

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, OCTOBER 6, 2015**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S BOARDROOM.

Commissioner Kit Shy called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

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

Also present: Joe Arbuckle and Emily Wenger, reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Audience introduction
Public Comment
Approval of minutes
Commissioner Items
Attorney Items
Executive Session
New/Old Business
Colorado Judicial Dept. Underfunded Facilities Commission
2016 Preliminary Budget Report – J. Piquette
Staff Reports: CSU Extension, Planning and Zoning, Road and Bridge, Treasurer

AMEND AGENDA

Commissioner Kattnig said that would like to add Peggy Collins to the agenda to give a report on the recent AT&T outages. He said she has been maintaining a detailed record of the disconnections and outages. He proposed that the BOCC prepare correspondence to AT&T regarding the interrupted service in the county. The Board agreed.

APPROVAL OF MINUTES

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the minutes of the September 30, 2015 BOCC meeting as presented. The motion carried unanimously.

PUBLIC COMMENTS

Commissioner Shy asked if there were any public comments. Joe Arbuckle said he was in attendance to hear the VSO report but did not see it on the agenda for October 6, 2015. Kris Lang, Deputy Clerk to the Board, responded that the VSO report was changed to October 5, 2015 at the request of the VSO Officer.

Commissioner Kattnig gave Mr. Arbuckle a summary of the VSO report presented at the October 5, 2015 BOCC meeting. Mr. Arbuckle expressed concern regarding the recent AT&T outages. Commissioner Kattnig agreed and remarked that he would like to see the BOCC issue correspondence addressing the concern to AT&T. Mr. Arbuckle said that the AT&T website provides notification of outages and he would like to know why it does not provide any mechanism for the public to report a public outage. He said that the recent outage experienced in Custer County was not noted on the AT&T website.

COMMISSIONER ITEMS

Commissioner Kattnig said that he will attend the Action 22 meeting on October 9, 2015 and the 4-H award ceremony on October 11, 2015.

Commissioner Shy said that he will attend the Wetmore KIOSK meeting on October 8, 2015 and the Beckwith Ranch fund raising event on October 10, 2015.

Commissioner Attebery said that he had a meeting scheduled with the engineer from San Isabel Electric on October 8, 2015 to discuss and review the Wetmore Community Center/Library project.

ATTORNEY ITEMS

Clint Smith, Attorney, said that he has been in communication with Kendall Griffin, the Assistant Attorney General, regarding the Westcliffe landfill closure and that additional documentation is being requested.

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Colorado Judicial Dept. Underfunded Facilities Commission

Deputy Mike Halpin, Courthouse Security, said that about \$2.2 million is available from the Colorado Underfunded Courthouse Facility Cash Fund. He said that the funding is to help the eligible counties cover costs of courthouse repair, remodeling or construction projects. The General Assembly created the grant program to help counties with the most limited financial resources ensure access to safe courthouses that allow for the efficient and effective administration of justice. He stated that Custer County is eligible for the funding. He reviewed several options for expansion of the courthouse that included the addition of a second floor above the courtroom. Commissioner Attebery said that he would like to see the county request funding to begin the planning phase. Commissioner Kattnig said that he would like to see the county focus on the addition of a second floor that would include an ADA compliant elevator. Commissioner Shy asked Deputy Halpin to assess the courthouse needs and prepare a list for review by the BOCC. He said that the courthouse does experience a congestion problems on court dates and that an expansion would help alleviate the situation. Commissioner Attebery reminded the Board that the grant funding is a reimbursement type program and that the county must have the funds available in the county general fund before starting the project. The deadline for the completed grant application submission is October 30, 2015. A work session will be scheduled to review the criteria for the grant application. The participants of the workshop will include: Commissioner Attebery, Sheriff Byerly, Deputy Halpin, and Court Administrator Lisa Rowe.

2016 Preliminary Budget Report – J. Piquette

John Piquette, Finance Officer, met with the BOCC and presented the preliminary annual county budget for 2016. He said that the total of the anticipated expenditures and budget requests is \$6,925,471.00 and that the

anticipated revenues are \$6,490,360.00. He said that the BOCC will need to reduce the 2016 expenditures by \$435,111.00 or access the county reserves in order to submit a balanced budget 2016 as required by state statute.

CSU Extension Report

Robin Young, CSU Extension Agent, met with the BOCC and gave a report that included the agricultural/horticultural resources; weeds; and the 4-H and youth development programs. Ms. Young said that Beverly Goertz, will be recognized for her twenty years of service at the 4-H award ceremony. The extension office will be closed from October 14 – 16, 2015. She will attend the Colorado Weed Managers Association meeting at the end of the month. Commissioner Shy asked Ms. Young if the property at the old Westcliffe landfill has been inspected for weeds. Ms. Young said that the property was inspected and passed the weed criteria and guidelines. Commissioner Shy said that Ms. Young was a participant in the preparation of a planning grant on behalf of the county that would include and involve all of the county buildings.

Planning and Zoning Report

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

File # 102-36-655 Aspen Mountain Ranch, 12400 CR 360 – appealing the post construction violation costs.

MOTION by Commissioner Attebery to offer relief of \$100.00 from the post construction violation costs. The motion died due to the lack of a second. The BOCC did not take any action on the request for financial relief from the post construction violation costs.

File # 102-36-325 Centennial Ranch, Lot 180 – zoning and septic permit violations. Ms. Hobby said that all the mail correspondence regarding this violation has been returned to the zoning office and that there is no current accurate mailing address available. The BOCC advised that Ms. Hobby and a Sheriff's Deputy should hand deliver or post the notice on the building at the property.

File # 100-81-116 Land in Section 9 10 & 15-21-69 Block 344 and 375 – oversized sign (in process).

File # 102-14-114 Red Tail Ranch, 455 Howe Road – permit violation of a dog grooming business (notification issued). Attorney Smith will review and determine whether the property owner requires a home occupation license or a special use permit.

File # 102-10-000 Antelope Valley, 133 Rosita Circle – permit violation (notification issued).

File # 102-36-630 Centennial Ranch, 1430 Electric Avenue – permit violation (notification issued).

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To recess as the Board of County Commissioners and reconvene as the Board of Health. The motion carried unanimously.

The BOCC recessed as the Board of County Commissioners at 11:30 AM.

The BOCC reconvened as the Board of Health at 11:31 AM.

File # 100-699-10R San Isabel, 49 Spruce - variance request for a vault system. Ms. Hobby explained that a percolation test was completed for the purpose of designing a standard septic system on the property . The size

and dimensions of the property cannot meet the required setback for the leach field/septic system and that the property owners have requested authorization to install a vault system.

MOTION BY Commissioner Kattnig, seconded by Commissioner Shy:

To approve the request for authorization to install a vault system on the property. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To recess as the Board of Health and reconvene as the Board of County Commissioners. The motion carried unanimously.

The BOCC recessed as the Board of Health at 11:35 AM.

The BOCC reconvened as the Board of County Commissioners at 11:36 AM.

Sheriff Byerly and Bruce Wyatt joined the meeting.

Road and Bridge Report

Rusty Christensen, Road and Bridge Supervisor, and Roger Squire, Westcliffe Road and Bridge Supervisor, met with the BOCC and gave a report. The work completed in October 2015 included: the grading of numerous roads; the hauling of water and gravel; the cleaning and repair of culverts; the cleaning of ditches; and mowing. The work planned for October 2015 will include but not be limited to: the grading of roads; the hauling of gravel; the cleaning and repair of culverts; the patching of pot holes; the repair and replacement of road signage; and equipment preparation for the plowing of snow. Mr. Christensen and Mr. Squire expressed concern regarding the road damage being caused on CR 255 from the heavy truck traffic related to the Black Hills Sub Station. The BOCC suggested that they research the impact and record the equipment, materials and man hours being utilized by the road and bridge department as a result of the road damage. The Board may request financial reimbursement in the future. Mr. Squire reported that the Army Corps of Engineers have approved the maintenance permit for the repairs to Hermit Road at Grape Creek. He said that they are in the process of obtaining an estimate for a contractor to install the additional culvert on CR 220 below the DeWeese Dam to allow the road and bridge crew to continue grading the roads. Mr. Christensen said that a resident has requested that a no littering signage be installed on Copper Gulch Road due to the amount of trash being discarded in the area. Sheriff Byerly will work with the road and bridge department to determine the proper placement of the signage.

Bruce Wyatt, a resident at 1847 Sangre Drive, addressed the BOCC and said that the 35 mile speed limit signage at Airport Road and Wykagyl Road is down and that he is requesting the signage be reinstalled. He said that due to many factors and the road curvatures in the area, he is requesting that an additional speed limit sign be installed to the east of his driveway. Mr. Squire said that the speed limit sign at Airport Road and Wykagyl Road will be reinstalled. He remarked that the department has speed limit signage in stock. Sheriff Byerly supported the installation of additional signage and will research the area on Sangre Drive to justify the decision. The BOCC agreed that in the future any decisions regarding road signage can be addressed and resolved between the road and bridge department and the sheriff's office.

TV Towers

Commissioner Attebery said that Roger Squire has been maintaining the TV tower. Mr. Squire said that an electrical upgrade would be required to continue providing service to the entities utilizing the tower. The estimate for the upgrade is approximately \$800.00 and would provide individual circuits for the entities. He

said that he agreed with Commissioner Attebery that the cost of the upgrade should be shared by the entities involved.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the purchase of the electrical upgrade for the TV tower. The motion carried unanimously.

Commissioner Attebery commented that the funding could be taken from the conversation trust fund or the repair and maintenance fund.

Landfill/Recycling Report

Rusty Christensen, Landfill Manager reported that an inspection from CDPHE will be forthcoming. Commissioner Attebery addressed the topic of drilling the required wells on the landfill property. He said that it would be financially beneficial for that project if it could be completed in 2015. Mr. Christensen said he would follow-up on the topic. He reported that a load of cardboard was hauled for recycling a week ago and that he anticipated having another load before the end of 2015.

Peggy Collins and Steve Cox jointed the meeting.

AT&T

Commissioner Kattnig said that he initiated the agenda item and asked Peggy Collins to join the meeting to provide the BOCC with a report of the AT&T outages. Ms. Collins said she has been keeping records of the interrupted services. She said that the service has been unreliable since early summer and that she has contacted AT&T on numerous occasions without satisfaction. She reported that dozens of complaints have been forwarded to AT&T from concerned citizens. She said that it has become a matter of safety for the citizens and residents that don't have a landline and rely on cell phones for emergencies. Ms. Collins requested that the BOCC issue correspondence to AT&T outlining the concerns and copy the Federal Communications Commission, and Congressman Scott Tipton. She provided the Board with a draft letter of correspondence. Commissioner Kattnig said that he supported Ms. Collins request. The BOCC agreed and said they would review the drafted correspondence. The Board thanked Ms. Collins for attending the meeting and providing them with the information.

Treasurer Report

Virginia Trujillo, Treasurer, was unable to attend the meeting and forwarded the report for review. The beginning balance on September 1, 2015 was \$4,630,405.34 and the ending balance on September 30, 2015 was \$4,571,812.53.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To recess from the Regular Meeting. The motion carried unanimously.

The BOCC recessed from the Regular Meeting in the Commissioners' Boardroom at 12:40 PM

The BOCC reconvened in the BOCC/PC Joint Session in the Courtroom at 1:30 PM.

Those present included Commissioner Shy, Commissioner Attebery, Commissioner Kattnig, Attorney Smith, Deputy to the Board, Kris Lang, Chuck Ippolito, Jackie Hobby, Vic Barnes, Pat Bailey, Bill Donley, Keith Hood, Chris Nordyke, Mike Shields, Dale Mullen, Jerry Seifert, Frank Deluca, Tom Landers, Darrell Niles and Jim Upton.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To accept the recommendation of the Planning Commission to approve the Deluca Gas Company request for a Special Use Permit at Lot 7 Range View Loop, Custer County, Colorado for a permanent 18,000 gallon bulk

propane tank with the conditions as outlined and to follow the recommendations of the Wet Mountain Fire Protection District. The motion carried unanimously.

Tom Landers, Ludwig Propane gave a presentation requesting a Special Use Permit for propane storage and operation on Lot 9, Range View Loop, Custer County, Colorado. The public meeting on the issue is scheduled on November 10, 2015.

Commissioner Shy adjourned the meeting at 2:15 PM

Kelley Camper, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman

(Audio Recordings of the BOCC meetings are available for public review or purchase)