

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, APRIL 6, 2016**

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

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

Roll Call was taken:

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

Also present was: Dale Falske

AGENDA

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- Audience introduction
- Public Comment
- Commissioner Items
- Attorney Items
- Executive Session
- New/Old Business
- Staff Reports: Road and Bridge/Landfill/Recycling, Human Resource/Finance, Treasurer, Planning and Zoning (Fee Schedule/OWTS), Office of Emergency Management

AMEND AGENDA

None

APPROVAL OF MINUTES

PUBLIC COMMENT

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

COMMISSIONER ITEMS

Commissioner Shy remarked that three new trustees were elected to the Town of Silver Cliff Board during the April 5, 2016 election process. He commented that the only ballot measure to pass in Silver Cliff was to improve telecommunication in the area.

Commissioner Kattnig said that he and Commissioner Shy attended the Rural Philanthropy Listening Tour event held in Westcliffe on April 5, 2016. He commented that it was an educational event with active community participation.

Commissioner Attebery remarked that he has researched desk options and placement for the new administrative assistant in the commissioner's boardroom. He said that a desk/counter table combination that is currently being utilized in the Useful Public Service office will be available shortly. He said that the layout and design of the equipment will accommodate the new staff member with the least amount of renovation in the commissioner's boardroom.

ATTORNEY ITEMS

Attorney Smith said he was still waiting for the sample and draft documentation from the Colorado Department of Public Health and Environment (CDPHE) to complete the paperwork for the closure of the old Westcliffe Landfill.

EXECUTIVE SESSION

None

NEW/OLD BUSINESS

Treasurer Report

Virginia Trujillo, Treasurer, met with the BOCC and gave a report. The beginning balance on March 1, 2016 was \$5,437,335.28 and the ending balance on March 31, 2016 was \$4,722,178.78.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To accept the Treasurers report for March 2016 as presented. The motion carried unanimously.

Road and Bridge (R&B)

Rusty Christensen, R&B Supervisor, and Roger Squire, Assistant Westcliffe R&B Supervisor, met with the BOCC and gave a report. The work completed in March 2016 included: the grading of numerous roads, the hauling of gravel and water, the plowing of snow, the cleaning of ditches, the repairing and replacing of signage resulting from the recent wind damage. The work planned will include but not be limited to: the grading of roads, the hauling of gravel, the plowing of snow, the cleaning of ditches and culverts, the patching of potholes, and continued repair of signage resulting from the recent wind damage. Mr. Squire reported that the chip seal is scheduled for June 22 – 24, 2016. He remarked that the project at Rosita Road and Hwy 96 has been re-seeded and is now complete. Commissioner Attebery shared a concern received by a citizen regarding several accidents that occurred on CR 255 near his home address of 1192 CR 255. Mr. Squire said he will follow up and inspect the location. Commissioner Kattnig remarked that he advised the Airport Advisory Board to keep the R&B informed when they plow the taxiway and areas at the Silver West Airport/Butler Field. He said that improved communication will prevent dual or double snow plowing efforts. Commissioner Shy reported that he will review and share the recent Colorado Off-System Bridge Program grant paperwork he received regarding the bridge project at Hermit Road and Grape Creek.

Landfill Report

Rusty Christensen, Landfill Manager, said that the final completion for the closure of the old Westcliffe Landfill is in process. Commissioner Shy suggested that Mr. Christensen keep Attorney Smith informed on the completion status so that he can notify CDPHE in writing regarding the final closure process. Mr. Christensen remarked that CDPHE will be presenting new landfill guidelines in July of 2016 and that the revised regulations may not require the county to install a monitoring well. He proposed that the funding allocated for the cost of a monitoring well be made available to rent a scraper for use at the landfill in September 2016. He said that the work load at the landfill is getting back logged and the availability of a scraper would assist with the necessary dirt work (i.e.: digging a new disposal trench and covering the filled disposal trench). He remarked that currently the Wetmore R&B crew is working and assisting with the dirt work at the landfill facility.

Recycling Report

Rusty Christensen, Landfill Manager, reported on the recycling facility at the landfill property. He remarked that the recycling operation at the landfill facility is a success and he complimented the citizens of the county for their volunteer recycling efforts. He said that the recycling program saves space at the landfill and ultimately has a positive effect on the county.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:25 AM.

Human Resource/Finance Report

Dawna Hobby, Human Resource/Finance Manager, met with the BOCC and gave a report. She gave a summary on the increased costs for the employee medical insurance through Colorado Employee Benefit Trust (CEBT). She said that CEBT had a 12% increase in premium cost. The estimated increase at the county's budget hearings was 10%. Ms. Hobby remarked that the cost increase will be approximately \$25 per month per individual for the employees and \$50 per month per individual for the county. She stated that two other cost estimates were obtained and that Aetna was 49% higher in cost than CEBT, and Rocky Mountain Health was 23.69% higher in than CEBT. Ms. Hobby said she requested but did not receive a request for proposal from Colorado Technical Services, Inc. (CTSI).

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the six month renewal with CEBT as presented. The motion carried unanimously.

Attorney Smith requested that the BOCC go into an Executive Session.

Commissioner Attebery made a motion, seconded by Commissioner Shy, to go into Executive Session at 10: 55 AM. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402 (4) (B) conference with an attorney for the local public body for the purpose of receiving legal advice on specific legal questions. Those present were: Commissioner Attebery, Commissioner Shy, Commissioner Kattnig, Attorney Smith, Sheriff Byerly, Dawna Hobby, and Kris Lang, Deputy Clerk to the BOCC.

Commissioner Attebery made a motion, seconded by Commission Shy, to go back into Regular Session. The motion carried unanimously. The BOCC came out of Executive Session at 11:15 AM.

Commissioner Attebery attested that the discussion remained on topic and that no matters were adopted and no actions or decisions were made. Attorney Smith confirmed the statement.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To authorize Attorney Smith to proceed with the preparation of the correspondence as discussed in the executive session with a caveat that the correspondence will be signed by Attorney Smith. The motion carried unanimously.

Sheriff Byerly met with the BOCC and gave a report. He said that a new deputy has been tentatively hired and will start employment following his post certification, academy completion, and background check. Sheriff Byerly commented that with the addition of this staff member, the deputy force will be at full strength in the sheriff's office. He remarked that he has been in contact with the work force center regarding potential applicants to fill the dispatching position. Sheriff Byerly said that state statute reads that counties with a population of over 2500 are required to provide a jail facility. He said that the only option to close the jail in Custer County would require the support of the Attorney General's office and an exemption from the State Legislature. He said that he did not feel that those options are viable at this time. He reported that the jail

facility could be restricted to house male inmates. He said that since the county only has a few female inmates throughout the year, it would be financially feasible to transport and house them in Fremont County at an applicable cost. A structured revision of this type would allow the dispatch center to be relocated to the female cell area. This relocation will offer and provide additional room and space to house the dispatch equipment and the dispatchers. The BOCC agreed. Commissioner Kattnig said that he would like to remain proactive regarding the ventilation concerns in the detention area of the sheriff's office.

Planning and Zoning Report

Jackie Hobby, Planning and Zoning Director, met with the BOCC and reported that the Planning Commission (PC) heard a presentation from C&C Towing & Hauling, LLC for a Special Use Permit (SUP) to fence off a portion of agricultural/residential acreage to store towed vehicles and eventually build a vehicle maintenance shop in the Lake DeWeese area. She said that there were public objections to the request and that the applicants will contact the P&Z office if they wish to continue with the process. Ms. Hobby presented the revised Custer County Planning and Zoning Fee Schedule for review and approval. The BOCC requested that Ms. Hobby meet with Attorney Smith to review several identifiable changes and additions and present a final fee schedule to the Board for approval at a later date.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To recess from the Regular Meeting. The motion carried unanimously.
The BOCC recessed from the Regular Meeting at 12:08 PM

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To reconvene at the Board of Health. The motion carried unanimously.
The BOCC reconvened as the Board of Health at 12:09 PM

Ms. Hobby said that this was the second and last public notice regarding the changes of the Custer County On-Site Wastewater Treatment System (OWTS) regulations to revise section 5.2 B on page 10 to read that the minimum size for a septic tank shall be one thousand gallons for three or less bedrooms and shall increase 240 gallons for every additional bedroom.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To approve the revised OWTS regulations as presented by the Planning and Zoning Director. The motion carried unanimously.

Ms. Hobby said that CDPHE has adopted Regulation 43 revising the requirements of a percolation test prior to the installation of an OWTS. She said that as of June 30, 2016 certified percolation tests are no longer required. The new and revised requirement is a soil evaluation and analysis. She said that anyone who attends the Colorado Professionals in Onsite Wastewater (CPOW) education course is considered to be a competent technician to perform and complete soil evaluations and analysis for OWTS. Ms. Hobby shared concerns regarding the change and the potential liabilities it could create. The BOCC discussed the option of requiring that all septic systems in the county be engineered systems. The Board requested that Ms. Hobby continue to research the topic, contact the local septic contractor for input and report back at a later date.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To recess as the Board of Health and return to the Regular Session. The motion carried unanimously.

The BOCC recessed as the Board of Health at 12:40 PM.

The BOCC reconvened to Regular Session at 12:41 PM.

Ms. Hobby presented the BOCC with the Custer County Land Use Master Plan dated March 22, 2016

The BOCC recessed at 12:45 PM.

The BOCC reconvened at 12:55 PM.

Office of Emergency Management Report

Cindy Howard, Office of Emergency Management Director, met with the BOCC and gave a report. She summarized the finances of the OEM that included revenue sources, expenditures and reimbursements. She said that she attended a social media for natural disasters course and started the prerequisite course for the emergency management academy. She will attend the scheduled code red on-site and webinar trainings later in the month. Ms. Howard said that some of the challenges she is encountering include: focusing on the priorities for OEM in 2016, scheduling and balancing her time while staying focused on the priority actions for OEM, balancing education needs and requirements with regards to the expectations of the emergency management performance grant program. She expressed concern in not being able to accommodate and support various departments, organizations, entities and citizens requesting her assistance. Commissioner Shy suggested that Ms. Howard refer to the job description of the OEM Director in place at the time of her hire and function within the boundaries and responsibilities identified. Commissioner Kattnig cautioned her not to over-extend or over-commit herself in her role as OEM Director. Commissioner Attebery offered his support and encouraged her to keep an open line of communication with the BOCC. Ms. Howard presented two sample social media policy disclaimers and asked the BOCC to consider adopting a policy for all county associated social media pages. The Board agreed to forward the correspondence to Attorney Smith for review. The Board discussed the designation of a backup OEM contact person in the event Ms. Howard is unavailable. Ms. Howard said that John Decker is the current backup at this time. The Board suggested that Ms. Howard notify Sheriff Byerly and Dave Tonsing of the Wet Mountain Fire Protection District during any absences.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 1:30 PM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman