

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, DECEMBER 29, 2010**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS ROOM.

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
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present: Hal Julsen, Custer County Conservation District and Nora Drenner, Wet Mountain Tribune Reporter.

**AGENDA:**

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of Minutes: 11/17, 29 and 12/6, 7 of 2010

Audience introduction

Old Business: on-going discussions LATN, UAWCD, South Colony Basin, Wetmore project, Wet Mountain Valley Waste Minimization (WMVWVG) project.

ADA Grant Update – Commissioner Custer

New Business:

9:30 AM PUBLIC HEARING Community Service Block Grant – Judy Gilkerson

County Merit System Compliance Certification – Laura Lockhart

Approve 2010 Budget Resolutions – John Piquette

Enterprise Zone and UAACOG Revolving Loan report - Kathy Reis

Custer County Business Directory Transition – Kathy Reis

Emergency Medical Management Grant Application – Cindi Flowers, Jim Trione

Transfer from County General to Conservation Trust Fund – Debbie Livengood

Transfer from Lieu of Taxes to County General – Virginia Trujillo

Renewal of Alpine Lodge Liquor License

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

To accepted the posted agenda. The motion carried unanimously.

**MOTION by Commissioner Custer, seconded by Commissioner Austin:**

To approve the minutes from the November 17, 29 and December 6, 7 2010 BOCC meeting as presented. The motion carried unanimously.

The Sheriff Office reports for August, September, October and November 2010 were accepted.

There were no new discussions to report on the LATN, the UAWCD, the South Colony Basin Fee Proposal, the Wetmore project and the WMVWVG.

Hal Julsen addressed the BOCC and said that the Custer County Conservation District (CCCD) was sponsoring a second water conference on January 15, 2011 at the Hope Lutheran Church Lange Memorial Hall beginning at 9AM. He stated that the BOCC would be scheduled to discuss topics regarding the management of our county's water resources. Commissioner Custer suggested that the three current Commissioners provide introductory remarks and the Commissioner Elect and the 2011 BOCC provide summary remarks at the appropriate place on the agenda and that all the commissioners attend the water conference. Mr. Julsen remarked that the CCCD would welcome any financial assistance for sponsoring this event. Commissioner Austin said the county should consider a monetary donation to the event. Commissioner Custer suggested that Mr. Julsen contact the CSU Community Energy Coordinator for possible funding assistance. She stated that she would also suggest that the CCCD request contributions from the appropriate network resources that will be presenting.

Commissioner Custer gave a report on the ADA grant funds received from Garfield County, Colorado. She said that the concrete ramps have been installed at the Hanssen Haus Resource Center (HHRC) and that the hand railings will be constructed and installed in stages by Tom Flower and FFA students attending the School District FAA program. The north entrance door to the HHRC building has been replaced to meet ADA compliance. She said that a project completion report is being prepared to be sent to Garfield County to outline how the grant money was spent and to invite the Garfield Commissioners to come to Custer County in the spring to see the improvements. Commissioner Custer reported that the preferred location for the installation of the stair chair in the Wetmore Community Building is still from the ground level up to the library and that first requires an exterior locked enclosure. She stated that work was not included in this grant request and therefore would require submitting a separate grant application that would include the additional construction work.

Commissioner Custer said in an effort to keep the public informed and create continuity regarding the availability of services at the HHRC a specific schedule of hours will be posted at the facility. She said that the resource navigator will continue to work 19 hours per week and be at the HHRC on Monday, Tuesday, Thursday and Friday. She proposed that a representative from the Custer County Transitions Program would be willing to provide coverage at the HHRC on Wednesdays in lieu of paying for part-time office rent. Commissioner Attebery said he would like the proposal discussed and considered after the January 11, 2011 BOCC meeting. Commissioner Austin agreed.

Commissioner Custer gave an update on the Collaborative Management Program Interagency Oversight Group (CMP/IOG). She said the CMP/IOG will continue to meet at the HHRC on a monthly basis and that the school district administration has agreed to participate on a regular basis to address services and supports to children, youth and families at high risk of juvenile justice system involvement.

Commissioner Attebery closed the regular meeting and opened the Public Hearing.

PUBLIC HEARING

9:30 AM

Community Service Block Grant (CSBG) Allocations

Year 2011-2012

Judy Gilkerson of the Upper Arkansas Area Council of Government and Laura Lockhart, Director of

Social Services began by stating that the purpose of the Public Hearing is to present the county plan for next year and to give the public an the opportunity to provide input into how the 2011-2012 CSBG funds could be best used to assist low income residents of the county. Ms. Lockhart reported that the Triparte Board had met to discuss and approve the proposed application and plan prior to the Public Hearing, as required by the funders. Ms. Gilkerson and Ms. Lockhart outlined how the program works and described how the funds could be used.

Commissioner Attebery asked if there was anyone wishing to speak. Hearing none, he closed the public hearing and returned to Regular Session. The BOCC signed the 2011 - 2012 Custer County Human Services Community Service Block Grant Application and Plan as presented.

Ms. Lockhart presented the Board with the Certification of Compliance County Merit System Year 2011 from the Colorado Department of Human Services for approval and signature.

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

Certifying that Custer County is meeting all the county merit system legal requirements for the administration and operation of its county merit system. The motion carried unanimously.

Commissioner Attebery signed the document as Chairman of the BOCC.

Ms. Lockhart presented three contracts for BOCC approval: the Legal Service Contract between the Custer County Department of Human Services and Gregory Watkins, Attorney at Law; the Child Support Enforcement Purchase of Services Agreement between the Custer County Department of Human Services and Gregory Watkins, Attorney and the Special Project Accrual Accounting Contract between the Custer County Department of Human Services and John Piquette, Bookkeeper.

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

To sign the three contracts as presented. Legal Service Contract between the Custer County Department of Human Services and Gregory Watkins, Attorney at Law; the Child Support Enforcement Purchase of Services Agreement between the Custer County Department of Human Services and Gregory Watkins, Attorney and the Special Project Accrual Accounting Contract between the Custer County Department of Human Services and John Piquette, Bookkeeper. The motion carried unanimously.

The BOCC signed the documents.

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

To approve Resolutions #17-10, 18-10, 19-10, 20-10, 21-10 as submitted by the County Financial Officer, John Piquette. The motion carried unanimously.

RESOLUTION 17-10

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 2010 year,

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

2009 PILT – Title III Funding	\$60,354.00
Recycling Grant	\$25,000.00
Conservation Trust Funds	\$40,000.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that

the 2010 appropriation for the General Fund is hereby increased by \$125,354.00 for the purpose of covering increased expenditures as follows:

Account No.	10.40670.913	Recycling	\$25,000.00
	10.44180.913	Satellite Mapping	\$60,354.00
	10.48500.713	Conservation Trust	\$40,000.00

Adopted this 29<sup>th</sup> day of December, A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Debbie Livengood, Clerk and Recorder

#### RESOLUTION 18-10

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 2010 year,

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

Revenue Source

Fund Balance	\$115,000.00
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Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2010 appropriation for the Road and Bridge Fund is hereby increased by \$115,000.00 for the purpose of covering increased expenditures as follows:

Account No.	20.43010.913	Water Truck	\$65,000.00
	20.43040.350	Crushing Gravel	\$50,000.00

Adopted this 29<sup>th</sup> day of December, A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Debbie Livengood, Clerk and Recorder

#### RESOLUTION 19-10

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 2010 year,

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

Revenue Source

Fund Balance	\$3,000.00
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Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2010 appropriation for the Capital Improvement Fund is hereby increased by \$3,000.00 for the purpose of covering increased expenditures as follows:

Account No.	50.44180.913	Mapping Monitors	\$3,000.00
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Adopted this 29<sup>th</sup> day of December, A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Debbie Livengood, Clerk and Recorder

RESOLUTION 20-10

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 2010 year,

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

General Fund Operating Transfer \$18,845.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2010 appropriation for the Capital Improvement Fund is hereby increased by \$18,845.00 for the purpose of covering increased expenditures as follows:

Account No. 65.46150.208 Fuel System Repairs \$ 7,400.00  
65.46150.913 New Building \$11,445.00

Adopted this 29<sup>th</sup> day of December, A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Debbie Livengood, Clerk and Recorder

RESOLUTION 21-10

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 2010 year,

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

Transportation Assistance Grants \$27,000.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2010 appropriation for the Capital Improvement Fund is hereby increased by \$27,000.00 for the purpose of covering increased expenditures as follows:

Account No. 70.45025.600 Assistance Grants \$27,000.00

Adopted this 29<sup>th</sup> day of December, A.D. 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Commissioner

Attest: Debbie Livengood, Clerk and Recorder

The BOCC recessed at 10:00 AM.

The BOCC reconvened at 10:20 AM.

Kathy Reis, Enterprise Zone and UAACOG Revolving Loan Representative met with the BOCC and gave a report. She said that under the itemized expenditures of the Upper Arkansas E Z CEDC Grant 820, the Town of Westcliffe received \$3,000.00 and the Town of Silver Cliff received \$1,500.00 for the Downtown Colorado Inc.(DCI) marketing assessment. Ms. Reis stated that the Cliffs Commercial District will be applying for a 501(c)(3) status. She said the cost to join the Colorado Main Street Program was \$3,000.00 and asked if there were any discretionary funds available in the 2011 county budget. The BOCC responded that the 2011 county budget has already been completed, approved and submitted to the state and that additional discretionary funds were not available at this time.

Ms. Reis reported that the Custer County business directory can no longer be housed on the Town of Westcliffe website. She proposed that Custer County, the Town of Westcliffe, and the Town of Silver Cliff) individually assume responsibility for their business directories.

Following a brief discussion the BOCC agreed to discuss the project with Chuck Ippolito, IT Director and that they would make a final decision before the end of January 2011. Ms. Reis agreed to house the business directory on the Town of Westcliffe website until that time.

Virginia Trujillo, Treasurer addressed the BOCC and requested a transfer of \$150,000.00 from the Lieu of Tax Fund to the County General Fund.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

**To approve the transfer as requested. The motion carried unanimously.**

Debbie Livengood, Clerk and Recorder addressed the BOCC and requested a transfer of \$512.34 from the County General Fund to the Conservation Trust Fund.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

**To approve the transfer as requested. The motion carried unanimously.**

Debbie Livengood, Clerk and Recorder presented the liquor license renewal for the Alpine Restaurant and stated the application was complete and in order.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

**To approve the liquor license renewal for the Alpine Restaurant. The motion carried unanimously.**

The BOCC recessed at 10:45 AM.

The BOCC reconvened at 11:05 AM.

Cindi Flowers, Doctor Jim Trione, Donna McDonnall and Gail Stoltzfus joined the meeting.

Ms. Flowers and Dr. Trione gave a slide presentation and a strategic plan summary to improve access to emergency medical service and health care in rural communities. Ms. Flowers outlined a community paramedic program for Custer County. She said the program would require community effort and participation from the citizens, health caregivers and elected officials. She commented that there was over 6.7 million dollars available to rural and frontier areas for this type of project. Ms. Flowers asked Commissioner Custer for her assistance in the preparation of the grant application. She requested approval from the BOCC to form an advisory committee and proceed with the Emergency Medical Management Grant Application. The Board asked if any county match or in-kind services would be required. Ms. Flowers responded that the program would have no financial impact to the county for at least the first five years. Dr. Trione explained that the program would provide the community with medical evaluations, treatment and assistance at a local level. The program would reduce the physical and financial burden of unnecessary trips outside Custer County for certain tests and treatment. Donna McDonnall, Public Health Nurse said the Custer County Public Health Agency supported the program. She stated the main issue or concern would be to create a sustainability formula for the program. She requested a copy of the education guidelines for the program. She stated that the paramedics would be required to complete a public health assessment and monitor the needs of the community. The Board agreed to have Ms. Flowers proceed with the Emergency Medical Management Grant Application.

The BOCC recessed at 12:05 PM.

The BOCC reconvened at 12:15 PM.

Bob Senderhauf, Upper Arkansas Water Conservancy District (UAWCD) representative presented the BOCC with copies of the Order Granting Motion For Voluntary Dismissal from the District Court, Water Division 2. Case No. 09CW86 concerning the application for water rights of the UAWCD in Texas Creek and its tributaries. Case No. 09CW85 concerning the application for water rights of the UAWCD in Grape Creek and its tributaries. Mr. Senderhauf asked the BOCC to consider revising the previous motion not to support the water augmentation plan. He distributed a draft proposed motion for the Boards review and consideration. Commissioner Custer stated that although she was the minority she supported Mr. Senderhauf's proposed motion. Commissioner Attebery and Commissioner Austin agreed to review the proposed motion after Commissioner Elect Butler takes office on January 11, 2011. Mr. Senderhauf asked the BOCC for the status on their written response to the correspondence issued by Glenn E. Everett, UAWCD Chairman to the Board. He said that the UAWCD had requested written confirmation of the BOCC's participation to begin the collaborative process of refocusing efforts to reach a mutually beneficial agreement regarding a water augmentation plan. The BOCC responded that correspondence had been prepared as requested by the UAWCD, and that the draft document had been forwarded to the County Attorney for review and comment.

Commissioner Custer stated that she would like to personally and professionally thank Mr. Senderhauf for his support and dedication in representing Custer County at the UAWCD. Commissioner Attebery agreed.

**MOTION by Commissioner Austin, seconded by Commissioner Attebery:**  
To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:30 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman