

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JANUARY 31, 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 Nora Drenner, reporter for the Wet Mountain Tribune and Dave Hayward, Wetmore citizen.

AGENDA:

Call the Meeting to Order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Old Business:

Review vouchers and sign checks

Transfer from PILT to County General – County Treasurer

Topics for Discussion:

BOCC representation on the Weed Board

Response for Dorothy Urban on Preserve America correspondence

Response to Kathy Reis for the CC Business Guide on the county website

Response to the citizen request for Quest DSL Service

CCT correspondence responding to proposal at the HHRC

New Business:

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

IT Director, Chuck Ippolito – courthouse telephone system

Panning Commission Chair and Vice-Chair, Director of Planning and Zoning – water augmentation plan discussion

Staff Meeting

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

To accept the posted agenda. The motion carried unanimously.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To approve the minutes from January 11 and 19, 2011. The motion carried unanimously.

County payroll and accounts payable were approved from the following funds:

County General	\$235,096.97
Road and Bridge	\$104,448.88
Emergency Services	\$ 11,668.61
Human Services	\$ 19,525.56
Capital Improvement	\$ 3,538.08
Airport Fund	\$ 2,640.90
Tourism Fund	\$ 11,461.75
Self Insurance	\$122,439.00
TOTAL	\$510,819.75

Commissioner Attebery reported that the BOCC will be reviewing and initialing the Accounts Payable Disbursement Sheets rather than the individual vouchers. The revised procedure for review of the monthly bills and vouchers has been approved by the County Attorney.

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

To approve the January 2011 bills and vouchers. The motion carried unanimously.

Commissioner Austin suggested that a Board member attend and participate on the Custer County Weed Board. He remarked that those meetings start around 4:00 pm and that was a conflict with his schedule. He proposed Commissioner Butler represent the BOCC. Following a brief discussion the Board agreed that since Commissioner Attebery is the BOCC contact for the extension office he would assume the representation on the weed board. Commissioner Butler will also attend several of the meetings for orientation purposes.

Commissioner Attebery addressed the correspondence from the Advisory Council on Historic Preservation, in Washington DC. The correspondence outlined additional information necessary regarding Custer County's request for designation as a Preserve America Community. Commissioner Butler stated that Dorothy Urban was the contact representative for this project. He reported that the topic would be on the agenda for the February 24, 2011 Summit Meeting. He said Ms. Urban has scheduled a presentation on the Preserve America Program for that date. The BOCC agreed that Ms. Urban continue to facilitate the project.

Chuck Ippolito, IT Director joined the meeting.

Commissioner Attebery asked Dave Hayward to join the Board. Mr. Hayward said he would like the support of the commissioners regarding his request for DSL internet service at the twenty mile marker on highway 96 in the Wetmore area. He said it was his hope and intention to find stimulus monies to stimulate Q-West to provide the requested service. Chuck Ippolito reported that he has communicated with Q-West and that a DSL signal can only be obtained within a certain distance from the calling center. He said the signal currently reaches the twenty-four mile marker and that after that distance the signal deteriorates. Mr. Ippolito remarked that Q-West advised him that the more people requesting the service, the greater the impact. Mr. Ippolito suggested that the residents in the general area forward requests for service to Q-West. Mr. Hayward stated that he would be willing to research and pursue funding for the project. The Board agreed to assist Mr. Hayward with any pertinent contact information available.

Commissioner Attebery reported that the Town Clerk of Westcliffe had previously advised the Board that the Town of Westcliffe's website would no longer be able to house the Custer County business directory after January 2011. The Board asked Chuck Ippolito, IT Director if the county business directory could be added to the county website. Mr. Ippolito responded that he did not feel it would be an issue and that he would contact the Town Clerk of Westcliffe for the data base information. Mr. Ippolito left and rejoined the meeting shortly after. He reported that he obtained the data base and information on the Custer County business directory. He said that he would be able to add the business directory to the county website.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To approve that Chuck Ippolito, IT Director move forward with the process of including the Custer County business directory on the county website. The motion carried unanimously.

Commissioner Butler asked that Mr. Ippolito advise the BOCC if the time and effort required to setup and maintain the business directory became accumulative.

Mr. Ippolito presented the BOCC with copies of estimates he obtained to replace the courthouse telephone system. He reported that Century Tel is requesting the return or the purchase of their equipment that was used to repair the telephone system from the malfunctions experienced earlier this month. Mr. Ippolito stated the county will be forced to make a decision by the end of March. He said the equipment currently on loan from Century Tel would be extremely costly to purchase. He proposed replacing the courthouse telephone system and outlined the estimates received from Bills Telephone Service, Century Link and NuWest. The bids ranged between \$15,000 - \$19,000. Following a discussion the Board agreed to review the cost proposals and make a determination at a later date. Commissioner Attebery remarked that this expenditure has not been allocated in the 2011 budget figures and therefore, will require review of the budget.

The BOCC signed the correspondence addressed to Custer County Transitions (CCT) responding to the proposal presented at the January 11, 2011 BOCC meeting. The letter confirms the Boards decision not to enter into a barter arrangement with CCT to provide front desk coverage at the HHRC in exchange for office space. The Board agreed that the HHRC should be facilitated by a county employee.

Commissioner Attebery excused himself from the meeting 9:40 AM to communicate with the Clerk and Recorder. Commissioner Austin left the meeting at 9:45 AM. The meeting was paused due to a lack of quorum. Commissioner Attebery joined the meeting at 9:50 AM. Commissioner Austin joined the meeting at 9:55AM. The meeting was continued.

Debbie Livengood, Clerk and Recorder presented the liquor license renewal for the San Isabel Restaurant and Lodge. She stated the application was complete and in order.

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

To approve the liquor license renewal for the San Isabel Restaurant and Lodge. The motion carried unanimously.

Commissioner Butler inquired whether the sheriff's approval report pertaining to liquor license renewals was a written or verbal format. Ms. Livengood responded that at this time a verbal approval was obtained. Commissioner Butler remarked that the Town of Silver Cliff requires a written approval from the sheriffs department and he proposed the county consider that option.

Ms. Livengood remarked that she was currently in discussions with the Westcliffe Town Clerk in an effort to create continuity of the liquor licensing process and fees between the county and the towns. The Board agreed to review the proposal of written reports from the sheriffs department on liquor license renewals with the County Attorney at the February 8, 2011 BOCC meeting.

The BOCC recessed at 10:40AM.

The BOCC reconvened at 11:00AM.

Vic Barnes, Keith Hood, Jackie Hobby, Bob Senderhauf, Paul Snyder, Robin Young, Bob and Carol Allison joined the meeting.

Commissioner Attebery asked Vic Barnes, PC Chairman and Keith Hood, PC Vice Chairman to join the BOCC. Mr. Barnes said that he understood that the Board was in favor of having the PC review the water augmentation plan scenario. Commissioner Austin stated that some of the PC members were already stakeholders and therefore suggested that the PC start the initial review to compile all the appropriate information. He said a sub-committee could be appointed to assist the PC in this effort. Mr. Hood said that he did not feel the PC was the proper source or vehicle to review the plan. He remarked that the PC does not have the technical knowledge or experience necessary to adequately review or recommend a water augmentation plan. He stated that before any plan is reviewed, there should be a determination if there is a need for a plan. He said that has not been established at this time. Mr. Hood commented that it has become an emotional topic. Jackie Hobby, Director of Planning and Zoning (P&Z) agreed that the first step would be a determination on whether there is a need for a water augmentation plan in Custer County. She stated that if the PC does proceed with the review, her concern would be that all parties involved work and function within a balanced and level playing field. She commented that \$43,000 of taxpayer monies goes to UAWCD each year and that the public should be informed of the services provided. Bob Allison, citizen of Fremont County agreed that the topic has become an emotional issue. He feels the lack of communication of the UAWCD is to blame. He encouraged the county to carefully review and identify if there is a need for an augmentation plan. Mr. Allison inquired on Round Mountain Water Sanitation District's (RMWSD) role and interest. Mr. Senderhauf responded that RMWSD has its own water augmentation. He distributed copies of the application for appropriative rights of exchange and for approval of plan for augmentation #2009CW85 and 20098CW86 filed in District Court. Water Division No. 2 by the UAWCD. He also distributed copies of the motions to dismiss #09CW85 and 09CW86. He said review of the paperwork will help provide clarification and confirmation of the process. Paul Snyder stated the first step should be to determine if there is a need for an augmentation plan. He then suggested that the focus be directed to the old east hills area, adjudicated ponds and whether the lots in question are designated pre or post 1972. He said that he feels this is a land issue and could be reviewed by the PC. Commissioner Austin said that he agreed with all of Mr. Snyder's statements. He suggested the P&Z Director forward Mr. Snyder's list of concerns to the PC for consideration. Commissioner Attebery said he felt the need to know what was the priority and of utmost importance to the BOCC. He commented that this has been an on-going discussion for numerous years. He said there appeared to be concern and confusion in the community regarding the term blanket or umbrella augmentation plan. Commissioner Attebery suggested that the BOCC meet with the UAWCD and agree on a memorandum of understanding (MOU) on how to proceed. He said this step would require the advice and approval from John Naylor, County Attorney. He commented that the UAWCD and Water Division No. 2 has been a good resource for the county and would like clarification on what the UAWCD can or cannot do for the county.

Commissioner Austin said that at this point he would still like the PC to review the concerns expressed by Mr. Snyder and that he did not support a MOU between Custer County and the UAWCD. He asked Mr. Snyder to forward the concerns he shared to the P&Z Director.

Mr. Snyder reminded the BOCC that they are the guardians of the county's historic records. He expressed concern that the reason for the county's dismissal or withdrawal of the water augmentation plan in District Court, Water Division No. 2 is not clarified in the official record. He urged the BOCC to prepare a correspondence clarifying that the reason the county entered into a motion to dismiss was because UAWCD did not provide the county the opportunity to review the plan prior to the filing in District Court.

Mr. Barnes, Mr. Hood and Ms. Hobby agreed to inform the PC board members of the proposal at the February 8, 2011 PC meeting and will share the feedback received with the BOCC.

Commissioner Attebery and Commissioner Butler will be in attendance at the Council of Governments Strategic Planning meetings on February 23 and 24, 2011.

Commissioner Austin said that the Custer County Conservation District (CCCD) hosted the second water conference on January 15, 2011. He referenced a correspondence received from Hal Julsen, President of the CCCD summarizing the monetary contribution and the expenditures of the water conference. He reported a shortfall of \$800. Commissioner Austin said that since the water forum was a county issue, he felt the county should make a financial contribution to the CCCD to help offset the shortfall. Following a brief discussion the BOCC did not make a decision on the proposal.

Virginia Trujillo, Treasurer addressed the BOCC and requested a transfer of \$20,000.00 from the Payment in Lieu of Taxes (PILT) Fund to the County General Fund.

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

To approve the transfer of \$20,000.00 from the PILT Fund to the County General Fund as requested. The motion carried unanimously.

The meeting was adjourned at 12:45 PM.

Commissioner Attebery called the meeting back into session at 1:05 PM.

The department heads and elected officials met with the BOCC for the staff meeting. Present were: Christe Feldmann, Kristi Geroux, J.D Henrich, Dawna Hobby, Chuck Ippolito, Emil Roy, Debbie Livengood, Donna Squire, Julie Trombley, Dave Trujillo and Virginia Trujillo.

Commissioner Attebery asked the department heads and elected officials present if they were satisfied with the staff meetings being scheduled quarterly or would like to return to the monthly schedule. All present agreed to keep the quarterly staff meeting schedule.

Commissioner Butler thanked everyone for their patience and support during his acclimation period as a new commissioner. He said that the Board agreed that he would be the BOCC contact for the Resource Center. He reported that a policy committee was being established to review and improve the usage of the facility and the first meeting is scheduled for February 8, 2011. He said the Community Development Block Grant (CDBG) funding that was used to purchase the facility requires that the county provide 51% of the resources to low and moderate income individuals and families.

Chuck Ippolito gave a briefing on the new phone system he proposed to the BOCC early in the meeting. He said that there would be orientation and a learning curve for the employees on the new system. J.D. Henrich reported he attended a conference to review the changes and revisions in the assessors department. Debbie Livengood reported that she attended a conference regarding the new legislation and changes in the motor vehicle and elections department. Dave Trujillo reported that the R&B department is preparing for the summer road repairs and chip seal. Christe Feldmann reported that she is instructing the freshman class at the school on CERT preparedness.

The BOCC thanked all the department heads, elected officials and staff for their hard work and commitment to the county.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**  
**To adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at 1:35 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman