

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, DECEMBER 9, 2014**

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

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

Roll Call was taken:

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

Also present was: Dan Green Bob Jolley, Bob Koester, Linda Branecky, David Branecky, and Jillian Ward reporter for the Wet Mountain Tribune.

**AGENDA**

Call meeting to order  
Pledge of allegiance  
Roll Call  
Amend agenda  
Audience introduction  
Approval of minutes  
Public Comment  
Commissioner Items  
Attorney Items  
Executive Session  
Old/New Business  
Airport Advisory Board Report  
Treasurer – V. Trujillo  
Human Resource/Finance – D. Hobby  
CSU Extension - R. Young (MOU)  
OEM – Christe Coleman (EMPG 2015)  
West Custer Library District Board Ratifications – A. Moulton  
Public Health – G. Stoltzfus  
Adopt 2015 Budget – J. Piquette  
Veterans Service Report – L. Silva  
Liquor License Renewal San Isabel Lodge Store – D. Livengood  
Transfer from County General to Conservation Trust – D. Livengood  
Planning and Zoning – J. Hobby  
Road and Bridge/Landfill – R. Christensen, R. Squire  
Human Services – L. Lockhart  
JOINT SESSION WITH THE PLANNING COMMISSION

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

To accept the minutes from the November 26, 2014 BOCC meeting as presented. The motion carried.

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

Commissioner Shy said that he attended a public hearing regarding the Browns Canyon National Monument. He said that Senator Bennett and Senator Udall were in attendance. The purpose of the hearing was to focus on efforts on camping to gain permanent protection, through either legislative action by the United States Congress or administrative action by the President of the United States.

Clint Smith, Attorney presented the Board with a correspondence confirming that the county is not subject to TABOR limitations on receiving or spending state grant funds as a result of the successful de-Brucing election in 1997. This correspondence will become part of the grant application with DOLA for the Wetmore Community Center and Library project.

Bob Jolley and Bob Koester, Airport Advisory Board (AAB) met with the BOCC and gave a report. Mr. Jolley said that fuel sales remained strong at the airport and that a recent load of aviation fuel had been ordered and received. Mr. Koester said that there was no formal airport meeting in December due to lack of a quorum. Mr. Jolley remarked that the AAB has received letters of interest to serve on the AAB from Dan Green, Bill Geipel, and Bob Giacomelli. He said that the AAB appreciated the assistance from Dave Post, Scale/Maintenance/Custodial personnel and submitted a proposed maintenance to do list for the Silver West Airport. Mr. Koester said that one unregistered vehicle remained parked on the airport property. The BOCC said they were in communication with the sheriff's office regarding the vehicles parked on the property. Mr. Koester asked the Board if they had made any decision to contract with Ryan Pritchard of Armstrong Consulting. Commissioner Shy said that those appointments would be considered and made in January 2015.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on November 1, 2014 was \$3,871,580.33 and the ending balance on November 26, 2014 was \$4,733,303.74.

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

To accept the Treasurers report for November 2014 as presented. The motion carried.

Ms. Trujillo expressed concerned regarding the negative balance of \$1,402.22 showing on the Airport Fund at the close of November 2014. She said that it was against the law to show a negative balance and remarked that the Airport Fund would require a transfer of funds from County General to offset the negative figure. She was concerned that the Airport Advisory Board (AAB) was spending and approving expenditures without checking the Airport Fund Balance. The Board agreed that in the future the AAB would check with the Treasurer Department before making any expenditure to ensure that the funds are available in the Airport Fund.

Dawna Hobby, Human Resource/Finance Manager met with the BOCC and gave a report. She said that the total to pay off the road and bridge leases for the snow-blower and dozer was \$187,306.65 which amounted to an interest savings of \$6,613,75. Commissioner Shy said that he supported the early road and bridge equipment pay-offs in 2014. Commissioner Attebery said that the San Isabel Electric Association Inc. was issuing co-op and other capital credits to the customers in the Wetmore area.

Approved 1/13/15

The credit from the Wetmore Fire Department, the Wetmore Community Building, and the Wetmore Shop totaled approximately \$1100.00. He proposed keeping these credits on the account for reference on the DOLA grant application for the Wetmore Community Center and Library project. Commissioner Shy and Ms. Hobby agreed.

Robin Young, Colorado State University Extension Agent, met with the BOCC and gave a report. She said that the 4-H enrollment is up to 43 members. The ear tagging workshop was held on December 8, 2014 to help fair board members become more efficient at initial weigh-ins and tagging animals. The MQA class will be scheduled on March 14, 2015. Ms. Young gave an updated on the donated arena building. She said that the plywood is down and being reused but there are some concerns regarding on how to proceed with disassembling the building and that a meeting was scheduled on December 10, 2014 for further discussion and review. Ms. Young said that her job description is available for review on the Colorado State University (CSU) Extension website. She said that although CSU completes background investigations for its employees, the information cannot be shared with the county. She remarked that the county would need to process and fund their own background investigations. Ms. Young requested clarification on the procedure and protocols for filling vacancies on the various boards as oppose to adding a new board member. Following a brief discussion, that included legal representation it was agreed that the existing board members would select and appoint a board member to fill a vacancy and complete the term being left vacant. That position would have full voting privileges for the remainder of the term. Ms. Young will advise the BOCC when any of these board member positions are vacated and filled. The appointment of a new or additional position to the existing board will be presented to the BOCC at the beginning of the year with the recommended regional board appointments. After the BOCC approves the new and additional appointment, the position will have full voting privileges. Commissioner Shy said that the by-laws for the various boards should reflect these protocols and procedures. Ms. Young inquired whether the BOCC or the appropriate board members were responsible for revising the by-laws. Commissioner Shy said that it would be the responsibility of the board members and not the BOCC. However, the Commissioners would require a copy of the current and existing by-laws for their records. Commissioner Attebery agreed.

Christe Coleman, Office of Emergency Management Director addressed the BOCC and presented the Emergency Management Program Grant (EMPG) Local Emergency Manager Support (LEMA) program funding application Part 1, 2 and 3 for the Boards review and approval. She requested a funding match commitment letter from the Board, as a participating jurisdiction in the Custer County Hazard Mitigation Plan (HMP). The county will provide local in-kind services in lieu of cash funds to assist in the planning process, compilation of data, and other services related to the develop of the Custer County HMP. The Board agreed to provide the funding match correspondence.

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

To approve and sign the four pieces of correspondences as presented. (2015 EMPG grant application part 1, 2, and 3; the funding match commitment letter for the HMP). The motion carried.

Ms. Coleman reported on the Mutual Aid response/call out guidelines for eastern Custer County, the EMS Needs Assessment, the Infectious Diseases table top exercise, the Teen SERT and RETAC.

Amy Moulton, West Custer County Library District Director addressed the BOCC and requested ratification of the three-year term renewals for Dave Heppe, Debbie Rabinowitz and Renee Tobin on the West Custer County Library District Board.

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

To ratify the appointments of Dave Heppe, Debbie Rabinowicz and Renee Tobin to the West Custer County Library District Board. The motion carried.

Gail Stoltzfus, Public Health Nurse met with the BOCC and gave a report. She said that 38 childhood immunizations, 11 adult immunizations and 24 blood pressure screenings were administered in November 2014. She said a total of 577 flu shots and 15 pneumonia shots were administered between September and December of 2014. Ms. Stoltzfus said that this month's "ask a nurse" at the library was diabetes awareness. She said that EBOLA will be an on-going and every changing situation and that the Public Health Agency is in contact with CDPHE regarding updates and changes in protocols. She reported that there were two confirmed cases of the flu in Custer County; however, the patients were visiting from outside Custer County. She said that communication with the owners of the puppies possibly exposed to a rabid bat continue to do well. Ms. Stoltzfus said she attended the South Region EPR meeting and the Colorado Outbreak Investigation Training. She reported the first Custer County Child Fatality review was held in November 2014. She gave an update on the hand sanitizers at the Courthouse and in the Wetmore Community Building.

John Piquette, Chief Financial Officer presented the BOCC with the 2015 finalized budget. He said that the final estimated figures for 2015 are \$6,259,086.00. He said that the 2015 mill levy was 20.245. He gave a breakdown of the mill levy as follows: General Fund 10.245; R&B Fund 5.000; Insurance Fund 1.500; EMS fund 2.000; Welfare Fund 1.500 for a total of 20.245.

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

To adopt the 2015 County Budget and Mill Levies as presented. The motion carried.

Commissioner Attebery said that although he motioned to approve the 2015 budget he did not totally agree with all of the contents. He expressed concern that he could not totally identify all the budget expenditures and did not support the Road and Bridge Department paying off the equipment lease purchases in 2014. He said that he also struggled with several portions related to county employee compensations.

Mr. Piquette presented 2014 Supplemental Budget Resolutions for the BOCC's review and approval.

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

To adopt Resolution #14-03 as presented. The motion carried

RESOLUTION 14-03

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 2014 year,

And Whereas, the additional revenue was received from sources other than the property tax mill levy.  
Revenue Source Fund Balance \$94,865.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2014 appropriation for the CAPITAL IMPROVEMENT FUND is hereby increased by \$94,865.00 for the purpose of covering increased expenditures as follows:

Account No. 50.40670.913 AIRPORT RUNWAY MAINTENANCE \$94,865.00.

Adopted this 9<sup>th</sup> day of December, A.D. 2014.

Christopher L. (Kit) Shy, Vice Chairman  
Lynn Attebery, Commissioner

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

To adopt Resolution #14-05 as presented. The motion carried

RESOLUTION 14-05

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 2014 year,

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

Revenue Source Fund Balance \$202,140.00

Now, Therefore, be it resolved by the Custer County Commissioners of Custer County, Colorado; that the 2014 appropriation for the ROAD AND BRIDGE FUND is hereby increased by \$202,140.00 for the purpose of covering increased expenditures as follows:

Account No. 20.43040.222	DEBT SERVICE – DOZER	\$97,415.00
Account No. 20.43040.222	DEBT SERVICE-SNOW BLOWER	\$18,475.00
Account No. 20.43040.913	CAPITAL-WATER TRUCK	\$63,750.00
Account No. 20.43040.913	CAPITAL-ROLLER	\$22,500.00

Adopted this 9<sup>th</sup> day of December, A.D. 2014.

Christopher L. (Kit) Shy, Vice Chairman  
Lynn Attebery, Commissioner

Lorraine Silva, Veterans Service Office Assistant met with the BOCC and gave a report. She said that the American Legion Veterans Trust Fund Grant for \$40,000.00 has started again. The VA has a traveling nurse program and it has been successful. Ms. Silva said that the VA Choice Cards have been issued to assist our veterans in obtaining medical treatment and care when they are faced with a geographic travel challenge or delayed medical appointment. She said that the VA annual training will be scheduled in Denver, CO. from April 27, 2015 to May 1, 2015. Ms. Silva presented the County Veterans Service Officers-Monthly Report and Certification of Pay for the months of July, August, September, October, November and December of 2015. Commissioner Shy signed the correspondence as Vice Chairman of the BOCC.

Debbie Livengood, Clerk and Recorder presented the liquor license renewal application for the Lodge at San Isabel, Rye, CO. She said that all the paperwork was complete and that the sheriff’s office investigation report did not show any concerns.

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

To approve the Liquor License Renewal Application for the San Isabel Lodge, Rye, CO. as presented. The motion carried.

Ms. Livengood requested approval of a transfer of \$2,500.00 from the Conservation Fund to the County General Fund and a transfer of \$39.33 from the County General Fund to the Conservation Trust Fund (interest revenue).

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

To approve the transfer requests as presented. The motion carried.

Ms. Livengood remarked that the internet service through Century Link has recently improved and she thanked Chuck Ippolito, IT Director for his involvement on the matter. She thanked the BOCC for allowing the courthouse to close from 12PM to 2PM on December 16, 2014 to enable the county employees to participate in a holiday celebration. She requested clarification and expressed concern regarding the interpretation or understanding of requesting additional funds for an employee during the budget hearings. She said that in past, the BOCC has determined the overall percentage figure to be used in calculating employee raises for the upcoming year. A directive is then sent out to all the elected officials and department heads with the figure to use when preparing budgets. She remarked that previous requests of a higher percentage for employees deserving of an increase had been denied and therefore it was her understanding that additional employee compensations above and beyond the directed percentage increase would not be considered. Ms. Livengood said that she has discussed this concern with Assessor, JD Henrich and that he too was not aware that extra or additional funding could be requested for a deserving employee during the budget hearing process. She said that she did not begrudge any county employee being recognized or additionally compensated but felt that all the elected officials and department heads were not aware of the option. Commissioner Attebery said that he understood and agreed with the concern and that was one of his difficulties with adopting the finalized 2015 county budget. Commissioner Shy remarked that he believed the elected officials and department's heads were aware that the percentage increase was more of a cost of living than a merit raise and that merit raises would be considered and reviewed on request. He expressed concern about the miscommunication and said that he supported total clarity and understanding regarding this type of request in the future for all elected officials and department heads.

Jackie Hobby, Planning and Zoning Director met with the BOCC and the Attorney and the following topics were discussed:

File: 101-12-661

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

To grant the variance requested on File 101-12-66. The motion carried.

File: 100-60-752

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

To grant the variance requested on File: 100-60-752. The motion carried.

File: 102-04-502

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

To grant an eight month extension on the building permit on File: 100-04-502. The motion carried.

File: 102-36-551 Delinquent payment plan pending.

File: 100-37-160 Permit Violation referred to Clint Smith, Attorney.

File: 100-50-955 Permit Violation resolved.

Rusty Christensen, Road and Bridge Supervisor and Roger Squire, Westcliffe Assistant Road and Bridge Supervisor met with the BOCC and gave a report. The work completed in November included the grading of numerous roads; the hauling of water and gravel; the plowing of snow; and the cleaning and repairing of culverts. The work planned for December will include but not be limited to the grading of roads, the plowing of snow, the hauling of gravel and repairs on CR 255.

Approved 1/13/15

Mr. Christensen discussed renting a bobcat or similar equipment to repair the culvert scour on Wykagyl Road at Froze Creek; the cutting down of a hill on CR 260 and relocating the material to the gulch by the cattle guard; the cutting down of the hill and culvert work on Rosita Road; and to fix the drainage on CR 254. Mr. Christensen reported that the Landfill and the Recycling Center were operating well.

Laura Lockart, Human Services Director presented the BOCC with the departments expenditures and unexpended balances; the state allocations, the energy outreach expenditure and the emergency service expenditures for November 2014 for the Boards review at a later time.

The BOCC recessed from the Regular Meeting in the Boardroom at 12:40 PM

The BOCC reconvened in Joint Session with the Planning Commission in the Courtroom at 1:00 PM.

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

To accept the recommendation of the Planning Commission and approve the lot line adjustment on File: 100-82-250 Rowenhorst/Tiede and DC Hudson Living Trust, 8748 CR 255, Westcliffe, CO. The motion carried

A presentation for a Special Use Permit (SUP) Dog Breeding Facility was heard.

Commissioner Shy adjourned the meeting at 2:53 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy  
Vice - Chairman