

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, FEBRUARY 27, 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 9:04 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 |
| Kris Lang     | Deputy Clerk to the Board | Present |

Also present were Dallas Anderson, Joe Arbuckle, Steven Bremner, Brent Bruser, Allen Butler, Lockett Pitman, Sue Pitman, Kathy Snow, Candi Sage, Cyn Williams and Jillian Ward, reporter for the Wet Mountain Tribune 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
  - Silver West/Butler Field Airport Budget/Fuel
  - Veterans Service Office discussion
  - EAGLE-Net Alliance update
- Review Vouchers and Sign Checks
  - CORA Policy
  - Tourism Report/crushed asphalt for the S&R parking lot
  - Proposed ATV use on County Roads
  - Annual Jail Tour

AMEND AGENDA

Commissioner Shy asked if there were any amendments to the agenda. Kris Lang stated that the Veterans Service Office discussion would be rescheduled to a later date.

APPROVAL OF MINUTES

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

To approve and accept the minutes of February 2, 4, 18 of 2015 as presented. The motion carried unanimously. Commissioner Kattnig said he would like the minutes to include and address all the topics discussed and reviewed during the meetings. He said it would reflect a complete record of the meeting including both action and non-action topics.

## PUBLIC COMMENTS

Commissioner Shy asked if there were any public comments. Joe Arbuckle asked if the county has spent \$87,000 in legal fees regarding the lawsuit with Robert Hamilton. Commissioner Shy said that the county was the third party in an existing lawsuit and that the \$87,000 figure was a fairly accurate amount. Mr. Arbuckle asked if those monies were paid from the county general fund or covered under the county's insurance. Commissioner Shy said that at this time, the expenditures were processed under the general fund. Brent Bruser asked if there were any RETAC Board appointments still available and whether the West Custer County Hospital District (WCCHD) has contacted the BOCC regarding the positions. Commissioner Shy said that there were several alternate RETAC positions open and that the county is accepting letters of interest for those positions. He confirmed that the WCCHD has not contacted the BOCC regarding the positions. Lockett Pitman expressed concern regarding the executive session topic listed on the agenda and felt those sessions should be scheduled at the end of the BOCC meeting to allow the public adequate notification. Commissioner Shy said that the executive session topic appears on every agenda in the event an executive session becomes necessary or is requested during the course of the BOCC meeting. Commissioner Kattnig explained that no decisions can be made during an executive session. He said that the BOCC would adjourn from the regular session and go into the executive session but would need to reconvene in the regular session before any decisions are made or any action is taken. The executive session is part of the regular scheduled BOCC meeting.

## COMMISSIONER ITEMS

Commissioner Attebery said that he attended a two day retreat at the Upper Arkansas Area Council of Governments in Canon City, CO. earlier in the week. He said that Moore's Heating and Cooling is scheduled to install the air vents and return air vents in the Resource Center Annex at the beginning of next week. The installation will improve the air ventilation in the basement area of the facility. Commissioner Attebery said that he would like to discuss and review the notification procedure for snow closure of the county departments and buildings. The BOCC agreed to add the topic to the staff meeting scheduled during the March 31, 2015 BOCC meeting.

Commissioner Kattnig said that he attended the Action 22 Board meeting in Pueblo, CO. He reported that topics that were discussed included state tax reliefs to new business's and the vulnerability of open primary elections and the caucus system. Commissioner Kattnig reported that the electrical system at the fairgrounds required maintenance and that the fair board currently had a credit at Ace Valley Hardware that could offset the cost of materials. He said that he met with the Colorado State University (CSU) Extension Director and the CSU County Extension Agent to review the Memorandum of Understanding (MOU) between Custer County and CSU, the job description of the Extension Agent, and the plan outline for 2015. He said that both parties are scheduled to meet with the BOCC on March 3, 2015. Commissioner Kattnig said that he participated in an Upper Arkansas Area Council of Governments Work Force phone conference regarding employment opportunities. Commissioner Kattnig said that he would like to address the article in the Wet Mountain Tribune regarding the county's participation in the lawsuit. He said that he has only had six weeks to catch up on the situation and that several weeks ago when he asked his colleagues about the topic, he was dismissed. He said that he has completed his own research and that the case has been on-going for four years and that the county cannot continue to allocate funding for the legal services. He remarked that he is not passing any judgments but would like to see the situation resolved sooner rather than later. Commissioner Kattnig remarked that if action on the WCCHD Clinic's Service Plan is an obligation of the BOCC he would like the Board to address the issue sooner rather than later. He said that the BOCC is the responsible for safety in the county. Mr. Bruser complimented Commissioner Kattnig on his involvement regarding the service plan and said it continues to be an unresolved, non-compliant issue.

Commissioner Shy said that he attended the tabletop exercise provided by the Office of Emergency Management at the Custer Emergency Services meeting and concurred with Commissioner Kattnig that it was a valuable tool. He said that he was reviewing the operating plan with the fire department and forest service.

Commissioner Shy said that he has been in communication with the sheriff’s office and the school superintendent regarding the teen suicides in the county. He said that he has offered the county’s assistance and support. He remarked that he has attended the inspirational school assemblies and encourage the entire community to become involved.

Paul Sage agreed with Commissioner Shy and said that the suicide tragedy was not only a school issue but would require the joint effort of the churches, citizens and school. He commended the community for working together to provide support for our students. Mr. Sage asked Commissioner Kattnig if his recent research regarding the county’s participation and legal fees in the on-going lawsuit with R. Hamilton could have been part of the source for the front page article in the Wet Mountain Tribune (WMT), especially since the topic was not previously discussed or reported on. Commissioner Kattnig said that his research was the result of a rumor he had heard and felt it was his due diligence to follow-up. He said that he has had no contact with the WMT regarding the topic.

Commissioner Shy said that he would like the Board and the county to focus on positive things and commented that Jackie Hobby is currently researching and comprising a legacy with photographs of the past county sheriffs. He said that Ms. Hobby will continue the project with the past county commissioners. Commissioner Kattnig asked if the Planning and Zoning Director’s time and effort should be invested in this type of project. Commissioner Shy said that Ms. Hobby was taking this on as a personal and private project.

ATTORNEY ITEMS

Clint Smith, Attorney said that he would address attorney items under the CORA agenda topic

NEW/OLD BUSINESS

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

|                     |              |
|---------------------|--------------|
| County General      | \$195,504.88 |
| Road and Bridge     | \$ 67,461.01 |
| Emergency Services  | \$ 22,184.83 |
| Human Services      | \$ 27,102.04 |
| Capital Improvement | \$ 7,320.66  |
| Airport Fund        | \$ 1,347.63  |
| Self Insurance      | \$ 276.45    |
| TOTAL               | \$321,197.50 |

Silver West/Butler Field Airport Budget/Fuel

Dallas Anderson, Bob Jolley and Bob Koester joined the meeting representing the Airport Advisory Board. Mr. Anderson said the AAB was requesting authorization to order a split load of aeronautic fuel while the prices are reduced. Mr. Jolley estimated that the cost of a split load of aeronautic fuel would be \$6970. Former Commissioner Butler said that he supported the purchase and asked the BOCC to consider a transfer of funds from county general to support the purchase. Commissioner Attebery expressed concern that the AAB fund is presently over budgeted by \$477 and said that the BOCC should move cautiously regarding the transfer of county general funds. Commissioner Kattnig said that the airport was an asset to the county and he would like to support the AAB. He said that he is not enrolled in the county health insurance program and is potentially saving the county approximately \$10,000 a year. He questioned whether that savings could be a source of income for the fuel purchase. Commissioner Shy said that although it was an admirable gesture, the funding was not a part of the approved 2015 budget and therefore the monies were not available.

EagleNet Alliance Update

Commissioner Attebery said that representatives from EagleNet are scheduled to address the Board at the March 3, 2015 BOCC meeting.

CORA Policy

Clint Smith, Attorney presented the first draft of the Custer County Policy and Procedure Manual Concerning Compliance with the Colorado Open Records Act (CORA) for the Boards review. Mr. Smith said that a portion of the policy reads that all work related emails addressing legitimate county business shall be maintained and saved for a period of no less than ninety (90 days) from the date of transmission or receipt. Mr. Smith suggested that when the final version is adopted, each employee should be given a copy and be required to sign off on the policy. The signed correspondence will be retained in the personnel files in the Human Resource/Finance Department.

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:30 AM.

Tourism Report/Crushed Asphalt for S&R Parking Lot

Cindy Howard met with the BOCC and said that the Tourism By-Laws require that they provide the BOCC with an annual update. She distributed copies of the current local, regional and state tourism pamphlets, booklets and advertising materials. She said that Custer County Tourism also advertises with a website and face book page. Ms. Howard said that the Board is extremely cost conscious and takes advantage of any free of charge advertising considerations and options. She remarked that the county lodging tax is what funds the Tourism Board. Ms. Howard reported that the Tourism Board was able to contribute over \$1500 towards the KIOSK that is being placed in the Wetmore area.

Ms. Howard asked if there were any available millings for the Search and Rescue parking lot. The Board said that they do have access to some millings but the material would require loading, picked up outside the general area and then unloaded at the site. The BOCC said that the area was a public parking lot and suggested that Search and Rescue contact the Town of Westcliffe for assistance.

Proposed ATV use on County Roads

Rick Ashwood addressed the BOCC regarding the proposed Off Highway Vehicle (OHV) usage on county roads. He said that in 2014 a petition of signatures supporting the usage was presented to the BOCC and the Sheriff's Office. He remarked that the proposal has the support and endorsement of the Summit Valley Ranch and the Custer County Economic Development Committee. Sheriff Byerly said that he supported the proposal. Larry Weber agreed. Attorney Smith commented that OHV usage on county roads would require an ordinance in order to institute violation penalties.

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

To appoint a committee to review and finalize an ordinance on OHV usage on county roads. The document will then be forwarded to Attorney Smith for approval. The motion carried unanimously.

The OHV work session is scheduled on March 5, 2015 at 1:30 PM in the Boardroom. The committee members are as follows: Dallas Anderson, Rick Ashwood, Rusty Christensen, Mike Halpin, Art Nordyke, Commissioner Shy, Clint Smith, and Larry Weber.

Virginia Trujillo, County Treasurer commented that the county will receive \$15,467.09 under Title 1 funding. She said that the amount has to be allocated to either the school on a per pupil basis or to the road and bridge

department. This decision will be made among three representatives of the school district and the three seated county commissioners. The BOCC instructed Kris Lang to invite the school representatives to join a future BOCC meeting for discussion regarding the funding.

Ms. Trujillo presented a list of eight (8) active county tax liens. She remarked that the majority of liens were mineral rights. She said that the county's options are to obtain deeds to the properties or to write them off at the end of thirty years.

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

Not to proceed with the issuance of deeds on county tax lien # 1-7 as identified by the County Treasurer. Commissioner Kattnig will research # 8. The motion carried unanimously.

Commissioner Shy adjourned the meeting at 12:20 PM and said that the BOCC would go to the Sheriff's Office to complete the annual jail tour.

Commissioner Shy called the meeting back into session at 1:50 PM and stated that in lieu of the recorder the BOCC would approve the payroll and accounts payable for February 2015.

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

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

Commissioner Shy adjourned the meeting at 1:55 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy,  
Chairman