

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 30, 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 Chair	Present
Bob Kattnig	Commissioner	Present
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present: Joe Arbuckle, Dale Falske, Bob Senderhauf, Russell Hartbauer, Rock Canda, Mike Poisson, Robin Young, 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
- Public Comment
- Approval of minutes
- Commissioner Items
- Attorney Items
- Executive Session
- New/Old Business
- Review vouchers and sign checks
 - Rocky Mountain Behavioral Health, Inc. status update
- CSU Extension report – R. Young
- Lodge at San Isabel Liquor License Renewal – K. Camper
- West Custer Library Board Appointment ratifications - A. Moulton
- File: Cease and Desist #102-87-405 /682 CR230 – M. Woods & L. Woods
- Tyler/Eagle Technologies – JD Henrich-Assessor
- Transfer of Funds from PILT to County General – V. Trujillo
- Human Services 2016 Contract for Attorney Services and Bookkeeping – L. Lockhart
- Search/Rescue sub lease agreement-Wet Mountain Broadcasting Corp.
- Search/Rescue roof /drywall repair estimate
- Elected Official State Salary Increase
- Wetmore Community Center/Library Project

AMEND AGENDA

None

PUBLIC COMMENT

Commissioner Shy asked if there were any public comments. Joe Arbuckle said that at the December 8, 2015 BOCC meeting he made a statement related to the county's appointment for legal publication for 2016. He said that the county should consider the best value which may not necessarily be the lowest bid or cost and felt that circulation should be a consideration. He challenged the statement made by Commissioner Shy that circulation numbers should not be a determining factor in the decision. Commissioner Shy said that he was following the guidelines published by the Colorado Press Association (CPA). Mr. Arbuckle said that he contacted CPA and remarked that the guidelines may have been misinterpreted. Commissioner Shy and Mr. Arbuckle agreed to disagree on the interpretation of the CPA public notices best practices and resource guide dated September 2015. Bob Senderhauf stated for the record that he supported the state mandated increase for all the elected officials of 30%, especially since those officials have not had any increases to their compensation in over twelve years. He remarked that he was a previous seated commissioner, and as a statement of clarification, he can attest and assure the public that the responsibilities, commitments, and duties, of the BOCC far exceed the meetings scheduled within the commissioners/boardroom.

APPROVAL OF MINUTES

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the minutes from the BOCC meeting of December 8 and December 15, 2015 as presented. The motion carried unanimously.

COMMISSIONER ITEMS

Commissioner Kattnig said he has been involved in the initial discussions with several concerned community members regarding the shortage of affordable housing for the teachers in the county.

Commissioner Attebery said that his commissioner items will be addressed as part of the agenda.

Commissioner Shy said that he has provided the county attorney with the landfill survey required by the Colorado Department of Public Health and Environment. He said that the county has received verbal approval of \$130,000.00 from CDOT related to the bridge replacement at Hermit Road and Grape Creek.

Commissioner Shy presented the BOCC with correspondence issued to the Department of Veterans Affairs expressing concern regarding the Veterans Choice Program. He said that he was part of a meeting on December 10, 2015 that included members from the American Legion, the Veterans of Foreign Wars and local veterans regarding the issue. Tim Swartz, Veterans Service Officer (VSO), said that he felt correspondence signed by the Board of County Commissioners would provide more impact to address the issue and complimented Custer County for getting on record.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve and sign the correspondence. The motion carried unanimously.

Commissioner Kattnig expressed concern that he was not aware of meeting and as the point of contact for the VSO, he would have liked to have attended and participated in the discussion.

ATTORNEY ITEMS

Attorney Smith said that his items will be addressed as part of the agenda

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Payroll and Accounts Payable

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

County General	\$205,251.53
Road and Bridge	\$112,684.07
Emergency Services	\$ 13,141.09
Human Services	\$ 27,847.78
Capital Improvement	\$ 1,536.05
Airport Fund	\$ 916.30
Tourism	\$ 3,150.00
Total	\$364,526.82

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To approve the December 2015 payroll and accounts payables. The motion carried unanimously.

Rocky Mountain Behavioral Health, Inc. (RMBHI) status update

Commissioner Kattnig reported that RMBHI will be offering and providing the county court mandated services at the Resource Center/Annex facility from 1:00 PM to 5:00 PM on Fridays. He said that RMBHI will also pursue obtaining certification to offer services to the veterans of the community.

CSU Extension report – R. Young

Robin Young, Colorado State University (CSU) Extension Agent, met with the BOCC and gave a report on agriculture, horticulture, and natural resources, weeds and the 4-H youth development program. Ms. Young distributed information entitled “learning about native plants leads to economic impacts in Custer County”. She presented and reviewed the CSU Extension Custer County 2016 Planning Outline with the BOCC. Ms. Young distributed the 2015 CSU Extension year end summary and report.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To accept the CSU Extension report for 2015 as presented. The motion carried unanimously.

Commissioner Kattnig said that he would require additional time to fully evaluate and review the contents of the report.

Lodge at San Isabel Liquor License Renewal – K. Camper

Kelley Camper, Clerk and Recorder, presented the liquor license renewal for the Lodge at San Isabel. She stated that the application was complete and in order. She reported that the sheriff investigation report was without incident.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To approve the liquor license for the Lodge at San Isabel, as presented. The motion carried unanimously.

West Custer Library Board Appointment ratifications – A. Moulton

Amy Moulton, Director of the West Custer County Library District, addressed the BOCC and requested ratification of the two trustees whose three year terms are expiring on December 31, 2015. She said that the state law provides the BOCC the opportunity for ratification. Ms. Moulton said that James Gearhart and J.D. Henrich are a real asset to the Board and are interested in serving another term.

MOTION by Commissioner Attebery, seconded by Commissioner Kattnig:

To ratify the three year appointments of James Gearhart and J.D. Henrich to the West Custer County Library District Board. The motion carried unanimously.

The BOCC recessed at 10:25 AM.

The BOCC reconvened at 10:40 AM.

File: Cease and Desist #102-87-405 /682 CR 230 – M. Woods & L. Woods

Maurice Woods Sr., Louis Woods, and Maurice Woods Jr., joined the meeting. Maurice Woods Jr. addressed the BOCC and spoke on behalf of his parents Mr. and Mrs. Woods. He expressed concern regarding the recent cease and desist issued against the property at 620 CR 230 for a septic system zoning violation. He said that an engineered septic system would be installed on the property in the spring of 2016. Mr. Woods presented a survey map of the property with indications of where the engineered septic system would be located and stated that it would meet the setbacks and guidelines necessary. He said that the property would not be rented in 2016 until an inspected and approved septic system was installed. He said that the property has already been rented out for the new year's holiday and asked the BOCC to waive the current cease and desist until after that rental is completed. Commissioner Shy expressed concern regarding the health concerns and issues associated with the property. He said that this has been an ongoing issue for several years with the proper resolution. Attorney Smith advised the Board that even if they waived the cease and desist, the property would continue to be out of compliance until the proper measures were completed. Commissioner Attebery asked for confirmation that there would not be any occupancy at the property (rental, family or owner usage) following the new year until after the engineered septic system was installed and inspected. Mr. and Mrs. Wood agreed.

MOTION by Commissioner Kattnig, seconded by Commissioner Shy:

To grant the request to waive the cease and desist and that after January 1, 2016 there would no usage or occupancy of the premise/property until the engineered septic system was installed, inspected and approved. The BOCC added a caveat that Attorney Smith will obtain a written agreement and confirmation of this fact from Sandra Skane, the Attorney for Mr. and Mrs. Woods. The motion carried unanimously.

Tyler/Eagle Technologies – JD Henrich-Assessor

J. D. Henrich met with the BOCC and said that he was impressed with the versatility of the Tyler/Eagle System related to the assessor's office. He said that although the system could prove to be cost effective over a ten year time span, the initial purchase cost and conversion of the system is expensive and time consuming. Mr. Henrich said that currently the assessor, treasurer and finance offices are still contracted with ACS and that a decision to change or switch programs could not be made until the end of the contract. The BOCC agreed to table the topic until after 2017.

Transfer of Funds from PILT to County General – V. Trujillo

Virginia Trujillo, Treasurer, met with the BOCC and requested a transfer of \$130,000.00 from the PILT Fund to the County General Fund,

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To approve the transfer of \$130,000.00 from the PILT Fund to the County General Fund as requested by the Treasurer. The motion carried unanimously.

Human Services 2016 Contract for Attorney Services and Bookkeeping – L. Lockhart

Laura Lockhart, Human Services Director, presented the BOCC with the Special Project Accrual Accounting Contract between the Human Services Department and John Piquette, Bookkeeper for 2016. She also presented

the Legal Services Contract between the Human Services Department and Gregory Watkins, Attorney at Law. She said that both contracts were for the year 2016 and required the signatures of the BOCC. Commissioner Kattnig noted that the Social Service Board member names on the cover stationery page should be revised from Allen Butler to Robert Kattnig. Ms. Lockhart said that she would make that revision.

MOTION by Commissioner Shy, seconded by Commissioner Kattnig:

To approve the contracts presented with the modifications specified. The motion carried unanimously.

Search/Rescue sub lease agreement-Wet Mountain Broadcasting Corp.

Attorney Smith said that he reviewed the lease agreement between Custer County Search and Rescue and the Wet Mountain Broadcasting Corp and recommended that the BOCC approve and sign the correspondence.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve and sign the lease agreement as presented. The motion carried unanimously.

Search/Rescue roof /drywall repair estimate

Larry Weber said that he has been unsuccessful in obtaining confirmation of liability insurance related to the estimates received for the repairs necessary at the Search and Rescue Facility. Mr. Weber suggested that the bidding process be restarted with a caveat stating that all bids must be accompanied by proof of liability insurance.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To restart the bidding process for the repairs at the SAR with a caveat that the bids must be accompanied by the appropriate and current liability insurance coverage. The motion carried unanimously. Mr. Weber agreed to be the contact person in this regard.

Wetmore Community Center/Library Project

Commissioner Attebery said that he met with T.A. Duke and Associates and that Mr. Duke had agreed to all the provisions outlined at the BOCC December 15, 2015 meeting that included the use of local architects, the cosmetic redesign of the exterior, the addition of a markup session at no additional cost and that 75% of the review documents would be available in February 2016. Commissioner Attebery asked the BOCC for authorization to proceed with the revised project team, scope and schedule. The Board agreed.

The BOCC recessed at 12:10 PM.

The BOCC reconvened at 12:30 PM.

Elected Official State Salary Increase

Commissioner Kattnig said that he would like to address the topic of the state mandated increase for the elected officials. He said that he did not have any problem with the justification of the increase but felt that the county could not afford the 30% figure. He presented growth and economic evaluations and said that the county has remained in a flat economy since 2011 and expressed concern that this level will not improve. He said that the only method to raise income in a flat economy is to raise taxes or reduce county services. Commissioner Attebery disagreed and said that he did not foresee any immediate tax increases. He said that the BOCC acts as good stewards of the taxpayer funds and felt that the funding would be available to cover the cost during the scheduled three to five year implementation. Commissioner Shy said that the county has never sacrificed county employees, reduced or limited courthouse hours or eliminated any county services and that he did not anticipate that occurring as a result of the topic. Several members of the audience expressed their support and non-support of the issue.

MOTION by Commissioner Kattnig to limit the elected official increase to 10%.

The motion died for a lack of a second.

Commissioner Shy called for a substitute motion.

MOTION by Commissioner Kattnig to limit the elected official increase to 20%.

The motion died for a lack of a second.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 1:20 PM.

Kelley Camper, Clerk and Recorder
Attest

Christopher L. (Kit) Shy,
Chairman

(audio recording of the BOCC meetings are available for public review or purchase)