

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 2, 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 9:00 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
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Joe Arbuckle and Donna Hood.

AGENDA:

Call meeting to order  
Pledge of allegiance  
Roll Call  
Amend agenda  
Audience introduction  
Public Comment  
Approval of minutes  
Commissioner Items  
Attorney Items  
Executive Session  
New/Old Business  
Staff Report: Treasurer, OEM, Road and Bridge  
SCEDD Report – E. McLish

AMEND AGENDA

None

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

Joe Arbuckle asked if the BOCC could share any information about the recent drug raid in the community. The Board responded that the details were being secured at this time but that it was a multiple agency endeavor that included county, state and federal participation. Commissioner Shy said that the planning and zoning department has posted a dwelling as unsafe and uninhabitable at this time. The BOCC expressed thanks and appreciation to the county sheriff and his office for their involvement and support with the investigation and participation regarding the illegal marijuana grow sites in the county.

Donna Hood inquired on the mowing schedule of the road and bridge department along Hermit Road. She remarked that a marathon run is scheduled on September 18, 2015 starting at A Painted View Ranch, Hermit

Road to Hermit Lake and back and expressed concern regarding the safety of the runners and probable distribution of the seeds during the activity and event. Commissioner Kattnig said that the road and bridge department is currently focusing on wash outs and culvert blockage as a result of the recent rains. He said that he will share the concern with the road and bridge supervisor and hoped the issue would be addressed before the event.

COMMISSIONER ITEMS

None

ATTORNEY ITEMS

None

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Veterans Service Office (VSO) Report

Tim Swartz, Veterans Service Officer met with the BOCC and presented the Colorado Department of Military and Veterans Affairs County Veterans Service Officer monthly report and certification of pay for the month of August 2015.

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

To approve the VSO monthly report as presented for August 2015. The motion carried unanimously.

Mr. Swartz said that he had fifteen veterans claims open at this time. He will be meeting with the veterans in the Wetmore area once a month as well as stopping in at the veterans home in Florence, CO. He said that adjustment counselor Fred Strickland will be at the resource center annex once a month to assist the veterans. Mr. Swartz commented that he was required to attend the state mandated training this month in Pueblo, CO. He said that he would like to attend a national training in the future to achieve national certification. Mr. Swartz commented that he would like to schedule a VSO open house on the day before the Veterans Day holiday in November 2015. Mr. Swartz said that the interior renovations are being completed to assist and guide the veterans to his office inside the facility. Commissioner Shy said that it was his understanding that since the VSO now has exclusive use of the facility under the revised schedule that renovations would not be required. Commissioner Attebery agreed. Mr. Swartz said the renovations are on a small scale and will assist the veterans to maneuver within the premise. Mr. Swartz proposed that a flagpole be installed in the front yard of the facility. He said he would raise the flag when he was in the facility and that it would be a good indication and notice that the VSO was open for assistance. Donna Hood said that she needs to install a larger and higher flag pole in front of A Painted View Ranch and agreed to donate the existing pole to the VSO if it could be properly removed and reinstalled. Commissioner Kattnig suggested that Mr. Swartz contact the local newspapers to publish an updated article on what the VSO can offer and provide to the veterans in the community. Joe Arbuckle said that Mr. Swartz was doing an excellent job as the Veteran's Service Officer and he has observed a remarkable improvement in the local program. He remarked that the veteran's choice medical program is now allowing veterans to schedule an appointment with civilian doctors who are members of the program.

Treasurer Report

Virginia Trujillo, Treasurer met with the BOCC and gave a report for July and August 2015. The beginning balance on July 1<sup>st</sup> was \$4,890,123.94 and the ending balance on July 31<sup>st</sup> was \$4,744,440.25.

The beginning balance on August 1<sup>st</sup> was \$4,744,440.25 and the ending balance on August 31<sup>st</sup> was \$4,630,405.54.

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

To accept the Treasurers report for July and August, 2015 as presented. The motion carried unanimously.

The BOCC recessed at 9:50 AM.

The BOCC reconvened at 10:10 AM

Sheriff Byerly met with the BOCC and summarized the presentation from the Fire and Police Pension Association (FPPA). He said that the FPPA is able to offer and provide the sworn sheriff deputies with an improved retirement plan. He felt that the plan could be offered as a recruitment tool and provide an incentive for new hires as well as the retention of existing deputies. Sheriff Byerly said that FPPA is asking for a letter of intent from the BOCC as a confirmation of interest in the program. Dawna Hobby, Human Resource/Finance Manager said that the County Auditor was researching the program and that there may be a concern that all the county employees would be required to change to the FPPA retirement plan. Commissioner Shy said he was not comfortable supporting a change in the retirement plan that would involve and affect all the county employees. He said there were too many unanswered questions and variables that would require review and consideration before any type of recommendation could be made. He thanked Sheriff Byerly for his motivation in supporting his employees but said he was not in a position to make a decision or motion on the request. Commissioner Attebery agreed. The BOCC agreed that the topic required additional information and clarification. Those present agreed that a workshop with all parties concerned be scheduled at a future date.

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

To schedule a workshop with all the participating stakeholders and representatives from COERA, CTSI, and FPPA for further discussion, information, review and clarification. The date of the work shop is yet to be determined. The motion carried unanimously.

**Southern Colorado Economic Development District – Eddie McLish**

Eddie McLish, Executive Director and Michael Shoaf, Loan Officer of the Southern Colorado Economic Development District (SCEDD) met with the BOCC and gave an update on SCEDD. Ms. McLish said that SCEDD is a non-profit organization whose membership is the twelve counties of southern Colorado and that the primary focus is to provide economic development planning and technical assistance to the twelve member counties. She commented that SCEDD has recently experienced and undergone a change in directorship, revised strategy and has established new guidelines. She said that SCEDD will now follow the strength, weakness, opportunity and threat analysis procedure. She reported that SCEDD is also a participating member of the Action 22 program. Commissioner Kattnig asked who determined the economic plans and goals for the individual counties. Ms. McLish said that the individual communities set the goals and can focus on the plans and programs most beneficial to them. She remarked that Commissioner Attebery is the appointed and designated representative for Custer County in the SCEDD program but remarked that there is another vacancy available. Charles Bogle expressed an interest in the vacancy. Paul Sage expressed concern that the SCEDD website has not been revised or updated in a while. Ms. McLish said that information is updated every five years and the next scheduled update and revision is scheduled in 2017. Commissioner Attebery thanked Ms. McLish for all her work as the interim director and congratulated her on appointment as the permanent executive director of SCEDD.

**Road and Bridge Report**

Rusty Christensen, Road and Bridge Supervisor and Roger Squire, Westcliffe Road and Bridge Assistant Supervisor met with the BOCC. They said that they did not have a written report to present and explained that

their administrative assistant was currently on limited duty due to a medical issue. Mr. Christensen and Mr. Squire said that the work completed included the grading and blading of numerous roads, the hauling of water and gravel, the cleaning and repair of culverts, ditches and cattle guards, the repair and replacement of road signs. The culvert has been installed on CR 220 below the dam area and the installation of a culvert above CR 192 continued to be on on-going project. Commissioner Kattnig shared the concern expressed by Donna Hood earlier in the meeting regarding the weeds along Hermit Road during the upcoming marathon along the area. Mr. Christensen said that he will review the weed schedule and have the work completed if possible. Commissioner Kattnig said that he was pleased to learn that the road grader was being dispatched to assist with the back roads in and around the Ophir Creek area. Mr. Christensen said that the north gravel pit is scheduled for closure in sixty days. Mr. Squire said that a prefabricated Transpan Bridge was installed and is being evaluated at Hermit Road and Grape Creek.

Rusty Christensen, Landfill Manager said that that a pit at the landfill would need to be mapped and surveyed before it can be permanently covered. He estimated that the current design of the landfill property site would expand approximately nine years.

The BOCC recessed at 11:50 AM.

The BOCC reconvened at 12:10 PM.

#### Human Services Report

Laura Lockhart, Human Services Director met with the BOCC and gave a report. She reviewed the department's expenditures and unexpended balances, the state allocations, the energy outreach expenditures, the emergency service expenditures and the county TEFAP program for July 2015. She reported that that funding from the Community Block Development Grant (CDBG) will be reduced by an estimated 1-2% for 2016. She will attend an Energy Outreach Colorado (EOC) grant application conference and program for 2016. She presented a certification from the Colorado Department of Human Services, Executive Director recognizing Custer County for their C-Stat Distinguished Performance. She said that the department was recognized and awarded an additional \$2700.00 for the accomplishment. The additional funding will be added to their overall budget although there are specific guidelines for its usage. Commissioner Attebery read the award in its entirety for the record.

#### Audience introduction:

Louis Devaney, Donna Hood, Marilyn Stodola, Paul Sage, Brent Bruser, Dale Mullen, Duane Robey, Jay Printz, Kathy Reis, Kathy Taylor, Lucy Wilcox, Jim Teghtmeyer, Randy Wilhem, Dorothy Bogle, Audrey Gluschke, Marilyn Hennesey, Ann Marie Donnell, Nancy York and several others.

#### November 2015 Ballot Issues – Economic Development Corporation

Charles Bogle and Dale Mullen of the Custer County Economic Development Corporation (CCEDC) gave a slide presentation regarding a decision brief for a proposed ballot initiative for the November 3, 2015 election. Mr. Bogle said that the CCEDC is proposing that two initiatives be included in the November 2015 ballot for the purpose of improving economic strength and sustainability of the community. The first ballot measure proposed would have the county opt out of the provisions of State Senate Bill 152, which prevents municipal entities from participating in broadband internet services. The second proposed ballot measure would request a 1% sale and use tax increase to support economic developmental projects for the community. Several members of the audience spoke in support of the proposed measure and others were opposed and felt it was a financial burden to the citizens and residents. The BOCC expressed concern regarding the vagueness of the ballot proposal requesting the \$100,000.00. The Board said that the ballot question lacked a specific plan or goal and failed to mention who would be in receipt of the funds. They also expressed concern how it was to be distributed and specifically what measures the funding would be used towards. Mr. Bogle said that the CCEDC would assume that responsibility and appoint a Board of Directors to monitor and regulate the funding.

Kelley Camper, Clerk and Recorder said that ballot issues requesting a tax increase have a stringent filing requirement with the Colorado Secretary of State and unfortunately those requirements were not met. She said that under the Colorado Revised Statute requires the BOCC to follow a process that includes the adoption of a resolution before a ballot measure requesting additional revenue can proceed and that deadline date is September 4, 2015. Mr. Mullen expressed concern that the CCEDC was not given all the proper information and guidelines to meet these deadlines. Mr. Bogle said that the CCEDC thought they had more time to complete these tasks and present the issue to the BOCC. Commissioner Kattnig asked if there was anyway the BOCC could work with the CCEDC to fulfill the obligations required that would allow the ballot question in November’s election process. Clint Smith, Attorney and Kelley Camper, Clerk and Recorder agreed that there would not be enough time to complete all the requirements for this year’s election. The BOCC agreed to separate the ballot issues proposed.

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

To approve the proposed ballot issue number one following the review of terminology by the County Attorney. The motion carried unanimously.

Ballot Proposal One

Without increasing taxes, shall the citizens of Custer County Colorado reestablish their counties right to provide all services and facilities restricted since 2005 by Title 29, article 27 of the Colorado Revised Statutes, described as “advanced services,” “telecommunications services” and “cable television services,” including providing any new and improved broadband services and facilities based on future technologies, utilizing existing or new community owned infrastructure including but not limited to the existing fiber optic network, either directly or indirectly with public or private sectors partners, to potential subscribers that may include telecommunications services providers, residential or commercial users within the county.”

Ms. Camper said that she will need a certified copy of the ballot question for filing by September 4, 2015. Mr. Smith said he will provide her with the paperwork.

The BOCC did not take any action on ballot question number two.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 2:35 PM.

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Kelley Camper, 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)