the BOCC to approve the transfer of the accumulated interest in the amount of \$22.96 from the County General Fund to the Conservation Trust Fund.

**MOTION by Commissioner Butler, seconded by Commissioner Austin:**

To approve the transfer of \$22.96 from the County General Fund to the Conservation Trust Fund. The motion carried unanimously.

The BOCC recessed at 11:35 AM.

The BOCC reconvened at 11:45 AM.

Commissioner Austin introduced the Colorado Department of Transportation (CDOT) Region 2 Transportation Director Tom Wrona and CDOT Region 2 North Program Engineer. Mr. Wrona and Mr. Lollar gave an update on the SH 69 path project. Mr. Lollar said that CDOT will advertise for project bids around March 22, 2012 and anticipate starting the project at the end of May 2012.

Sherry Rorick and Cal Leslie expressed opposition of the project. Wes Taylor, Bob Jolley, Steve Willman, and Robin Young expressed support for the project. Commissioner Austin gave an update on the proposed Park-n-Ride project at SH 96 and CR 271. Commissioner Austin suggested that the CDOT representatives attend the next Summit Meeting scheduled between Custer County and the Town of Westcliffe and the Town of Silver Cliff to discuss the safety concerns at SH69 and Main Street and the possibility of a round-about or an alternate truck route for that area.

The BOCC recessed at 12:25 PM.

The BOCC reconvened at 12:50 PM.

Commissioner Attebery and Commissioner Butler were in attendance. Commissioner Austin was absent.

Dorothy Nepa and J.D. Teague met with the BOCC and asked the county for a sponsorship of the Saddle Club/ Stampede Rodeo. Commissioner Attebery and Commissioner Butler agreed to pledge an individual and personal sponsorship for the event. Commissioner Attebery suggested Ms. Nepa and Mr. Teague contact the Custer County Tourism Board to request sponsorship.

**MOTION by Commissioner Butler, seconded by Commissioner Attebery:**

To adjourned the meeting. The motion carried.

The BOCC meeting was adjourned at 1:10 PM to conduct the annual tour of the Sheriff's Office and their facility.

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Debbie Livengood, Clerk and Recorder

Attest

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Lynn Attebery,

Chairman