

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, NOVEMBER 10, 2015**

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

Commissioner Kit Shy called the meeting to order at 9:08 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Kit Shy	Chairman	Present
Lynn Attebery	Vice-Chairman	Present
Bob Kattnig	Commissioner	Present
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present: Paul Sage, reporter for the Sangre DeCristo Sentinel, and Wayne Ewing, reporter for the Wet Mountain Tribune.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Public Comment
- Approval of minutes
- Commissioner Items
- Attorney Items
- Executive Session
- New/Old Business
- Veterans Service Office Report
- Preliminary Budget – J. Piquette
- Treasurer Report – V. Trujillo
- Rocky Mountain Behavioral Health
- Planning and Zoning Report – J. Hobby
- Road and Bridge Report – R. Christensen, R. Squire

AMEND AGENDA

None

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

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

COMMISSIONER ITEMS

Commissioner Attebery said that the heating/cooling system in the courthouse was in the process of being adjusted and repaired by Moore Heating and Cooling. He said that the unit in the courtroom was under warranty; however, the roof units of the courthouse will incur repair costs.

Commissioner Attebery said that he was in receipt of a proposal from Reilly Johnson Architecture for a concept design (planning project) related to the Underfunded Courthouse Grant Application. He remarked that the county has submitted a \$25,000.00 grant funding request for the planning project. Commissioner Attebery said that the county has received a project scope for the Wetmore Community Center/Library project from the architect of record T. A. Duke & Associates. He remarked that once the signed contract is returned from DOLA, the start of the project can be determined.

Commissioner Shy said that a walk-through to determine the electrical revisions and requirements at the fairground facility was in the process of being scheduled. He said that the inspection would include the town building inspectors, the proposed electrician and the electrical inspector. Commissioner Kattnig requested that a member of the fair board also be in attendance.

Commissioner Kattnig said that Cindy Howard, representing Search and Rescue (SAR), approached him regarding the roof repair of the SAR building/facility. He remarked that the BOCC needed to reach a resolution regarding the repair as soon as possible. He proposed allocating funding from the capital improvement fund for the repair. Commissioner Attebery said that a roof repair would not meet the guidelines and requirements for capital improvement funding. He said that the roof repair could fall under the building and repair budget line and remarked that the fund currently had a remaining balance of \$2800.00 He commented that under the county purchasing policy, the proposed repair will require two to three estimate/bids for review and consideration. Commissioner Kattnig said that he will notify Ms. Howard and ask her to begin the process. Commissioner Kattnig commented on the recent response that the BOCC received from the Sheriff regarding the loss of inmate insurance at the end of the year. The Sheriff is researching the best options, however, it is difficult to locate an insurance company that will provide inmate medical insurance to a small rural county jail facility.

**MOTION by Commissioner Kattnig, seconded by Commissioner Shy:**

To move forward to request and obtain two to three estimate bids for the SAR roof repair project for review and consideration. The motion carried unanimously.

**ATTORNEY ITEMS**

Clint Smith, Attorney, said that he has researched the status of the mineral rights associated with the Westcliffe landfill and reported that the mineral rights are being retained with the federal government. He commented that he is in receipt of the legal description of the property but that he still required a survey before he could proceed. Commissioner Shy said that he would follow-up on the survey request.

**EXECUTIVE SESSION**

None at this time.

**NEW/OLD BUSINESS**

**Veterans Service Office Report**

Tim Swartz, Veterans Service Officer, met with the BOCC and presented a report for October 2015 that included 74 telephone calls, 113 office visits, 1 home visit, 18 outreach visits and 3 community events on behalf of the veterans. He said that he accompanied a local veteran for a regional meeting in Denver on October 14, 2015 and that a response to the hearing was anticipated within thirty days. Mr. Swartz said that a counselor available to the veterans continues to offer services at the Resource Center/Annex facility on a monthly basis. He proposed revising the hours of the VSO to include evening availability.

He reminded the BOCC of the open-house being scheduled at the Resource Center/Annex this date and extended an invitation to all those present. He remarked that November 11, 2015 was a day of recognition for all veterans and that the American Legion Post 170 will host its annual Veteran's Day Banquet at the Alpine Lodge from 5:00 PM to 9:00 PM.

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

To approve the Colorado Department of Military and Veterans Affairs County Veterans Service Officers Monthly Report and Certification of Pay for October 2015 as presented. The motion carried unanimously.

Commissioner Shy asked Mr. Swartz for a list of the acronyms routinely being referenced in the report. Commissioner Kattnig congratulated Mr. Swartz on a successful month and said that he was looking forward to attending the Veteran's Day Banquet on November 11, 2015.

The BOCC recessed at 9:45 AM.

The BOCC reconvened at 9:59 AM.

Commissioner Shy said that during the recess, Deputy Halpin handed him the county registration for the sheriff vehicle that was damaged/wrecked. The vehicle was damaged beyond repair in an accident and will be sold to a junk yard.

**MOTION by Commissioner Kattnig, seconded by Commissioner Shy:**

To authorize the Chairman to sign the registration so that the vehicle can be sold as salvaged materials. The signed registration paperwork must be presented with the vehicle for disposal. The motion carried unanimously.

**Preliminary Budget – J. Piquette**

John Piquette, Finance Officer met with the BOCC and said that he made the changes and revisions agreed on during the budget hearings and has already distributed copies of the revised correspondence to the BOCC for their review. He said that based on anticipated revenues the 2016 budget before them lists approximately \$149,679.00 more in expenditures. He said that the revenue figure could change throughout the year and less money may be required from the reserve fund to balance the budget. He stated that at this time a transfer from the county reserve fund will be necessary to balance the budget as required by Colorado State Statute. Mr. Piquette requested the Boards approval to proceed with the finalization of the 2016 budget. The BOCC agreed that Mr. Piquette will proceed with the completion of the final 2016 budget to be presented to the Board on December 8, 2015. Commissioner Kattnig remarked that he was not in attendance for some of the budget hearings and asked for clarification on the change in salary structure within the clerk and recorder's office regarding the chief deputy's position. Mr. Piquette said that a chief deputy clerk has not been appointed at this time but additional compensation for that position is available within the budget once that determination is made. Commissioner Kattnig said that the final figure appeared to be within range and asked if the compensation for an additional employee was also included in the figure. Mr. Piquette responded that it was. Commissioner Kattnig remarked that he was not comfortable or in complete agreement regarding the eligibility and disbursements of the Conservation Trust Funds. He said that he will research the topic further for a better understanding of the guidelines.

**Treasurer Report – V. Trujillo**

Virginia Trujillo, Treasurer, met with the BOCC and gave the monthly report for October 2015. The beginning balance on October 1, 2015 was \$4,571,812.53 and the ending balance on October 31, 2015 was \$4,387,947.58.

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

To accept the County Treasurers report for October 2015 as presented. The motion carried unanimously.

Ms. Trujillo presented the Public Trustees report for the third quarter of 2015 for the Boards review.

**Rocky Mountain Behavioral Health**

Ted Ulibarri, Clinical Manager, for Rocky Mountain Behavior Health (RMBH), Inc. addressed the BOCC and said that RMBH is requesting permission to use the Resource Center/Annex on Fridays to offer and provide the services recommended and required by the Judicial Court System. He said that the program would also offer private individual and group services for the community. Sheriff Byerly and Deputy Halpin said they were in strong support of the proposal and said that these services are provided to the public at no cost to the county. Sheriff Byerly remarked that it was a positive community service program. Tim Swartz, VSO, remarked that he supported the program because it would provide intervention and assistance that would be extended to the veterans of the community. He said currently that the VSO does not utilize the facility on Fridays. Commissioner Attebery proposed that that the Board approve that the RMBH can use the Resource Center/Annex on a six month trial basis. Commissioner Kattnig said that he supported the program but stated that RMBH was a private entity and expressed concern regarding the county allocating or committing county space to a private business. He asked Attorney Smith for clarification regarding the county's responsibility or obligation to provide facilities for the type of service. Attorney Smith responded that there is nothing in the statute that requires a county to provide suitable facilities for private contractors who do business with the Judicial District. Commissioner Kattnig said that presently the expanded Veterans Service Office program has total usage of the facility three to four days a week. He said that the schedule already limits availability for other county usages and was not in favor of reducing that availability even more. He said that there are several unoccupied offices and buildings in the community available for rent and asked Mr. Ulibarri to research those options. Commissioner Kattnig said that he felt that the Custer County Medical Center (CCMC) facility might be a better fit for those types of services and suggested that Mr. Ulibarri contact Delwin Lester, the Executive Director of the CCMC. Commissioner Shy agreed and said that although usage of the Resource Center/Annex for the RMBH program was still open for discussion, he encouraged Mr. Ulibarri to research the options outlined by Commissioner Kattnig and report back to the Board at the November 30, 2015 BOCC meeting.

**Planning and Zoning Report – J. Hobby**

Jackie Hobby, Planning and Zoning Director, met with the BOCC and the following topics were discussed:

- #102-36-325 Zoning and Septic Violation - Cease and Desist served on premise.
- CR140 Zoning Violation (Amish School) – Resolved
  
- #100-87-405 Zoning Violation – Cease and Desist in process.

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

To instruct Attorney Smith to prepare a Cease and Desist action on the property. The motion carried unanimously.

- #101-69-152 Septic Violation – referred to legal consult.

**MOTION by Commissioner Shy, seconded by Commissioner Kattnig:**

To instruct Attorney Smith to prepare a letter of non-compliance, addressing the safety issue with notification that an appropriate septic system must be installed. The motion carried unanimously.

- #101-20-856 Cul-De-Sac/Easement Discrepancy – currently in research/investigation.
- #102-36-655 Zoning Violation - post construction payments being received.
- #102-36-125 Zoning Violation – notification correspondence issued.
- #102-08-600 Zoning Violation – notification correspondence issued.

- #102-36-758 Zoning/Septic Violation – notification correspondence issued.
- #101-48-251 Zoning Violation – notification correspondence issued.

Ms. Hobby said that the Board of Zoning Adjustment had a setback variance request and the Planning Commission had a hearing for Ludvik Propane later this date. The meeting will start at 1:30 PM in the courtroom.

Road and Bridge (R&B) Report – R. Christensen, R. Squire

Rusty Christensen, Road and Bridge Supervisor, and Roger Squire, Westcliffe Assistant Road and Bridge Supervisor, met with the BOCC and gave a report. The work completed in October included: the grading of numerous roads, the hauling of water and gravel, the repair and replacement of road signs, the cleaning of ditches, the patching of pot holes and the completion of mowing. The work planned will include but not be limited to: the grading of roads, the hauling of gravel and water, the cleaning and repair of culverts, the repair and replacement of signs, the final preparation of the snow equipment and the plowing of snow if necessary. Mr. Squire reported that the speed limit road sign on Airport and Wykagyl Roads has been reinstalled and that an additional speed limit sign was installed in the area of Sangre Drive as requested by Bruce Wyatt at the October 6, 2015 BOCC meeting. Sheriff Byerly remarked that he and Mr. Squire evaluated the topography of the area and determined the location that would provide the best impact for the placement of the additional sign. He commented that Mr. Wyatt was not in complete agreement regarding the location of the signage. Commissioner Attebery said that with the Sheriff still present in the audience he would like to confirm the snow plowing plans for the courthouse, the sheriff's office and Search and Rescue (SAR) areas with the road and bridge crew. The R&B department will continue to plow the courthouse parking area and the sheriff's office parking areas and the search and rescue parking area to the best of their ability. The county maintenance personnel will also maintain the snow removal with the 6x6 vehicle at the same locations. Sheriff Byerly, Mr. Christensen, and Mr. Squire, will review and determine the specific areas of the SO and SAR areas that will be plowed and maintained. Commissioner Kattnig said that the county has a responsibility to plow the taxiway at the airport and that the Airport Advisory Board (AAB) has expressed concern regarding the chunks of ice being left on the taxiway. Mr. Squire said that the taxiway is cleared by several passes with the blade of the truck and would not result in remaining ice chunks. He said that the AAB often plows with their snow removal vehicle and that could result in the ice chunks being left behind. He said that the R&B addresses the airport at the same time the roads of Centennial Ranch are plowed. It was agreed that the Airport Advisory Board should not plow or remove any snow from the taxiway until the R&B department has completed this task. Mr. Christensen reported that the estimate of damages from the construction of the substation on CR 255 is complete and ready for submission to Black Hills Energy. Mr. Squire said that the culvert installation on CR 220 at Grape Creek below DeWeese dam should begin next week. He said that the department was able to purchase a used air compressor, hot power washer, a 40 gallon parts washer, and a shop vac, from MPI Industrial Equipment at a reasonable cost. Commissioner Kattnig asked if the R&B department had a five year plan regarding the maintenance and replacement of equipment. He suggested that the department should follow the basic management principles and create a long term equipment plan. Mr. Christensen said there is a recommended equipment plan on file but that it would require updating. Commissioner Kattnig said he is still interested in the numbers tallied of road usage in the county. Mr. Christensen said that Dennis Sprecher has prepared a year to the date summary regarding the recycling program at the landfill property. He said that the anticipated revenues at the end of the year would be in excess of \$8,520.00 The BOCC said they supported the recycling program. Commissioner Kattnig said that not only does the program generate revenues it also saves space in the landfill. He congratulated everyone for their efforts and support.

The BOCC recessed from the Regular Meeting in the Commissioners Boardroom at 12:35 PM.

The BOCC reconvened in the BOCC/PC Joint Session in the Courtroom at 2:14 PM

Tom Landers, Ludwig Propane, said he was applying for a Special Use Permit (SUP) for propane storage and operation on Lot 9, Rangeview Loop, Custer County, Colorado. The Planning Commissioner recommended that the BOCC approve the Special Use Permit as submitted with an additional sixteen conditions. Bill Donley read the conditions into the record.

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

To accept the recommendation of the Planning Commission to approve the SUP for Ludwig Propane with the outlined conditions. The motion carried unanimously.

Ms. Hobby said that in an effort to maintain consistency, two of the conditions outlined in this SUP have also been added to the SUP condition for DeLuca Propane. Both propane companies will be required to install security lighting that is Dark Skies complaint and reflective address signage. Commissioner Kattnig expressed concern that additional conditions were being added to a SUP for DeLuca Propane that has already been approved and questioned the validity of such an action. Ms. Hobby said that she spoke with Mr. DeLuca and he is was agreement with the two additional conditions.

Commissioner Shy adjourned the meeting at 2:35 PM.

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Kelley Camper, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy,  
Chairman

(Audio Recordings of the BOCC meetings are available for public review or purchase)