

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, FEBRUARY 3, 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	Present
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Dallas Anderson, Christy Culp, and Charles Bogle.

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
DOLA Report - C. Culp
Staff Reports Public Health Agency, Airport Advisory Board, Human Resource/Finance,
Planning and Zoning
- Vulcan Lode MS 105/General Sampson MS 104-Lisa Frank

1:00 PM Joint Session with the Planning Commission

Commissioner Shy asked if there were any public comments.

Commissioner Attebery said that he would recuse himself from voting on the Vulcan Lode MS 105/General Sampson MS 104 topic and leave the room during that time period due to a conflict of interest.

Commissioner Attebery said that the Butler Field airport sign has been installed at the Silver West Airport and that former Commissioner Allen Butler was present during the installation. He distributed pictures of Allen Butler posed in front of the new signage. Commissioner Attebery remarked that the paper fold towels for the dispensaries around the courthouse have been ordered and will be delivered. He said that Len Moore of Moore's Heating and Cooling would be in the courthouse today inspecting the heating-air conditioning units.

Commissioner Kattnig reported that representatives and interested parties of the Fair Board met to discuss the direction of the Fair Board. Robin Young, CSU Extension Agent and Beverly Goertz, Extension, Office Manager participated in the discussion.

Commissioner Shy asked Clint Smith, Attorney to research the guidelines of the Colorado Open Records Act regarding the BOCC's work and personal e-mails. He said that Jim Little, Owner and Publisher of the Wet Mountain Tribune (WMT) is requesting copies of the commissioners' e-mails. Commissioner Attebery stated for the record that the WMT is requesting that they be notified of the county public and legal notices. The BOCC agreed.

Commissioner Kattnig said he was concerned that the community is divided over several issues. He suggested bringing in an outside party to work and assist the citizens with the general opinions and awareness of the community.

Christy Culp, Department of Local Affairs (DOLA), Division of Local Government met with the BOCC and gave an update regarding the DOLA's Mission, Division, Core Services, Financial and Technical Assistance. She outlined the Elected Official Training offered by DOLA that included roles and responsibilities, effective decision making, working together as a Board, best management practices and running an effective meeting. Commissioner Kattnig commented that the training for the BOCC was similar to the training received at Colorado Counties Incorporated (CCI). Ms. Culp said that DOLA has a grant cycle of 4/1/15, 8/1/15 and 12/1/15 and that the grant application for the Wetmore Project would fall into the 4/1/15 cycle. She said that all the projects submitted are reviewed, ranked and scored individually. Ms. Culp gave a brief outline on the statewide economic broadband planning grant initiative. She said that grants were available thru the Upper Arkansas Area Council of Governments (UAACOG). Charles Bogle stated that the five-county broadband study with (UAACOG) was in process.

Gail Stoltzfus, Public Health Nurse met with the BOCC and gave a report. She said that 29 childhood immunizations, 4 adult immunizations and 20 blood pressure screenings were administered in January 2015. She said that this month's theme for "ask a nurse" at the library was cervical health month and HPV and glaucoma awareness. Ms. Stoltzfus said that as many as 90 students were absent from school in December 2014 due to the flu outbreak and that there was also an outbreak at Vali Assisted Living. Ms. Stoltzfus said she attended a communicable disease/ebola disease table top exercise in Colorado Springs on January 15, 2015 and that the Health Care Coalition participated in the exercise. She remarked that she attended the Colorado Behavioral Healthcare Council held at the State Capital on January 14, 2015. She commented that she participated in the CALPHO teleconference on January 16, 2015. She attended the Nurse Leader Meeting on January 22 and 23, 2015. Ms. Stoltzfus stated that the 9 Health Fair will be on April 18, 2015 and the first planning committee meeting is scheduled for next week. She said that the MRC co-coordinators met last week and is preparing a table top around reunification. This is in preparation for the functional exercise Christe Coleman, OEM Director is hosting for the school shooting scenario. She said that the exercise is part of the MRC requirement to receive funding. Funding has been received from NACCHO for personal protective equipment and a stipend for Donna McDonnall to act as co-coordinator. Ms. Stoltzfus said that the proposed House Bill 1194 allows the Colorado Department of Public Health and Environment to accept additional funds to continue distribution of long-acting reversible contraception as part of its family planning efforts. The BOCC asked Ms. Stoltzfus to follow-up on the proposed house bill and keep them updated and informed. Commissioner Kattnig expressed concern regarding the prairie dog population in the community and felt that a potential health issue could arise from the overly populated situation.

The BOCC recessed at 10:25 AM.

The BOCC reconvened at 10:40 AM.

Dallas Anderson, Bob Jolley and Bob Koester met with the BOCC to represent the Airport Advisory Board (AAB). Mr. Anderson said that the official seating of positions of the AAB would be made at the February 5, 2015 meeting. The proposed nominations are Dallas Anderson, Chairman; Bob Giacomelli, Vice Chair; Jack Decker, Secretary/Treasurer; and Bob Jolley, Airport Manager. Kris Lang, Deputy Clerk to the Board requested confirmation on the appropriate contact information to be shared when handling pilot airport questions. Mr. Jolley said that main line at the airport will be forwarded to his home when necessary and that he would be the person of contact. Mr. Jolley said that there was approximately 2200 gallons of fuel available in the fuel storage tank and that should last until June 2015. Mr. Anderson said that currently the price of fuel has been reduced and proposed ordering a load of fuel at this time. Commissioner Attebery said that he did not believe the airport budget line item had adequate funding available for the purchase and that an expenditure of that amount would require the review and approval from the treasurer office. Commissioner Attebery suggested that the AAB follow-up on the crack machine previously discussed and approved. He said that CDOT will fully fund a crack sealing machine for use by three rural airports. Two of the three rural airports are in Huerfano County and the third in Custer County. He said that the John Galusha, Administrator at Huerfano County requested the lead on the project and suggested the AAB contact Mr. Galusha.

Dawna Hobby, Human Resource/Finance Manager met with the BOCC and gave a report. She said that the Employee W-2's have been completed and mailed. She commented that employee wages average 40% of the overall budget. She remarked that all the county memberships and enrollments for the year have been paid. Ms. Hobby said that Clint Smith, Attorney is covered under the county's liability insurance.

The BOCC recessed at 11:10 AM.

The BOCC reconvened at 11:20 AM.

Debbie Livengood, Clerk and Recorder addressed the BOCC and said she had received a request from Jim Little, Publisher of the Wet Mountain Tribune to inspect or obtain copies of public records that have dealt with discussions regarding the action involving the decision to seek bids, the ultimate decision and all follow-up conversations for the publication of legal notice for the County of Custer under the Colorado Open Records Law 24-72-201 et seq. She said that she has prepared copies of the agenda's, minutes, bids, and correspondence related to the topic and will forward them to Mr. Little. Ms. Livengood said that she could not waive the fees for the copies as requested by Mr. Little. To waive the fees for one entity or individual and charge others would not be a fair practice of the county. Ms. Livengood said that Mr. Little is also requesting mail and e-mail exchanges, including deleted e-mails from the commissioners official county e-mail addresses as well as from their personal e-mail accounts in discussions related to this issue from October 1, 2014 to the present time. Ms. Livengood will notify Mr. Little that these requests need to be addressed to the individual county commissioners. The Board agreed to refer the request to legal counsel. Clint Smith, Attorney will prepare a correspondence addressing the issue.. Commissioner Kattnig thanked Ms. Livengood for her time and assistance regarding the Colorado Open Records Act request.

Jackie Hobby, Planning and Zoning Director, Lisa Frank, Realtor and Twila Geroux, Realtor met with the BOCC regarding the Vulcan Lode S#105 and General Sampson Lode S#4 and the previous request to split each of the mining claims. Commissioner Attebery excused himself and left the room. Commissioner Shy said that under Senate Bill 35, he proposed that the properties be divided into six parcels.

Approved 2/27/15

Parcel #1 All that North portion of the General Sampson M.S. 104 lying South of the Vulcan M.S. 105 and east of County Road 341, Custer County Colorado will be required to vacate the interior and common line to be included in the acreage of the Vulcan Lode M.S. 105.

Parcel #2 All that portion of the Vulcan Lode M.S. 105 lying west County Road 341 has Approval of a Subdivision Waiver of Senate Bill 35.

Parcel #3 All that portion of the General Sampson M.S. 104 lying north of the P&O and west of County Road 341, Custer County Colorado will be required to vacate the interior and common line to be included in the acreage of the P&O Lode M.S. 69.

Parcel #4 All that portion of the General Sampson M.S. 104 lying north west of the Queen Victoria M.S. 19677 and west of County Road 341 Custer County Colorado will be required to vacate the interior and common line to be included in the acreage of the Queen Victoria M.S. 19677.

Parcel #5 All that portion of the General Sampson M.S. 104 lying west of county Road 341 and South of Queen Victoria M.S. 19677 has Approval of a Subdivision Waiver of Senate Bill 35.

Parcel #6 All that portion of the Spear Maiden M.S. 19677 Qualifies for a well.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To divide and identify the parcels as proposed. The motion carried.

Commissioner Attebery rejoined the meeting.

Ms. Hobby met with the BOCC and the following topics were discussed:

File #100-37-160 - zoning permit violation; closed, no further action.

File #102-36-135 - septic violation; in process.

File #102-36-551- financial payment agreement violation; issue final correspondence before seeking legal action.

File #100-04-502 - zoning permit violation; granted an eight month extension.

File #100-90-001 - zoning permit violation; no action at this time.

File #102-36-873 - zoning permit violation; no action at this time

Ms. Hobby presented the Custer County 2015 Planning and Zoning Fee Schedule for the Boards review and approval.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the 2015 Planning and Zoning Fee Schedule as presented with one revision. The home occupation permit cost will be increased from \$10.00 to \$25.00. The motion carried unanimously.

The BOCC recessed from the Regular Meeting in the Commissioners Boardroom at 12:45 PM.

The BOCC reconvened in the Joint Session with the Planning Commission in the Court Room at 1:04 PM.

MOTION by Commissioner Attebery, seconded by Commission Kattnig:

To approve the Special Use Permit for a sub-station requested by Black Hills Energy. The motion carried unanimously.

Commissioner Shy adjourned the meeting at 2:40 PM.

Debbie Livengood, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman