

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 9, 2016**

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

Also present was: Dale Falske, Kathy Reis, and Michael Kienbusch, reporter for the Sangre DeCristo Sentinel.

AGENDA

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes: Audience introduction
- Public Comment
- Commissioner Items
- Attorney Items
- Executive Session
- New/Old Business
- IGA Town of Westcliffe, Town of Silver Cliff – Municipality use of the County Courtroom
- Staff Reports
- Road and Bridge/Landfill/Recycling
- Human Resource/Finance
- Treasurer Report
- Work Session BOCC Administrative Assistant Position/Placement

AMEND AGENDA

None

APPROVAL OF MINUTES

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To approve the minutes of the February 29, 2016 BOCC meeting as presented. The motion carried unanimously.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve the minutes of the February 29, 2016 Work Session as presented. The motion carried unanimously.

PUBLIC COMMENT

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

COMMISSIONER ITEMS

Commissioner Shy remarked that he will be attending the Colorado Counties Incorporated (CCI) steering committee sessions later in the week.

Commissioner Kattnig gave an update report on the two individuals with ties to Westcliffe that continue to participate in the Iditarod Race in Alaska.

ATTORNEY ITEMS

None at this time.

EXECUTIVE SESSION

Attorney Smith said that he will call an Executive Session during the Human Resource/Finance Report.

NEW/OLD BUSINESS

IGA Town of Westcliffe, Town of Silver Cliff – Municipality use of the County Courtroom

Kathy Reis, Town of Westcliffe Clerk/Treasurer addressed the BOCC regarding the Intergovernmental Agreement (IGA) between Custer County and the Town of Westcliffe and the Town of Silver Cliff for usage of the county courthouse for the towns municipal court hearings. Following a review of the IGA, it was agreed that the date listed in the IGA be revised from the third Thursday of each month to the third Tuesday of each month beginning at 10:00 AM.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To adopt the amended IGA between Custer County and the Town of Westcliffe and the Town of Silver Cliff to use the county courthouse for municipal court hearings on the third Tuesday of each month beginning at 10:00 AM with a caveat that the dates be coordinated with the court offices. The motion carried unanimously.

The BOCC agreed that when the county courtroom is unavailable for the municipal court hearings, the towns may utilize the commissioners' boardroom in the county courthouse.

Treasurer Report

Virginia Trujillo, Treasurer, met with the BOCC and presented the Treasurers Report for the month of February 2016. The beginning balance on February 1, 2016 was \$4,687,741.91 and the ending balance on February 29, 2016 is \$5,437,335.28

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To accept the Treasurers Report for February 2016 as presented. The motion carried unanimously.

Commissioner Kattnig asked the Treasurer to research and confirm that the funding from the USFS for the timber sales and campground fees is being appropriately receipted to the county.

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

Roger Squire, Road and Bridge Westcliffe Assistant Supervisor, met with the BOCC and gave a report. The work completed in February 2016 included: the grading of numerous roads, the hauling of water and gravel, the plowing of snow, along with the cleaning of ditches. The work planned will include but not be limited to: the grading of roads, the plowing of snow, and storm clean up, the cleaning of ditches and culverts and the repair and replacement of road signs. Mr. Squire said that the hill removal project at CR 328 and Hwy. 96 will be completed in the next week. He said that the R&B department has billed Black Hill Energy in the amount of \$243.75 for the roads repairs necessary as a direct result of their sub-station project.

Commissioner Kattnig said that he would like to see Colorado Division of Transportation (CDOT) clean up the fallen burned timbers along and across Hwy 96 in the Wetmore area. Commissioner Attebery said that he would like to see R&B department load, haul, and stockpile the available free millings from CDOT.

Landfill Report - R. Christensen

Mr. Squire reported that the loader at the landfill facility was not working at this time. He said that the Colorado Department of Public Health and Environment is currently performing inspections and therefore, the installation of a monitoring well at the landfill property is on hold at this time.

The BOCC recessed at 9:55 AM.

The BOCC reconvened at 10:10 AM.

Human Resource/Finance Report

Dawna Hobby, Human Resource/Finance Manager, met with the BOCC and reported that the medical insurance premiums for the county employees with Colorado Employees Benefit Trust (CEBT) will increase by 12% in the upcoming year. She said that the figure was 2% higher than the anticipated figure calculated into the 2016 county budget.

Attorney Smith requested that the BOCC go into an Executive Session.

Commissioner Attebery made a motion, seconded by Commissioner Kattnig, to go into Executive Session at 10:30 AM. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402 (4) (B) conference with an attorney for the local public body for the purpose of receiving legal advice on specific legal questions. Those present were: Commissioner Attebery, Commissioner Shy, Commissioner Kattnig, Attorney Smith, Dawna Hobby, and Kris Lang, Deputy Clerk to the BOCC.

Commissioner Kattnig made a motion, seconded by Commission Shy, to go back into Regular Session. The motion carried unanimously.

The BOCC came out of Executive Session at 10:50 AM. Commissioner Attebery attested that the discussion remained on topic and that no matters were adopted and no actions or decisions were made. Attorney Smith confirmed that no matters were adopted and no formal actions or decisions were made.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To instruct the County Attorney to prepare correspondence asking the county court/judge for suggestions and recommendations regarding the responsibilities and roles of the Useful Public Service personnel. The motion carried unanimously. The topic will be added to the agenda items for the March 22, 2016 BOCC meeting.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To instruct the County Attorney to further research the on-going legal issue involving a previous county employee with a caveat that the Sheriff will be included and involved in the process. The motion carried unanimously.

Attorney Smith excused himself for the remainder of the meeting.

The BOCC recessed at 10:50 AM.

The BOCC reconvened at 11:15 AM.

