

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, OCTOBER 20, 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	Absent
John Naylor	County Attorney	Absent
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Cindy Howard, Beth Lenz, Rose Hidebrand, Jerry Tracewell, John Levitt, Bob Thomason, Steve Chandler, Jerry Pickerill, Larry Weber, Gary Stamm, Jackie Bubis, Dan Bubis, Alden Gray, Dale Falske, Gary Ziegler, Sheriff Byerly, Deputy Halpin and 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: October 5, 6, Budget Hearings October 13, 14, of 2015.

Commissioner Items

Attorney Items

Executive Session

New/Old Business

- Rocky Mountain Fire Extinguisher, LLC. annual inspection
- AT&T Correspondence
- Search and Rescue Facility Designation/Usage
- Florence Correctional Facility/Prisoner Transfer
- Recognition Awards
- Wetmore Community Center/Library Project
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Commissioner Kattnig joined the meeting at 9:08 AM.

AMEND AGENDA

None

PUBLIC COMMENTS

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

Commissioner Shy said that the BOCC would like to make every effort to complete the meeting by 10:15 AM to allow the Board travel time to attend the memorial services being held in Westcliffe for Jack Geroux.

APPROVAL OF MINUTES

Commissioner Kattnig said that he had a revision to the October 6, 2015 minutes. He remarked that one of the topics he discussed at the meeting was the initiation of the correspondence being sent to AT&T expressing concern regarding the recent inconsistencies and lack of service experienced in the county. He said that he requested that Peggi Collins attend the meeting and provide the Board with the statistics and information she had recorded regarding the AT&T issue. He asked that the minutes be amended to reflect these statements.

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

To approve the BOCC minutes of October 5, October 13, and October 14, 2015 as presented. To approve the BOCC minutes of October 6, 2015 with the amendments as stated and outlined. The motion carried unanimously.

COMMISSIONER ITEMS

None at this time.

ATTORNEY ITEMS

Attorney Smith reported that he was in communication with the Colorado Department of Public Health and Environment regarding the closure of the Westcliffe landfill. He said that he prepared the additional correspondence necessary to confirm that the property would not be used for excavation or tilling. Attorney Smith said that he still required a legal description and survey of the property to complete his correspondence.

EXECUTIVE SESSION

None at this time.

NEW/OLD BUSINESS

Rocky Mountain Fire Extinguisher, LLC annual inspection

Kris Lang, Deputy Clerk to the BOCC, presented the estimate from Rocky Mountain Fire Extinguisher LLC for the annual inspection of the fire extinguishers in the county buildings. The estimate is in the amount of \$165.00.

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

To approve the annual inspection service of the fire extinguishers from Rocky Mountain Fire Extinguishers, LLC as presented. The motion carried unanimously.

AT&T Correspondence

Commissioner Shy said that the correspondence to AT&T regarding the outages and recent interruption of services in the county was prepared by the Deputy Clerk and reviewed by the County Attorney. He asked the Board if they were in agreement with the verbiage of the correspondence. Commissioner Kattnig said he would sign the correspondence but felt that the verbiage addressing the concern could have been stronger and more direct.

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

To sign the correspondence prepared for AT&T as presented. The motion carried unanismoously.

Search and Rescue Facility Designation/Usage

Cindy Howard representing the Custer County Search and Rescue (CCSAR) organization said that CCSAR is a non-profit 501c(3) organization with an all-volunteer team dedicated to providing search, rescue, emergency response and outdoor safety education to the citizens of Custer County, Colorado. She remarked that CCSAR is functioning from a county owned building without a confirmed lease agreement. Ms. Howard said that CCSAR would like to improve and invest in the building but were hesitant to allocate funds without an official recorded lease agreement. She said that currently the facility was also being utilized by the office of emergency management, the sheriff's office and the local radio station. The CCSAR members present said they did not have any problems or concerns with the additional entities occupying the facility but would like control of the scheduling with the approval of the BOCC. Commissioner Kattnig commented that he did not feel the BOCC needs to micro-manage the facility. He proposed that the county enter into a memorandum of understanding/lease with CCSAR and that they be responsible for any sub-leasing of the facility. Bob Thomason and Steve Chandler representing KLZR radio station said they would prefer a long term lease especially since they have recently installed a costly sub-panel and are in the process of procuring a new tower to increase frequency. Commissioner Shy asked whether this upgrade will interfere with the current county usages and whether the power consumption will increase. Mr. Thomason said that there should not be any interference concerns but that the electrical power consumption would increase. He said that the radio station would be amicable to cover the utility costs involved. He remarked that there would not be any radiation concerns since that installation is overseen and monitored by the FCC. Commissioner Attebery said that the facility/building should remain a county owned building. He said that although the county insurance covers the building, the radio station would need to personally insure their equipment on site. Sheriff Byerly remarked that under the Colorado State Statute, SAR functions under the authority of the sheriff office. He commented that although the sheriff is the signatory for the operations, he is not a leasing agent or associated with ownership of the facility. Ms. Howard proposed that SAR appoint a vehicle committee to review the current vehicle usage, maintenance and liability coverage. The Board agreed. The BOCC asked Attorney Smith to form a committee and prepare a memorandum of understanding/lease agreement that addresses all the parties concerned regarding the use and function of the facility. Commissioner Kattnig said that he supported and approved the appointment of a committee for the purpose of suggestions and input into the agreement. Jerry Tracewell asked if the BOCC had made any decisions regarding the roof repair of the facility. Commissioner Attebery said that the service was not budgeted for 2015. He said that the service could be a part of the 2016 budget year and that scheduling for repair of the roof would need to wait until 2016. The representatives of Search and Rescue in the audience thanked the BOCC for their involvement and support in the operations.

Florence Correctional Facility/Prisoner Transfer

Commissioner Kattnig expressed concern regarding the proposal of relocating the prisoners currently housed in Guantanamo to the Federal Correctional Facility in Florence. He said that a transfer of this nature would create and result in safety concerns not only for Florence, Colorado but all the surrounding areas. Sheriff Byerly said that he was in communication with Police Chief of Florence regarding the topic and would invite him to attend a future BOCC meeting to discuss and address the topic.

Recognition Awards

Commissioner Kattnig suggested that the BOCC prepare a certificate of achievement award for Robin and Jean Schmutzler. He said that Mr. Schmutzler not only formed the Custer County Sheriff Office Poses but remained in the role as Captain. Mrs. Schmutzler fulfilled the role of the Posse Administrator. Commissioner Kattnig said that Mr. Schmutzler was being honored at a retirement dinner/roast on October 28, 2015.

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

To prepare a certificate of appreciation for the contribution of services for Mr. and Mrs. Schmoltzer. The motion carried unanimously.

Commissioner Attebery remarked that he did have an amendment to the agenda and addressed the Colorado Judicial Department Underfunded Courthouse grant opportunity. He said that the application period for grants to help eligible counties cover the costs of courthouse repair, remodeling or construction projects opened on October 1, 2015 and will close on October 30, 2015. He said that approximately \$2.2 million is available from the Colorado Underfunded Courthouse Facility Cash Fund. He expressed concern that although the grant application period became effective at the beginning of October 2015, it was not until recently that the county had been made aware of the program. Deputy Halpin, Courthouse Security, said that after reviewing the guidelines related to the funding eligibility, Custer County met all the required criteria. He remarked that due to the time restraints surrounding the deadline for the submission of the application, a work session that would include Sheriff Byerly; Deputy Halpin, Courthouse Security; Commissioner Attebery; and Lisa Rowe, Court Administration; was scheduled on October 22, 2015 to discuss the contents for the grant application. Commissioner Attebery suggested that the county submit a funding request for the master planning for expansion of the courthouse building. Commissioner Kattnig said that with \$2.2 million in funding available he would like to see the county submit a request for a more substantial construction project. Commissioner Attebery said that the time restraints will prohibit the preparation and completion of a grant application that would specifically outline or address an individual project. He felt that the planning process was the appropriate first step at this time and asked the Board to approve proceeding with the grant application.

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

Approving that Commissioner Attebery proceed with the Underfunded Courthouse grant application and that the final Board action be taken at the October 30, 2015 BOCC meeting. Commissioner Attebery expressed concern that the October 30, 2015 date was the deadline date for submission of the grant application and would not allow adequate time to complete the transaction. Commissioner Kattnig said he was not comfortable approving a grant application without reviewing the specifics and the financial liabilities involved. He withdrew his motion.

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

To authorize Commissioner Attebery and Deputy Halpin to submit the master planning grant application for the Custer County Courthouse under the Underfunded Courthouse grant funding process. The total figure for the application will be determined at the October 22, 2015 work session with a caveat that there will be no financial commitment required from the county. The motion carried unanimously.

Commissioner Kattnig remarked that he had been a grant administrator with over forty years of grant writing experience and would attend and participate in the work session and assist with the process.

**Wetmore Community Center/Library Project**

Commissioner Attebery gave a report on the Wetmore Community Center/Library Project and said that the #EIAF 7847 grant contract from the Department of Local Affairs for the project was near completion, and once the paperwork has been received, the Chairman of the BOCC would need to sign the correspondence.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 10:20 AM.

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Kelley Camper, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy,  
Chairman