

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, MAY 29, 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 9:03 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

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

Also present: Joe Arbuckle, Sheriff Byerly, Christe Coleman, Bob Dreher, Wayne Ewing, Beverly Goertz, Mike Halpin, Jackie Hobby, Cal Leslie, 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

Review Vouchers and Sign Checks

- Open Contractor Sealed Bids for the deconstruction of the donated arena at the fairgrounds
- Intergovernmental Agreement (IGA) Custer County/Wet Mountain Fire Protection District - Sheriff Byerly, Dave Tonsing, Christe Coleman
- Resolution #15-04 Approving the IGA – Clint Smith, Attorney
- Hazard Mitigation Contractor Recommendation – Christe Coleman
- Special Events Permit Application Fee – Castle Church for the Redemption of the Office BISHOP
- State of Colorado Affidavit of Lost Warrant – Silver West Airport/Butler Field
- 10:00 AM FIRST READING Custer County Open Fire and Open Burn Ordinance #15-02 – Clint Smith Attorney
- Family Matters report on Colorado Work Force

AMEND AGENDA

Commissioner Kattnig said that two new Fair Board Members will be appointed under New/Old Business. He said that he will present the proposed renovation diagrams for the Veterans Service Office in the Resource Center Annex during the commissioner items. Commissioner Shy said that the first reading of the Custer County Open Fire and Open Burn Ordinance would be postponed at this time. He explained that the county was still gathering input and obtaining recommendations regarding the contents of the Ordinance.

APPROVAL OF MINUTES

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

To approve and accept the minutes of May 13, 2015 as presented. The motion carried unanimously.

PUBLIC COMMENTS

Commissioner Shy asked if there were any public comments. Joe Arbuckle thanked everyone and the BOCC for attending and participating in the Memorial Day Ceremony. He expressed concern regarding the Custer County and Robert Hamilton land dispute case and the continued costs to the county and ultimately the taxpayers. He said that the summary judgement ruled in favor of the county and that the Berg Hill Greenleaf & Ruscitti, LLC (BHGR) attorneys representing the county prepared and filed a one hundred and twenty page motion asking the court to reimburse the county approximately \$3400.00 in costs. Mr. Hamilton then filed a certificate of service in opposition to motion for the award of cost and bill of costs stating that the case is considered on hold or on stay, pending his motion to appeal. Mr. Arbuckle questioned why the county was continuing to incur legal expenses on the matter and asked if the BOCC had approved this action and expenditure. Commissioner Shy said that Berg Hill Greenleaf and Ruscitti, LLC were authorized to represent and pursue the county's interest in the case and recoup any monies as applicable. Commissioner Kattnig said that he had concerns regarding the previous and current expenditures of the county in this regard and proposed that the BOCC rescind the authority of Berg, Hill, Greenleaf & Ruscitti, LLC to take any further action without the review, approval and pre-authorization of the BOCC. He commented that he had some questions regarding the invoices. Commissioner Shy said that due to attorney client confidentiality, certain matters could not be discussed and suggested that Commissioner Kattnig contact and communicate with Attorney, Josh Marks of BHGR to express his concerns and propose his questions. Commissioner Kattnig said that he would do that. Mr. Arbuckle said that from a citizen's standpoint he suggested that a simple discussion between the parties involved could put an end to the discrepancies. Attorney Smith said he understands that numerous discussions, negotiations and mediations were held among the interested parties without any success or compromise. Commissioner Shy agreed. Commissioner Kattnig said that he would like to address the topic of legal expenditures at a later time.

COMMISSIONER ITEMS

Commissioner Kattnig said he attended the Family Days at the Painted View Ranch honoring all military service members, veterans and the local community. He reported said that the Airport Advisory Board (AAB) has starting to work on the 2016 budget. The AAB is in the process of reviewing the security and surveillance tapes to determine the number of people and pilots using the Silver West Airport/Butler Field. Commissioner Kattnig said he attended and participated in the Action 22 meetings. He presented the BOCC with the proposed diagram for a revised layout of the VSO in the Resource Center Annex and said that the cost estimates will be forthcoming. He said that the revisions will provide a confidential and private space for the veterans coming into the facility. He also addressed the janitorial services for the facility. The BOCC agreed that a work session to review the proposal diagram and revisions will be scheduled during the June 30, 2015 BOCC meeting.

Commissioner Attebery reported that the satellite dish has been removed from the designated area for the extension office potato patch growing project. He said that the remaining pole would provide a protection barrier for the area. Commissioner Attebery said that Resolution 15-1024 was adopted by the Colorado House of Representatives designating a portion of Highway 96 as the U.S. Army Ranger Christopher A. Horns Memorial Highway. He reported that a meeting regarding the kiosk for the Wetmore area was scheduled on June 2, 2015 at 6pm with CDOT at the Wetmore Community Center and Library Building. He encouraged all interested parties to attend and provide their input. He remarked that the final decision regarding the contents of the kiosk would be at the discretion of the BOCC.

ATTORNEY ITEMS

Clint Smith, Attorney said that his items of topic were a part of the agenda.

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Payroll and Accounts Payable

County payroll and accounts payable were approved from the following funds:

County General	\$175,687.67
Road and Bridge	\$ 86,750.26
Emergency Services	\$ 16,451.03
Human Services	\$ 25,921.56
SI	\$ 261.90
CTF	\$ 8,000.00
Capital Improvement	\$ 3,496.45
Airport Fund	\$ 375.67
Tourism	\$ 9,394.62
Total	\$326,339.16

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

To approve the May 2015 payroll and accounts payable. The motion carried unanimously.

Open Contractor Sealed Bids for the deconstruction of the donated indoor arena building 4-H Extension Advisory Board

Beverly Goertz joined the BOCC. Commissioner Shy said that the sealed bids were for the dismantling, organizing and delivery of the existing barn/arena to the fairgrounds. He opened the sealed bids in the order they were received and read them into the record: GEM Insulation \$28,500.00; CAN Construction \$29,900.00; Inter-Mountain Construction \$35,660.00 and Blejwas Construction \$14,900.00.

Intergovernmental Agreement (IGA) Custer County/Wet Mountain Fire Protection District

The approval of the IGA is postponed until which time as the Custer County Open Fire and Open Burn Ordinance is adopted.

Resolution #15-04 Approving the IGA

The adoption of Resolution #15-04 approving the IGA between Custer County and the Wet Mountain Fire Protection District is postponed until which time as the Custer County Open Fire and Open Burn Ordinance is adopted.

Attorney Smith clarified that the first reading of the Custer County Open Fire and Open Burn Ordinance is scheduled for the June 9, 2015 BOCC Meeting. The second reading, public hearing and tentative adoption of the ordinance will be scheduled for June 30, 2015. The approval of the IGA between Custer County and the Wet Mountain Fire Protection District and the county resolution approving the IGA is tentatively scheduled for June 30, 2015 BOCC Meeting.

Hazard Mitigation Contractor Recommendation

Christe Coleman said that at the Colorado Emergency Services (CES) meeting she asked for volunteers to form a committee to review the proposals and bids for the Grant Agreement DR-4067 FEMA Hazard Mitigation

Grant Program. She said that the committee included: Commissioner Kattnig, Roger Squire, Chas Clifton, Gail Stoltzfus and Christe Coleman. She said that the official recommendation of the committee was to enter into an agreement with Tetra Tech, Colorado Springs, Colorado with a bid of \$49,260.49. Ms. Coleman reviewed the bids from Wold 3 for \$22,500.00 and Amec for \$43,214.35. She explained that the committee ranked all three proposals and bids. She confirmed that Tetra Tech scored and ranked the highest. She said that Tetra Tech has completed individual plans for Fremont and Lake County and is currently working on Chaffee County's plan. She commented that Tetra Tech displayed a better familiarity and knowledge of Custer County and all jurisdictions within.

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

To accept the recommendation of the Review For Proposal (RFP) Committee and award the project to Tetra Tech. in the amount of \$49,260.49. The motion carried unanimously.

The BOCC recessed at 10:30 AM.

The BOCC reconvened at 10:50 AM.

**Special Events Permit Application Fee – Castle Church for the Redemption of the Office BISHOP**

Jackie Hobby, Planning and Zoning Director addressed the BOCC and said that Duane Smith of Interplanetary Entertainment is requesting a refund of the \$300.00 Special Events Permit (SEP) Application Fee for the proposed fund raiser. Ms. Hobby said that even though the fund raiser was ultimately cancelled, the entire project has required a substantial amount of time and effort within the P&Z Department. She asked the BOCC for direction on the refund request. Commissioner Kattnig asked what the county policy was regarding the refund request. Ms. Hobby responded that in the past the county has not refunded any fees.

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

To follow the county policy and not refund the SEP application fee as requested. The motion carried unanimously.

Ms. Hobby remarked that since the Off Highway Vehicle Usage has been approved on county roads that the Cliff Riders Annual Historic Ride Event did not apply or require a Special Event Permit (SEP). She remarked that the dedication event honoring Christopher A. Horns was by invitation only and would not require a SEP. The BOCC agreed and suggested that Ms. Hobby schedule a work shop with the Planning Commission in the near future to review and clarify the specific criteria for requiring a SEP.

**State of Colorado Affidavit of Lost Warrant – Silver West Airport/Butler Field**

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

To authorize Commissioner Shy to sign the State of Colorado Affidavit of Lost Warrant – Business Entity in the amount of \$78.05 for the Airport Advisory Board. The correspondence will allow CDOT Aviation to reissue the check for the Custer County Airport fund. The motion carried unanimously.

**Family Matters Report on Colorado Work Force**

Peggi Collins and Shelly Nordyke met with the BOCC and gave an update on the Family Matters Program. Ms. Collins said that the Family Matters in Custer County Program will operate under the umbrella of the 501C status of the Valley Parks and Recreation Center. She said that the complimentary peanut butter and jelly sandwich program offered at the local restaurants for the youth in the community is proving to be successful. Ms. Collins said that she met with Vicky Casey of Colorado Rural Workforce Consortium to discuss and review the guidelines and criteria of the Workforce Investment Act and how the local businesses and employers may be able to participate. She said that Ms. Casey will come before the Board for further discussion at the June 30, 2015 BOCC meeting.

Fair Board Appointments

Commissioner Kattnig stated that two new fair board members need to be appointment. He said that Alisha Shy and Melissa Gonzales will fill the vacancies of Danielle Gross and Bonnie Long.

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

To appoint Alisha Shy and Melissa Gonzales to the Custer County Fair Board. The motion carried unanimously.

Commissioner Shy disclosed for the record that Alicia Shy was his daughter-in-law.

Commissioner Kattnig remarked that he would like more transparency and Fair Board knowledge of the Fair Board funding and checking accounts.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 11:45 AM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy,  
Chairman

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