

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 8, 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 was Dallas Anderson, Joe Arbuckle, Jackie Bubis, Brent Bruser, Charles Bogle, Dawna Hobby, Wilson Jarvis, Cal Leslie, Lockett Pitman, Wayne Ewing and Jillian Ward, reporters for the Wet Mountain Tribune, and Paul Sage, reporter for the Sangre DeCristo Sentinel.

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
- 2016 Legal Publication Sealed Bids Opened
- County Vehicle/VALI Renewal Agreement
- Veterans Service Report – T. Swartz
- 2016 County Budget Final – J. Piquette
- Treasurer Report – V. Trujillo
- Search and Rescue Lease Agreement
- Search and Rescue Roof Repair Estimates
- Office of Emergency Management – C. Coleman
- Planning and Zoning Report – J. Hobby
- Road and Bridge Report – R. Christensen, R. Squire
- Landfill Report – R. Christensen
- Recycling Report – R. Christensen
- Elected Official State Salary Issue – Elected Officials

Amend Agenda

None

Public Comment

Commissioner Shy asked if there were any public comments. Brent Bruser commented that at the November 10, 2015 BOCC meeting, John Piquette, Chief Financial Officer, commented that the anticipated expenditures

of the proposed 2016 budget was in excess of the proposed revenues by approximately \$149,000.00 and that reserve funding may be necessary to balance the 2016 budget. He asked if there were any revisions to those figures. Commissioner Shy said that he did not believe that there were any major changes to the proposed budget since that date and said the final numbers will be confirmed when Mr. Piquette presents the 2016 budget for adoption later this date. Commissioner Kattnig remarked that there may be some unexpended funds from the 2015 budget that could help offset the difference. Mr. Bruser asked for the bidding or contracting status for the Wetmore Community Center/Library project. Commissioner Attebery said that he was working with Christe Culp, from the Department of Local Affairs, to meet all the required time line criteria related to the project. He said that several options and procedures were being reviewed.

Approval of minutes

Commissioner Shy said that he had one revision to the minutes of the November 30, 2015. He clarified that the bridge at Hermit Road and Grape Creek qualified for rehabilitation and not replacement.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve the minutes of the November 30, 2015 BOCC meeting with the amendment outlined by Commissioner Shy. The motion carried unanimously.

Commissioner Items

Commissioner Kattnig said he would need to leave the meeting at 12:00 PM to attend a meeting with the school district and interested parties to discuss and review options to provide low income housing for the teachers. He said that although it was not a specific county issue, he chose to participate and involve himself in the topic.

Commissioner Attebery said that on December 4, 2015, he and Commissioner Kattnig met with the Colorado Judicial Department Underfunded Facilities Commission and gave a presentation related to the grant application request of \$25,000.00 for the master planning of the Custer County Courthouse. He remarked that the county will wait to hear from the commission on whether the request has been approved for funding. He thanked Deputy Halpin for his efforts and participation on the project. Commissioner Kattnig proposed that it would be to the county's advantage to have an exit interview with Judge Michaelson to gather his input and suggestions related to the improvement and expansion of the courthouse facility.

Attorney Items

Attorney Smith remarked that he was in contact with the Fidelity National Insurance Company and they were in the process of completing the necessary paperwork related to the closure of the landfill. He said that once he receives that documentation he will proceed with the paperwork required by the Colorado Department of Health and Environment.

Executive Session

None at this time.

NEW/OLD BUSINESS

2016 Legal Publication Sealed Bids Opened

Attorney Smith opened the sealed bids in the order they were received.

The first bid was received on November 11, 2015 at 2:45 PM from the Sangre DeCristo Sentinel.

Dear Commissioners:

As per your bid request letter of October 30, 2015, the following are our bids for Statutory and Non-Statutory Legal Notices for Custer County for the calendar year 2016:

1. Statutory: Our bid is 16 cents a line based on the statutory definition of a print line as 10 picas wide with 6-point type for the first insertion.

This rate is pro-rated as per statute for other column widths and type sizes. (Note the statutory legal maximum is 44 cents per line.) Our bid for subsequent insertions is 14 cents per line (10 picas wide with a 6-point type). (Note the statutory maximum is 32 cents per line.)

2. Non- Statutory: Our bid is 40 cents per line based on 6-point type and 10 picas column width (which is \$4.00 per column inch). This will be pro-rated for other column widths and type sizes.

We sincerely appreciate the opportunity to bid on Custer County's legal publications and look forward to a great partnership.

Sincerely, George Gramlich, Managing Editor.

The second bid was received on December 7, 2015 at 1:34 PM from the Wet Mountain Tribune
Sirs:

As per your request of Oct. 30, here are the bids from the weekly Wet Mountain Tribune for statutory and non-statutory legal notices to be provided by the County of Custer for the calendar year 2016. The bids are based on a column wide of 10 picas, with the type to be set at the standard 6 point.

Also included in the bid below is the cost to reach each household of the Tribune readership, as per our sworn Statement of Ownership for the U.S. Post Service, published on October 1, 2015, which shows an average weekly paid circulation of 2, 628.

-Statutory Legal Notices: 9.85 Cents (\$0.0985) per line. Cost to reach each household of paid subscribers: \$0.000037.

-Non Statutory Legal Notices: 25 Cents (\$.25) per line. Cost per household: \$0.000095.

If you have further questions, please don't hesitate to contact me.

James A. Little, Publisher

Joe Arbuckle said that he would like to make a comment on the bids. He said that he hoped the commissioners would consider the best value and not necessarily the lowest cost. The newspaper publication with the largest number of subscribers and a higher circulation would offer and provide a better market value. Commissioner Shy said that CRS and the Colorado Press Association (CPA) guidelines did not consider circulation to be a criteria when selecting a legal publication. Brent Bruser said that the guidelines of the CPA were not a mandate but rather a guidance measure. Commissioner Kattnig said in an effort to prevent the controversy that occurred earlier this year, he specifically requested that the correspondence requesting the bids include a sentence that stated that the bids will be considered based on price. Commissioner Shy said that the appointment of the 2016 legal publication will be determined in January 2016.

County Vehicle/VALI Renewal Agreement

The topic was addressed at the December 7, 2015 BOCC meeting.

Veterans Service Report – T. Swartz

Tim Swartz, Veterans Service Officer, met with the BOCC and gave a report. He said that he processed eighteen (18) applications in November 2015 and that mental health services are being provided to the veterans once a month by Fred Strickland. Mr. Swartz presented the Colorado Department of Military and Veterans Affairs County Veterans Service Officers, November 2015 Monthly Report, and Certification of Pay, for the Board approval and signature.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the VSO November 2015 report and certification of pay as presented. The motion carried unanimously. Commissioner Shy, Chairman, signed the correspondence.

Joe Arbuckle said that Mr. Swartz does an outstanding job in the community. Commissioner Kattnig thanked Mr. Swartz and his wife for all the extra effort they have dedicated to the cosmetic appearance of the Resource Center/Annex (RC/A) facility. Donna Hood asked for the status regarding the flag pole she donated to the RC/A.

Mr. Swartz said that he would like to see the flag pole installed at the RC/A but does not have the means to remove it from her property at this time. Ms. Hood said that she may be able to offer that service and will research the topic. Commissioner Kattnig said that he met with Mr. Swartz and Mr. Ulibarri, from the Rocky Mountain Behavioral Health Inc. (RMBHI) and that RMBHI will provide services from 1:00 PM to 5:00 PM on Fridays in the RC/A. He said that he strongly encouraged the RMBHI to pursue certification to offer and provide services to the veterans of the community. Mr. Swartz said that the American Legion is requesting that the RC/A accept old flags for drop off. He said that he has been accepting the flags but is requesting that the county provide a permanent box outside the facility for the flag drop-offs.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To authorize Mr. Swartz to proceed with securing a permanent box for flag drops. The motion carried unanimously. Commissioner Attebery suggested that Mr. Swartz contact the local library for the possibility of obtaining an old book return cabinet for the purpose.

2016 County Budget Final – J. Piquette

John Piquette, Chief Finance Officer, presented the BOCC with the 2016 finalized budget. He said that the final estimated figures for 2016 are \$ 6,845,228.00. He said that the 2016 mill levy was 20.245. He gave a breakdown of the mill levy as follows: General Fund 10.995; R&B Fund 5.000; Insurance Fund 1.500; EMS Fund 2.000; Welfare Fund 0.750; for a total of 20.245.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To adopt the 2016 County Budget and Mill Levies as presented. The motion carried unanimously.

Brent Bruser commented that the 2016 budget presented an increase of 11% from the previous year. Joe Arbuckle commented that even with the carryover of unexpended funds the county will probably need to access reserve funding to balance the budget. Donna Hood remarked that the BOCC has not made a commitment or decision regarding the electrical repairs necessary at the fairground facility. She questioned whether the funding for this service could fall under the current year's capital improvement or repair and maintenance budget line item. The Board said that the paperwork in front of them was for 2016 but would check into the 2015 budget. Mr. Bruser and Mr. Arbuckle, asked for confirmation that the adopted 2016 budget would be available for public review on the county website. The Board responded that final 2016 budget will be on the website for review.

Mr. Piquette presented the 2015 Supplemental Budget Resolutions for the BOCC's review and approval.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To adopt Resolution #15-07, #15-08, #15-09, as presented. The motion carried unanimously.

