

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, MARCH 18, 2015**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

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
John Naylor	County Attorney	Present
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Alden Gray, Larry Haynes, Roger Squire, Rusty Christensen, George Withers, Linda Withers, Dave Hayward, Robert Hamilton, Gary Ziegler, Dale Falske and Paul Sage, reporter for the Sangre DeCristo Sentinel.

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
- New/Old Business
- Wetmore Community Center/Library Project

APPROVAL OF MINUTES:

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve the minutes from the February 27 and March 2, 2015 BOCC meeting as presented. The motion carried unanimously.

PUBLIC COMMENT:

Commissioner Shy asked if there were any public comments. Cal Leslie said that he would like to comment on the March 5, 2015 article published in the Wet Mountain Tribune regarding the on-going lawsuit filed against Custer County. Mr. Leslie said he was not present at the BOCC meeting of February 27, 2015 when the topic was discussed. He commented that he carefully read the article published in the Wet Mountain Tribune on March 5, 2015. He stated that there were two facts that were apparent to him. Both instances were an attempt to compromise attorney client confidentiality in a public meeting and subsequent publications. He said that the topic is extremely sensitive and should have been discussed in an executive session and not in a public meeting.

It is totally obtuse for any person or entity to informally or formally interfere or possibly compromise a pending civil or criminal case that has not been heard yet or ruled on in a court of law.

COMMISSIONER ITEMS:

Commissioner Kattnig said that he attended the NIMS700/ICS100 training hosted by the Office of Emergency Management. He commented that he planned to participate in an Action 22 teleconference; however, due to an accessing coding discrepancy he was not able to join the teleconference.

Commissioner Kattnig said that there are still challenges regarding the relocation of the donated arena building to the fairgrounds. He said that he is continuing to research and pursue other options. He said he would like the commissioners to sit down as a Board to discuss a long term plan regarding the placement of items at the fairgrounds.

Commissioner Kattnig said that he attended the Airport Advisory Board meeting and that a lot of good ideas were presented and shared. He suggested the BOCC consider creating a separate budget line item for the purchase and sale of aeronautic fuel at the airport. This itemization will help identify the fuel income and expenditures and keep it separated from the expenditures of the Silver West Airport. He commented that some county departments have a checking account that they can operate with and he would like to review that option for the airport.

Commissioner Kattnig reported that the 5 County Broadband Study through the Upper Arkansas Area Council of Governments (UAACOG) is progressing and that the UAACOG will have results of the study/survey at the next scheduled meeting. Commissioner Attebery said he would be attending the UAACOG meeting later this date. Kris Lang said that Charles Bogle and Paul Recanzone are on the April 6, 2015 BOCC agenda to brief the BOCC on the Broadband Strategic Plan. Paul Sage commented that he would be interested in learning the results of the 5 County Broadband Studies.

Commissioner Kattnig said he was working with the interested parties and representatives to establish a local public access wifi system on Main Street from the Bluff area to the School facility. He said that the \$50,000.00 project is being sponsored by private individuals, enterprises and that a substantial grant application was in the process to further offset the costs. He remarked that additional monies will be raised by the community. He said that the goal was to complete the project before June 20, 2015 when the Ride the Rockies event is scheduled to arrive in Westcliffe. There is concern that the current towers will crash from the additional usage created by the participants and attendees of the event and that having wifi will handle the situation.

Commissioner Attebery asked the Chairman to explain the proposed Off Highway Vehicle Ordinance (OHV) to the Wetmore citizens and community. Commissioner Shy explained that OHV Ordinance was being proposed to allow citizens and the public to operate and use off-highway vehicles on the public roadways of Custer County. He said that the first reading of the proposed ordinance is scheduled at the April 7, 2015 BOCC meeting. The second reading and tentative adoption of the ordinance will be scheduled on April 30, 2015 BOCC meeting. The ordinance would then go into effect thirty days later. Commissioner Shy clarified that the proposed OHV Ordinance is for county road usage only and does not pertain to state or forest roads. He said that no off-highway vehicle shall be operated at any time on any public roadway within Custer County unless the operator is at least 16 years of age and has in his or her possession a valid motor vehicles drivers' license. The vehicle must be properly registered and numbered with the Colorado Division of Parks and Wildlife. He said that the penalties would range from \$50 to \$300. Commissioner Attebery reported that the County Tourism Board is preparing ATV informational sheets, maps and the rules and regulations for citizen and public information.

Commissioner Attebery thanked the Wetmore Road and Bridge Department for spreading the millings in preparation of the KIOSK signage in the Wetmore area. He remarked that he will be attending the UAACOG meeting in Salida later this date to review the 5 County Broadband Studies.

Commissioner Shy said he would be attending the Colorado Counties Incorporated Steering Legislation Meeting and would be making a presentation to those in attendance addressing the financial gap experienced by counties when a wildfire exceeds the limits of the local fire department but does not qualify for state funding. He said that most counties do not have or are unable to establish a wildfire contingency fund within their annual budgets. He said that he will propose that all the counties review the options of accessing federal funding to establish contingency wildfire/emergency funds.

Commissioner Kattnig said this was a real concern for the county. He remarked that an actual wildfire situation occurred in the southeast corner of the state and that the county was held liable for the expenditures. He said that he would like the Chief Financial Officer and Human Resource/Finance Manager to be involved and review the county expenditures as early as possible during a wildfire. Commissioner Attebery said that county finance representatives were involved and began tracking county expenditures on the first day during the previous Wetmore fire.

Commissioner Shy said that he has been appointed to the State Highway Commission and will be attending those meetings in the next month.

Commissioner Shy shared information that Charlie Tomsick a long time resident of the community went into hospice care today and that the BOCC wished him the best. Commissioner Kattnig said that Dorothy Tomnsick (wife of Charlie) was also the Custer County Assessor in the past and that the family is a second generation to the valley.

ATTORNEY ITEMS:

Clint Smith stated that he has completed the draft of the proposed OHV Ordinance and requested clarification regarding the optional statement under violations referencing the towing of a utility trailer. The Board agreed that the statement would be omitted from the final draft. Mr. Smith said that his research revealed that several Colorado County Attorneys were in consensus that the recent correspondence received questioning the constitutionality is not a recognized document and does not require any action by the BOCC. He also advised Debbie Livengood, Custer County Clerk and Recorder that this document did not require recording. Ms. Smith said that this particular document is being circulated and received throughout the state.

EXECUTIVE SESSION:

None

NEW/OLD BUSINESS:

CR 390 Access Land Dispute

Commissioner Shy said that the county is involved in an access land dispute in the Wetmore area. He said that the county and two private parties were involved and that the upcoming trial is scheduled to begin on April 20, 2015. He said there has been a lot of speculation in one of the local newspapers regarding this particular issue. He said it was very important to understand the relationship between the county and the county attorneys. When the county is being sued or drawn into a dispute that is going to be heard by the court, the obligation of the BOCC is to handle the issue with counsel and in executive session. Both of these are privileged communication. He remarked that anyone doing research or gaining information on the issue, should receive and obtain that information through the county attorneys to maintain that privilege. Commissioner Shy said it would be inappropriate for anyone to speculate or discuss the issue prior to the judge's hearing. He encouraged all county employees or anyone involved in the issue to refrain from sharing opinions and having discussions or conversations related to the case.

Paul Sage, reporter for the Sangre DeCristo Sentinel (SDCS) said that it was the decision of SDCS not to address that issue in any manner until such time that the court has the opportunity to hear and rule on the case.

Commissioner Shy thanked the SDCS for their discretion on the issue.

Commissioner Attebery said that the court trial was scheduled for the week of April 20, 2015 and that currently the BOCC had a meeting scheduled on April 22, 2015 in the Wetmore area. He proposed rescheduling the meeting to the previous week.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To change the date of the Wetmore BOCC meeting from April 22, 2015 to April 15, 2015. The motion carried unanimously.

Title 1 Funds

Commissioner Kattnig asked for the status on the meeting among the BOCC and the School District representatives regarding the Title 1 Funding for 2015. Kris Lang, Administrative Assistant responded that the discussion was an agenda item for the BOCC meeting scheduled on April 6, 2015.

Wetmore Community Building/Library Project

Commissioner Attebery reported that the DOLA grant application requirements for the Wetmore Community Building/Library project has been changed and that the revised grant application is near completion. One of the changes is the completion of a high performance certification program questionnaire. Another requirement is that a detailed letter to the DOLA Regional Manager be prepared and signed by the Chief Elected Official addressing project description, budget, financial need and why the project is necessary. Ms. Lang requested approval to prepare the correspondence on BOCC letterhead with the Chairman's signature line. County Attorney Naylor advised that the approval be outlined in the motion.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To authorize the Administrative Assistant to prepare the correspondence on BOCC letterhead with the Chairman's signature as requested by DOLA. The motion carried unanimously.

Commissioner Attebery thanked Dave Hayward and Nan Davenport for all their work and effort in completing the El Pomar Grant Application for the Wetmore Community Building/Library project. Mr. Hayward reported that the grant application is complete. He said that El Pomar will accept a maximum grant funding request of \$100,00.00 He remarked that the county is asking for \$90,000.00 for kitchen and bathroom repairs and renovations towards the project.

Commissioner Attebery thanked the Wetmore Fire Department for the use of their facility for the BOCC meeting. A thank you to Ruth Roper for generously providing the meeting attendees with homemade baked goods. . The BOCC thanked Mr. Naylor and Mr. Smith for attending the meeting.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 9:58 AM.

Debbie Livengood, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman

(An audio copy of the BOCC meeting is available for review by the public or purchase)