

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 22, 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.

Roll Call was taken:

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

Also present was: Charles Bogle, Alden Gray, Ruth Spaar, John Spaar, Dale Mullen, Beth Lenz, Cindy Howard, Dale Falske, Cal Leslie, Larry Haynes, Kevin Day, Larry Weber, Michael Kienbusch, and Sheriff Byerly

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes: March 8, March 9, and March 9 Work Session

Public Comment

Commissioner Items

Attorney Items

Executive Session

New/Old Business

- Planning Commission Recommendation
- Office of Emergency Management Report – C. Howard
- 2016 Custer County Annual Fire Operating Plan – C. Howard
- SAR Roof Repair Estimate review
- Useful Public Service discussion
- Airport Advisory Board Transfer of Funds – B. Jolley
- Wetmore Community Center/Library Project (WCCLP)
- Custer County Economic Development Corporation DOLA Grant Application

AMEND AGENDA

None

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 March 8, March 9, and the Work Session of March 9, 2016 as presented. The motion carried unanimously.

COMMISSIONER ITEMS

Commissioner Shy said that he attended the legislative meetings hosted by the Colorado Counties Incorporated (CCI) and would provide the Board with updates on the topics discussed and reviewed. Commissioner Shy said that he accompanied the representatives from the Colorado Department of Transportation (CDOT) during their recent tour and inspection. He reported that CDOT did acknowledge and address some of the problem areas within the county. Commissioner Kattvig remarked that the broken limbs and branches that were infringing the traffic safety on the state highway in the Wetmore area have been cleared. Larry Haynes, R&B Wetmore Assistant Supervisor, said that CDOT has been addressing the issue.

Commissioner Attebery said that the KIOSK project in the Wetmore area was on schedule. He remarked that the KIOSK designs should be completed and available for review in 2016. The final installation of the KIOSK is scheduled in May of 2017. He said that he provided CDOT with the required surveys and deeds of the property that will house the KIOSK in the Wetmore area.

ATTORNEY ITEMS

Attorney Smith said that he received a notice of environmental use restrictions from the Assistant Attorney General, regarding the old Custer County Landfill/Westcliffe Landfill closure. He said that before the Colorado Department of Public Health and Environment (CDPHE) and Custer County can execute the agreement, the county is required to give notice of the restrictive notice by publication, and issue written notice to the parties identified in the title search as having an interest in the property. Attorney Smith said that he will schedule a conference call with Eric Jacobs, of CDPHE, to finalize the requirements of the restrictive notice. He remarked that he will report back to the BOCC at a later date.

County Attorney Naylor reminded the BOCC that Colorado State Statute requires that contractors providing work or services to and for the county must be appropriately bonded and insured.

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Planning Commission Recommendation

Commissioner Attebery explained that in the past the BOCC held joint sessions with the Planning Commission (PC) to hear and rule on requests submitted to the planning and zoning department. He said that the joint sessions were no longer being scheduled in 2016. The Planning Commission now schedules and holds its own (separate) meeting to review and make recommendations to the BOCC regarding any planning and zoning requests received. The PC held a meeting on March 8, 2016 and recommended the following:

File # 101-47-486 95, 75, 117 Cork Lane, Sierra City, Custer County Colorado

Vacate and Replat of Lots 14, 15 & 16, Block 6 Sierra City Filing 3. The new lots will be known as Lot 16 A and 14 A, Filing 3, Sierra City Custer County Colorado.

File: N/A, 5106 Music Mountain Drive, Custer County, Colorado

Vacate and Replat of the Exemption Parcel/Replat of the Parcel B Thatcher Parcels

Commissioner Shy said he would recuse himself from voting since he was the surveyor of record on the paperwork. He said that he also made the presentations to the PC on behalf of the applicants.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To accept the recommendation of the Planning Commission to vacate and replat the parcels as identified. Commissioner Shy abstained from voting. The motion carried.

Commissioner Attebery introduced Cindy Howard as the new Office of Emergency Management Director to the audience.

Office of Emergency Management (OEM) Report

Cindy Howard, OEM Director, met with the BOCC and gave a report. She said that she was transitioning into the position and gave a summary and outline of the OEM revenues and expenditures since she assumed those responsibilities. She presented the Board with three bids for the previously approved OEM communication vehicle and offered and explained her recommendation. Ms. Howard said that grant funding for the purchase was approved in 2015. She proposed the county accept the bid from Mike Naughton Ford, Inc. for a 2015 F-150 4x4 super crew at an approximate cost of \$42,000.00.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To proceed with the purchase of the vehicle as identified with a caveat that every effort is made and followed to adhere to the county purchasing policy. The motion carried unanimously.

2016 Custer County Annual Fire Operating Plan – C. Howard

Ms. Howard and Sheriff Byerly presented the 2016 Custer County Annual Fire Operating Plan. Ms. Howard said that the local annual operating plan is applicable to all signatory parties within the State of Colorado. She remarked that it addresses how signatories will implement cooperation, interagency working relationships, and protocols, financial arrangements, and joint fire management activities within Custer County.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve the 2016 Custer County Annual Operating Plan as presented with a caveat that signatory lines for the Office of Emergency Management and the Wet Mountain Fire Protection District are added to the document. The motion carried unanimously.

Search and Rescue (SAR) Roof Repair Estimate review

Larry Weber met with the he BOCC and gave a summary of the repairs and remodeling in process at the SAR building. He addressed the Board regarding the roof repair estimates for the SAR Building. Commissioner Attebery said that the county has received one bid for the project from Mullett Enterprises, LLC, in the amount of \$1,250.00. Mullett Enterprises, LLC dba Mullett Roofing and Gutter provided proof and a certificate of liability insurance. County Attorney Naylor remarked that the contractor would also need to provide proof of workman's compensation coverage.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To accept the estimate from Mullett Enterprises, LLC to repair the roof at the Search and Rescue Building in the amount of \$1,250.00 pending confirmation of the appropriate workman's compensation coverage. The motion carried unanimously.

