

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 7, 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 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

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

Also present: Lockett Pitman, Candi Sage, Paul Sage reporter for the Sangre DeCristo Sentinel, Emily Wenger, and Jillian Ward reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Approval of minutes:
Audience introduction
Public Comment
Commissioner Items
Attorney Items
Executive Session
New/Old Business
Colorado State Treasurer – Walker Stapleton
Senior Citizens Center Update – Bill Cullison
Staff Reports:
OEM
RETAC Budget
Planning and Zoning
Treasurer
VSO
Road Bridge/Landfill Report
Fly Eagle Med Communications Center Presentation– Jason Knudson

AMEND AGENDA

None

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

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Commissioner Shy asked if there were any public comments. Candi Sage thanked the BOCC and said that she appreciated having a Board that functions in a fiscally responsible manner and within the county coffers. She said that at a time when it appears that other entities across the country are over-spending, Custer County continues to operate within the allocated budget.

COMMISSIONER ITEMS

Commissioner Attebery said that he would like to leave the meeting following the Road and Bridge Report. He said that the recent rains are revealing leakage areas in the roof and that Dave Post, maintenance personnel is completing an inspection throughout the courthouse facility.

Commissioner Shy reported that the humidity and temperature monitor gauge has been installed in the Clerk and Recorder vault area.

ATTORNEY ITEMS

None

EXECUTIVE SESSION

None at this time.

Commissioner Kattnig joined the meeting at 9:08 AM. He remarked that the Ride of the Rockies Event was well-attended and supported by the community. He remarked that audience member Lockett Pitman participated as a Custer County team member in the Ride the Rockies Event.

The BOCC recessed at 9:10 AM.

The BOCC reconvened at 9:18 AM.

NEW/OLD BUSINESS

Colorado State Treasurer – Walter Stapleton

Walker Stapleton, Colorado State Treasurer met with the BOCC and introduced Michael Hesse. He said that the Colorado Health Exchange was created by Governor Hickenlooper in response to the federal mandate of Obamacare. He said that the program was losing a considerable amount of money and that a current audit is in progress. Mr. Stapleton said that if the Colorado Health Exchange proves not to be a viable option in the future, the state may have to go back to the federal system and incur a significant cost related expense for the failed program. Mr. Stapleton remarked that communities in Colorado who legalized marijuana are getting a lot less in revenues than anticipated. He said that during his statewide economic tour regarding the effect of marijuana in Colorado he was confronted with the issue that land being purchased to cultivate or grow marijuana utilizes a lot of the water and county resources without providing any money or return back into the county. He asked if Custer County was experiencing this concern. The BOCC said that the county has prohibited the growing, cultivation and dispensing of marijuana within the unincorporated areas of Custer County. Sheriff Byerly expressed concern regarding some illegal marijuana facilities within the county. He said that the sheriff's department was short-staffed and that he did not have the personnel or the finances to investigate or monitor these growing facilities. He remarked that in some cases the facility and persons guarding the area posed a real physical threat to the sheriff deputies. He expressed disappointment and discouragement regarding the lack of support from the state to prosecute the offenders. Sheriff Byerly remarked that the local District Attorney (DA) office is overwhelmed and under staffed for the services they are expected to provide. Commissioner Shy said that the county continues to struggle with the never ending imposed state mandates being issued. He identified the Colorado Department of Public Health and Environment as a primary agency that consistently

imposes new regulations for rural county landfills. He said that the counties are forced to find funding to implement these changes within an already strapped, limited and restricted budget.

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Commissioner Attebery agreed. Commissioner Shy expressed particular concern regarding the recent legislative proposal to increase the salaries of the elected officials and felt that is was an issue of bias since the legislators themselves will be the recipients of the increased salaries. Commissioner Kattnig expressed concern regarding the limited and inconsistent broadband and cellular services in the rural counties of Colorado. He asked Mr. Stapleton to research any available funding options in this regard. Mr. Stapleton said that he would check with the Broadband Deployment Board developed under the Governor's Office at the State Capital Building.

Senior Citizens Center Update – Bill Cullison

Mr. Cullison was not present at the meeting.

OEM Report

Christe Coleman, Office of Emergency Management Director met with the BOCC and gave a report. She said that the programming of the 800 Mgh radio was near completion. She outlined the regional meetings and trainings scheduled. She presented the Custer County Emergency Management Operations Basic Plan 2015 for the Boards review. She said that the plan will be reviewed by the Custer Emergency Services organization. The BOCC said that in an effort to exercise due diligence, they advised Ms. Coleman to present the plan to the Town of Westcliffe and the Town of Silver Cliff for review and consideration. The plan will be scheduled at August 31, 2015 BOCC meeting for review and possible action. Ms. Coleman presented the professional services contract from Tetra-Tech Inc., for the Custer County Local Multi-Hazard Mitigation Plan for the Boards signature. The contract being reviewed for the professional services is in the amount of \$49,260.49.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To move forward with the Tetra Tech Inc. contract in the amount of \$49,260.49 as presented. The motion carried unanimously.

Commissioner Kattnig said that he participated in the sub-committee and reviewed the proposals received and was comfortable with the qualifications and proposal from Tech Trek Inc. He said that a stakeholder partnership meeting for the project is schedule in September and he encouraged attendance and participation. He thanked Ms. Coleman for all her work and dedication on the project.

The BOCC recessed at 11:10 AM due to recording technical difficulties. The BOCC reconvened at 11:20 AM.

RETAC Budget

Chuck Ippolito presented the Southern Colorado RETAC, Inc. contract for fund disbursement – fiscal year 2015-2016 to the BOCC for review and approval. He said that the contract was in the amount of \$15,000.00 with an additional \$4,367.33 rollover from fiscal year 2014 – 2015. Mr. Ippolito said that the majority of the contract will be utilized for education, communications and equipment. The BOCC expressed concern regarding the allocated expense listed for gun locks and said that the gun safety locks could be obtained from the NRA at no charge.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To approve the RETAC funding request contract as presented with a caveat that specific disbursements of the fund would be revised pending the approval of the gun locks from NRA at no additional cost to the county. The motion carried unanimously.

Planning and Zoning Report

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

- File # 101-06-656 Subdivision Waiver of Senate Bill 35 will require additional information to include a survey and legal description of the area. (69661 Highway 69, Hillside, Colorado).
- File # 101-00-404 Permit Violation notification issued (Elk Haven, Lot 4 aka Anthony Avenue).
- File # 100-00-403 Permit Violation notification issued (Elk Haven, Lot 3 aka Anthony Avenue).
- File # 100-51-650 Permit Violation notification issued (472 Spread Eagle Drive).
- File # 100-87-405 Permit Violation requesting financial relief from 3 x post building fee penalty (695 CR 356).

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Mr. Withers (File 100-87-405) was in the audience and requested financial relief from the building permit penalty fee. He said that it was never his intention not to apply for the proper building permit and that he miscalculated the time allotment.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To reduce the post construction fee penalty to \$100.00 . This fee is in addition to the original cost of the permit. File: 100-87-405 with a caveat that the permits will be closed out before August 1, 2015. The motion carried unanimously.

- File #100-32-404 Septic Violation (233 Cove Drive).

MOTION by Commissioner Shy, seconded by Attebery:

To authorize the Planning and Zoning Director to prepare a letter notifying the property owner that an engineered septic system must be installed, completed and inspected within thirty days with a caveat that the system be utilized in an appropriate manner. The department will notify the proper owners to outline and clarify the capacity of the system and the usage restrictions associated with the system. The motion carried unanimously.

Treasurer Report

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on June 1, 2015 was \$4,245,177.88 and the ending balance on June 30, 2015 is \$4,890,123.94.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

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

The BOCC recessed at 12:30 PM.

The BOCC reconvened at 1:01 PM.

VSO

Tim Swartz, Veteran Service Officer met with the BOCC and gave a report. He said that he was in the process of gathering documents and completing claim forms for the veterans. He announced that the Veterans Service Office (VSO) of Custer County Informational Workshop on Veterans Issues is scheduled on July 23, 2015 at the Ranchers Roost Banquet room starting at 11:30 AM. The guest speaker for the event will be Michael Hunt, the Deputy Director for the Colorado Department of Military and Veterans Affairs. Mr. Swartz presented the Board with a draft logo that he would like to use at the veterans service office. The BOCC said they supported the logo and suggested that Mr. Swartz register the trademark with the state. Mr. Swartz said that he has been working on a material estimate for the temporary renovations to the VSO area of the county resource center annex and it would be approximately \$997.00. He said that he would like to see the county contribute at least half of the cost. Mr. Swartz said that he was operating in a dysfunctional situation and he would like to make it functional and appealing for the veterans. Commissioner Attebery said that he still had a problem with

remodeling and sectioning off any interior portions of the resource center for any specific usage. He suggested that the resource center be open to and used by the VSO solely during Mr. Swartz eighteen hour weekly schedule on Tuesday, Wednesday and Thursday from 9:00 AM to 3:00 PM . He proposed that all other activity and usage will be redirected around this schedule.

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This scheduling would offer and provide the VSO full, secure and private usage of the facility during those time periods. Mr. Swartz said that this proposal was far from optimal but could be a temporary fix on a temporary basis. He said that he will continue to research grants and funding opportunities that would result in a more compatible occupancy for the VSO. Commissioner Shy remarked that the VSO has been previously housed in a private residence, a departmental office and just recently a place of business. He said that relocation to the county resource center annex facility is not only an improvement but also a positive step in the right direction.

Commissioner Kattnig reminded Mr. Swartz that he is a county employee and as such needed to compromise regarding the usage of the county resource center building. Commissioner Attebery commented that if Mr. Swartz was going to pursue the remodeling and renovation proves, that he apply for the building permit from the Town of Westcliffe before starting any construction. He suggested that private donations should be sought towards the cost of the project.

Mr. Swartz presented the Board with the Colorado Department of Military and Veterans Affairs Service Officers Monthly Report and Certification of Pay for June 2015 for approval.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To accept the VSO June 2015 monthly report and certification of pay as presented. The motion carried unanimously.

Road and Bridge/Landfill/Recycling Report

Rusty Christensen, Road and Bridge Supervisor and Roger Squire, Assistant Road and Bridge Supervisor Westcliffe met with the BOCC and gave a report for June 2015. The work completed included: the grading of numerous roads, hauling of water and gravel, cleaning and repair culverts and cattle guards, repair to the roads and shoulders washed out from the recent rains and flooding, mowing in the Wetmore area, repair and replacement of road signs, hand patch pot holes, sealing of cracks, and repairs to the head walls. The work to be completed will include but not be limited to: hauling of asphalt, water and gravel, grading of roads, continue repair of cattle guard, cleaning of ditches and culverts, pot hole repair, crack sealing and repairs from the recent flooding. Commissioner Kattnig asked if the road traffic count meter has been installed yet. Mr. Squire said that he was in the process of testing and recalculating the unit. Commissioner Kattnig said he would like it installed as soon as possible so an accurate number of vehicles using the county roads can be determined. Rusty Christensen, Landfill Manager reported that the Colorado Department of Public Health and Environment has agreed that the county can wait until 2016 to drill the monitoring well at the property. He will obtain cost estimates for the project prior to the 2016 budget hearings. He said that they are waiting on the final approval to close the north pit from the Colorado Division of Mining Reclamation and Safety. Mr. Christensen reported that a load of recycled cardboard is ready for shipment. Commissioner Kattnig thanked the road and bridge department for their commitment in the never ending effort to maintain and improve the county roads.

Commissioner Attebery excused himself for the remainder of the meeting. He left the boardroom at 1:55 PM.

Fly Eagle Med Communications Center Presentation– Jason Knudson

Jason Knudson, Eagle Med Program Manager and Will Winters, Air Med Care Business Development Manager met with the BOCC and gave a presentation. Mr. Knudson said that Eagle Med is a privately owned and operated air medical transport membership service with multiple bases to serve communities throughout the

United States. Eagle Med crews are ready to respond 24 hours per day, 365 days per year with medical crews that are trained and experienced to provide care for pediatric, trauma, cardia, orthopedic, burns and other types of medical emergencies. Mr. Winters explained that the program provides prepaid protection against the air ambulance costs that are not covered by a members insurance or other benefits or third party responsibility. He presented the Air Med Care Network Municipal Site Membership for Custer County.

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He said that the cost of the program is \$16,939.00 annually and that any individual who resides within the boundaries of Custer County when transported for medical necessity by Eagle Med (or any AirMedCare Network Provider) will be covered under the standard terms and conditions for an Air Med Care Network membership. The exceptions are that the transport must be from a pickup location in Custer and Chaffee Counties in Colorado and if the covered person transported is uninsured at the time of transport, Eagle Med will bill the covered person the Medicare allowable rate for the transport. He said that they would be willing to work with veterans insurance and coverage. He explained that residents may elect to obtain a full household membership that would waive the exemptions and include coverage outside the county limit for an additional \$35.00 per year. Mr. Knudson outlined the value of the proposed agreement and estimated savings to the individual residents of the county. The Board and several audience members had questions regarding the number of aircrafts available, the base location of the aircrafts, the response time, the determination of the need and a method of notification. Mr. Knudson said that although they did not have the ability to cover every flight request; the service offers another available option and is an asset to the rural county areas mirroring a supplemental insurance. Commissioner Shy said that he would like to review the statistics and figures related to the number of air flight needed, requested and utilized in the county.

Commissioner Kattnig said that he has received positive feedback from Delwin Lester, Executive Director of the Clinic/EMS/and Ambulance Corp regarding the service. He said that the service appears to be favorably received and that he supported the program. Paul Sage, reporter for the Sangre DeCristo Sentinel expressed concern regarding the financial commitment of the program. He said that the taxpayers have recently approved an additional mil levy to fund the emergency and ambulance services in the county under the auspices of the clinic. He felt that the clinic should assume these supporting costs as part of the emergency services promised to the residents. The Board thanked Mr. Knudson and Mr. Winters for attending the meeting, explaining the pgorams and providing the reference information.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 2:55 PM.

Debbie Livengood, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman

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