

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, NOVEMBER 1, 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:

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|---------------|---------------------------|---------|
| Lynn Attebery | Chairman | Present |
| Jim Austin | Vice-Chairman | Present |
| Allen Butler | Commissioner | Present |
| John Naylor | County Attorney | Present |
| Kris Lang | Deputy Clerk to the Board | Present |

Also present: Sue Pittman, Brooke Parrent and Nora Drenner, Wet Mountain Tribune Reporter.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Public Comment

County Attorney

- Review draft letter to the UAWCD

- Review the Horn Creek Conference Grounds CWPP Mutual Agreement

Old/New Business

Recycling Report

Landfill Report

- Increase the Tip Fees (discussion)

Airport Report

- Airport Courtesy Vehicle (continued discussion)

- Transfer of funds from County General to the Airport – Debbie Livengood Clerk and Recorder

OEM Report

Human Resource/Finance Report

Planning and Zoning Report

Resource Center Report

Colorado Counties Inc. (CCI) Executive Director John (Chip) Taylor

Road and Bridge Report

Public Health Report/Prevention Coordination

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To accept the posted agenda with the amendment. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments.

Sue Pittman said that Sustainable Ways is sponsoring a series of free classes on “How to live off the Land”.

She said that Sustainable Ways is a local 501c3 non-profit organization and shared concerns regarding the Special Events Permit (SEP) process and fees for non-profit organizations. Ms. Pittman asked the BOCC to review the SEP process to make it more user-friendly for public events.

The BOCC met with the County Attorney and the following topics were discussed:

- Letter from the BOCC to the Upper Arkansas Water Conservancy District approved.
- Horn Creek Conference Grounds CWPP Mutual Agreement review in progress.

Rusty Christensen, Landfill Manager met with the BOCC. He reported that the cost of the future landfill expansion is approximately \$150,000. He proposed an increase of the landfill tip fees to generate additional revenues. He said that the state average is \$11 per cubic yard. Mr. Christensen commented that the last time landfill fees were raised was in 2008. The current fee's are \$9 a cubic yard, \$14 a cubic yard and a half and \$18 for two cubic yards. The proposed increase would be \$10 a cubic yard, \$15 a cubic yard and a half and \$20 for two cubic yards. The price for Veltrie Disposal services would increase from \$7 to \$8 a cubic yard. The per bag fee would remain at \$2 for up to three bags. He stated that the portion of the landfill fee collected earmarked for recycling would remain at \$.75 per cubic yard. Commissioner Austin said it was important that the public understand the increased fees are not to maintain or support the recycling center but earmarked for the required future landfill expansion.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To raise the tip fee at the landfill from \$9.00 to \$10.00 per cubic yard. To increase the fixed rate for Veltrie Disposal services from \$7 to \$8 per cubic yard. The increases will take effect on January 1, 2012. The motion carried unanimously.

Mr. Christensen said that the recycling building would require roof snow stops and gutters. Mr. Thrun stated that professionally installed specialized gutters would be necessary. The Board recommended that Mr. Christensen and Mr. Thrun follow the revised county purchasing policy and obtain the required estimates.

Tim Thrun, Recycling Coordinator met with the BOCC and gave a report. He said the first load of cardboard has been picked up for an estimated revenue of \$3800. He announced that an open house was scheduled on Saturday, November 12, 2011 from 1 to 3pm at the recycling facility. Mr. Thrun proposed having Justin Parker of We Recycle Co-Op in Pueblo attend a future BOCC meeting to give the Board a presentation on plastic recycling. The BOCC agreed.

The BOCC recessed at 9:55 AM.

The BOCC reconvened at 10:05 AM.

Bob Giacomelli, Deputy Mike Halpin, Dawna Hobby, Cheryl Leonard, Debbie Livengood, Dale Mullen, John Piquette, Virginia Trujillo and Wes Taylor joined the meeting.

Dale Mullen, Airport Authority Board (AAB) Chairman met with the BOCC for the monthly report. Bob Giacomelli, AAB Volunteer presented the 2011 to date Aviation Fuel System Fuel Sales Analysis. Cheryl Leonard AAB Assistant/Secretary/Treasurer provided the 2011 to date Operations Fund Analysis – Budget vs. Actual. Commissioner Butler complimented the AAB on the color graphics of the reports presented. Dale Mullen gave a summary on the electrical repair and upgrade completed at the airport by J.B. Wright Electric, Westcliffe, Colorado. Mr. Mullen said that he is requesting a transfer of the remaining \$10,485 of allocated funds for the airport from the county general fund to the airport fund. John Piquette, County Finance Officer and Virginia Trujillo, County Treasurer remarked that the county general fund balance was currently low and recently required a transfer of funds to cover and maintain the current county expenditures.

Ms. Trujillo said that the airport fund has an available balance of approximately \$18,000 for their expenditures. She suggested that any transfer requests from the county general fund not be approved until necessary. Mr. Mullen said that the anticipated airport expenditures in the next 30-45 days would require the transfer requested. Following a brief discussion the BOCC agreed to transfer the funds at the beginning of December 2011.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To transfer \$10,485 from the county general fund to the airport fund at the December 5, 2011 BOCC meeting. The motion carried unanimously.

Dan Fox expressed concern regarding the funding of the airport operation with county taxpayers monies. He asked for the taxpayer financial figures that were allocated to the airport operation for the two to three years. Commissioner Butler responded that he would provide Mr. Fox with that information. Mr. Fox said it appeared that only a handful of people utilized the airport and asked who benefits from the operation. Bob Giacomelli said that a 2008 state study indicated that over \$1 million dollars was brought into the county as a result of the airport. Dale Mullen said the airport provides a huge economic impact and is the best asset the county has. Wes Taylor said the property at Silver West Estates as a result of the airport provides the county with property taxes.

John Naylor, County Attorney reported that County Technical Services, Inc. (CTSI) will not insure the county airport courtesy car/vehicle under the Colorado Counties Casualty and Property Pool (CAPP) policy. CTSI recommends that airport courtesy vehicles should have their own coverage outside of the CAPP. Mr. Naylor advised the BOCC that the airport courtesy vehicle is a county owned vehicle operating as part of the county owned airport. He expressed concern regarding the county's liability for the usage of the airport courtesy vehicle. He advised that governmental immunity does not apply in this case and that the county would be responsible and liable. Mr. Naylor stated he could not recommend continued usage of the vehicle without the proper insurance. Mr. Mullen said that the AAB continues its position that the proof of insurance and acceptance of liability form completed prior to usage of the courtesy vehicle is sufficient. Commissioner Attebery said as it stands right now the county insurance CTSI is not and will not cover this vehicle

MOTION by Commissioner Attebery:

That the airport courtesy vehicle not be used until it is properly insured as per the recommendation of the County Attorney. The motion died for a lack of a second.

Mr. Mullen said that he submitted a revised 2012 budget to the county finance officer that included an additional \$1000 for a separate insurance policy for the airport courtesy vehicle. He contended that as of January 2012 the vehicle would be insured. Commissioner Austin said that the insurance coverage is a budgeted expense at the first of the year starting in 2012 and it would be prudent not to use the vehicle until that time. Commissioner Butler agreed. Mr. Mullen said that although it was unlikely the courtesy vehicle would be requested during that time frame, he would not agree to restrict the usage and strongly emphasized that the AAB does not believe the county is at risk.

Following a lengthy discussion Commissioner Austin and Commissioner Butler stated they would personally share the expense and pay the insurance premiums on the airport courtesy vehicle for November and December of 2011. They instructed Mr. Mullen to obtain the recommended insurance coverage on the vehicle as soon as possible. Mr. Mullen said he would contact the insurance underwriters within 24 hours. He stated the process would require the approval of the AAB.

Debbie Livengood, Clerk and Recorder met with the BOCC and requested a transfer of \$4000 from the Conservation Trust Fund to the County General Fund.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the transfer as requested. The motion carried unanimously.

Ms. Livengood requested clarification on the policy regarding the scale house and giving out the combination to the public. lock combination. She said that she was not comfortable sharing the combination code with individuals she does now know. She said that although the clerk and recording staff are willing to assist the trucks and drivers requesting a weigh scale ticket; the priority of the department is providing service and assistance to the clerk and recording customers. The BOCC agreed and assured Mr. Livengood that sharing the lock combination code was appropriate to give out.

Christe Feldmann, Office of Emergency Management (OEM) met with the BOCC and gave a report. She outlined the following training: NIMS/ICS; Wildfire Mitigation, Haz-Mat, ESF, ECO, and the 2012 Emergency Management Accreditation Program. Ms. Feldman reported on the radio reprogramming and the radio interoperability training. The Board recommended that she review the Horn Creek Conference Grounds CWPP Mutual Agreement on behalf of the OEM.

Dawna Hobby, Human Resource and Finance Manager met with the BOCC and gave a report. She said she was completing the finance insurance webinar program. She reported several employees were interested in the ROTH program. She confirmed that the 2012 preliminary budget review was scheduled for November 15, 2011.

Chip Taylor, Colorado Counties Incorporated (CCI) Director met with the BOCC and gave a presentation on the merits of Custer County's enrollment in CCI. He said that CCI provides the counties of Colorado with opportunities of state and federal representation on numerous issues. Commissioner Austin said that 63 counties participate in CCI and there is a reason the organization is strong. He said CCI offers critical statewide and legislative representation. Dick Downey said he has always supported CCI and found the organization to be extremely helpful during his terms as county commissioner. He suggested that BOCC meetings include status updates from the Board regarding CCI meetings, conferences and legislative issues. Commissioner Austin agreed. Doris Porth requested clarification on the county that is currently not a member of CCI. Mr. Taylor responded that it was Lake County and that they would be enrolling in the near future. Dan Fox said he was concerned that taxpayer monies were being used to fund CCI membership in excess of \$10,000 during a time of budget economic hardship. Mark Evert agreed. Commissioner Attebery remarked that a preliminary budget review was scheduled for November 15, 2011 and that the county's membership and dues for CCI enrollment would be reviewed at that time. The Board thanked Mr. Taylor for joining the BOCC meeting.

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

- File: 100-04-502 Antelope Valley 4, Lot 160. (permit violation)
Edward and Maria Aulich in attendance to appeal the post-construction cost.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve a reduction in the post-construction permit cost from \$1.35 per sq. foot to \$.90 per sq. foot. The property will require benchmarking. The motion carried unanimously. The property owners will make financial payment arrangements with the planning and zoning director.

- File: 100-00-461 Dora Mountain Vistas, Lot 2 (permit violation)

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve a reduction in the post-construction permit cost from \$1.35 per sq. foot to \$.90 per sq. foot.
Motion carried unanimously.

- File: 102-36-900 Centennial Ranch, Lot 442 (permit violation resolved)
- File: 102-36-857 Centennial Ranch, Lot 112 (permit violation resolved)
- File: 100-33-728 Bull Domingo Ranch, Map 16, Lot 5 (permit violation in review)
- Special Event Permit Violation - Club America Triathlon
- Special Event Permit Violation - Sustainable Ways (resolved)
- 2012 USGS Agreement (not approved)
- Clark Engineering LLC ISDS consulting report
- Quitclaim Deed CR329 (in review)

Donna McDonnall, Public Health Nurse met with the BOCC and gave a report. She said that 15 childhood immunizations and 25 blood pressure screenings were administered in October 2011. She reported a total of 650 flu shots were administered this year. Ms. McDonnall reported that the 9 Health Fair is tentatively scheduled for March 30, 2012. She gave an update on the CATCH program through the El Pomar Foundation, the Cardio Pulmonary Resuscitation classes and Medical Reserve Corp training and workshops scheduled.

Donna Squire, Resource Center Navigator met with the BOCC and gave a report. She said the resource center housed six meetings during the month of October. She assisted several citizens in need of assistance and guidance. She has completed the Care and Share training in civil rights and food safety. Ms. Squire reported that she is currently attending class meetings at the school to engage student participation for the senior and shut-in food distribution program.

Dave Trujillo, Road and Bridge Supervisor met with the BOCC and gave a report. The work completed in October included the grading of numerous roads, the hauling of gravel and water, the cleaning and repair of cattle guards and the plowing of snow. He said that the road and bridge department has moved the buildings from the airport property and cut/fill the hill project on Highway 69 north. The work planned will include the grading of roads, hauling of gravel and water, the plowing of snow and preparation of the south pit for crushing in December or January. He reviewed the crushing bids from Colorado Crushing and A&S Aggregate Crushing. Mr. Trujillo advised that the D-8 Dozer will require extensive and costly repairs and that he is checking into the option of a new John Deere Dozer.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 2:05 PM

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman