

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, AUGUST 4, 2015**

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:

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

Also present: Dawna Hobby, and Wayne Ewing, reporter for the Wet Mountain Tribune.

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Audience introduction
Public Comment
Approval of minutes
Commissioner Items
Attorney Items
Executive Session
New/Old Business
CTSI – Annual Loss Analysis Report
Treasurer Report
BOARD OF EQUALIZATION HEARINGS 10:00AM
CSU Extension Report
VSO Report
Planning and Zoning Report
Road and Bridge Report
2015 Audit Report – Garren, Ross & DeNardo, Inc. - Sam DeNardo

AMEND AGENDA

Commissioner Attebery remarked that the agenda items have been rearranged to allow the BOCC to attend lunch at the Senior Center.

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

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

COMMISSIONER ITEMS

Commissioner Kattnig distributed the information from the Work Force Blue Print meeting he attended to the BOCC. He said that he has been approached by several citizens requesting that the BOCC schedule an evening meeting for those who are unable to attend the daytime meetings. Commissioner Shy said that the BOCC has scheduled evening meetings in the past without any public interest or attendance. He suggested that the BOCC consider scheduling an evening meeting when there is a public interest topic on the agenda. Commissioner Attebery said that the mid- month meetings in the Wetmore area were previously scheduled in the evenings with good attendance and participation.

Commissioner Shy expressed concern that the North Landfill (Westcliffe Landfill) was closed in 1994, and still twenty-one years later the Colorado Department of Public Health and Environment (CDPHE) still won't sign off on the property.

ATTORNEY ITEMS

None at this time.

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

CTSI – Annual Loss Analysis Report

George Tinker, Senior Loss Prevention Specialist of Colorado Technical Services, Inc. met with the BOCC and gave a report on the Custer County Casualty Pool Loss Ratio and the Workers Compensation Pool Loss Ratio as of December 31, 2014.

CSU Extension Report

Robin Young, Colorado State University (CSU) Extension Agent met with the BOCC and gave a report that included updates on the Agriculture/Horticulture/Natural Resources, Weeds, 4-H and Youth Development. She said that Beverly Goertz was recognized for twenty years of service at the 4-H Foundation Awards Ceremony. Ms. Young said that the High Altitude Garden Club would like to hold their meeting in the basement of the courthouse on September 17, 2015. The BOCC agreed that the basement was not ADA accessible or compatible for public meetings and offered to sponsor the costs of holding the meeting at the St. Andrews at Westcliffe Golf Clubhouse as a gesture of appreciation for all that the gardening club does around the county courthouse. The Board will attend and participate in the event. Ms. Young said that she will participate in the Legacy Training in Pueblo, CO. on August 25 through August 27, 2015 and attend a Food Systems Workshop at the CSU campus on September 28 through October 2, 2015.

BOARD OF EQUALIZATION (BOE) HEARINGS 10:00AM

J.D. Henrich, Assessor joined the meeting.

The BOCC recessed from the Regular Meeting at 10:00 AM

The BOCC reconvened as the Board of Equalization at 10:01 AM

Board of Equalization

Public Hearing

10:00 AM

Commissioners Boardroom

Commissioner Shy asked if there was anyone who wished to speak at the BOE Public Hearing. Hearing none, he proposed closing the Public Hearing and returned to the Regular Session at 10:06 AM.

Treasurer Report

Virginia Trujillo, Treasurer met with the BOCC and said that the end of the month report has not been verified at this time and she will present it at a later date. She presented the 2015 second quarter Public Trustees report to the BOCC for review.

The BOCC recessed at 10:45 AM.

The BOCC reconvened at 11:00 AM

VSO Report

Tim Swartz, Veterans Service Officer (VSO) met with the BOCC and presented the Colorado Department of Military and Veterans Affairs County Veterans Service Officers Monthly Report and Certification of Pay for July 2015 for review and approval. He said that the Department of Military and Veterans Affairs has approved that his position be revised from part-time (18 hour a week) position to full-time (35 hour a week position). Mr. Swartz said that the schedule of the Veterans Office in the Resource Center Annex will need to be revised to accommodate those extra hours. The BOCC proposed that the VSO remain open on Tuesday, Wednesday and Thursdays but that the daily hours are revised to 8:00 AM to 4:00 PM. The remaining hours are to be filled with community outreach and home visits. Mr. Swartz asked the BOCC to consider allowing the VSO to have additional office hour usage on Mondays or Fridays in the Resource Center Annex. The BOCC said that under the revised VSO guidelines no other entity could utilize the facility during the VSO schedule and that the facility needed to be open and available for other usage on Mondays and Fridays. Mr. Swartz reluctantly agreed. Commissioner Attebery said that the county will not receive the supplemental funding for the increased position until 2016 and will be required to prepare a budget adjustment at the close of 2015.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To approve the increase of the Veterans Service Officer position to 35 hours per week. The revised schedule of the VSO in the Resource Center Annex Facility will become effective on August 10, 2015. The motion carried unanimously.

Planning and Zoning Report

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

- #100-86-705 Variance for an oversized historical sign at the San Isabel Lodge, CR 371, Rye, CO.
- #100-86-705 Waiver of variance permit fee
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MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve the variance request for the oversized historical sign as presented. The motion carried unanimously.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To accept the recommendation of the Planning and Zoning Director to waive the application fee for the oversized historical sign variance. The motion carried unanimously.

- #101-71-227 Waiver of special events permit application fee – Club America, Custer 2020 non-profit.

Commissioner Kattnig asked for clarification and confirmation on the validity of the request. Ms. Hobby said that the proceeds and profits will be used to offer kid scholarships and swimming lessons at the facility.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To waive the special events application fee for the non-profit event. The motion carried unanimously.

- #100-04-502 Building Permit Extension Request (property owner received three previous extensions) – Ed and Maria Aulich, 3120 Sangre Drive – Denied

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To deny the building permit extension request dated August 3, 2015. The motion carried unanimously.

Commissioner Attebery said that File #100-04-502 has a history of violations since 2011 and suggested that the BOCC research to determine if there was any financial loan or obligations on the property. If financial loans or obligations regarding the property are noted, those parties should be notified of the history. He proposed that correspondence be prepared to the lien holder and the sheriff's office. Commissioner Shy agreed and said that the inactions of the property owner are determining these actions by the BOCC. Attorney Smith agreed that anyone with any legal interest in the property should be informed of the situation. Commissioner Kattnig suggested that in the future any parties with a financial interest in the property be properly notified when cease and desist orders are issued. Ms. Hobby said that the Planning and Zoning Department has received several complaints and concerns regarding that amount of debris from the property site that blows onto the adjoining properties. Clint Smith, Attorney will prepare correspondence addressing the issue.

Ms. Hobby asked for clarification regarding the scheduling of a Joint Session meeting between the BOCC and the Planning Commission in the future. Commissioner Shy said that it has been brought to the Boards attention that not all the required guidelines and criteria are met when the BOCC participates in a Joint Session without the presence of their Deputy Clerk to the Board. The BOCC agreed that a workshop should be scheduled to discuss, review and approve the procedures and protocols regarding BOCC and Planning Commissioner joint sessions.

The Board asked Rusty Christensen and Roger Squire if their report could be rescheduled until later this afternoon due to a luncheon commitment.

The BOCC recessed at 12:20 PM.

The BOCC reconvened at 1:05 PM

2015 Audit Report – Garren, Ross & DeNardo, Inc. - Sam DeNardo

Sam DeNardo of Garren, Ross and DeNardo, Inc. met with the BOCC and presented a draft narrative overview and analysis of the financial activities of Custer County for the fiscal year that ended December 31, 2014. Mr. DeNardo reviewed the schedule of findings with the Board.

Road and Bridge/Landfill Report

Rusty Christensen, Road and Bridge (R&B) Supervisor and Roger Squire, Assistant Road and Bridge Westcliffe Supervisor met with the BOCC and gave a report. The work completed included: the grading of numerous roads, hauling of water and gravel, the cleaning and repair of culverts, ditches and cattle guards, the repair and replacement of road signs and the concrete work on the head walls. The work planned will include but not be limited to: the hauling of hot mix asphalt, the hauling of gravel and water, the cleaning of culverts and ditches, pot hole patching and mowing. The department is scheduled for an MSHA Annual refresher training course on August 27, 2015. Mr. Squire said that the department will begin the asphalt application on August 10, 2015. Mr. Christensen said that the Colorado Division of Wildlife and the Army Corp. of Engineers are supporting the installation of an additional culvert on CR 220 below the DeWeese Dam. The BOCC recommended that R&B obtain authorization signatures of all the parties concerned regarding the installation of an additional culvert for their records and future reference. Mr. Christensen gave an update report on the permit process from the Army Corp. of Engineers and CDOT regarding the culvert repair at Hermit Road and Grape Creek. Commissioner Kattnig asked for the status regarding the installation of the vehicle count strips on county roads. Mr. Squire said that he will start calibrating the unit as soon as he is caught up with the road maintenance. Commissioner Kattnig said it was imperative to obtain the numbers to verify the usage of our county roads. Commissioner Shy said that a citizen had expressed safety concerns regarding the height of the weeds along Highway 96 and asked how often CDOT manages weed control on state highways.

Mr. Christensen said that to his knowledge it was once a year but he could research the topic. Mr. Squire remarked that he will contact the local CDOT representative on the issue.

Rusty Christensen, Landfill Manager presented the Board with correspondence from Altus Environmental issued to the Colorado Department of Public Health and Environment dated July 31, 2015 recommending that the county be released from the post-closure requirements and approve final closure of the landfill and that in its current closed state, is adequately protective of human health and environment. He also presented correspondence from the Colorado Department of Public Health and Environment dated August 3, 2015 regarding the post closure care assessment report for the closed Westcliffe Landfill with the additional requirements to be completed. The County must respond with written notification no later than September 2, 2015. Attorney Smith will prepare the appropriate response and present it to the Board at the August 12, 2015 BOCC meeting for approval. Mr. Christensen remarked that lyse meter readings from June 2015 were increasing without justification. He said that a lyse meter reads the moisture or seepage in the pit after coverage and closure. He will inspect the functionality of the equipment.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 3:30 PM.

Kelley Camper, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman

(Audio Recordings of the BOCC meetings are available for public review or purchase)