Planning and Zoning (P&Z) Report

Jackie Hobby, P&Z Director, met with the BOCC and the following topics were discussed:

- Planning Commission (PC) Appointment

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To appoint Dale Mullen as a seated member of the Planning Commission with a caveat that Mr. Mullen retains his position as an associate member to the Board of Zoning Adjustment. Mr. Mullen will fill the vacancy left by Cindy Howard for three years expiring 1/19. The motion carried unanimously.

- File # 102-36-758 Zoning/ Septic Permit Violation (Rito Alto Road) – Resolved
- File # 100-69-801 Zoning Violation Notification Issued (Harmony Circle)
- File # 100-87-300 Zoning Violation Notification Issued (CR 30)
- File # 102-36-550 Septic Violation Notification Issued (Crestone Peak Avenue)
- File # 101-36-600 Zoning Violation Notification Issued (Visa de Agua Loop)

The BOCC recessed from the Regular Meeting at 11:35 AM

The BOCC reconvened as the Board of Health at 11:36 AM

Ms. Hobby presented the amended On-Site Wastewater Treatment System (OSWTS) regulations for Custer County. She said that the revised regulations changed section 5.2 B on page 10 to read that the minimum size for a septic tank shall be one thousand gallons for three or less bedrooms and shall increase 240 gallons for every additional bedroom.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the revised OSWTS regulations as presented by the Planning and Zoning Director. The motion carried unanimously.

The BOCC recessed as the Board of Health at 11:41 AM

The BOCC reconvened to the Regular Meeting at 11:42 AM.

Ms. Hobby reported that On March 8, 2016, the Planning Commission recommended that the BOCC approve the request for a vacation and replat of the lots 14, 15 & 16, Block 6 Sierra City filing 3. The new lots will be known as lot 16A and 14A, filing 3, Sierra City, Custer County Colorado. She said the Planning Commission also recommended the approval of the exemption parcel known as the Thatcher parcels. Ms. Hobby said that she will forward the appropriate paperwork regarding these recommendations to the BOCC for review.

Human Services Report

Laura Lockhart, Human Services Director, met with the BOCC and gave a report. She presented the Expenditures & Unexpended Balances; the State Allocations, the Energy Outreach Colorado Expenditures, and the TEFAP County Allocations, for January 2016.

Regional Economic Development Institute (REDI) Grant Application – C. Bogle

Charles Bogle, representing the Economic Development Corporation, presented the BOCC with a Department of Local Affairs (DOLA) Grant Application requesting \$96,985.00 of funding for the Boards approval. Mr. Bogle explained that the funding would be used to increase the capability to accomplish economic development within the community. He said that there were no matching funds requirements under the program. He said that DOLA requires that a governmental entity apply for the funding. He remarked that the county would be the recipient of the funding for this project and responsible for expending the funds as applicable. Commissioner Attebery expressed several concerns. First, having the county listed as the responsible and liable party of the grant funding on a project that the county is not facilitating. Secondly, the county is not in a financial position to cover the expenditures related to the project and wait for reimbursement from DOLA.

Mr. Bogle said that a detailed and specific memorandum of understanding between Custer County and the Economic Development Corporation would address and rectify the concerns. Commissioner Shy expressed concern regarding the project scope of work outlined in 4 E of the application. He said he was not comfortable committing the county to the cost and installation plans to complete the Main Street Wi-Fi project. Commissioner Shy said he felt that the Main Street Wi-Fi project should be supported by the Town of Westcliffe and or the Town of Silver Cliff. He said that currently the towns have not opted out of Senate Bill 152 that prevents the states municipalities from creating their own broadband network and that he did not feel it was appropriate for the county to assume the responsibility. Commissioner Kattnig said that he understood the concerns expressed but felt it was a worthwhile project for the community. He proposed that the EDC revise the REDI Grant application eliminating the \$37,801.00 for the Main Street Wi-Fi Completion, Cost and Installation Plan at this time.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To instruct the EDC to revise the REDI Grant Application eliminating the Main Street Wi-Fi project with a caveat that the total grant funding request will not exceed \$60,000.00. The approval of the application will be dependent on the review of the MOU prepared by EDC and approved by the County Attorney. The motion carried unanimously.

The BOCC agreed to add the topic to the BOCC Agenda for the March 22, 2016 meeting in Wetmore.

The BOCC recessed at 1:45 PM

The BOCC reconvened at 1:55 PM.

The BOCC adjourned from the Regular Meeting and went into a Work Session at 1:55 PM

Work Session
BOCC Administrative Assistant Position/Placement

Commissioner Attebery said that no decisions were made during the Work Session.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 3:10 PM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman

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

WORK SESSION
BOCC Administrative Assistant Position/Placement

MARCH 9, 2016

Commissioner Lynn Attebery called the work session to order 1:55 PM.

Present:

Lynn Attebery	Chairman	Present
Kit Shy	Vice Chair	Present
Bob Kattnig	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present
Kelley Camper	Clerk and Recorder	Present
Dawna Hobby	Human Resource/Finance Manager	Present

The following topics were discussed and no decisions were made:

- Administrative Assistant full time permanent position.
- Administrative Assistant cross-train with Human Resource
- 75% BOCC Administrative Assistant – 25% Human Resource Support
- Administrative Assistant assist and prepare grants for the county
- Administrative Assistant job description and responsibilities.
- Administrative Assistant employment application advertisement (tentative date)
- Administrative Assistant interviews (tentative date)
- Administrative Assistant orientation and training (tentative dates)
- Administrative Assistant desk and designated office area (to be determined)
- Clerk and Recorder (Clerk to the BOCC) - Minutes

Commissioner Attebery adjourned the Work Session at 3:10 PM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman