

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 16, 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: Christe Coleman, Kevin Day, Alden Gray, Larry Haynes, Beth Lenz, Dale Falske, Ruth Spaar, John Spaar, Ruth Roper, and Gary Ziegler

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes: August 31 and September 1, 2015
- Public Comment
- Commissioner Items
- Attorney Items
- Executive Session
- New/Old Business

- Amend May 13, 2015 BOCC Minutes to include the adopted Resolution #15-03 A Resolution of the Board of County Commissioners of Custer County, a Political Subdivision of the State of Colorado, Adopting a Noxious Weed Management Plan as Recommended by the Weed Advisory Board in its entirety.
- Agreement for Cooperative Wildfire Protection – C. Coleman
- Wetmore Community Center/Library Project

AMEND AGENDA

None

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

Commissioner Kattnig said that he understood that copies of the audio recordings of the BOCC meetings were

not made available until the minutes from the meeting were approved. He requested that the Board have access to the recordings prior to the approval of the minutes for clarification or verification usage and purposes. The County Attorney and BOCC agreed.

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

To approve the minutes from August 31, and September 1, of 2015 as presented. The motion carried unanimously.

**COMMISSIONER ITEMS**

Commissioner Kattnig expressed concern regarding the dry conditions and the low moisture level of the county in the past few weeks. He said the formula presents an increased potential for fires. He commented that he would like to see some informational articles on the issue in the local newspapers.

Commissioner Attebery said that the county provides free local television service to several residents from the tv tower. He said that as the result of a lightning strike, channel 11 is not currently available. He said that a new power module has been ordered to complete the repair. The repair should not cost more than \$500.00 and the funding will be taken from the Conservation Trust Fund. Commissioner Attebery said he would be attending the appreciation meeting for the High Altitude Gardening Club on September 17, 2015.

Commissioner Shy said that he attended the workshop sponsored by the Silver Cliff Marijuana Committee. He commented that it was a slow process and an emotional and contentious topic. He said that he attended the Dispatch Open House event in Fremont County, the Emergency Medical Services Appreciation Day and the Custer Emergency Services meeting. He reported that the solar power light has been installed on the top of the flagpole in the front of the courthouse. Commissioner Shy said that he had the pleasure of meeting and speaking with Retired USAF Colonel Don McMonagle who recently relocated to Custer County. He said that Colonel McMonagle was an astronaut with NASA and flew on several shuttle missions and is a welcomed asset to the community.

**ATTORNEY ITEMS**

Attorney Clint Smith said that he revised the proposed ballot question presented by the Custer County Economic Development Corporation asking that the county opt out of the broadband restrictions under SB 152. He said that he has been in communication with Colorado Counties Incorporated (CCI) regarding the revision and change and they approved of the additional verbiage. Attorney Smith said that the final ballot question was forwarded to the Clerk and Recorder. He said that Robert Hamilton has made a filing with the court of appeals and that the county will be forced to file an answer brief regarding the dismissed land dispute. This action will generate more legal fees and costs from Berg, Hill, Greenleaf and Ruscitti LLP. Attorney Smith said that he has completed some research on the Search and Rescue (S&R) Board's request regarding a formal designation of the building. He said that the events and paper trail related to the donation of the building to the county for specific S&R usage will require further investigation. Gary Ziegler offered to assist Attorney Smith with background information and knowledge. The Board agreed to add the topic to the agenda at the October 20, 2015 BOCC meeting

**EXECUTIVE SESSION**

None at this time.

**NEW/OLD BUSINESS**

Amend May 13, 2015 BOCC Minutes to include the adopted Resolution #15-03 A Resolution of the Board of County Commissioners of Custer County, a Political Subdivision of the State of Colorado, Adopting a Noxious Weed Management Plan as recommended by the Weed Advisory Board in its entirety.

Kris Lang, Deputy Clerk to the BOCC stated that Resolution 15-03 was approved and adopted during the May 13, 2015 meeting and was not listed or printed in its entirety as part of the official minutes. She asked that the minutes from that date be amended to include the resolution.

