

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, FEBRUARY 3, 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: Beth Archuleta and Ron Terry.

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
 - Custer County EMS Inspections
- Staff Reports
- Road and Bridge/Landfill/Recycling – R. Christensen, R. Squire
- Clerk and Recorder – K. Camper
- Planning and Zoning Report – J.Hobby
- Treasurer Report – V. Trujillo
- Annual Jail Tour
- Human Resource/Finance – D. Hobby
- OEM Interviews

AMEND AGENDA

None

APPROVAL OF MINUTES

None

PUBLIC COMMENT

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

COMMISSIONER ITEMS

Commissioner Attebery said that the Rural Philanthropy Days Listening Tour was tentatively scheduled on April 4 – 6, 2016. He remarked that Custer County would be hosting a portion of the event and expressed concern regarding a possible conflict with the BOCC meetings already scheduled in February. Butch Gemin is an active member and representative of the program and the BOCC will request that Mr. Gemin attend a future BOCC meeting and provide the Board with an update and summary of the event.

Commissioner Attebery commented that Commissioner Kattnig had previously inquired about any documentation or records that would outline the transfer of the building and property known as the Wetmore Community Center/Library. Commissioner Attebery said that he researched the BOCC minutes from 1972 – 1985 and shared his findings. He said that in February of 1977, Margaret Hobby and Jo Kunz met with the BOCC as representatives of the Community Action Board and stated that Mr. Strickland from the R2-J School District Board said they would give the Wetmore School Building now known as the Wetmore Community Building to the county, and the county in turn could give it to the community. Commissioner Attebery proposed that the county enter into a memorandum of understanding with the Wetmore Community Library Board regarding its current usage of the Wetmore Community Center/Library. Commissioner Shy said he would research the legal descriptions and documentation of the building and property.

ATTORNEY ITEMS

None

EXECUTIVE SESSION

None

NEW/OLD BUSINESS

Custer County EMS Inspections

Beth Archuleta and Ron Terry said they were representing the Custer County Emergency Services regarding the annual ambulance inspections, the service licenses, and vehicle permits.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To accept the ambulance inspection forms for the annual ambulance licenses and vehicle permits. The inspection was completed on January 29, 2016 by ambulance inspector, Brandon Chambers. The motion carried unanimously.

Chuck Ippolito will provide the EMS with the appropriate Ambulance Service License and Ambulance Vehicle Permit paperwork.

Road and Bridge (R&B) – R. Christensen, R. Squire

Rusty Christensen, Road and Bridge Supervisor, and Roger Squire, Road and Bridge Westcliffe Assistant Supervisor, met with the BOCC and gave a report. The work completed in December 2015 and January 2016 included: the grading of numerous roads, the hauling of gravel and water, the plowing of snow, the cleaning of ditches, and road sign repairs, and replacement. The work planned for February will include but not be limited to: the grading of roads, the hauling of gravel, the plowing of snow, cleanup from the storm, and the continued repair, and replacement of road signs. Mr. Christensen said that other than the reseeding, the Rosita Road and Highway 96 hill project was complete. Mr. Squire said that the R&B department will be starting the projects on CR 260, CR 323, and CR 325. Mr. Christensen presented the Cooperative Forest Road Agreement between the County of Custer, Colorado, and the USDA Forest Service, Pike and San Isabel National Forest, Cimarron and Comanche National Grassland, with the San Carlos Ranger District #16-RO-11021201-010.

He expressed some concerns regarding the context of the agreement. The BOCC agreed to invite Paul Crespin, San Carlos Ranger, to attend a future BOCC meeting to discuss and review the agreement before its final approval and signatures from the BOCC. Commissioner Kattnig shared a concern expressed by a resident regarding the snow removal on CR 106/CR 111 with the R&B Supervisor and Assistant Supervisor.

Landfill – R. Christensen

Mr. Christensen, Landfill Supervisor, gave a report on the facility. He requested a confirmation date for a work session to discuss and review the options regarding the expansion at the landfill property. The BOCC agreed to schedule a work session on February 29, 2015 at 1:00 PM to review the costs of the existing landfill operation and the necessity and cost for the required expansion.

Recycling – R. Christensen

Mr. Christensen presented the 2015 cardboard recycling summary for the BOCC's review. The summary was prepared by Dennis Sprecher, Recycling Coordinator. The county received \$8,529.75 in recycling revenues during 2015.

Clerk and Recorder – K. Camper

Kelley Camper, Clerk and Recorder, addressed the BOCC and requested a transfer of funds from the Recording Fund to the County General Fund in the amount of \$5,089.10.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the transfer of funds as requested by the Clerk and Recorder. The motion carried unanimously.

Ms. Camper said that the State of Colorado has introduced Senate Bill 16-115 modifying the document recording fees imposed by the counties for the purpose of financing a statewide recording technology fund. The bill raises the surcharge for the recording to three dollars. The clerk retains one dollar to be used to defray the costs of an electronic or core filing system in accordance with the existing law. The other two dollars will be transmitted to the state treasurer for deposit in the statewide recording technology fund. The funding will be expended by the appointed authority. Commissioner Shy asked Ms. Camper to provide him with the related information so he can address the issue at the next Colorado Counties Incorporated (CCI) meeting.

Ms. Camper said that she would like to adopt a records retention schedule for the clerk's office as outlined by the Colorado Clerks Association (CCA). She said that the BOCC would need to review the schedule and adopt a resolution before the records retention schedule would become effective. The Board asked Ms. Camper to provide them with a template or draft resolution in this regard at the February 16, 2016, BOCC meeting.

Ms. Camper presented the BOCC with the LEDS contract for the recording system in the amount of \$17,495.00 for review and approval. She said that this system will replace the current ACS software program. She remarked that the funding is available in the budget and that this upgrade will prove to be cost effective measure. Attorney Smith said he has reviewed the contract and recommended that the county negotiate a monthly payment plan rather than lump sum yearly payment. The BOCC reviewed and accepted the contract as presented.

A work session will be scheduled as part of the March 9, 2016 BOCC meeting to discuss and review the options related to the Deputy Clerk to the BOCC and the Administrative Assistant to the BOCC's responsibilities, schedule, position, placement, and housing of the same.

Planning and Zoning Report – J. Hobby

Jackie Hobby, Planning and Zoning Director, introduced Lynn Safford to the Board. She said that Ms. Safford has received approval from the Board of Zoning Adjustment (BZA) for a variance to create an undersized lot and has a recommendation from the Planning Commission (PC) to approve a request for a waiver of subdivision regulations for the property at 67450 Highway 69. She asked the BOCC to make a final ruling.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

File: 100-56-000 to accept the recommendation of the BZA and approve a variance to create an undersized lot. To accept the recommendation of the PC to approve the request for a waiver of subdivision regulations. The motion carried unanimously.

Commissioner Kattnig expressed concern that the recommendations are being were presented to the BOCC the day after the BZA and PC meeting. He said that the BOCC has not had the opportunity to review the recommendations. He verified that in the future the recommendations of the BZA or PC should be included in the Planning and Zoning report the following month allowing the BOCC adequate time to review and research the files prior to making a decision.

Ms. Hobby reported that the chairman and the vice-chairman were absent at the BZA meeting and that the remaining members voted her in as the acting chairman. She clarified that the correspondence prepared from the meeting would include her name as the acting chairman. The Board agreed.

Ms. Hobby reported that the cost from Wachob and Wachob to consolidate the airport maps increased from \$450.00 to \$500.00. She requested approval from the BOCC to proceed with the increased project amount.

MOTION BY Commissioner Shy, seconded by Commissioner Attebery:

To approve the \$50.00 cost increase of the project with a caveat that the final product will be IT and GIS friendly as well as available in an electronic format. The motion carried.

Ms. Hobby remarked that the Special Use Permit (SUP) for the Silver West Airport at Butler Field will require modifications. Commissioner Shy said that in an effort to follow and complete the routine process, he suggested that Ms. Hobby prepare a formal letter of request and concern from the Planning and Zoning office regarding the SUP and forward it to the BOCC as a future agenda item.

The following items were also discussed:

File #100-33-386 Zoning Violation – Bull Domingo Ranch aka 215 Lope Loop – Notification Issued

File #102-36-235 Zoning and Septic Violation – Centennial Ranch, aka 3635 Gibbs Drive – Notification Issued

File #102-03-606 Septic Violation – Centennial Ranch aka 1865 Electric Avenue – Notification Issued

File #102-36-887 Zoning Violation – Centennial Ranch aka 568 No Name Road – Notification Issued

File #102-36-863 Septic Violations – Centennial Ranch aka 990 Rito Alto – Resolved

Ed Lyons came into the Planning and Zoning Office and said he was starting a gravel pit in Silver Cliff that will be named Lucky VI Lode. She said that this function does not fall under any county requirements and that she was sharing the information with the BOCC as it was presented to her.

The BOCC agreed to reschedule the Annual Jail Tour to a later date.

The BOCC recessed at 12:20 PM.

The BOCC reconvened at 12:45 PM

Treasurer Report – V. Trujillo

Virginia Trujillo, County Treasurer, met with the BOCC and gave a report for November 2015, December 2015 and January 2016.

The starting balance on November 2, 2015 was \$4,387,947.58 and the ending balance on November 30, 2015 was \$4,378,921.52,

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To accept the Treasurers report for November 2015 as presented. The motion carried unanimously.

The starting balance on December 1, 2015 was 4,378,921.52 and the ending balance on December 31, 2015 was \$4,042,813.39.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To accept the Treasurers report for December 2015 as presented. The motion carried unanimously.

The starting balance on January 1, 2016 was \$4,042,813.39 and the ending balance on January 31, 2016 was \$4,467,741.91.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

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

Commissioner Attebery asked Ms. Trujillo to research the remaining Title 111 money figure that is available for use by the county in 2016. Ms. Trujillo presented the Public Trustees Report for the last quarter of 2015 for the BOCC's review.

Human Resource/Finance Report – D. Hobby

Dawna Hobby, Human Resource/Finance Manager, met with the BOCC and gave a report. She said the Colorado Employee Benefit Trust (CEBT) organization has prepared and mailed out the 1095C forms for the health insurance coverage verifications required for the year 2015.

OEM Interviews

The BOCC interviewed the following applicants: Michael Kienbusch, Benjamin Gladden, Nathan Whittington, and Cindy Howard.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To go into Executive Session. The motion carried. Commissioner Attebery cited C.R.S.24-6-402 (4) (f) to discuss personnel matters. The motion carried unanimously.

Those present were: Commissioner Attebery, Commissioner Shy, Commissioner Kattnig, Attorney Smith, Human Resource/Finance Manager, Dawna Hobby, and Deputy Clerk to the BOCC, Kris Lang.

The BOCC went into Executive Session at 3:50 PM.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To go back into Regular Session. The motion carried unanimously.

The BOCC came out of Executive Session at 4:20 PM. Commissioner Attebery stated that no matters were adopted and no actions or decision were made. Attorney Smith confirmed the discussion remained on topic.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To reduce the four interviewed applicants to two candidates. The final candidates would be Michael Kienbusch and Cindy Howard. The motion carried unanimously.

MOTION by Commissioner Kattnig:

To offer the position of the Director of the Office of Emergency Management (OEM) to Michael Kienbusch. The motion died due to the lack of a second.

MOTION by Commissioner Shy, seconded by Commissioner Attebery:

To offer the position of the Director of the Office of Emergency Management (OEM) to Cindy Howard. Commissioner Kattnig oppose the motion. The motion carried.

For the record the BOCC stated their reasons for the above noted motions.

Commissioner Shy said that he was searching for a combination of qualities for the OEM Director position. He said that the right person should have the experience, local knowledge, and a local oriented attitude towards the position. He said that he felt that Ms. Howard came the closest to meeting those needs. Commissioner Shy remarked that it was a very difficult decision because both applicants offered special qualities related to the position.

Commissioner Kattnig congratulated Ms. Howard on the appointment. He said that he felt Mr. Kienbusch had extensive knowledge and experience with emergency management, homeland security management, and hazard waste management. He said that Mr. Keinbusch offered a proven track record and successful career in these fields. Commissioner Kattnig said that he felt the applicant would also bring the technical skills that could move the OEM position to a higher level of management. He acknowledged that Ms. Howard has given her time and support to the community and was a worthy candidate but that he preferred the management experience of Mr. Keinbusch.

Commissioner Attebery said that he felt that not only did Ms. Howard have the ability to handle the financial aspects and commitments of the position but that she was familiar with and able to assume the responsibilities of the position immediately. He said that the Custer Emergency Services Board had issued her the higher rating and ranking for the position. Commissioner Attebery said that both candidates would offer experience and expertise to the role of OEM Director and that often times in a rural community it's a grass root situation and that Ms. Howard fulfilled those needs.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To offer Ms. Howard a starting salary of \$35,350.08 (per year) with a start date as soon as possible, tentatively February 8, 2016. Following a brief discussion the BOCC agreed to amend the motion to clarify a starting monthly wage since the applicant had not started at the beginning of the year. The motion carried unanimously.

AMENDED MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

Commissioner Shy stated for the record that in addition to the wages, the position offered benefits, office space, vehicle, laptop computer and travel expenses. The motion carried unanimously.

Commissioner Attebery presented a Utility Easement Work Order from the Sangre deCristo Electric Association, Inc., for the Boards review and approval.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve and sign the Utility Easement from Sangre deCristo Electric Association, Inc. Work Order #95-15 to construct and maintain a proposed overhead electric line across a portion of the property at the Custer County Landfill. The motion carried unanimously.

Commissioner Shy stated for the record that the legal description listed on Work Order #95-15 was poorly written.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 5:05 PM.

Kelley Camper, Clerk and Recorder
Attest

Lynn E. Attebery,
Chairman

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