

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JANUARY 31, 2014**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S BOARDROOM.

Commissioner Allen Butler called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Allen Butler	Chairman	Present
Kit Shy	Vice Chair	Present
Lynn Attebery	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Cindi and Paul Sage, reporters for the Sangre DeCristo Sentinel; Glen Livengood, Richard Posadas and Dave Trujillo.

**AGENDA:**

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes

Public Comment

Commissioner Items

Executive Session

Old/New Business

- Resolution #14-01 Adopting the 2014 County Holidays

- HUTF Funding

- Tourism Board Appointments

- Weed Board CDOT Appointment

- Wetmore Community Center Appointment revision

- North Gravel Pit Parcel (requested purchase)

- BLM Communication Invoice

- Airport Courtesy Vehicle Insurance Invoice

- UAACOG Recycling Program Invoice

- West Custer County Hospital District Board

- RETAC Appointment

- Resolution 96-11 Director Appointment

- Department of Labor Audit Update

- State EMS Evaluation

- Special Use Permit – Hardscrabble Mountain Trail Run – Hal Walter

- Transfer of Funds – Virginia Trujillo/County Treasurer

- Review vouchers and sign checks

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

To approve and accept the minutes of January 7 and 10, 2014 as presented. The motion carried unanimously.

Commissioner Butler asked if there were any public comments. Candi Sage expressed concerns regarding County Road 255 between mile marker 5 and 8. The area is heavily treed and that portion of the road remains shaded and always has residual snow making it difficult for drivers to determine where the edge of the road is. She asked if the Road and Bridge Department could make more of a distinction of the road edge when plowing. Dave Trujillo, Road and Bridge Supervisor said that he would have his staff resolve the problem.

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

County General	\$220,270.33
Road and Bridge	\$ 77,346.02
Emergency Services	\$ 19,800.45
Human Services	\$ 22,934.33
Capital Improvement	\$ 1,080.35
Airport Fund	\$ 1,413.93
Tourism Fund	\$ 8,308.55
Self Insurance	\$118,158.50
TOTAL	\$469,312.46

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

To approve the January 2014 payroll and accounts payable. The motion carried unanimously.

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

To approve and adopt Resolution #13-01 for the Official 2014 Holidays for the Employees of Custer County. The motion carried unanimously.

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

To appoint the members of the Tourism Board as follows: Lynn Attebery, Brian Cline, Cindy Howard, Chris Tabb and Bob Weisenbach. Ex-Officio members: Marlys Hartbauer, Richard Posadas, Rene Smith, and John Michael Stuart. The motion carried unanimously.

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

To revise the appointments to the Wetmore Community Center as follows: The removal of Nancy Kruez and Eddie Yellico and the addition of Margie White. The motion carried unanimously.

The Wetmore Community Center Board appointments are as follows: Alden Gray, Chairman; John Spaar, Secretary; Ruth Spaar, Treasurer; Irene Stearns; Rose Hidlebaug; Nan Davenport and Margie White.

The Board agreed to postpone the appointments of the Weed Board to a later date.

Glen Livengood addressed the BOCC regarding the request to purchase land in section 7-22-72, block 171, 15.09 acres also known as the north gravel pit. The BOCC said that the purchase of county property would require a public bidding process. The Board asked Mr. Trujillo for the status of the parcel. Mr. Trujillo responded that the land reclamation for the parcel has not been approved and signed off and until that is completed the land would not be available for sale. He remarked that the Road and Bridge Department may continue to utilize it as a water draw site. Mr. Trujillo said the next inspection for reclamation of the parcel would be sometime in September of 2014. The Board agreed to follow-up on the topic in November of 2014.

Chuck Ippolito, IT Director stated that in 2014 the Bureau of Land Management (BLM) has started to invoice Custer County for the site rental of the tower known as Lookout Mountain/Hibbs Hill/TV Hill. He explained that the County Road and Bridge Department and the two TV translators are exempt from the fees because they

are governmental and non-profit. He said that DD Wireless and Ridgeview Tel the two private entities currently utilizing the tower are not exempt. The 2014 annual charge is \$2,854.15 and he proposed that the county invoice each party \$1,427.07 to cover the expense.

