

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, NOVEMBER 8, 2010**

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 9:10 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 |
| Carole Custer | Commissioner | Present |
| Kris Lang | Deputy Clerk to the Board | Present |

Also present: Dale Mullen and Angus Thomson

Commissioner Attebery stated that Commissioner Elect Allen Butler was currently out of town for the bereavement of a family member.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Audience Introduction

Amend agenda

Approval of minutes: October 5, 6, 12, 13, 14, 19, 2010

Old Business:

Wetmore Project update

Wet Mountain Valley Waste Minimization Grant update

South Colony Basin in the San Isabel National Forest continued discussion

USGS – Bill Payne

Human Resource/Finance Report

HHRC Report

Assessors Report

LATN – Joe Arbuckle (continued discussion)

Road and Bridge Report

VSO Report

Human Services Report

Sheriff Office – Community Energy Coordinator budget discussion on the proposed air conditioning unit and funding options.

BOCC approval of the 2011 preliminary budget

Work Session - John Piquette- Chief Financial Officer will present an overview of the budgeting process.

MOTION by Commissioner Attebery, seconded by Commissioner Custer:

To accept the posted agenda. The motion carried unanimously.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To approve the minutes of October 5, 6, 12, 13, and 14, 2010. The motion carried unanimously.

Commissioner Attebery reported that security measures would be enforced on the building at the Wetmore project site.

Commissioner Austin reported that the building under the Wet Mountain Valley Minimization Grant (WMVWM) project was constructed at the landfill site. He stated that the CORE oversight committee will meet later this week for recommendations on the next step.

Commissioner Attebery said that the South Colony Basin Fee proposal will continue to be an on-going discussion and process.

Ken Watts, Bill Payne and Pat Edelman of the U.S. Geological Survey (USGS), Colorado Water Science Center met with the BOCC and gave a report. They said the U.S. Geological Survey water-resource activities include extensive data-collection efforts and studies of various types. Custer County is currently the only county in Colorado participating in the program but the USGS operates statewide and collects data on stream flow, water quality and groundwater levels. The annual cost of the survey is \$12,500 with a federal match of \$5,000 and Custer County's portion is \$7,500. Commissioner Attebery said the Board was in the process of balancing the 2011 preliminary budget and shared concerns regarding the county's financial portion of the program and the fact that Custer County was the only county participating in the program. He expressed concern on the use of taxpayer dollars for a partially federal funded program. The Board said they were considering discontinuing the program for a year. The USGS representatives expressed concern that a temporary discontinuation of the program could result in the loss of the federal funding match. Commissioner Custer said the USGS data will assist in the water litigation cases the county is currently involved in. She remarked that the studies and data are valuable to the Upper Arkansas Water Conservancy District (UAWCD) on the proposed augmentation plan. Commissioner Austin agreed. She suggested the USGS and UAWCD collaborate for the benefit of Custer County. The USGS representatives commented that the previous BOCC had requested that the studies and surveys be put into place. The concern expressed was the need for an assessment and potential impact of water being sold outside the county. Commissioner Custer suggested that the USGS secure additional partners to participate and share in the cost of the program. She said that Round Mountain Water and Sanitation District (RMWSD) could be an interested partner. Jerry Lacy of the RMWSD Board said they have currently allocated \$18,000 to have an engineer investigate the quality and quantity of the water available in the district. Commissioner Custer asked if the county could enter into negotiations with the USGS regarding the number of wells studied and the frequency to reduce the cost of the study. The USGS representatives responded that could be an option. Commissioner Austin stated he would still like the USGS to redefine the wells that are being monitored to ensure the most valuable information is being recorded. Commissioner Custer said that she is a strong advocate of networking and recommended that the USGS collaborate with Colorado Counties Incorporated (CCI). She stated that CCI supports member counties in Colorado with information, resources and legislative issues and initiatives. The BOCC thanked Mr. Watts, Mr. Payne and Mr. Edelman for meeting with the Board.

The BOCC recessed at 10:00 AM.

The BOCC reconvened at 10:10 AM.

