

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, AUGUST 5, 2014**

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

Commissioner Allen Butler called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

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

No one present in the audience.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Public Comment

Commissioner Items

Executive Session

Old/New Business

- First Notice of Hearing August 29, 2014

Ordinance for Adopting Amendment to the Traffic Code

Staff Reports: Emergency Management, Human Resource/Finance, Assessor, Human Services, Planning and Zoning, Treasurer

- Liquor License Change of Manager – St. Andrews at Westcliffe

9:30 AM Special Events Permit hosted by Custer 2020 on September 6, 2014 at the Painted View Ranch

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 June 2014. She said that the staff will attend the LEAP training scheduled in September 2014. Ms. Lockhart distributed a correspondence regarding the Hotline Help Desk prepared by the Colorado Department of Public Health and Environment - Office of Children, Youth & Families for the Boards review.

Debbie Livengood, Clerk and Recorder met with the Board and presented the Special Events Liquor License Permit (SEP) Application from Custer 2020 for a 2014 Hermit Pass Marathon. The Half Hermit Run will be held at the Painted View Ranch, Westcliffe, CO. These events are scheduled on September 6, 2014 and will benefit Club America WMV Aquatic and Fitness Center. She stated that the application was complete and in order.

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

To approve the Special Events Permit Application as presented. The motion carried unanimously.

Approved 8/29/14

Ms. Livengood presented the BOCC with a Change of Manager Application for the St. Andrew Golf Course, Westcliffe, CO. She said that the new manager at the facility is Gary Fisher. She said that the application was complete and in order.

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

To approve the Change in Manager Application as presented. The motion carried unanimously.

The BOCC recessed at 9:40 AM.

The BOCC reconvened at 10:00 AM.

Christe Coleman, Office of Emergency Management (OEM) Director met with the BOCC and gave a report. She said that she submitted the Pre-Disaster Mitigation Grant application to the State and is awaiting approval and confirmation. She presented the Board with an OEM Grant Record summary for 2013 and 2014. Ms. Coleman is proposing a mutual-aid agreement for communication center coordination that would include Custer County and the Wet Mountain Fire Protection District; the Rye Fire District, the EMS, the Sheriff's Office; and the Florence Fire, EMS and AMR. Commissioner Shy said that after the mutual aid agreements are completed, he would like Custer County Dispatch to be oriented and trained to ensure continuity and consistency within the county. Commissioner Attebery asked Ms. Coleman if the Homeland Security Grant funding would cover the OEM and Sheriff spaces proposed for the future remodel and renovation of the Wetmore Community Building. She responded that she could submit the projects for regional review during the next grant cycle that would start in October 2015. Commissioner Shy asked for clarification regarding the Home Security Grants. Ms. Coleman said that Pueblo County is the fiduciary and fiscally responsibility for the funding received from the State and that her expenses are reimbursed to the county through the Pueblo Office. Commissioner Shy expressed concern that the expenditures are processed through the county general fund without any formalization or contract between Custer County and Pueblo County stating that the funds will be reimbursed. Ms. Coleman assured him that it has never been a problem or concern in the past. She asked guidance on how this type of grant would fall under the Custer County Policy and Procedures for purchasing, contracting, credit cards and grants. Commissioner Attebery suggested that Ms. Coleman attach a copy of the county's grant policy to the grant applications in the future. He said that this protocol will help explain and clarify the nature of the grant in the future and provide the auditors with additional confirmation on the process. Commissioner Shy reminded Ms. Coleman that under the grant policies and procedures, all grant applications must be reviewed by the County Finance Office. Ms. Coleman reviewed the upcoming training that included: Master Exercise Practitioner, Denver, CO.; Local Volunteer & Donation Management, Pueblo, CO.; Threat & Risk Assessment for Local Jurisdictions, Colorado Springs, CO.; Legal Issue in Emergency Management, Pueblo, CO.; Emergency Operations Center management, Colorado Springs, CO.; Hash Oil Extraction, Salida, CO.

Dawna Hobby, Human Resource/Finance Manager met with the BOCC and gave a report. She said that she was in the preliminary preparation stages of the county budget for 2015. She remarked that the individual department and entity budget hearing will be scheduled on October 6, 7, 8 of 2015. She commented that she will be estimating a 15% increase for the employee's medical insurance premiums. Ms. Hobby asked the BOCC whether she should include a 3% employee raise in the preliminary calculations. The Board agreed that the employee increase be added to the initial figures.

J.D. Henrich, Assessor addressed the BOCC and expressed concern that the assessor's office determines and is responsible for the addressing in the county. He says that he has researched other counties and generally it is the planning and zoning department who is responsible for this function. Mr. Henrich said that his staff has experienced and shared frustrations with the responsibility. He asked the BOCC to review and research other options for the completion of the task. The Board agreed to discuss the request and obtain consulting information from Colorado Counties Incorporated (CCI) for suggestions and advice on the matter.

Approved 8/29/14

Commissioner Butler closed the Regular Meeting and opened the Board of Equalization Hearing.

BOARD OF EQUILIZATION HEARINGS

August 5, 2014

11:00 AM

Commissioners Boardroom

Custer County Courthouse

205 S. 6<sup>th</sup> Street

Westcliffe, CO. 81252

J.D. Henrich said that 2014 was a not a re-appraisal year and that the few inquiries received regarding property taxes were handled and completed in the Assessor's Office prior to the Board of Equalization Hearing.

Commissioner Butler said that no one was present to address the Board. He closed the Board of Equalization Hearing at 11:05 AM and returned to the Regular BOCC meeting.

Virginia Trujillo, County Treasurer met with the BOCC and gave a report. The beginning balance on July 1, 2014 was \$4,525,435.68 and the ending balance on July 31, 2014 is \$4,207,606.46.

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

To accept the County Treasurer's Report for July 2014 as presented. The motion carried unanimously.

The BOCC recessed at 11:20 AM.

The BOCC reconvened at 11:30 AM.

File: 102-36-230 Building Permit Violation – Adam Nickolaus - 1830 CR 305, Centennial Ranch  
Jackie Hobby, Planning and Zoning Director introduced Adam Nickolaus to the BOCC. She said that Mr. Nickolaus was present to request relief of the zoning permit application fee for an accessory structure (green house) on his property. Mr. Nickolaus said that he does not work or believe in money. He said that he lives off the land and does not have the \$327.00 for the permit fee. He asked the Board to consider alternative or bartering options as a form of compensation. Following a discussion the BOCC agreed that Mr. Nickolaus will need to make a \$50.00 payment by the end of the month and enter into an interest free payment plan with the planning and zoning department for the balance to be paid by the end of the year.

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

Agreement that Mr. Nickolaus will make a payment of \$50.00 against the permit fee by the end of the month and that the balance must be paid by the end of the year; otherwise the next step would be for the county to place a lien on the property. The motion carried unanimously.

Ms. Hobby said that during the inspection of File 102-36-230 it was noted that the property owner had a portable toilet. The BOCC reminded Mr. Nickolaus that an engineered septic system is required. He responded that the perc test site plan has been completed and that he was currently in a barter situation with the contractor for the installation of the system.

File: 101-12-661 Permit Violation Cease and Desist - Robert Holt – Aspen Road, Silver Cliff Heights  
Applicant in the process of filing for an accessory building permit.

File: 101-12-963 Portable Chemical Toilet Variance approved – Anthony Spencer – 60 Linda Lane, Silver Cliff Heights

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

To approve a variance for a portable chemical toilet. The motion carried unanimously.

Ms. Hobby shared a suggestion from her staff member regarding the cost of the Special Use Permit. She said that currently an applicant is charged \$250.00 at the time of the application and before the applicant's presentation and if the applicant chooses to continue with the process of a public hearing they are charged another \$250.00. She said that the certified mail costs are incurred during the initial stages of the process and proposed that the payments be revised to \$300.00 at the time of application and \$200.00 if a public hearing is scheduled.

Ms. Hobby said that she processed her first airport ground lease contract for the Silver West Airport. She said that she will be preparing a correspondence to all the lease holders requesting that they confirm the information on record, notify the county of any changes to the status of the lease and include a copy of the revised Ground Lease Agreement. The BOCC agreed that the ground lease agreement was a contract with the county and therefore required a motion, the chairman's signature and recording of the signed agreement in the clerk and recorder's office.

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

To approve the Ground Lease Agreement for Lot #8 at the Silver West Airport. Commissioner Attebery said he continued to have a concern regarding the length of a twenty year lease. Commissioner Butler abstained from voting as a leasee at the Silver West Airport. The motion carried.

Larry Weber addressed the BOCC representing a number of supporters in the audience regarding Off Highway Vehicle (OHV) access to Custer County Roads. He presented the Board with a petition list of over 300 signatures of Custer County residents supporting the proposal. He said the proposal would promote tourism that would contribute to Custer County's economic wellness. The proposal would offer easier access to OHV roads/trails in the Sangre and Wet Mountains from campgrounds and residences within Custer County and provide equity for Colorado and Custer County residents vs out-of-state OHV riding visitors. Don Schafer said that many Custer County businesses and other local organizations support the proposal. He mentioned that many of the signatures on the petition are from local business owners and elected and non-elected officials. Mr. Schafer said that the Towns of Westcliffe and Silver Cliff have allowed OHV usage on town streets for several years with no negative effects and that many other Colorado counties and towns currently allow OHV usage on their roads. Jerry Tracewell presented some suggested "Rules of the Road" for OHV usage on Custer County roads. Commissioner Shy said that an official set of "Rules of the Road" would require the approval of the sheriff's office and the passing of a county ordinance to ensure enforceability. Commissioner Attebery said the topic of OHV usage is consistently discussed at the state legislative meetings and hearings. He proposed that the Cliffe Riders form a committee to formulate their findings and prepare a formal proposal. He suggested representation on the committee should include the Cliffe Rider's Club, the Sheriff's Office, the Bureau of Land Management, the US Forest Service, the Road and Bridge Department, the Snow Mobile Club, the local Home Owners Associations and to invite the State Representatives. Commissioner Shy stated that he would be willing to sit on the committee as a private citizen.

The BOCC recessed from the Regular Meeting in the Boardroom at 1:20 PM.

The BOCC reconvened in Joint Session with the Planning Commission in the Courtroom at 1:30 PM.

Approved 8/29/14

File: 101-59-792

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

To approve the Special Use Permit for a Guesthouse –Roswitha Blaesius – 7170 CR 328

The motion carried unanimously.

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

To approve the Special Use Permit for a Meat Processing Facility – Henry Miller – 1317 CR 125

The motion carried unanimously.

File 101-38-552

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

To approve the Replatt – Janet Michel, Pamela Prince – 341 Phantom Road

The motion carried unanimously.

Commissioner Butler adjourned the meeting at 2:45 PM.

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Debbie Livengood, Clerk and Recorder,  
Attest

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Allen Butler,  
Chairman