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

To approve payment of the invoice from BLM and to invoice DD Wireless and Ridgeview Tel for the appropriate funds. The motion carried unanimously.

Commissioner Butler said that one of the vouchers before them was the insurance for the county courtesy vehicle at the Silver West Airport. He remarked that the Airport Advisory Board (AAB) has requested the continued use of the courtesy vehicle. Commissioner Attebery expressed concern regarding the lack of record keeping and requested a vehicle summary: times the vehicle is used, how often each month, who is using the vehicle, and the number of miles being driven. Commissioner Shy agreed and shared concern regarding the county's liability for the vehicle. The BOCC agreed to hold the voucher for the insurance premium on the courtesy car at this time. The Board will discuss the topic further with the AAB at February 3, 2014 BOCC meeting.

Town of Westcliffe Mayor, Christy Veltrie and Road and Bridge Supervisor, Dave Trujillo met with the BOCC and reviewed the Road Maintenance Agreement for Lake DeWeese Road/County Road 241 and Hermit Road/County Road 160. Mr. Trujillo approved the agreement as drafted. Ms. Veltrie said that she would present the agreement to the Trustees at the next Town of Westcliffe meeting scheduled on February 4, 2014. Commissioner Shy said that the agreement should be formalized and adopted by Resolution.

Road Maintenance Agreement

Custer County agrees that the road maintenance for Lake DeWeese/County Road 241 from State Highway 69 (N) continuing North through the Town of Westcliffe's North town limit will become the responsibility of the Custer County Road and Bridge Department. This will effectively transfer the mileage (.17 of a mile) reported on the Highway User Tax Fund (HUTF) listing (State of Colorado Transportation) from the Town of Westcliffe to Custer County. The Town of Westcliffe will remove the mileage and Custer County will adopt the amended mileage starting on the 2014 HUTF reporting. Custer County agrees to take over the maintenance of Lake DeWeese/CR241 with the condition there is no upgrades being made by the Town of Westcliffe prior to this agreement.

Custer County agrees that the road maintenance from Hermit Road/County Road 160 be amended that the Town of Westcliffe will continue to maintain from Second Street East to Highway 69 (S) and that Custer County will take over the maintenance from the Town of Westcliffe's West town limit continuing East to Second Street. This will effectively transfer the mileage (.10 of a mile) reported to the HUTF listing (State of Colorado Department of Transportation) from the Town of Westcliffe to Custer County. The Town of Westcliffe will remove the mileage and Custer County will adopt the amended mileage starting on the 2014 HUTF reporting. Custer County agrees to take over the maintenance of Hermit Road/CR 160 segment mentioned above with the condition there is no upgrades being made by the Town of Westcliffe prior to this agreement

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

To approve the transfer for the maintenance of the two roads as defined. That Commissioner Shy will assist the administrative assistant to turn the draft agreement into a legal and binding document. The motion carried unanimously.

Commissioner Butler presented the 2014 Agreement for Custer County's participation with the Upper Arkansas Recycling Program for the Boards signatures. He said that the agreement had been previously approved and was part of the 2014 county budget.

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

To accept the terms of the Upper Arkansas Recycling Program as presented with a caveat that Custer County appoints Commissioner Shy as their Director to the Advisory Board of the Upper Arkansas Recycling Program along with Recycling Coordinator Dennis Sprecher. The motion carried unanimously.

Commissioner Butler and Commissioner Shy expressed thanks and appreciation to Commissioner Attebery for his role as BOCC Chairman for the past five plus years. They plan to take Commissioner Attebery for a recognition lunch at a later date.

Joe Arbuckle, West Custer County Hospital District Chairman addressed the BOCC and requested that Ellie Czarnota to be appointed to a primary position on the SECRETAC Board.