RESOLUTION #15-07

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2015 year,

And, Whereas, the additional revenue was received from sources other than the property tax mill levy,

REVENUE SOURCE – FUND BALANCE \$9,000.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado that the 2015 appropriation for the LODGING/TOURISM FUND is hereby increased by \$9,000.00 for the purpose of covering increased expenditures as follows:

Account No. 55.44320.318 DRONE FILMING \$9,000.00.

Adopted, this 8th day of December, A.D. 2015.

Attest:

Commissioner Christopher L. (Kit) Shy
Commissioner Lynn Attebery
Commissioner Robert Kattnig

RESOLUTION #15-08

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2015 year,

And, Whereas, the additional revenue was received from sources other than the property tax mill levy,
REVENUE SOURCE – FUND BALANCE \$2,000.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado that the 2015 appropriation for the CONSERVATION TRUST FUND is hereby increased by \$2000.00 for the purpose of covering increased expenditures as follows:

Account No. 45.48500.731 REPAIRS TO TV TOWER \$2,000.00.

Adopted, this 8th day of December, A.D. 2015.

Attest:

Commissioner Christopher L. (Kit) Shy
Commissioner Lynn Attebery
Commissioner Robert Kattnig

RESOLUTION #15-09

A Resolution appropriating additional sums of money to defray expenses in excess of amounts budgeted for Custer County.

Whereas, Custer County has received unanticipated revenues and expenses due to unforeseen circumstances during the 2015 year,

And, Whereas, the additional revenue was received from sources other than the property tax mill levy,
REVENUE SOURCE EXPENSE REIMBURSEMENT #40.36.36600 SHERIFF VEHICLE INSURANCE CLAIM \$6,500.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado that the 2015 appropriation for the SELF INSURANCE FUND Is hereby increased by \$6,500.00 for the purpose of covering increased expenditures as follows:

Account No. 40.40600.307 UNEMPLOYMENT COST \$6,500.00.

Adopted, this 8th day of December, A.D. 2015.

Attest:

Commissioner Christopher L. (Kit) Shy
Commissioner Lynn Attebery
Commissioner Robert Kattnig

Treasurer Report – V. Trujillo

Virginia Trujillo, Treasurer, met with the BOCC and said that the ACS Program that provided the end of the month figures was not working at this time and that she would forward the report at a later date.

The BOCC recessed at 10:30 AM.

The BOCC reconvened at 10:45 AM.

Search and Rescue Lease Agreement

Cindy Howard and Jerry Pickeril met with the BOCC and presented the Memorandum of Understanding between Custer County Board of County Commissioners (BOCC) and Custer County Search and Rescue (CCSAR) and the Lease Agreement between Custer County and Custer County Search and Rescue for use of the facility at 710 Rosita, Westcliffe, Colorado. Following an involved review and discussion of the documentation, Attorney Smith approved the correspondence as presented.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To accept the MOU and Lease Agreement with Search and Rescue as presented. The motion carried unanimously.

Search and Rescue (SAR) Roof Repair Estimates

SAR representatives presented bids for the roof repair, the drywall repair, and the sound retention addition to the facility at 720 Rosita Road.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve the bid from Mullett Enterprise LLC in the amount of \$950.00 for the repair of the roof with a caveat that Mullett Enterprise will provide proof of the proper insurance coverage prior to the start of the project. The motion carried unanimously.

Commissioner Kattnig left the meeting at 11:50 AM

Office of Emergency Management – C. Coleman

Christe Coleman volunteered her assistance and support during the hiring and training transition for the new Office of Emergency Management Director.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To accept Ms. Coleman's offer for volunteered assistance during the transition period. The motion carried

Ms. Coleman presented the 2014 EMPG 14-EM-16-159 Grant Agreement for the BOCC's approval and outlined the EMPG Special Award Projects.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve the 2014 EMPG 14-EM-16-159 Grant Agreement as presented. The motion carried unanimously.

Ms. Coleman proposed that the BOCC appoint a Professional Informational Officer (PIO) in 2016. She introduced Wilson Jarvis and said that he was an amateur radio system programmer and that he was requesting permission for the local HAM club to access the towers to promote the club. Commissioner Attebery expressed concern in having additional personnel accessing the towers. He said that the towers are deed restricted and would require authorization from the other entities involved. The BOCC suggested that Mr. Jarvis contact John Decker for additional guidance for the protocols necessary to access the towers.

Commissioner Kattnig joined the meeting at 1:10 PM.

Planning and Zoning Report – J. Hobby

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

File #101-40-256 & 101-40-262 - Sub Division Waiver – tabled to the December 30, 2015 BOCC meeting.

File #102-36-236 - Permit Violation – referred to the County Attorney.

File #102-36-758 - Permit and Septic Violation – referred to the County Attorney.

File #102-36-325 - Septic Violation – cease and desist referred to the County Attorney.

File #103-03-614 - Permit Violation – resolved.

File #102-36-568 - Permit Violation – resolved.

File #100-91-103 - Permit Violation – resolved.

File #100-16-603 - Permit Violation – referred to the Planning Commission.

The Board recessed at the BOCC and reconvened as the Board of Public Health at 1:30 PM.

Jackie Hobby, Planning and Zoning Director, presented time line documentation regarding the Septic Violation #102-87-405 at 682 CR230 Maurice and Lois Woods. She said the violation has been ongoing for almost two years and that the situation presented a serious concern and health issue to the county. Ms. Hobby stated under the direction and advisement of the BOCC, the file was turned over for legal representation and that Attorney Smith issued a cease and desist notification dated November 12, 2015 on the property.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To advise Attorney Smith to start legal action on the property following the expiration of the thirty day cease and desist notice. The motion carried unanimously.

The Board recessed as the Board of Health and returned to session as the BOCC. At 2:05 PM.

Elected Official State Salary Issue – Elected Officials

Kelley Camper, Clerk and Recorder; Virginia Trujillo, Treasurer; Art Nordyke, Coroner; and Shannon Byerly, Sheriff joined the meeting. JD Henrich, Assessor, was not present but had spoken with Commissioner Shy and the Clerk and Recorder regarding his thoughts and opinions on the topic. Representative Eric Bergman from the Colorado Counties Incorporated (CCI) was in attendance via telephone conference. Mr. Bergman explained that Colorado Senate Bill 288 was a bipartisan partnership and that the bill addresses the compensation paid to the state and county public officials. He said that a 30% increase was recommended by the County Elected Salary Committee. Mr. Bergman remarked that the increases will not go into effect immediately but would only become effective for the position after the completion of the next election process and that this timetable will spread out the increases in 2017 and 2019. He remarked that the county elected officials have not received an increase in compensation for over twelve years and that an increase was overdue. He said that in the future, that the county elected officials' salaries will be discussed and reviewed every two years to avoid another situation of this type from occurring again. Mr. Bergman said that the counties have the option of selecting a sub-category of 20%, 10%, or 0% increase but reminded those present that any decision would affect all the elected officials of that county. The BOCC took a straw vote of the elected officials in attendance and all were in favor of the 30% increase.

Road and Bridge (R&B) Report – R. Christensen, R. Squire

Rusty Christensen, R&B Supervisor, and Roger Squire, Assistant R&B Westcliffe Supervisor, met with the BOCC and gave a report. The work completed in November 2015 included: the grading of numerous roads; the hauling of gravel and water; the repair and replacement of road signs; the cleaning of ditches; the repair of the snow removal equipment; and the removal of the pump from the station at Lake DeWeese. The work planned will include but not be limited to: the grading of roads, the hauling of gravel, the plowing of snow, the repair and replacement of roads signs, and culverts. Mr. Christensen discussed a "caution accident ahead" roll up canvass sign for the safety of the crew and citizens. Mr. Squire reported that the culvert installation on CR 220 at Grape Creek below DeWeese damn is complete. Commissioner Attebery asked if the R&B department could haul the free millings that are available from CDOT to use at the SAR parking lot and also to create a heli-pad at the airport property. Mr. Christensen agreed.

Landfill Report – R. Christensen

Mr. Christensen asked for authorization to move forward with the air rotary well process at the landfill property. He said that the estimated cost would be \$37,525.00. The BOCC asked if the type of service was recommended and recognized by the Colorado Department of Public Health and Environment (CDPHE). Mr. Christensen responded that it was.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To instruct Mr. Christensen to proceed with the air rotary well process with a caveat that the system is recognized and approved by CDPHE. The motion carried unanimously.

Mr. Christensen said he would attempt to secure and schedule the driller for the service before the close of 2015. Mr. Christensen addressed the future expansion process of the landfill. The BOCC agreed to schedule a work shop in February 2016 with the appropriate parities to discuss the topic.

Commissioner Attebery said he had several topics he needed to discuss regarding the Wetmore Community Center/Library Project. He said that he would require approval and authorization from the Board before he could proceed with the project. He commented that several issues were time sensitive. He proposed amending the BOCC schedules to add a mid-month meeting to address the issues.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To schedule a Special BOCC meeting on December 15, 2015 at 2:00 PM for the purpose of addressing the Wetmore Community Center/Library Project. The motion carried unanimously.

Continuation of the Elected Official Salary Increase

Commissioner Shy called for a motion to take the county to another tier in the salary proposal from the legislature. Commissioner Kattnig commented that he did not realize a motion or decision was being made today. Commissioner Shy said that the only action or motion the Board has to make today is if we want to change the 30% salary increment from what it is automatically going to be. Commissioner Shy asked if anyone would like to make a motion. Hearing none, he stated for the record that by taking no action, the 30% legislative tier level will not change.

Commissioner Shy asked if there was any more business to discuss. Hearing none he adjourned the meeting at 4:10 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)