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

**To amend the approved minutes of May 13, 2015 to include Resolution 15-03 printed in its entirety.**

**CUSTER COUNTY RESOLUTION  
RESOLUTION NO. #15-03**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, A  
POLITICAL SUBDIVISION OF THE STATE OF COLORADO, ADOPTING A NOXIOUS WEED  
MANAGEMENT PLAN AS RECOMMENDED BY THE WEED ADVISORY BOARD.**

**WHEREAS**, §35-5.5-101, et seq., C.R.S., known as the Colorado Noxious Weed Act, mandates that the Board of County Commissioners of each county in the State of Colorado shall adopt a noxious weed management plan for all of the unincorporated lands within the county; and

**WHEREAS**, The Board of County Commissioners may adopt such resolutions as may be necessary to enforce said plan and otherwise provide for the management of noxious weeds within the county subject to the limitation that no such resolution shall apply within the corporate limits of any incorporated municipality unless mutually agreed to by the county and municipality pursuant to Part 2 of Article 1 of Title 29, C.R.S., or Article 20 of Title 29, C.R.S.; and

**WHEREAS**, The duly appointed Weed Advisory Board for Custer County has developed a recommended management plan and recommended management criteria for noxious weeds within Custer County; and

**WHEREAS**, The State Weed Coordinator has reviewed the recommendations of the Weed Advisory Board as required by §35-5-107(6), C.R.S., and has determined that the recommendations are not inconsistent with the recommended management plan for the integrated management of designated noxious weeds within state-owned lands of the State of Colorado; and

**WHEREAS**, The Board of County Commissioners is satisfied that the Noxious Weed Management Plan prepared by the Weed Advisory Board is sufficiently comprehensive to implement the provisions of the Colorado Noxious Weed Act with respect to private lands and public lands within Custer County;

**NOW THEREFORE,**

**BE IT RESOLVED** That the Custer County Noxious Weed Management Plan prepared by the Custer County Weed Advisory Board and attached to this Resolution is hereby adopted and is now in full force and effect in Custer County until modified or amended by further resolution to conform to the ongoing requirements of the Colorado Noxious Weed Act.

**RESOLVED AND ADOPTED THIS 13th DAY OF MAY 2015, AT WESTCLIFFE, COLORADO.**

Signed:

Commissioner Christopher (L) Kit Shy

Commissioner Lynn Attebery

Commissioner Robert Kattnig

Clerk and Recorder, Debbie Livengood Attest

**Agreement for Cooperative Wildfire Protection – C. Coleman**

Christe Coleman, Office of Emergency Management Director presented the agreement between Custer County, Colorado acting through its Board of County Commissioners and Sheriff Shannon Byerly, the Sheriff of the County and the State of Colorado acting by and through the Department of Public Safety for the benefit of the Division of Fire Prevention and Control (DFPC) for the BOCC's approval and signature.

Attorney Smith said that he has reviewed the agreement and recommended that the Board approve the agreement as presented. Commissioner Shy expressed concern with the billing and payment outline in the agreement that allowed DFPC to charge the County and the Sheriff a cost for an overhead fee up to 13% for the billing services involved. He said that he does not support the state becoming intrusive of the county budget.

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

To approve the Agreement for Cooperative Wildfire Protection as presented. The motion carried unanimously

Ms. Coleman said that she will present the BOCC with the recommendation from the Custer Emergency Services (CES) Committee regarding the Eagle Net Service in the near future.

Wetmore Community Center/Library Project

Commissioner Attebery said that he attended a training hosted by the Department of Local Affairs (DOLA) explaining and educating the DOLA grant recipients on the requirements of the DOLA contract associated with the grant funding. He distributed a copy of the power point presentation from the training and a sample grant agreement for the Boards review. Commissioner Attebery said that DOLA Representative Christy Culp has agreed to provide another local training session for the key players on request. He said that following receipt of an authorization on the grant from the state controller, the first step would be to solicit construction bids and estimates. He asked if the project identification banner sent by DOLA has been secure at the property. Ruth Spaar responded that it has. He said that DOLA is requesting a photo of the banner on the facility and that once Nan Davenport, Director of the Wetmore Library is back in the area, the appropriate picture will be taken. Commissioner Shy said that DOLA's investment and support in Custer County has allowed us to be successful with this project.

Beth Lenz, Recycling Representative, Upper Arkansas Area Council of Governments (UAACOG), addressed the BOCC and gave an update on the recycling program. She said that currently the reimbursement on recyclables is low and that they were stockpiling recyclables in anticipation of increased revenues in the near future. Ms. Lenz said that Custer County's dues for the UAACOG recycling program will remain the same in 2016 and that she felt there would be a reduction in the membership dues starting in 2017. She commented that Custer County does a great job with recycling and acknowledged that the Wetmore residents participate in the recycling program located in Fremont County. She remarked that she is trying to make the recycling bins more attractive with paint and design. Ms. Lenz stated that November 15, 2015 is designated as an American Recycling Day. She said that UAACOG recycling will host their 7<sup>th</sup> Annual Recycling Art Show and she encouraged everyone to attend. She said that the UAACOG electronic recycling event is scheduled on September 19, 2015. The BOCC thanked Ms. Lenz for joining the meeting and commented that she does an outstanding job with the recycling program.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 10:15 Am.

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Kelley Camper, Clerk and Recorder

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Christopher L. (Kit) Shy, Chairman