

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JANUARY 19, 2011**

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 Joe Arbuckle, Jerry Lacy, Lockett and Sue Pitman and Bob Senderhauf.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Old Business:

Finalization of the Custer County Calendar for 2011

Finalization of the Board of County Commissioners Meetings for 2011

Policy for the Hanssen Haus Resource Center – Donna Squire

Silver West Airport Board Appointments for 2011

Office of Emergency Management Report – Commissioner Austin

On-Going discussions: UAWCD, LATN, South Colony Basin Fee Proposal, Wetmore Project, Wet

Mountain Waste Minimization Grant

New Business:

Silver West Airport Grant Review

Liquor License Renewal for the San Isabel Lodge and Restaurant – Clerk and Recorder

Enterprise Zone Grant Confirmation – Kathy Reis

Administrative Assistant Report – Kris Lang

The Board reviewed and revised the 2011 BOCC meeting schedule. The BOCC meeting of July 5, 2011 has been rescheduled to July 11, 2011. The BOCC meeting of September 6, 2011 has been rescheduled to September 12, 2011.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the revisions in the BOCC meeting dates as presented. The motion carried unanimously.

The Board reviewed and revised the 2011 Holiday Schedule as follows:

January 17, 2011	Martin Luther King Day
February 21, 2011	President's Day
May 30, 2011	Memorial Day
July 4, 2011	Independence Day
September 5, 2011	Labor Day
October 10, 2011	Columbus Day
November 11, 2011	Veteran's Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Day after Thanksgiving
December 23, 2011	Christmas Eve
December 26, 2011	Christmas Day

MOTION BY Commissioner Attebery, seconded by Commissioner Butler:

To approve the 2011 Holidays as presented. The motion carried unanimously.

Christe Feldmann, Office of Emergency Management Director met with the BOCC and gave a report. She presented a status update on the Federal Emergency Management Agency (FEMA) Emergency Management Performance Grant (EMPG); National Incident Management System (NIMS); Emergency Operation Center (EOC); and the Severe Weather Plan. Ms. Feldmann reported that the OEM department has received grant funding to purchase a portable weather station and she suggested the unit be installed at the Search and Rescue Building. The Board agreed. She continued to report on the Local Emergency Planning Committee (LEPC) and the communities right to know act regarding hazmat issues. She provided a tentative distribution summary for the radios being purchased under the 2010 Homeland Security Grant and requested approval to proceed with the \$51,000 purchase. Ms. Feldmann said that she is in the process of scheduling teen and adult Community Emergency Response Team (CERT) classes. She remarked that she is working with Len Lankford on public education and awareness under the Wildland Fire Mitigation Grant. She reported that the FEMA National Flood Insurance Program was still being reviewed. Commissioner Austin suggested that Ms. Feldmann come before the BOCC on a monthly basis. Following a brief discussion the Board agreed that the Director of the EOM would continue to provide the BOCC with scheduled quarterly reports unless a specific need or concern arose that warranted an additional appointment.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

Approving that Ms. Feldmann move forward with the purchase of the radios under the Homeland Security Grant as proposed. The motion carried unanimously.

Joe Arbuckle, citizen suggested that Ms. Feldmann review the possibility and options of providing trans-repeaters for the dead zone areas in the county. He expressed concern regarding 911 and emergency service notification and communication.

Sue Pitman, citizen expressed concern that in the event of a power outage the residents in her local neighborhood cannot contact 911 and emergency services. She asked Ms. Feldmann to consider backup options for that area.

Commissioner Attebery gave a report on the water forum that the public and the commissioners attended on January 15, 2011. He said that a suggestion was made to have the Planning Commission (PC) review the water augmentation plan scenario. He expressed concern that the PC is a land use board and not a water board. He said that although the BOCC can direct the PC to assume that responsibility, he felt the Commissioners should discuss the topic with the Chairman and Vice-chair of the PC and the Director of the Planning and Zoning Department before making any decisions.

Commissioner Butler agreed and said that the BOCC needs to understand and identify the issues and problems so they can be adequately addressed with the UAWCD. Commissioner Austin said he would like to expedite the process and suggested that the PC add the agenda item to their next meeting. Lockett Pitman agreed. Joe Arbuckle said he would like to take this time to amplify on his suggestion and what he had in mind when he proposed having the PC review the water augmentation scenario. He said that the PC is an organizational body with the capabilities to schedule work sessions and meetings on the topic. He suggested that a committee of the stake holders be appointed along with volunteers to assist the PC in the process. Commissioner Austin agreed with all the statements made by Mr. Arbuckle. Bob Senderhauf suggested that the ranchers, who are the people who own the water also be included in any scheduled discussions or meetings. Commissioner Attebery agreed and suggested that the county attorney also be involved. He said the topic was sensitive and that he did not want the county to rush into anything at this time. Commissioner Austin expressed continued concern regarding the letter previously signed by Commissioner Attebery and Commissioner Custer to the UAWCD. He stated that the records in the water court reflect the BOCC as being at fault or to blame for the dismissal when in fact that was not the case. He said that there is no place in any official record that does not blame the county. He said he would like a written correspondence prepared that identified the reason the BOCC agreed to the dismissal was because the UAWCD had previously agreed and failed to provide the county with adequate time to review the water augmentation plan prior to submission to the water court.

MOTION by Commissioner Austin:

To draft an additional correspondence to the UAWCD stating that Custer County was not to blame or at fault for the dismissal along with clarification that the UAWCD failed to abide by an agreement to allow adequate time for review of the plan prior to submission. The motion was not considered due to the lack of a second.

Commissioner Butler inquired on the legalities involved regarding the reprocessing of the original letter to the UAWCD with his signature. He explained that on the date the correspondence was signed by Commissioner Attebery and Commissioner Custer he was in the audience as Commissioner-Elect and did not feel it was appropriate for him to sign the correspondence at that time. He was now ready to add his signature to the letter. Commissioner Attebery suggested Commissioner Butler contact the county attorney to discuss any legalities that might be involved. Joe Arbuckle asked Commissioner Butler why he did not support Commissioner Austin's motion to prepare an additional correspondence to the UAWCD. Commissioner Butler responded that on the advice of legal consult he supported the original correspondence. Sue Pitman reported that she had attended the last UAWCD meeting. She said the board members seemed confused and unsure of the topic. She said that perhaps our local representatives could share the concerns with the UAWCD Board.

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:30 AM

Dale Mullen, Wes Taylor and Ginny Holloway joined the meeting representing the Silver West Custer County Airport. Mr. Mullen, interim Custer County Airport Authority Board (CCAAB) stated that the CCAAB has recommended the appointment of Dale Mullen and Patrick Lynch to the Board.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

Approving the appointments of Dale Mullen and Patrick Lynch to the CCAAB. The motion carried unanimously.

Commissioner Austin thanked the airport board for their volunteer time and support to keep the airport up and running. He expressed concern over the airports previous financial expenditures outside their

approved budget. He said that the CCAAB should make every effort to operate within the 2011 budget approved for the airport facility.

-3-

1-19-11

Commissioner Butler expressed concern regarding public relations and marketing of the Silver West Custer County Airport. He said that the CCAAB needs to concentrate on advertising and selling the benefits of the airport to the public and to the county. He suggested that the Airport Board communicate with the Tourism Board, and the Custer County Merchants and Chamber of Commerce and enlist their help and support to provide awareness of the airport facility. He commented that scheduling a building dedication at the location would improve and increase awareness and the public relations within the community. Commissioner Butler requested the CCAAB submit a monthly budget report to the BOCC. He stated that the CCAAB will have to operate within the 2011 approved budget. He commented that he still has a concern regarding the previous personal mileage reimbursements submitted by the CCAAB. Mr. Mullen responded that it was old news and that they would not be submitting future personal mileage reimbursement requests. He stated that the CCAAB will provide the BOCC with monthly expenditure reports for their review. Commissioner Butler commented that his concerns had been addressed and answered. He thanked the CCAAB for their support and commitment.

Commissioner Attebery stated that it is imperative that the CCAAB take responsibility and operate the facility within the approved 2011 budget. He said that since this was the first year for the operation of the new building and the utility bills and maintenance expenditures will need to be closely monitored. He remarked that the cost and expenditures of the entire facility and property should stay within the 2011 budget figures approved.

Mr. Mullen presented the BOCC with a copy of the Colorado Discretionary Aviation (CDA) grant application submitted by the CCAAB in November 2010. He reminded the BOCC that he had mentioned the grant application during the budget hearings in October 2010. He reported the funds requested was \$45,000 with a \$5,000 local cash match. The grant will provide two controlled access gates to be installed on the north and south access roads, with additional fencing repair to the existing fencing to assure perimeter integrity and the extension of electrical power to each gate location to power the gates. Mr. Mullen requested that the county portion of the airport budget line item be increased by \$5,000 to enable the CCAAB to continue with the grant application process. He advised the BOCC that the transportation security administration could require the installation of security gates at the property at a future date. He remarked that the county would have no choice and that the supplemental funding for this project may not be available at that time. He urged the BOCC to approve the \$5,000 local cash match request. Commissioner Attebery stated that the county does not have the extra funding and proposed the CCAAB review their budget line items and find the cash match within their budget. Mr. Mullen responded that if the CCAAB reduced any of their current budget line items they undoubtedly would be in front of the BOCC requesting additional funds before the end of the 2011 budget year. He said he would like to avoid that scenario and therefore did not agree or support Commissioner Attebery's proposal.

Commissioner Butler said he was struggling with the request. He stated that although the 90/10 grant funding provided the county with a financial opportunity, he agreed with Commissioner Attebery that the county's general fund does not have the extra funding available.

Commissioner Austin proposed amending the county's general budget to support the airport with the local cash match of \$5,000. He suggested that the BOCC consider taking the funding from the road and bridge or the office of emergency management budget. He felt both departments have a relationship with the airport.

MOTION by Commissioner Austin to find the monies in the county general budget for the \$5,000 local cash match. The motion was not considered due to the lack of a second.

-4-

BOCC 1-19-11

Commissioner Attebery commented that upon his review of the CDA grant application in front of him prepared and submitted by the CCAAB, the \$5,000 local match was listed under in-kind services and not under the cash match item line. Mr. Mullen agreed to review and confirm the local match requirement and report back to the BOCC.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the grant application as presented with a caveat that Mr. Mullen will confirm that the in-kind services for the \$5,000 local match are applicable and acceptable. The motion carried unanimously.

Mr. Mullen left the meeting and later rejoined stating that in-kind services for the local match of the CDA grant were applicable.

Kathy Reis, Enterprise Zone Representative met with the BOCC and requested approval to utilize the \$3,000 funding from the Enterprise Zone for the Cliffs Action Revitalization Team (CART) doing business as Cliffs Commercial District (CCD). Ms. Reis reported that the request has been approved by the Town of Westcliffe and the Town of Silver Cliff. She further requested that Commissioner Butler join the Cliffs Commercial District Board.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve the designation of the Enterprise Zone funding to the Cliff's Commercial District as requested and to appoint Commissioner Butler to the CCD Board. Motion carried unanimously.

The BOCC recessed at 11:45 PM.

The BOCC reconvened at 12:00 PM.

Donna Squire, Resource Navigator and Deputy Mike Halpin, Courthouse Security joined the meeting.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To appoint Commissioner Butler as the BOCC contact for the Hanssen Haus Resource Center (HHRC) and the Veterans Service Office (VSO). The motion carried unanimously.

Commissioner Butler asked if the detached garage at the HHRC was his responsibility. Following a brief discussion the Board agreed the garage would be categorized as building and grounds and therefore fall under the direct BOCC contact of Commissioner Attebery.

Commissioner Butler said that he would like to appoint a committee to review and determine the policies of the HHRC. He proposed the policy committee include representation from the resource navigator, security, social services, public health, court offices, victims advocate, veterans service office and the American Legion.

Donna Squire, Resource Navigator shared concerns regarding the security of the facility, the offices and the storage areas inside the facility. She proposed that the locks be changed and that she be the designated person responsible for authorization and distribution of the keys. The Board agreed and further added that the key distribution be registered with Deputy Halpin, Courthouse Security.

Commissioner Austin said the facility should be accessible to individuals, committees or programs that are paying rental space compensation. He stated that the telephone coverage should be provided by

a county employee. Commissioner Butler agreed and remarked that individuals using the facility who do not have a direct association with the county will be asked for rental compensation.

-5-

BOCC 1-19-11

Commissioner Butler addressed the barter proposal for the front desk reception and telephone coverage presented by Custer County Transitions (CCT) in exchange for space within the HHRC. Following a discussion the Board agreed that the front desk reception and telephone coverage should remain the responsibility of a compensated county employee.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

Not to accept or approve the barter proposal from CCT for space within the HHRC. The motion carried unanimously.

Linda Urwiller, Custer County Court Clerk and Laura Lockhart, Human Service Director joined the meeting. Ms. Lockhart explained that the CMP-IOG was initiated from House Bill 1451 which supports a collaborative management process for services addressing the needs of youth, ages 0-21, involved in multiple community-based agencies. She said the HB1451 supports the wrap-around process as a way to improve the lives of youth with complex needs, and their families. Following a discussion with Ms. Lockhart and Ms. Urwiller it determined that the county does not have the numbers necessary for justification or continuation of the program.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To dissolve the CMP/IOG since the county does not have the numbers necessary to continue or support the program. The BOCC agreed to reconsider the program at a future date if needed. The motion carried unanimously.

The BOCC discussed a request for representation at the Inter-Agency Network (IAN) meetings. The Board agreed not to appoint a specific representative to the IAN. The commissioners will individually attend if they choose to do so.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To refrain from designating a specific representation from a BOCC member at the Inter-Agency Network meetings. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 1:25 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman

Approved 1/31/11

-6-

BOCC 1-19-11