Dawna Hobby, Human Resource/Finance Manager met with the BOCC and gave a report. She requested clarification on the voucher submitted for the food and beverages for the volunteers working on the building at the landfill. Commissioner Custer stated that the WMVWM project is a commissioner led activity and proposed the funds be allocated out of the commissioner's budget. Ms. Hobby reported that the NACo discount prescription card has been receiving positive reviews from the citizens. She reported that CEBT would be providing the enrolled county employees with a premium refund. Ms. Hobby asked for instruction and guidance regarding the employee dedicated service awards. She reported that although the departments have included the awards in salaries, the auditors did not want the awards specifically budgeted under payroll.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To proceed with the employee dedicated service awards distribution in November 2010. Commissioner Custer abstained stating that she cannot make a decision regarding the dedicated service awards until we better know what the financial position will be when balancing the 2010 budget. The motion carried.

Commissioner Attebery stated that the employee dedicated service awards were approved in 2009 when the 2010 budget was adopted.

Ms. Hobby expressed concern regarding the county's liability for the VSO assistant providing services at 511 Main Street. She said the county's insurance umbrella would not include a non-county building unless it was part of a rental agreement. The Board advised Ms. Hobby to discuss the concern with the County Attorney at the November 9, 2010 BOCC meeting.

Donna Squire, HHRC Navigator addressed the BOCC and requested approval to proceed with negotiations to enter into a rental proposal with Round Mountain Water Sanitation District. She said that RMWDS has expressed interest in renting the two big offices, a small room in the basement and use of the common area at the HHRC. Ms. Squire said she has researched comparable rental space costs in the community and reported that \$1 a square foot would be competitive. Commissioner Austin said it was a great idea and thanked Ms. Squire for her efforts. Commissioner Attebery agreed. Commissioner Custer said she supported the competitive pricing and expressed concern that the county is not closing the door on any human resource providers at the HHRC due to lack of office or meeting space. Ms. Squire said with a design rearrangement and use of the back office, there would still be adequate space. Commissioner Custer said she was concerned about the use of the small back office space on a regular basis since the room does not have a privacy door for confidential discussions with customers and the fact that the temperature in the room was hard to monitor.

J.D. Henrich, County Assessor met with the BOCC and reported that the garage door opener at the HHRC was not functioning properly. He expressed concern that the garage door could not be secured or locked. Mr. Henrich stated that he was able to obtain an estimate of \$318 to repair the malfunctioning garage door opener. He requested approval from the Board to proceed. He said that he purchased the surge protector that was recommended by the repair technician. Commissioner Custer said that as a result of the current ADA improvements being completed at the facility, the HHRC has an open building permit with the Town of Westcliffe. She suggested that Mr. Henrich contact the Town Manager, Bob Squire to ensure that the surge protector and proposed repairs meet the code requirements.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To authorize the repair to the garage door opener at the HHRC as requested. The cost of the repairs will be applied to the HHRC building and repair budget line item. Commissioner Custer opposed the motion stating that she did not support the repair costs being applied to the HHRC budget line item. She stated that a garage door opener is a convenience issue, not a code requirement, and therefore the department impacted should pay for the repair. The motion carried.

Commissioner Attebery requested an audience introduction of those present before proceeding with the LATN discussion. Those present included: Joe Arbuckle, Bob Hollingsworth, Don Kaufman, Dale Mullen, Angus Thomson, Jerry Lacy, Bob Dreher, Carol Kennedy, Bob Senderhauf and Nora Drenner. Mr. Arbuckle said the purpose of this discussion was to provide additional facts and to clear up some confusion regarding the LATN program. Mr. Arbuckle, Mr. Hollingsworth and Mr. Kaufman reported they all were retired military generals and clarified that they were not addressing the Board in any official capacity nor are they representing or speaking on behalf of the Air Force. Mr. Kaufman said that the proposal is in the initial stages and that the department of defense is currently seeking comments regarding any potential noise or environmental impacts of the program. He stated that a consultant has been hired to evaluate any negative impacts and that the Air Force will work with the community to mitigate any legitimate concerns. Mr. Hollingsworth explained that the noise from a C-130 transport plane or CV-22 Osprey aircraft could be compared to a lawn mower. He clarified that the areas proposed for the 200 feet altitude crossing would not be over populated town areas but rather at the ridgeline or mountain top. He said up to three flights per night were being proposed but with the large training area the probability of a night flight within the Valley was one to two times per month. Mr. Arbuckle said the purpose of the training was to be undetected and the aircrafts would adhere to the Federal Aviation Regulations. He stated that the airport will evaluate and assess the operations based on biological, cultural and human resources. Mr. Arbuckle shared concern that the Board and the public are already in opposition of the program without fully understanding the contents. Commissioner Attebery stated that the only official stand the BOCC has taken is a correspondence sent on September 30, 2010 to the Cannon AFB, in New Mexico requesting an extension of the deadline date for the submission of county concerns and public input. Commissioner Austin agreed. Commissioner Custer stated that she supported the military and did not support the LATN program as outlined. Bob Dreher stated that the American Legion, Post 170 supported the proposal. He said that he believes if you support our troops then you have to support the proposed LATN training. Angus Thomson stated he was opposed to the proposal and that he attended a meeting in Pueblo and over fifty people spoke in opposition of the proposal. Carol Kennedy stated she supported the proposal. She commented that it was sad that our community is in a debate over this issue especially since the Air Force does not need the community's approval for the proposed flyovers. Dale Mullen remarked that pilots utilizing the Silver West Airport are currently observing the same altitude requirements as proposed. Bob Senderhauf said that he came before the BOCC last month to make them aware of the proposal. He stated he felt it was his duty and obligation to the community. He said that Commissioner Austin had asked him to attend an American Legion meeting to share the information. He said he attended a meeting and clarified that he did not take a position on the LATN flyovers during that meeting. Commissioner Austin said he was grateful for the additional information and felt it was prudent for the Board to wait until all the information regarding the flyovers has been reviewed. He said he was in support of the LATN training proposal. Commissioner Attebery said this is a sensitive topic within the community and that he is not taking an official position at this time. He said he would still like to receive additional input from the constituents.

Commissioner Custer said she had no further comments to add to her previous opposition. Mr. Arbuckle closed the discussion stating that although the Air Force did not need the community's permission to enforce the program, they were functioning as a good neighbor soliciting input. He clarified that he does not believe the Air Force will move forward with the program until all the issues have been addressed.

The BOCC recessed at 11:25 AM.

The BOCC reconvened at 11:40 AM

Lorraine Silva, Veterans Service Office Assistant met with the BOCC and gave a report. She stated that approximately \$18,000 of the Veterans Trust Fund was spent with the majority on home heating. Ms. Silva confirmed that Anna Orgeron is the main contact. She said that the Energy Outreach Grant was renewed this year in the amount of \$8,400. She presented the October 2010 report of the VA expenditures for the Boards review. Commissioner Custer signed the report on behalf of the BOCC. Ms. Silva reported that the readjustment counseling services are still available twice a month. She said at this time that she did not have the financials available to report but would e-mail them to the commissioners at a later date. There were no home visits. The Board informed Ms. Silva that the county was reviewing the liability and insurance coverage for the veterans services being provided at a non-county building specifically the 511 Main Street facility.

Dave Trujillo, Road and Bridge (R&B) Supervisor met with the BOCC and gave a report. He said the work completed in October included but was not limited to: the grading of numerous roads, the hauling of water, continued hand patching and sign maintenance and repairs. The work planned: to haul road base, continue to grade roads, haul water and finish up the hand asphalt patching. He said he would like to get the south pit ready for the crusher which is tentatively scheduled for November 15, 2010. Mr. Trujillo reported that the compressor may need to be replaced. He asked for clarification regarding the request he received for the leveling to grade with top soil at the HHRC. He said he was not aware of any additional in-kind services. Commissioner Custer said she will confirm the request with the contractor and report back to Mr. Trujillo. She commented that the current bottom line was there were no specific landscaping plans for the HHRC and that was the reason the county was not successful in securing the services of the Rural Technical Assistance CSU student support for this project and a backup plan was not yet in place. Mr. Trujillo requested that the county cover the \$100 drug testing sample collector certification fee for Jesse Souza, and went on to explain that his reason for this request is that Ms. Souza does not charge the department any fees to collect the quarterly drug testing samples required and ultimately saves the department time and money.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To approve the \$100 expenditure for the Drug Testing Sample Collector Certification of Jesse Souza. The motion carried unanimously.

