

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, APRIL 2, 2013**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS 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
Allen Butler	Vice-Chairman	Present
Kit Shy	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Cal Leslie; Michael Place, COL, MC; and Nora Drenner reporter for the Wet Mountain Tribune.

**AGENDA:**

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes:

Audience introduction

Public Comment

Commissioner Items

Executive Session

New/Old Business

Landfill/Recycling Report – Rusty Christensen

Treasurer Report – Virginia Trujillo

OEM Report – Christe Feldmann/County Evacuation Plan – Christe Feldmann

Planning and Zoning Report – Jackie Hobby

Staff Meeting

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

Col. Michael L. Place addressed the BOCC and presented Custer County with a flag framed for display in appreciation of the county's support of the Mountain Medics, Fort Carson, CO. Col. Place read the inscription on the display case into the record. Certificate of Authenticity The Flag of the United States of America, Custer County, Colorado. The accompanying flag was flown in your honor for your support of operation enduring freedom over the headquarters of the U.S. Army 10<sup>th</sup> Combat Support Hospital, Camp Dwyer, Afghanistan. It serves as a beacon of hope to the serving men and women and as a symbol of freedom to all. The flag also serves as a tribute to our fallen comrades who paid the ultimate sacrifice as part of the global war on terrorism. Flown on the 11<sup>th</sup> day of September 2012. Task Force Medical Southwest.

Signed:

Winston Young, CSN, USA Commander Sergeant Major

Michael L. Place, COL, MC Commanding

The BOCC expressed their deep appreciation for the honor and gift bestowed to Custer County. The Board agreed to display the flag in a place of public prominence within the courthouse.

Commissioner Attebery said that Thomas Goodwin requested a letter of support from the BOCC. Mr. Goodwin is seeking reappointment as the Director for the Upper Arkansas Water Conservancy District (UAWCD).

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

To approve and sign the letter addressed to Chief District Judges Charles Barton, Pattie Swift and Gilbert Martinez supporting Thomas Goodwin as the Director of the UAWCD. The motion carried unanimously.

Rusty Christensen, Landfill Manager met with the BOCC and gave a report. He said that the demonstration of the grinder for the slash at the landfill site was tentatively scheduled on April 26, 2013. He expressed concern regarding the continued changes and revisions required by Colorado Department Public Health and Environment (CDPHE) for the landfill operating plan and storm water management plan and the construction quality assurance of the pit. He said that the power at the landfill is having a positive effect on the function of the landfill and the equipment. He said that the above ground electric poles are being negatively viewed by some of the citizens and reminded those present that underground cables for the project were prohibited by the CDPHE. Mr. Christensen said that recycling portion of the landfill continued to be utilized. He reported that the baler was operating more efficiently with power and said that the generator previously used could be sold as part of a county auction.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on March 1, 2013 was \$3,940,759.51 and the ending balance on March 29, 2013 was \$3,234,676.08.

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

To accept the Treasurers report for March 2013 as presented. The motion carried unanimously.

Ms. Trujillo presented the quarterly Public Trustee Report for review.

Commissioner Attebery said that Moore Heating and Cooling is in the process of submitting a bid for the repairs and revisions necessary in the courthouse. He said that the current custodians for the courthouse have submitted their resignations effective April 30, 2013. He commented that the basic custodial services will be offered and advertised for approximately 10-12 hour per week.

Commissioner Butler said he supported unified community participation for the Memorial Day Parade scheduled on May 27, 2013.

Commissioner Shy said that the county is still working with CDPHE regarding the final closure of the Westcliffe landfill.

The BOCC recessed at 10:00 AM.

The BOCC reconvened at 10:35 AM.

Christe Feldmann, Office of Emergency Management Director met with the BOCC and gave a report on public education that included Teen CERT, Hazard Preparedness, Fire Mitigation, HAM Radio Course, and Livestock Evacuation. She gave a report on the training scheduled that includes ICS402, WEBEOC Training, Staging Area Workshop, Public Informational Officer Work Shop and Exercise Evaluator Training.

She said that the Wetmore Soil Stabilization Project for aerial reseeding and mulching is scheduled on April 9 and 10, 2013. Ms. Feldmann said she was in the process of completing the county evacuation and re-entry plan for the BOCC's review. She said she was researching grant options for an emergency messaging school informational sign. The BOCC thanked her for all her work and participation within the community. The Board asked Ms. Feldman to identify the county OEM programs that are necessary and required under the Colorado State Statutes.

Jackie Hobby, Planning and Zoning Director met with the BOCC and the following issues were discussed.

