

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, FEBRUARY 16, 2016**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

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

Commissioner Attebery asked that everyone to take a moment of silence in honor and respect for the passing of Supreme Court Justice, Antonin Scalia.

Roll Call was taken:

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

Also present was: Beth Lenz, Dale Mullen, Wilson Jarvis, Larry Haynes, Kevin Day, Ruth Roper, Cal Leslie, Paul Sage, John Spaar, Ruth Spaar, Nancy Kruez, Nan Davenport, Rusty Christensen, Alden Gray, Dale Falske and Michael Kienbusch, reporter for the Sangre DeCristo Sentinel.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call

- Amend agenda
- Audience introduction
- Public Comment

Approval of Minutes January 29, February 2 and February 3, 2016

Commissioner Items

Attorney Items

Executive Session

New/Old Business

- Colorado Rural Philanthropy Days Listening Tour – B. Gemin
- Clerk and Recorder Record Retention Resolution
- Liquor License Renewal – San Isabel Restaurant and Lodge
- BOCC Point of Contact of the Office of Emergency Management, Director
- Emergency Management Performance Grant 2016
- Cool Connect Pilot Program Correspondence BOCC Signatures
- Landfill Engineering Documentation BOCC Signatures
- SAR Roof Repair Estimate Ad Review and Approval
- VSO/Resource Center Annex Renovation/Reimbursement to T. Swartz/Garage Doors
- Wetmore Community Center/Library Project

AMEND AGENDA

Commissioner Kattnig said that he would like to amend the agenda to include the appointment of Barclay

Westerfeld to the Airport Advisory Board (AAB).

Commissioner Attebery said that he would like to amend the agenda to include an update on the Colorado Judicial Department Underfunded Courthouse Facilities Grant Award.

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To approve the minutes from January 29, February 2, and February 3 of 2016 as presented. The motion carried unanimously.

COMMISSIONER ITEMS:

Commissioner Kattnig said that he attended the pneumonic/bubonic plague exercise hosted by the Public Health Agency on February 10, 2016. He met with the Affordable Housing Committee to discuss an opportunity and options to offer affordable housing for the teachers at the school. He said that he met with the representatives of the Work Force Center and that a virtual work force station will be made available at the library facility as well as the veterans' service facility in the future. Commissioner Kattnig commented that he met with the Custer County Economic Development Corporation (CCEDC) and said that economic development is no longer an option but a necessity in our community. He said that he attended a Search and Rescue (SAR) meeting in the SAR building and that several points of concern were shared. The first point of concern was the lack of meeting space for public education, programs, and training, related to SAR and EMS. The second point of concern was necessity of completing the roof repair on the SAR building. Commissioner Kattnig said that he is researching the possibility and options associated with a renovation of the Resource Center/Annex to create additional offices, public meeting spaces, and county storage. He commented that the topic is in the initial discussion stages at this time. He remarked that the approximate cost for the renovation could be \$25,000.00 to \$35,000.00. He suggested that the BOCC schedule a work session to discuss and review the options at a later date.

Commissioner Attebery said his commissioner items were listed under agenda items.

Commissioner Shy said that he attended the Transportation Planning Region (TPR) meeting and learned that the Colorado Department of Transportation (CDOT) will not fund any additional major projects in the state for at least three years. He said that he attended the Colorado Counties Inc. (CCI) Legislative Committee meetings at the end of January 2016. He acknowledged and thanked Michael Keinbusch, for agreeing to assist the county with the permit applications and paperwork required by Colorado Department Public Health and Environment (CDPHE) regarding the landfill. He said that Mr. Keinbusch's vast experience and knowledge in this regard will offer and provide the county with tremendous support and assistance. Commissioner Shy remarked that he would like the county and the towns to attend and participate at quarterly summit meetings in the near future. He remarked that the county should take the lead and initiate the scheduling.

EXECUTIVE SESSION

None at this time.

Airport Advisory Board Appointment

Commissioner Kattnig said that Barclay Westerfeld has submitted a letter of interest to serve on the AAB. He said that he would like that appointment to be approved this date so that Mr. Westerfeld can attend and participate in the monthly AAB meeting scheduled on February 18, 2016.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To appoint Barclay Westerfeld to the Airport Advisory Board for the remainder of the 2016 term. The motion carried unanimously.

Underfunded Courthouse Facilities Grant Award

Commissioner Attebery said that the county has received the official statement of the Underfunded Courthouse Facility grant award for 2016 in the amount of \$40,000.00. He further stated that the grant award did not require any county match. Commissioner Shy said that he spoke with Eric Bergman of CCI, regarding the project and that Mr. Bergman will provide a list of qualified architects for this specific type of project, as well as a sample Request for Proposal (RFP) template. Commissioner Kattnig said he would like to move forward with the project and suggested that the BOCC place a RFP notification in the local newspapers. Commissioner Attebery remarked that the BOCC will need to follow and adhere to the guidelines of the county purchasing policy. The Board agreed to add the topic to the February 29, 2016 BOCC agenda for further discussion and review.

Colorado Rural Philanthropy Days Listening Tour – B. Gemin

Commissioner Attebery said he spoke with Mr. Gemin this morning and that he requested a postponement of a report until the end of the month BOCC meeting. Mr. Gemin felt that the additional time would provide a more informative and specific report. The topic will be added to the BOCC agenda for the meeting on February 29, 2016.

Clerk and Recording Record Retention Resolution

Kelley Camper, Clerk and Recorder, said that she has been in contact with the other counties following the record retention schedule as outlined by the Colorado Clerk Association and has been unable to locate a county that adopted a resolution regarding the Colorado archives. She said that she does not have a draft resolution or template to present to the BOCC at this time. She said that she will continue to research the topic and report back to the Board at a later date.

Liquor License Renewal – San Isabel Lodge and Restaurant

Kelley Camper, Clerk and Recorder, presented the liquor license renewal for the San Isabel Restaurant and Lodge. She said that the application was complete and in order.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the liquor license renewal for the San Isabel Restaurant and Lodge as presented by the Clerk and Recorder. The motion carried unanimously.

Commissioner Shy commented that the sheriff investigation did report an incident but that it was not alcohol related.

Transfer of Funds \$56.17 from the County General Fund to the Conservation Trust

Ms. Camper requested a transfer of \$56.17 from the County General Fund to the Conservation Trust Fund.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To transfer \$56.17 from the County General Fund to the Conservation Trust Fund as requested by the Clerk and Recorder. The motion carried unanimously.

BOCC Point of Contact of the Office of Emergency Management (OEM) Director

Commissioner Shy said that the OEM Director often requires signed correspondence related to emergency management situations and proposed that the seated chairman of the BOCC be the direct point of contact. Commissioner Kattnig said that he has been involved with the OEM department since the beginning of the 2015, and he would welcome the opportunity to remain as the BOCC point of contact. Commissioner Attebery said that due to the signatory requirements, he agreed with Commissioner Shy that the seated chairman of the BOCC should be the point of contact. Commissioner Kattnig said that he understood the signatory requirements but stated that he would like to remain active and involved in the OEM day to day operations. The BOCC did not make any decisions and will discuss the topic with the OEM Director during the first monthly OEM departmental report.

Emergency Management Performance Grant 2016

Commissioner Attebery said that the new OEM Director, Cindy Howard, was currently attending a training session and unable to attend the meeting. He presented the Board with the 2016 Emergency Management Program Grant (EMPG) Local Emergency Manager Support (LEMS) Program funding application from the Division of Homeland Security and Emergency Management for review and approval. The grant is in the amount of \$31,582.50. Attorney Smith said he has reviewed the documents and recommended that the BOCC sign the paperwork.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To sign the 2016 EMPG application as presented. The motion carried unanimously.

Commissioner Attebery said that the Custer County Economic Development Corporation (CCEDC) has requested a letter of support related to the Cool and Connect Pilot Program. Dale Mullen, representing the CCEDC, gave those present a summary of the Cool & Collect Program. He said that the program was sponsored by the USDA Rural Utilities Service, and the US Environmental Protection Office of Sustainable Communities. He said that the available funding is for broadband service to help revitalize small-town main streets and promote economic development.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To sign the correspondence of support for the Cool & Connect Pilot Program as presented. The motion carried unanimously.

Attorney Items

Attorney Smith said that he has been in communication with the Town of Westcliffe Attorney, Jay Printz, regarding the Intergovernmental Agreement (IGA) authorizing the Town of Westcliffe and the Town of Silver Cliff to utilize the county courtroom. The approval of the IGA is an agenda item for the March 9, 2016 BOCC meeting. Attorney Smith said that he is preparing a cease and desist order as requested by the Planning and Zoning Director, Jackie Hobby. Attorney Smith reported that his research revealed that the towns are not required to notify the county regarding the establishments of businesses or gravel pits in their jurisdiction. Attorney Smith remarked that an executive session may be necessary in the future to discuss a personnel issue of a previous employee.

Commissioner Shy addressed the correspondence received from the Westcliffe Town Attorney, Jay Printz, dated February 4, 2016, regarding proposed county variances that affect real property lines within the Town of Westcliffe. He said that he believes the situation was a misunderstanding that arose when a member of the public recorded personal documentation that referenced property lines. Commissioner Shy explained that the Clerk and Recorder's office is required to record any documentation requested and brought into their office. The act of recording a document does not guarantee its accuracy, or validate the contents of the document. Commissioner Shy suggested that the planning and zoning representatives of the towns and the county meet for an educational work session so that everyone has a better understanding of the process.

Landfill Engineering Documentation BOCC Signatures

Rusty Christensen, Landfill Manager, presented the BOCC with a proposal for the monitoring of a well installation, oversight, and permit process from Golder Associates. He said the cost to oversee the installation of one groundwater monitoring well and the associated permitting fees is approximately \$10,422.00. Mr. Christensen said that Authentic Drilling, Inc. presented an estimate of \$37,525.00 for the installation of the well. He said that this estimate included 4" PVC well installation materials. Commissioner Shy asked Mr. Kienbusch for his opinion and recommendation on the well installation. Mr. Kienbusch said that he supports the installation of the 4" PVC well. Mr. Christensen clarified that the paperwork being presented for approval at this time is for Golder Associates to oversee, monitor, and permit the process.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the proposal from Golder Associates #P1650070 in the amount of \$10,422.00 to monitor and oversee the installation of the well. The motion carried unanimously.

Commissioner Kattnig remarked that the county subsidizes the landfill with approximately \$100,000.00 per year and felt that the citizens and taxpayers greatly benefit from the availability of the service.

SAR Roof Repair Ad Review and Approval

The BOCC reviewed the draft ad for publication as presented.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve the publication soliciting bids from qualified firms to do repairs on the SAR building with a caveat that all bids must be accompanied with proof of insurance. The motion carried unanimously.

The publication will be sent to the Wet Mountain Tribune and the Sangre DeCristo Sentinel.

VSO/Resource Center Annex Renovation/Reimbursement to T. Swartz/Garage Door

Tim Swartz, Veterans Service Officer, presented the BOCC with the financial breakdown for the completed VSO Renovation project in the Resource Center/Annex facility. He said that he had out of pocket expenses of \$856.30. He said that the American Legion Post 170, already reimbursed him \$425.00 of that amount. The BOCC asked Mr. Swartz why he did not request or submit a voucher for his out of pocket expenses. Mr. Swartz responded that he understood that the BOCC were aware of the renovations he proposed, but that he did not think that the funding was approved or available in the county budget. The BOCC agreed that the county would reimburse Mr. Swartz for his remaining out of pocket expense. Commissioner Attebery said that since this expense occurred in 2015, that Mr. Swartz will need to meet with the Human Resource/Finance Manager to follow the proper financial procedure for reimbursement in another calendar year.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve a reimbursement voucher of \$431.30 for Tim Swartz, VSO. The motion carried unanimously.

Commissioner Kattnig remarked that the garage doors at the Resource Center/Annex were not working and would require replacement. He said that the county has received an estimate from Precision Garage Doors, LLC., for \$1950.00 to remove and replace the existing doors, and install the appropriate mechanics. Commissioner Attebery said that Maintenance Personnel, Dave Post, has repaired the doors and at the current time they are working, and functioning appropriately. The Board agreed to table the topic at this time.

Wetmore Community Center/Library Project

Commissioner Attebery said that Wetmore Community Library Board Member, Ruth Spaar, researched and located two adopted County Resolutions in 1999 that outlined and addressed the role of the Wetmore Community Library. She said that Resolution #99-02 was adopted on June 2, 1999, and delineated support for the Wetmore Community Library. Resolution #99-04 was adopted on August 3, 1999, and delineated the service area of the Wetmore Community Library. Commissioner Attebery read the resolutions in their entirety into the record. He thanked Ms. Spaar for her assistance in locating the paperwork of record. Commissioner Attebery said that the blueprints and plans for the Wetmore Community Center/Library project are approximately 75% complete, and that he anticipated a 98% completion by March 1, 2016. He said that following the completion of the plan, the bidding and contracting process can begin. He ask the Board for approval to proceed. Commissioner Kattnig remarked that Commissioner Attebery should continue with the project and the process. Commissioner Shy agreed but said he would like to review the completed contract prior to the final approval.

Commissioner Attebery thanked Wetmore Community Center Board Member, Alden Gray, for the time and effort he is spending cleaning up the east portion of the Wetmore Community Center/Library property.

Commissioner Attebery asked if there was anymore business to discuss. Hearing none, he adjourned the meeting at 10:45 AM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman

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