Mr. Trujillo reported his department was back on a five day a week work schedule. The department is currently operating with two less employees and that he may have to publish a help wanted advertisement in the Wet Mountain Tribune.

The BOCC met with Laura Lockhart, Department of Social Services (DSS) Director in her office to review and approve the DSS monthly service report.

The BOCC recessed at 12:10 PM.

Commissioner Attebery and Commissioner Austin reconvened at 12:40 PM. Commissioner Custer was not present.

Debbie Livengood, Clerk and Recorder requested a transfer of \$21,701.71 from the Conservation Trust Fund to the County General Fund.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve the transfer as presented. The motion carried.

The BOCC recessed at 12:45 PM.

The BOCC reconvened at 12:55 PM.

Kristi Geroux, Sheriff Office Administrative Assistant joined the meeting. Commissioner Custer reported that the Community Energy Coordinator, Karin Milisavljevich would not be available to meet with the BOCC due to a scheduling conflict in Fremont County. Ms. Milisavljevich was scheduled to discuss possible funding options for the air conditioning unit at the Sheriff's Office building.

John Piquette, Financial Officer met with the BOCC to finalize the 2011 preliminary budget.

MOTION BY Commissioner Austin, seconded by Commissioner Custer:

To approve the 2011 preliminary budget as amended requiring \$15,000 from the Road and Bridge Department Reserves and \$76,000 from the County General Reserves to balance the 2011 budget. The BOCC agreed to make every effort to replace those reserve amounts needed and to do so within three years time. The motion carried unanimously.

Commissioner Custer reported that Custer County's cost to participate in the Upper Arkansas Area Council of Governments (UAACOG) recycling program in 2011 would be \$2,430.16. That figure reflects a \$1,543.94 reduction that was generated by the sale of materials by the regional recycling program in 2010. The cover letter requested that the county designate their choice for a County Director to be on the UAACOG Recycling Program Board. Commissioner Custer said she would be willing to continue representing the county as their Director to the Advisory Board of the Upper Arkansas Recycling Program. Commissioner Attebery proposed that all appointments to the various county boards, commissions and advisory groups be reviewed and determined in January 2011. Commissioner Austin agreed.

The BOCC agreed the following Public Notice be published in the Wet Mountain Tribune.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To publish the public notice as presented: The motion carried unanimously.

Public Notice

The Custer County Board of Commissioners, at their first regularly scheduled meeting in 2011 will be making appointments to the various county boards, commissions and advisory groups. A complete list of openings will be posted on the court house bulletin board in the main hall and on the county web site at www.custercountygov.com. Please submit a letter of interest to the appropriate board by 4 PM, Wednesday, December 29, 2010.

The BOCC signed the following correspondence:

United States Forest Service – requesting a revisit to the S. Colony Basin Fee Proposal

Colorado Counties Incorporated – supporting the position to maintain a county-administered, state-supervised human services system.

Colorado State Park, Off Highway Vehicle Program – supporting the San Carlos Ranger District request for funding.

Bruce and Charlotte Medina – requesting funding towards the survey.

Vic Barnes, Planning Commission – notification that the county surveyor will represent the BOCC in all upcoming surveying issues.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 1:16 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman

Approved 11/17/10

BOARD OF CUSTER COUNTY COMMISSIONERS
WORK SESSION

November 8, 2010
1:00 PM

Commissioners Board Room

Present: Commissioner Attebery
Commissioner Austin
Commissioner Custer
Kris Lang, Deputy Clerk to the Board
John Piquette, Finance Officer
Dawna Hobby, Human Resource Finance Manager

TOPIC:
Overview of the County Budgeting Process.

John Piquette, Chief Financial Officer for Custer County provided a brief presentation and explanation of the budget process for Custer County. He explained his role in the budget process and summarized the role of the County Auditors.

The Work Session ended at 1:55 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman