

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 31, 2011**

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

Commissioner Lynn Attebery announced that the BOCC meeting would be moved to the courtroom due to the number of attendees.

Commissioner Attebery called the meeting to order at 9:15 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Allen Butler	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present were numerous citizens and Nora Drenner, reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes

Audience introduction

Public Comments

Old/New Business:

Review vouchers and sign checks

- Open & Review bids for propane

- UAWCD Wild Lands Designation

- 1041 Committee (discussion)

- Care Share Inc. Agency Agreement/ Food Bank of Southern Colorado – Donna Squire (application distribution to outlining areas in the county)

- Dustin Sherer representing Congressman Scott Tipton’s Office

- Liquor License Renewal – Letter Drop Inn Restaurant, Rosita, CO.

- Liquor License Change of Manager – St. Andrews at Westcliffe, Westcliffe, CO. – Debbie Livengood, Clerk and Recorder

- CSBG Policy Approval – Laura Lockhart

- Airport Report - Dale Mullen

- OEM Report – Christe Feldmann

- VSO Report – Lorraine Silva

STAFF MEETING

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To accept the posted agenda. The motion carried unanimously.

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

County payroll and accounts payable were approved from the following funds:

County General	\$ 182,608.87
Road and Bridge	\$ 305,931.01
Emergency Services	\$ 10,932.04
Human Services	\$ 21,169.91
Capital Improvement	\$ 645.07
Airport Fund	\$ 1,891.96
Self Insurance	\$ 446.25
TOTAL	\$ 523,362.11

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve the August 2011 payroll and accounts payable. The motion carried unanimously.

Commissioner Austin addressed the 1041 committee agenda item. He said the 1041 committee agenda item was not included in the published agenda. The topic was included on the posted agenda in the county courthouse and on the county website. He stated that at the June 30, 2011 BOCC meeting, the Board accepted the recommendation of the Water Assessment Committee (WAC) to investigate the 1041 powers. He said that he would like to move forward and appoint a 1041 committee with Jackie Hobby, Planning and Zoning Director as Chairman. The purpose of the committee would be to review and assess the 1041 powers for Custer County. He said that he was acting on what he understood to be a consensus of the Board from that meeting. Commissioner Austin read a description of the 1041 powers from the Department of Local Affairs (DOLA) website. In 1974, the Colorado General Assembly enacted measures to further define the authority of state and local governments in making planning decisions for matters of statewide interest. These powers are commonly referred to as "1041 powers", based on the number of the bill of the proposed legislation (HB 74-1041). These 1041 powers allow local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process. The general intention of these powers is to allow for local governments to maintain their control over particular development projects even where the development project has statewide impacts. The statute concerning areas and activities of state interest can be found in [Section 24-65.1-101](#). Commissioner Austin remarked that the 1041 powers would also pertain to the mineral resource areas of the county. Commissioner Attebery asked if anyone in the audience wished to speak. The following citizens spoke against the adoption of 1041 powers: John Campbell, Mark Evert, Dan Fox, Mike Hess, Cal Leslie, Pete Lopresti, Sheri Rorick, Kit Shy, Bob Senderhauf, and George Withers. The following citizens spoke in favor of adopting 1041 powers: Joe Arbuckle, John Brandenburg, Doug Cain, Hal Julsen, Lockett Pitman, Randy Rusk and Paul Snyder. Jackie Hobby expressed a concern regarding the legal costs to the county for the establishment of 1041 powers. She said the issues were being addressed in the county zoning regulations. Commissioner Attebery agreed and said that further review of the 1041 powers would be appropriate. He did not support establishing a 1041 committee. Commissioner Butler agreed.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To not approve the formation of a 1041 Committee. The motion carried unanimously.

The BOCC meeting recessed from the courtroom at 10:30 AM.

The BOCC meeting reconvened in the boardroom at 10:45 AM.

Commissioner Attebery said that the Custer County Human Resource/Finance Department publicized an invitation to bid for the propane services for the county buildings. He stated that two sealed bids were received. Commissioner Austin opened the first sealed bid received on August 29, 2011 from Norup Gas, Inc. The offered bid was \$2.00 per gallon, fixed, for the upcoming September 2011 thru the May, 2012 delivery season or \$.20 over the laid in cost should prices fall. Commissioner Butler opened the second sealed bid received on August 27, 2011 from San Isabel Services. The fixed bid was \$2.04 for the period requested and the amount above cost per gallon would be \$.33.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To accept the propane gas bid from Norup Gas Inc., due to location and the price difference. The motion carried unanimously.

The BOCC thanked Mr. Napolitan, of San Isabel Services for his interest and for bringing the sealed bidding process for propane service to the county's attention.

Commissioner Attebery said that the Board has received a correspondence from the Upper Arkansas Water Conservancy District requesting that the BOCC not support the wilderness legislation of areas within the Upper Arkansas Basin proposed under Federal legislation HR4289.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To prepare a correspondence to the Colorado Delegation not supporting the legislation for proposed wilderness designation of areas within the Upper Arkansas Basin. The motion carried unanimously.

Donna Squire presented the Care and Share, Inc., the Food Bank for Southern Colorado CSFP/USDA Commodities Agency Agreement Statement for the Boards approval. Commissioner Butler said that the agreement has been reviewed by the county attorney and all the concerns were addressed. He confirmed that the Custer County Department of Human Services supports the program being facilitated at the Custer County Resource Center Annex.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To sign the Care and Share, Inc. Agreement as presented. The motion carried unanimously.

Dale Mullen, Chairman of the Custer County Airport Authority Board (CCAAB) met with the BOCC and presented the 2011 Operation Analysis report. Bob Giacomelli, Airport Authority Board Volunteer presented the 2011 Aviation Fuel System Sales Analysis. Mr. Mullen gave a report on the inspection and visit from John Sweeney, Aviation Planner, CDOT-Division of Aeronautics on August 24, 2011

Christe Feldmann, Office of Emergency Management (OEM) Director met with the BOCC and gave a report on the National Incident Management System (NIMS) and Incident Command System (ICS) workshops. She held a Fire Mitigation training in Westcliffe and Wetmore. She attended the All Hazard meeting, the Regional Medical Reserve Corps (MRC), the Community Emergency Response Training (CERT), the Common Community Plans (CCP) meeting, the POSSE meeting and the Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) course. She said the Rosita Hills Project and Free Slash Days are scheduled for September 21 and 24, 2011. Ms. Feldman said the Emergency Management Performance Grant (EMPG) will be available next year but the requirements from the OEM will be greater. She advised the grant will require a 50% county match for salary/benefits/expenses. She said that she is currently using her own vehicle for the OEM duties. She reported that a grant to purchase an OEM vehicle is available with a 50% county match. Commissioner Austin proposed that during the budget hearings, the BOCC explore options to help fund the OEM in the coming year.

Lorraine Silva, Veterans Service Office met with the BOCC and gave a report. She said the Veterans Trust Fund Grant application is completed and has been sent to the state for processing. The Vetraspec training has been rescheduled. She reported on the meeting with the US Department of Veterans Affairs at the clinic on August 8, 2011. The goal of the meeting was to get the Veteran Affairs (YA) to utilize the clinic for our local and surrounding veterans. Ms Silva said that the financials for June and July would be forthcoming. She presented the BOCC with the County Veterans' Service monthly report and Certification of Pay for June and July 2011. Commissioner Butler signed the report on behalf of the BOCC. Commissioner Butler requested that the VSO hours be posted on the office door in an effort to keep the public notified and informed when the VSO is open to provide the veterans with assistance.

Dustin Sherer representing Congressman Scott Tipton's Office met with the BOCC. He said that the Congressman had voted against the establishment of a super committee to be appointed by congressional leaders to identify deeper budget cuts. The Congressman supports the Capital Access for Main Street (CAMS) Act to temporarily allow small community banks with under \$10 million in assets to spread out or amortize a portion of their commercial real estate losses. Mr. Sherer reported that the U.S. mail volume has been decreasing since 2008 forcing some post office closures. He said that Custer County would not be affected at this time. He reported that the Congressman has been in contact with Senator Bennett's office regarding the usage of the local clinic for veterans' medical services.

The BOCC recessed at 12:25 PM.

The BOCC reconvened at 1:05 PM.

Debbie Livengood, Clerk and Recorder presented the liquor license renewal for the Letter Drop Inn, Rosita, Colorado. She stated the application was completed and in order. She reported that the sheriff investigation report was without incident.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve the liquor license as presented. The motion carried unanimously.

Ms. Livengood stated that she is still waiting on the final background report for the change of manager at St. Andrews at Westcliffe. She said the liquor license change will be rescheduled at a later date.

The department heads, elected officials and staff met with the BOCC for the staff meeting. Present were: Rusty Christensen, Suzanne Coleman, Christi Feldmann, Kristi Geroux, Beverly Goertz, Dawna Hobby, Jackie Hobby, Sheriff Jobe, Debbie Livengood, Laura Lockhart, Donna Squire, Dave Trujillo, Virginia Trujillo, Dani Walden and Robin Young. The following topics were discussed:

Custer County Policy and Procedures Manual for Purchasing and Contracting Credit Cards/Grants:

- All Grants must be pre-approved by the BOCC. All Grants need to be referenced in the appropriate departmental budgets. The County Auditor has advised that all grant funding is county revenue and requires proper documentation. Commissioner Austin requested that the Auditor clarify and provide the BOCC with a written list of the specific rules and regulations necessary for grant documentation.
- Purchases under \$500.00 should have competitive pricing from multiple sources. Purchases between \$500.00 and \$9,999.99 required three informal bids. Purchases between \$10,000.00 and \$24,999.99 require three informal written bids. Purchases for \$25,000.00 and over require a formal bid.

County Courthouse Department Research Fees:

- Colorado State Statute dictates the research fees for several of the county departments. The County Attorney has advised that the research fees charged for the other departments should not exceed the actual cost of the service performed.

Courthouse Telephone System:

- Chuck Ippolito, IT Director will provide additional orientation and training of the new phone system on request. - Chuck Ippolito, IT Director will investigate the problem(s) and research resolutions to upgrade and increase the internet speed within the courthouse. The top of the priority list is the elections department in the clerk and recording office.

Tile Installation in the Courthouse:

- Carpet Direct donated tiles for the hall areas of the courthouse. The installation estimate is approximately \$3500.00. The funding is available in the grounds and maintenance budget line. The BOCC will make a decision regarding the installation later in the meeting.

Vending Machines for the Courthouse:

- The placement of a compact, convenient office refreshment center in the courthouse was discussed and those in attendance were in favor of the proposal. The refreshment center will not result in any additional costs to the county. The BOCC will make a decision later in the meeting.

Custodial Services:

- The county has new custodians to provide cleaning services in the courthouse. Custodial service request forms and custodial supply request forms were distributed throughout the courthouse.

Courthouse Door Security:

- The clerk and recording office has relinquished the sole responsibility for the opening and closing of the courthouse doors. The BOCC asked the other departments for their assistance and cooperation in opening and securing the courthouse doors.

Budget Review 2011/2012:

- The BOCC confirmed the previous request from the County Finance Officer in May of 2011 asking the county departments to monitor and reduce their expenditures for the remainder of the budget year. The Board reminded those present that one of the goals for the budget year 2012 is to recover the reserves that were expended to balance the 2011 budget.

Staff Meetings:

- The quarterly staff meetings scheduled with the BOCC includes the elected officials, the department heads and the staff. The meetings are open to the public and all personnel are welcomed and encouraged to attend.

- The next staff meeting is scheduled for November 30, 2011 at 1 PM in the commissioner's boardroom.

The BOCC recessed at 2:50 PM.

The BOCC reconvened at 3:00 PM.

Laura Lockhart, Human Services Director met with the BOCC and presented the Custer County Policy and Procedures or the Community Service Block Grant (CSBG) for the Boards approval. She reported that the Tripartite Board reviewed and approved the CSBG application and the policies and the procedures at the Tripartite Board Meeting of August 17, 2011.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the Custer County Policy and Procedures for the CSBG after review and approval by the County Attorney. The motion carried unanimously.

Jackie Hobby, Planning and Zoning Director addressed the BOCC with a non-agenda item.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To amend the agenda to include Airport Hanger Lot 22. The motion carried unanimously.

Ms. Hobby presented a file on Airport Hanger Lot 22 and asked the BOCC for direction regarding payment the Planning and Zoning received. Following a brief discussion the Board agreed the file should be reviewed by the County Attorney.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To follow the recommendation of the County Attorney regarding the payment for Airport Hanger Lot 22. The motion carried unanimously.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To proceed with the installation of the tile in the courthouse. The motion carried unanimously. The Board approved the processing of a hand written check for the 50% deposit required.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To proceed with the placement of the compact convenient office refreshment center in the courthouse. The motion carried unanimously.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To add an additional \$1185.00 expenditure from the 2010 budget for the heating installation at the sheriffs office. The motion carried unanimously.

Commissioner Attebery referenced the inspection report from the Colorado Department of Agriculture Measurements and Standards. The report is dated August 23, 2011 noting that the Main Vehicle Scale Device ID: 2,798 was inspected and passed. The Back Up Vehicle Scale Device ID:2,797 requires repair and was not inspected. It was noted that the indicator on that scale is still tagged. The inspector advised repair or permanent tie-down of the unit. Commissioner Austin will follow-up on Inspection Report ID: 72-11236-1421.

Commissioner Attebery reported that the Court Room will require a projection screen for a scheduled trial in February 2012. He said the approximate cost of a projector is \$350.00. He remarked that in addition to the planning commission, the projection screen would be used for presentations in the boardroom.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the purchase of a projection screen. The motion carried unanimously.

Commissioner Austin left the meeting at 3:30 PM.

MOTION by Commissioner Attebery, second by Commissioner Butler:

To adjourn the meeting. The motion carried.

The meeting was adjourned at 3:40 PM.

Debbie Livengood, Clerk and Recorder

Attest

Lynn Attebery

Chairman