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

To appoint Ellie Czarnota to the SECRETAC Board as a primary member with the caveat that Chuck Ippolito will now become an alternate member. The motion carried unanimously.

The SECRETAC representatives are as follows: Delwin Lester, Ellie Czarnota and Gail Stoltzfus are primary members; Chuck Ippolito and Christe Coleman are alternate members.

Mr. Arbuckle asked that the BOCC appoint Ellie Czarnota as the Director of Ambulance Licensing and Inspection in accordance with Custer County Resolution 96-11.

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

To accept the resignation from Josh Johnson as the Director of Ambulance Licensing and Inspection as received. The motion carried unanimously.

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

To appoint Ellie Czarnota as the Director of Ambulance Licensing and Inspection. The motion carried unanimously.

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

That the physical inspections of the ambulances will be completed by an outside source chosen by Ellie Czarnota and approved by the BOCC. The motion carried unanimously.

Mr. Arbuckle addressed the correspondence issued to the BOCC from Christe Coleman, Office of Emergency Management Director confirming that Custer Emergency Services (CES) voted unanimously to recommend that the BOCC move forward with the process of formally requesting an Emergency Medical Service (EMS) Assessment from Colorado Department of Public Health (CDPHE). He said that a draft correspondence of the request was forwarded to the BOCC for review.

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

To accept the draft correspondence and sign a letter requesting that CDPHE complete an EMS Assessment. The letter will be prepared on BOCC letterhead. The motion carried unanimously.

Commissioner Shy encouraged that those involved make themselves available during the assessment period and to refrain from expressions and statements of undue influence or bias on the issue.

Mr. Arbuckle, West Custer County Hospital District (WCCHD) Chairman gave a chronologic report on the Emergency Medical Support-EMS Ambulance Corp. He said that the Department of Labor (DOL) Audit was

complete and the findings include unwillfull violation of labor laws for independent contractor status compensation and no fines or penalties were issued against the Custer County Clinic/Ambulance Corp. The three main violations were failure to pay minimum wage and overtime to the EMT's and incomplete records. He said that a determination from DOL is expected in February 2014 on whether the CCC/AC will be required to go back and compensate the EMT's for minimum wage and overtime. He stated that the finding will have a direct impact on the future of EMS operations in Custer County. Mr. Arbuckle said that the position of the WCCHD remains that EMS does not belong in the Hospital District. He proposed two scenarios. Scenario A. is that EMS remain in the WCCHD but would require a very high mill levy to compensate the EMT's as employees since it was recommended that the CCC/AB not engage the use of volunteers or independent contractors. Scenario B. is for the Wet Mountain Fire Protection District to take over the EMS mission since a fire district or law enforcement can utilize volunteers. This will also provide a broader pool of volunteers for EMS response. Ellie Czarnato remarked that she was on the agenda for the next WMFPD meeting to present the proposal to the Fire District. Mr. Arbuckle said that decisions must be made on where EMS belongs for the next ten plus years.

Hal Walter joined the meeting and requested the BOCC's approval and signature on the Special Use Permit Application for the Hardscrabble Mountain Trail Run 45k at Bear Basin Ranch. He said that the event would take place on June 1, 2014

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

Following the Planning and Zoning Directors recommendation, to approve and sign the SUP as presented. The motion carried unanimously.

Virginia Trujillo, Treasurer addressed the BOCC and requested a transfer of \$30,000.00 from the Payment in Lieu of Taxes Fund to the County General Fund.

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

To approve the transfer request of \$30,000.00 from the PILT Fund to the County General Fund. The motion carried unanimously.

Deputy Mike Halpin advised the BOCC that Traffic Code Ordinance 2011-1 will require an amendment in the near future. He said that the state has made a ruling that county law enforcement fines need to be paid and collected in the County Treasurer's Office. Currently they are process in the Court Offices. He reported that Linda Urwiller, Virginia Trujillo and he have been discussing an amicable solution for the process. He said that this was a proactive approach process.

Commissioner Butler asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 12:55 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Allen Butler,  
Chairman