Useful Public Service discussion

Attorney Smith presented correspondence he prepared on behalf of the BOCC soliciting the courts participation for the selection of a qualified candidate to assume the duties of the Useful Public Service (UPS) Director for

Custer County. Commissioner Attebery explained that the UPS Director was responsible for the scheduling and supervision of defendants required to complete public service within Custer County. He said that the current UPS Director has been promoted within the local court system and that a replacement will be necessary.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve and sign the correspondence prepared to the Chief Judge of the 11th Judicial District, Patrick Murphy, regarding the replacement of the UPS Director. The motion carried unanimously.

Attorney Smith said that a copy of the correspondence would also be forwarded to the District Administrator, Lisa Rowe.

Airport Advisory Board Transfer of Funds – B. Jolley

Bob Jolley, representing the Airport Advisory Board (AAB) met with the BOCC and requested a transfer of \$10,000.00 from the county general fund to the airport fund. He said that the AAB would purchase a split load of aeronautic fuel. He commented that the additional funding would be necessary to cover the cost of an annual insurance premium for the airport that is currently due. Commissioner Attebery explained that the funding was budgeted for the airport for 2016. He said that a transfer from the county general fund to the airport fund was a bookkeeping measure.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the transfer of \$10,000.00 from the County General Fund to the Airport Fund as requested. The motion carried unanimously.

The BOCC recessed at 10:40 AM.

The BOCC reconvened at 10:50 AM.

Custer County Economic Development Corporation (EDC) DOLA Grant Application

Charles Bogle, representing the EDC, presented a revised Colorado Department of Local Affairs Grant application for the BOCC's review and approval. He said that the revised funding request was for \$69,486.00. Commissioner Kattnig said that he and Mr. Bogle met with the county auditor, the county chief financial officer, and the attorney regarding the county's responsibility as fiscal agent of the grant funding. He said that those involved agreed that a Memorandum of Understanding (MOU) will need to be in place that will relinquish the county from any obligations or liabilities for the project and the funding. The MOU will be between the Custer County Economic Development Corporation and Custer County. Commissioner Shy expressed concern that the motion to proceed with the grant application at the March 9, 2016 had a caveat that the total grant funding request will not exceed \$60,000.00 and that the paperwork in front of them was for \$69,486.00. Mr. Bogle said that due to an internal communication issue some of the figures entered into the original application by the EDC were inaccurate. The revised calculation figures total the \$69,486.00.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To rescind the March 9, 2016 motions limiting the DOLA grant application to \$60,000.00. To revise that the total DOLA grant funding request for the project will not exceed \$70,000.00. The motion carried unanimously.

Commissioner Shy expressed concern regarding the June 30, 2016 deadline for the deliverables of the project. He said that he felt that the application should include correspondence of support from the Town of Westcliffe, the Town of Silver Cliff and the Chamber of Commerce especially in regard to the completion of the Main Street Wi-Fi project. He encouraged the EDC to solicit the entire community when preparing the Strengths, Weaknesses Opportunities and Threats (SWOT) goals for the project.

Cal Leslie said that he understood that the county is acting as a fiscal agent for the EDC project and questioned what benefit this project will have on the rural areas of the county. Mr. Bogle said that a portion of the project will focus on the unincorporated areas of the county. He said that the assessment will support the installation of additional communication towers that could provide the rural areas of the county with a broadband internet fixed wireless signal coverage.

Wetmore Community Center/Library (WCCL) update

Commissioner Attebery said that he was in receipt of correspondence from the San Isabel Electric Association, Inc. regarding the proposed electrical service upgrade for the Wetmore Community Center/Library Building. He said that the cost estimate is \$6,693.00 and would require an approval by the BOCC. County Attorney Naylor reviewed the document and said that it appeared to be appropriate. The topic will be added to the BOCC agenda for approval at the March 31, 2016 meeting. Commissioner Attebery presented correspondence from the Colorado Hazard Control, LLC, for proper wet removal and disposal of approximately 1300 sq. ft. of asbestos containing floor tile and mastic from the basement floor of the WCCL building. The proposal is in the amount of \$7,852.00 and would require an approval by the BOCC to proceed. He remarked that the WCCL Board would like to proceed with the proposal. He explained that since the proposal was for a professional service, that three bids were not necessary under the county purchasing policy.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To move forward with the professional asbestos service as prepared by the Colorado Hazard Control, LLC. The motion carried unanimously.

Michael Kienbusch expressed concern regarding asbestos exposure beyond the flooring and suggested random sampling throughout the building as well as before and after the service completed. He agreed to inspect the WCCL building and share his findings with the BOCC.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To withdraw the motion to move forward with the professional asbestos service agreement from the Colorado Hazard Control, LLC, at this time. The motion carried unanimously.

Sheriff Byerly shared repair and construction concerns related to the sheriff's office facility. He said that he was in the process of obtaining proposals to repair and or replace the roof and also to address the ventilation issue of the detention area in the facility. The BOCC requested that the sheriff present the proposals and the cost estimates at the March 31, 2016 BOCC meeting. Sheriff Byerly remarked that two of the sheriff vehicles and the transport van are currently not operational.

Commissioner Attebery thanked the Wetmore Volunteer Fire Station for the use of their facility for the BOCC meeting.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 12:10 PM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman

(audio recordings of the meeting are available for review or purchase)