

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JUNE 18, 2014**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION AT THE SAN ISABEL LODGE, RYE, COLORADO.

Commissioner Allen Butler called the meeting to order at 12:00 PM and the Pledge of Allegiance was recited.

Roll Call was taken:

Allen Butler	Chairman	Present
Kit Shy	Vice-Chairman	Present
Lynn Attebery	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present were: Jim Beach, Shannon Byerly, Jack Canterbury, Rusty Christensen, Kevin Day, Dale Falske, Larry Hayes, Elaine Jolley, Cal Leslie, Stan Lueck, Ross Marsh, Candi Sage, Roger Squire, Marge White, and Paul Sage, reporter for the Sangre DeCristo Sentinel.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes April 30; May 5, 7, 13, 21, 30; June 2, 3 of 2014.
- County Attorney
 - Resolution #14-02 Human Services
 - Airport Lease Agreements
 - Memorandum of Understanding World Aviation Museum
 - Traffic Code Ordinance Revision
- Commissioner Items
- Executive Session
- Old/New Business
 - Transfer \$11,000 from the County General Fund to the Airport Fund
 - Transfer \$7,300 from the Capital Improvement Fund to the Airport Fund
 - Title 111 Funding Disbursement
 - Road and Bridge Asphalt updates – R. Christensen, R. Squire
 - OEM Report – C. Coleman
 - Tetra Tech Representative Laura Johnson re: Pre-Disaster Mitigation Plan

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve the minutes from April 30; May 5, 7, 13, 21, 30; June 2 and 3, 2014 as presented. The motion carried unanimously.

Commissioner Butler asked if anyone had any comments. Paul Sage said that he attended the Emergency Medical Services (EMS) Fund Raiser held on June 14, 2014 and that he was pleased on the overwhelming participation and support for EMS. He said the event raised almost \$13,000.00 for the EMS operations.

Shannon Byerly commented that the donated indoor arena will be a welcome addition for the fairgrounds and a great asset to the community.

Elaine Jolley asked for the location of the courtesy car previously used at the Silver West Airport. Commissioner Butler responded that the vehicle is at the Road and Bridge facility.

The BOCC met with the County Attorney and the following topics were discussed:

- Airport Ground Lease Agreement (AGLA)

The draft AGLA was discussed and reviewed. The Airport Advisory Board (AAB) submitted suggestions and revisions to the existing draft. The BOCC and the County Attorney agreed to the following revisions: #5 will read that the airport hangers are not for general storage but for aviation use only; the wording requiring a current registration with the FAA will be removed. #8 will allow a 30 day grace period for lease payments; #4 the twenty-year lease agreement will be negotiable and not automatically renewable at the end of the time period.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the proposed Airport Ground Lease Agreement for the Silver West Airport with the revisions and changes as agreed upon with a caveat that the leasing fees will be reviewed every five years. The motion carried unanimously.

The BOCC instructed the Deputy Clerk to forward the final AGLA to the Airport Advisory Board once the approved revisions are completed by the County Attorney.

Commissioner Attebery stated for the record that he was not in agreement and did not support the time period of the leases. He said that he did not feel that a twenty-year lease agreement was in the best interest of the county and would have preferred a ten-year lease period. Elaine Jolley inquired why Commissioner Attebery objected to the twenty-year lease. He responded that there were too many uncertainties and variables that could occur during the lengthy twenty-year time period.

- Memorandum of Understanding (MOU) between Custer County and the World Aviation Museum

The draft MOU was discussed and reviewed. The BOCC and County Attorney agreed to revise the MOU as follows: #1 the initial rate will read six cents per square foot; #3 will be revised to the existing well and a penalty clause addressing the incompleteness of the project will be added to the MOU. Legal agreements and contracts will be forthcoming as the project progresses. The BOCC instructed the Deputy Clerk to forward the final MOU to Bill Geipel of the World Aviation Museum following the revisions made by the County Attorney. Commissioner Shy said that the packet for Mr. Geipel should include the final and approved AGLA and a copy of the Airport By-Laws.

- Traffic Code Ordinance (TCO)

The amended TCO outlining the disbursement of fines will be presented at the July 23, 2014 BOCC meeting. The County Attorney advised the Deputy Clerk to the BOCC that only the amended portion of the Ordinance will require publication and not the Ordinance in its entirety.

Laura Lockhart, Human Services Director met with the BOCC and presented Resolution #14-02 for their review and approval. Ms. Lockhart explained that due to logistics the Long Term Care Region of Fremont, Custer, Chaffee, Lake and Park Counties are disbanding the current Central Mountain Options. She said that effective July 1, 2014, the Central Mountain Options for Long-Term Care region will consist of Fremont and Custer Counties.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve Resolution #14-02 as presented with a caveat that the Resolution has been reviewed and approved by the County Attorney. The motion carried unanimously.

CUSTER COUNTY RESOLUTION
No. 14-02

WHEREAS, the Custer County Board of Commissioners acting in their capacity as the Custer County Board of Human Services pursuant to C.R.S. 26-1-101 et. Oseq. do desire to disband the Current Central Mountain Options for Long-Term Care region of Fremont, Custer, Chaffee, Lake and Park Counties and reformat the Central Mountain Options for Long-Term Care region as Fremont and Custer Counties.

NOW, THEREFORE, BE IT RESOLVED that, effective July 1, 2014, the Central Mountain Options for Long-Term Care Region will consist of Fremont and Custer Counties.

RESOLVED, ADOPTED AND SIGNED ON THE 18TH DAY OF JUNE 2014.

Signed:

Allen Butler, Chairman

Lynn Attebery, Commissioner

Christopher L. (Kit) Shy, Commissioner

Debbie Livengood, Clerk and Recorder, Attest

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve a transfer of \$11,000.00 from the County General Fund to the Airport Fund. The motion carried unanimously.

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve a transfer of \$7,300.00 from the County Capital Improvement Fund to the Airport Fund to meet the county's cash match obligation on the grant to seal the taxiway at the airport facility. (in additional to \$2,000.00 of in-kind services). Commissioner Attebery abstained from voting. The motion carried.

Cal Leslie asked how many Custer County residents have airplanes and use the Silver West Airport Facility. Commissioner Butler responded there were a total of 6-7 residents. Mr. Leslie asked for clarification on the monetary transfers approved for the airport fund. Commissioner Butler said that the \$11,000.00 transferred was for the airport operating expenses and that those funds were previously budgeted. He said that the \$7,300.00 transferred from the Capital Improvement Fund was to satisfy the county cash match of the grant for the airport taxiway maintenance and improvements.

Commissioner Shy remarked that the proposed workshop regarding the false alarms should be scheduled after August 2014. The entities involved in the workshop will be: EMS, 911, Dispatch, Sheriff Office, the Fire Department and the BOCC.

Commissioner Butler said that the obligation and publication of the disbursement of the Title 111 has been met. The final date for public comment was on June 16, 2014 and no comments or concerns were received regarding the notice. He reiterated that the funding would be disbursed as follows: \$2500.00 to the Wetmore Volunteer Fire Station to complete Engine 4.5 with a tank and pump and an estimated \$8,750 for personal protective clothing and an estimated \$1000.00 for fire mitigation training. An estimated expenditure of \$3,000.00 to the Rye Fire Protection District for the placement of a storage building to be sited in the San Isabel area and the balance of approximately \$6,000.00 for residential fire mitigation and education in the Wetmore area. Jim Beach and Ross Marsh representing the Rye Fire Protection District (RFPD) thanked Custer County for their cooperation and consideration regarding the Title 111 funding.

Mr. Marsh commented that the RFPD will be researching the possibility of obtaining additional Title 111 funding allocated to Pueblo County. CO.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To disburse the Title 111 funding as outlined in the Public Notice. The motion carried unanimously.

Rusty Christensen, Road and Bridge Supervisor and Roger Squire, Assistant Supervisor for the Westcliffe facility met with the BOCC to discuss the procedure involving the notice for asphalt bids. Following a review and discussion with the BOCC it was agreed that the notice for asphalt bids would be published in the local newspapers; the Wet Mountain Tribune, the Sangre DeCristo Sentinel, and the Daily Record in Canon City. The notice will read as follows:

NOTICE FOR ASPHALT BIDS

Custer County, a Political Subdivision of the State of Colorado (CC) is requesting sealed bids for ½” SX Standard Mix Design Asphalt FOB at the plant. The bid is to be submitted price per ton for approximately 2300 tons of asphalt. The plant location is required for the bid. The cost per gallon for tack oil is requested, but not mandatory for the bid. The awarded bid is subject to contractual obligations to be negotiated after acceptance. The receipt of bid forms may be arranged by contacting CC Road and Bridge, 413 N. 4th Street, PO Box 1669 Westcliffe, CO. 81252, phone 719-783-2281 or at rboffice@centurytel.net. Monday - Friday 7:00 AM to 3:00 PM. Sealed bids clearly marked “Asphalt Bid” will be accepted at the CC Board of County Commissioner (BOCC) office, 205 S. 6th Street, PO Box 150, Westcliffe, CO. 81252 until 4:00 PM on July 1, 2014. The bids will be opened at the BOCC meeting on July 2, 2014 at 11:00 AM. The BOCC reserves the right to accept or reject any and all bids.

Commissioner Shy suggested that the notice for asphalt bids include a price for contracted hauling vs road and bridge hauling. Mr. Christensen said that the contracted hauling of the asphalt would be substantially more in price per ton and would result in approximately 432 tons less of material under the same bid proposal. He said that the Road and Bridge Department needed all the asphalt tonnage possible. Mr. Squire agreed.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve the notice for asphalt bid publications as noted above. The motion carried unanimously.

Roger Squire gave an update on the towers and buildings in Custer County. He said that one building housed the TV repeaters and the Road and Bridge Radios; another housed the ham radio equipment and the other housed the cellular services. He remarked that a substantial amount of obsolete equipment would be removed from the buildings in the next three weeks.

The BOCC recessed at 1:10 PM.

The BOCC reconvened at 1:25 PM.

Christe Coleman, Office of Emergency Management Director addressed the BOCC regarding a Pre-Disaster Hazard Mitigation (PDHM) Plan for Custer County. She said that a PDHM would provide the citizens of Custer County including the towns of Westcliffe and Silver Cliff, local businesses, government officials, visitors and any persons coming into Custer County with a thorough evaluation of the potential hazards in the area. She said that the average grant application in the rural counties for the PDHM is \$50,000.00 with a fifteen month timeline from start to finish. She stated that the grant applications must be submitted by June 30, 2014. She said that Custer County would have to apply and be accepted for a 75/25 grant (75% FEMA and 25% County Match). She remarked that the county match can be a soft match in time contribution and not necessary a monetary cash match. Ms. Coleman said that the current regional PDHM Plan expired in 2009 and that it is up to each individual county to devise their own PDHM Plans.

She said that she was requesting approval from the Board to pursue grant funding for assistance in completing a FEMA approved Pre-Disaster Hazard Mitigation Development Plan for the county. The BOCC expressed concern regarding FEMA's participation or involvement in a county PDHM Plan. Ms. Coleman said that not having a FEMA approved PDHM Plan restricts funding opportunities available for fire mitigation and hazard reduction projects for the county, the home owners associations, qualifying organizations, potential businesses and citizens of the county. She introduced Laura Johnson – Tetra Tech Regional Manager for Emergency Management and Community Resiliency. Ms. Johnson said that Tetra Tech offers hazard mitigation planning for the individual counties. She explained that hazard mitigation is a sustained action taken to reduce or eliminate long-term risk to people and their property from hazards. Hazard mitigation planning is a proactive effort to identify actions that can be taken to reduce the dangers to life and property from natural hazard events. These long-term strategies include planning, policy and regulation changes, educational programs, infrastructure projects and other activities. The Federal Disaster Mitigation Act of 2000 requires that all jurisdictions that wish to be eligible to receive FEMA funding for hazard mitigations grants, must adopt a local multi-hazard mitigation plan and keep the plan current by reviewing it annually and updating it at least every five years. Ms. Johnson said that Tetra Tech could provide Custer County with a personalized and customized service plan for pre-disaster hazard mitigation development within the \$50,000.00 grant cost figure.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To authorize Ms. Coleman to move forward with the grant application process for the Pre-Disaster Hazard Mitigation Development Plan with a caveat that the county cash match noted in the application be taken from the OEM budget. That the Custer County Purchasing Policy guidelines regarding grant applications must be reviewed and followed. That as the plan is reviewed references to FEMA or any other agency be eliminated. The motion carried unanimously.

Commissioner Attebery thanked the Road and Bridge Department staff for their efforts and assistance in preparing the area for the Way Finding Signage KIOSK in the Wetmore, CO. area.

Commissioner Butler asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 2:25 PM.

Debbie Livengood, Clerk and Recorder
Attest

Allen Butler,
Chairman