File 102-36-922 Zoning Permit Violation (pending)

File 100-30-310 Variance Setback Request (pending)

File 102-26-750 Waiver of Senate Bill 35 (pending)

Ms. Hobby said that the Zoning Regulations are in the final stages of review and will be sent to the Planning Commission for approval. She expressed concern regarding a letter she received via Grand County addressed to the Elected County Officials issued by Jamie Prochno, National Flood Insurance Program (NFIP) Coordinator/Colorado Water Conservation Board (CWCB) regarding the Federal Emergency Management Agency (FEMA) requirements to adopt floodplain regulations. Ms. Hobby shared the correspondence with the BOCC and Ms. Feldmann. She said it was her understanding that the BOCC had elected not to participate in the NFIP and the FEMA mapping programs. The BOCC confirmed their previous decision not to participate in the programs. The Board agreed that the county would not respond or address the correspondence.

The department heads, elected officials and staff met with the BOCC for the staff meetings. Present were: Rusty Christensen, Sheriff Jobe, JD Henrich, Dawna Hobby, Jackie Hobby, Chuck Ippolito, Debbie Livengood, Laura Lockhart, Donna McDonnall, Gail Stoltzfus, Virginia Trujillo, and Robin Young.

The BOCC apologized for having to reschedule the staff meeting from March 29, 2013 and thanked everyone for their understanding and patience.

The following topics were discussed:

Wellness Program/Exercise Equipment in the Courthouse Basement

It was proposed that exercise equipment could be brought in or donated by the county employees for employee use in the basement of the courthouse. Ms. Hobby will research the county's insurance coverage and liability regarding the proposal.

Custodial Services

Lori and Jim Bistodeau have resigned from the custodial position effective April 30, 2013. Custodial services for the courthouse will be needed starting May 1, 2013. The position would begin with the basic courthouse custodial services; approximately 10-12 hours per week at \$10.00 per hour.

Medical Insurance Premium

Dawna Hobby, Human Resource/Finance Manager reported that the current medical insurance company CEBT has increased the insurance premiums by 10% beginning July 1, 2013. She said that the county will continue to cover 2/3 of the increase and the employees will assume the remaining 1/3 of the increase.

Custer County Fair

Robin Young, Colorado State University (CSU) Extension Agent reminded those present that the Custer County Fair is scheduled from July 15 and 21, 2013. She said that the county employees are encouraged to submit their crafts for exhibition.

Resource Center Annex

Robin Young, CSU Extension Agent said that several programs under the Extension Office are utilizing the Resource Center. She asked if there was a written policy on the rules, regulations, and procedures for the use of the Resource Center Facility. The BOCC agreed to follow-up on the request.

County Auction

The commissioners said that the county will schedule a public action for its unused items. The elected officials, department heads, and staff are asked to contribute any applicable items to the cause.

Personnel Awareness

Commissioner Shy said that the staff meetings could become a source of shared information on employees and family members experiencing both positive and negative changes in their lives. He encouraged all the county employees to acknowledge and support each other..

Amendment 2

Sheriff Jobe said on April 3, 2013 he will join the Sheriffs of Colorado in Denver, CO. to oppose the infringements of the Second Amendment and to speak out in opposition of the recent enacted gun control laws.

Staff Meeting

The next staff meeting is scheduled on May 31, 2013.

The BOCC recessed at 12:45 PM.

The BOCC reconvened at 1:00 PM.

Commissioner Attebery said that the BOCC would go into Executive Session to seek legal advice from Josh A. Marks of Berg Hill, Greenleaf, & Ruscitti LLP.

**Commissioner Attebery made a motion, seconded by Commissioner Butler:**

**To go into Executive Session. The motion carried.**

Commissioner Attebery cited C.R.S 24-6-402(b) Conferences with an attorney for local public body for the purpose of receiving legal advice on specific legal questions. The BOCC went into Executive Session at 1:00 PM. Those present were: Commissioner Attebery, Commissioner Butler, Commissioner Shy, Kris Lang, Deputy to the BOCC and a telephone conference with Josh Marks Attorney at Law.

**Commissioner Attebery made a motion, seconded by Commissioner Shy:**

**To go back into Regular Session. The motion carried unanimously.**

The BOCC came out of Executive Session at 1:40 PM. Commissioner Attebery stated that he was the Chairperson of the Custer County Board of Commissioners and confirmed that the discussion remained on topic and that no matters were adopted and no actions or decision were made.

Mike and Laura Halpin joined the regular meeting and gave the Board an update regarding their recent involvement with the CR 390 issue.

Commissioner Attebery asked if there was any further business to discuss. Hearing none he adjourned the meeting at 2:50 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman