

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JUNE 16, 2010**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

Commissioner Lynn Attebery called the meeting to order at 6:10 PM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Absent
Kris Lang	Deputy Clerk to the Board	Present

Also present were numerous community members.

**AGENDA:**

Call meeting to order  
Pledge of allegiance  
Roll Call  
Amend agenda  
Approval of minutes  
Audience introduction

Old Business:

- Status update on the Wetmore Project
- Status update on the Wetmore Project Auction June 19, 2010
- BOCC meeting revised to August 19, 2010 at the Lodge at San Isabel 12:00 PM
- CDOT Representation
- Discussion on Colorado State University (CSU) Extension

New Business:

- Memorandum of Understanding between Custer County and the Wetmore Community Center and Library Boards
- Fire Ban
- Wetmore Fire Department, Steve Clifton (review of FEMA Grant application).
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Commissioner Attebery thanked the Wetmore Volunteer Fire Department for use of their facility.

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

To accept the posted agenda. The motion carried.

Commissioner Custer joined the meeting at 6:18 PM.

Commissioner Attebery gave an update on the public auction scheduled at the Wetmore Project property on June 19, 2010. He stated the auction will begin at 10:00 AM. He said that the salvage rights to the building were not being auctioned and that the building would be demolished. He said that sheriff's deputies would patrol the area during the hours of the auction.

Commissioner Attebery reported that there is a conflict with the previously scheduled BOCC meeting in the San Isabel Area on August 17, 2010.

**MOTION BY Commissioner Austin, seconded by Commissioner Custer:**

To revised the BOCC schedule to reflect that the meeting has been scheduled on Thursday, August 19, 2010 starting at 12:00 PM at the Lodge of San Isabel Restaurant in the San Isabel Area. The motion carried unanimously.

A representative from the Colorado Department of Transportation (CDOT) was not in attendance.

Commissioner Custer distributed handouts prepared by Dark Skies entitled "Light Pollution Why Should Custer County Care" to those present in the audience. She reported that the information has been forwarded to the Regional Manager of CDOT.

Commissioner Custer stated that after months of deliberation with the Colorado State University (CSU) Extension Program that a full time extension agent will be appointed to Custer County. She reported that the BOCC had met with Joel Plath, Southern Regional Director, CSU Extension and he stated that the county extension agent will not be required to have a master's degree at the time of hire. The minimum requirement is a bachelor's degree and that the hired agent would have five years to obtain a masters degree in the appropriate area. She said that although CSU will be hiring the extension agent, the county will have more input in the selection process.

Greg Tabuteau, citizen stated that the county owned area around the Wetmore Fire Station required routine weed spraying. Dave Trujillo, Road and Bridge Supervisor and member of the Weed Board was present and stated he would forward the request to the Weed Board.

Commissioner Attebery stated a Memorandum of Understanding (MOU) between Custer County, Colorado, A Local Government and the Wetmore Community Center Board and the Wetmore Community Library Board has been prepared and reviewed by the County Attorney.

Commissioner Austin read the MOU into the record.

MEMORANDUM OF UNDERSTANDING  
BETWEEN CUSTER COUNTY, COLORADO, A LOCAL GOVERNMENT AND  
THE WETMORE COMMUNITY CENTER BOARD AND  
THE WETMORE COMMUNITY LIBRARY BOARD

WHEREAS, Custer County, A Local Government owns and maintains the building and property at 93 CR 393 in Wetmore, Colorado known as the Wetmore Community Center.

WHEREAS, the Custer County Board of Commissioners have worked cooperatively with the citizens of Wetmore, Colorado to develop building use requirements for the Wetmore Community Center Building and

WHEREAS, the services provided are of benefit to Custer County, its residents and visitors and  
WHEREAS, the Custer County Board of Commissioners appoints a Wetmore Community Center Board that administers the programs and activities of the Wetmore Community Center and

WHEREAS, accordingly all parties must establish oversight authority and the level of delegation and

WHEREAS, the Custer County Board of Commissioners are the initial contact and authorization for the appointed Boards with regards to the removal of any county contents; repairs; remodeling; or renovation and or a change of the operating parties, and

WHEREAS, the appointed Boards will function within the annual approved budget authorized by the Custer County Board of Commissioners, and

THEREFORE, the parties hereto have executed this Memorandum of Understanding dated the 29<sup>th</sup> day of July, 2010.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole J. Custer, Ph.D., Member

Debbie Livengood, Clerk and Recorder - Attest

Alden Gray Wetmore Community Center Board

Dee West, Wetmore Community Library Board

Following a brief discussion the Board agreed the MOU would be presented to the Wetmore Community Center Board during their scheduled meeting of July 20, 2010 and the Wetmore Community Library Board at their next scheduled meeting on July 15, 2010.

Mick Kastendieck, Fire Chief for the Wet Mountain Fire District reported that he has been in communication with Fire Marshal. Sheriff Fred Jobe, regarding the enforcement of a fire ban in Custer County. He said they are recommending the enforcement of an amended fire ban that will allow charcoal and campfires in designated areas at this time.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

**To adopt Resolution #06-10, A Resolution of the Board of County Commissioners of Custer County, Colorado to ban open burning in the unincorporated portions of the county. The motion carried unanimously.**

**CUSTER COUNTY RESOLUTION**

**No. 06-10**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO BAN OPEN BURNING IN THE UNINCORPORATED PORTIONS OF THE COUNTY.**

WHEREAS, this Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chiefs throughout the County have advised the Board of County Commissioners of Custer County that the lack of snow or rainfall and current high-wind weather conditions have created a threat of fire in forests and grasslands of Custer County and that a current state of emergency exists with respect to fire danger; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County is high and a fire danger emergency does exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, that effective June 16, 2010.

1. No open fires in rural areas will be permitted during the fire ban. This includes the burning of trash in containers. Any violation of the fire ban shall result in any penalties provided by the Ordinance.
  - a. Special Circumstances Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at that time, the Sheriff in consonance with the Fire Chiefs may issue a one time, period limited written permit for an open burn. The permit will specify the time of the requested burn and the permit recipient will notify the Sheriff's Department when the burn is started and when it is completed.
2. Gas-powered camp stoves and gas-powered barbecue grills, charcoal grills and campfires are permitted. Any open flame must be attended at all times. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.
3. No airborne fireworks or those that explode or consist of any incendiary device or can result in secondary burns will be permitted except as otherwise provided by CRS Section 12-28-103.
4. Federal authorities may also impose fire restrictions, on all public lands in Custer County. As a result, building, maintaining, attending or using a fire, campfire, charcoal, coal and wood burning stove may be prohibited on all national forest and grasslands areas. Also smoking may be limited except in an enclosed vehicle or building or on developed recreation sites. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.
5. The Fire Chiefs or and Fire District or Fire Organization for purposes of all areas within the official boundaries of their jurisdiction or the Sheriff for all areas of the unincorporated area of the County not within such boundaries may recommend to the Board of County Commissioners that such fire bans be lifted in their respective areas of jurisdiction when they deem it appropriate and make recommendations to the Board for the re-imposition of the fire ban when a new fire danger emergency exists.

6. During periods wherein fire bans are rescinded, the Sheriff, with input from competent fire authorities may impose temporary, limited fire bans during periods of officially declared “Red Flag” days.
7. The Sheriff’s department can issue citations to any person who violates Custer County Ordinance 2002-1 (CRS Section 30-15-402).

BE IT FURTHER RESOLVED that the Sheriff of Custer County is hereby directed to enforce the provisions of this Resolution until such time as it is rescinded.

RESOLVED, ADOPTED AND SIGNED THIS 16<sup>th</sup> DAY OF JUNE, 2010:

SIGNED: CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery  
Chairman

Jim Austin  
Vice-Chairman

Carole J. Custer, Ph.D.,  
Commissioner

Debbie Livengood  
Clerk and Recorder – Attest

Greg Tabutea, citizen asked if there was an established penalty protocol for repeat fire ban offenders. Fire Chief Kastendieck responded that the sheriff’s department would be responsible for the issuance of any citations and those citations are covered and outlined in the Fire Ordinance adopted in 2002.

Fire Chief Kastendieck stated the Wet Mountain Fire Protection District (WMFPD) has discussed and agreed to become more active with the public in the county. He said the WMFPD will be more involved in open burns, and will provide active public service and interactive community service. Mr. Kastendieck extended an open invitation of assistance and support to the Wetmore Volunteer Fire Department.

The Board asked Dave Trujillo, Road and Bridge Supervisor to schedule the placement of the fire ban signs in the county as time and the man power are available. Commissioner Custer proposed having signage that would indicate the level of fire danger and what the current fire danger conditions are at any point in time. Mr. Trujillo responded that revising the current signage, or purchasing new signage would be costly. He expressed concern regarding the time that the road and bridge department personnel would have to utilize in order to keep the fire signage current.

Charles Clifton representing the Wetmore Volunteer Fire Department (WVFD) met with the BOCC to request a letter of support for the grant application the WVFD is submitting to the Federal Emergency Management Agency (FEMA) to purchase six new complete sets of structural fire protective gear (bunker gear) and a thermal imaging camera. He stated the FEMA Assistance to Firefighters grant was is the amount of \$21,077. Commissioner Custer responded that as a matter of protocol, the Board would need to review the grant application prior to the preparation of a letter of support. Mr. Clifton agreed to e-mail the completed grant application to the BOCC for review.

Dave Trujillo, Road and Bridge Supervisor said that the identification signage for the Wetmore Road and Bridge County Shop had been constructed. He reported that the signage would be individual letters 12” in height and 8” in width. Commissioner Custer stated that the oversized signage would require a variance. Commissioner Attebery said he did not feel the signage required a variance because the signage was for identification purposes of a county building and not an advertised billboard. Commissioner Austin agreed. Commissioner Custer responded that all signage should be consistent whether it’s a county building, an individual or business entity.

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

To approve the individual letter signage as proposed. Commissioner Custer was in opposition. The motion carried.

Commissioner Custer proposed having the Road and Bridge Department investigate the option and cost of making our own signs and having our own sign shop at their location.

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 7:35 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING, JUNE 16, 2010**

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

Commissioner Lynn Attebery called the meeting to order at 3:00 PM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner, Reporter for the Wet Mountain Tribune, Kristi Geroux, Larry Yatch, Jan Yatch, Lorraine Silva and Deputy Mike Halpin.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Victim Assistance and Law Enforcement (VALE) Grant presented by Larry Yatch, Project Director consideration for BOCC approval.
- MOU Colorado Works Program

Larry Yatch stated he was a member of the funding board for the VALE program. He explained the VALE program receives an annual grant and that the grant application presented today was a mid term fund request. He reported that the grant request in the amount of \$1553.40 was to fund the attendance of personnel at the Colorado Organization for Victims Assistance (COVA) national conference in Keystone, Colorado from November 7 through 10, 2010. Mr. Yatch stated the personnel enrolled for the COVA conference are Tina King, Under-Sheriff and Kristi Geroux, Liason Officer. Commissioner Custer agreed the conference was a training opportunity and that she wanted to make sure those being sent to attend provide direct services to persons being served in the Victims Advocate program. She asked how the training received at the COVA conference would be shared with other VALE line staff. Mr. Yatch responded that he was mandated and compensated by the state to attend the COVA conference and he would share the information at the quarterly VALE meetings. He said that Ms. King and Ms. Geroux could share the information during a Sheriff's Department staff meeting. Mr. Yatch stated that all four counties under the 11th Judicial District run the program through the sheriff's office. Commissioner Custer stated that one of the counties in the district have redirected the program through the Board of Commissioners and she felt the BOCC should review and consider that option.

Commissioner Custer reported that even though the courts serving Custer County are represented in the county's Collaborative Management Program (CMP) Inter-agency Oversight Group, (IOG) the local sheriff's department does not participate. She said the CMP IOG have requested a fact sheet or list of available services to share with services provided so that they could direct individuals with specific issues to the appropriate services for help and support. Mr. Yatch explained that law enforcement and victims advocates have the responsibility to provide victims of a crime with a domestic violence pamphlet that includes information about community services, crisis intervention service, victim assistance resources, mental health services, financial services and other support services. In addition the advocates are required to provide the victim with the contact information for the District Attorney. Mr. Yatch stated the District Attorney reviews the case and makes the determination on whether a crime has been committed.

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

To approve the grant application request as submitted. Commissioners Attebery and Austin voted in favor, Commissioner Custer opposed the motion. The motion carried.

Mr. Yatch asked if the BOCC had a concern regarding the VALE program or his directorship. Commissioner Attebery responded that he did not. Commissioner Austin agreed. Commissioner Custer said she would prefer that the direct service providers be offered the opportunity to participate in skill upgrade training and offered the COVA training. She stated that the members of the county CMP IOG that provide direct services to clients were still requesting a list of the resources available in Custer County. Mr. Yatch agreed to forward a domestic violence pamphlet to the CMP IOG. She said she was still concerned regarding on the protocols for selecting the two attendee's to the COVA training and how what was learned would be shared with persons providing direct services to the victims served with VALE program funds.

Laura Lockhart met with the BOCC and submitted the Memorandum of Understanding (MOU) with the State of Colorado Department of Human Services and the Board of County Commissioners of Custer County, Colorado. She explained the MOU was for the Colorado Works Program and the Colorado Child Care Assistance Program covering the period of July 1, 2010 through June 30, 2011.

**MOTION by Commissioner Austin, seconded by Commissioner Custer:**

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

Commissioner Attebery presented a Resolution of Governing Body Extract of Minutes and First Amendment to Municipal Lease and Option Agreement for the Boards review and approval. He stated that the paperwork was being prepared in the event the Payment in Lieu of Taxes (PILT) funds issued to Custer County were delayed or reduced. The paperwork would amend the Lease and Option Agreement with Wells Fargo Bank, National Association to defer the principal portion of the lease payment.

**MOTION by Commissioner Attebery, seconded by Commissioner Austin**

To approve and sign the paperwork as presented with a caveat that in the event the county receives full PILT funding the lease payment would be made. The motion carried unanimously.

RESOLUTION 07-10

A Resolution of Governing Body Extract of Minutes

Lessee: Custer County, Date of Agreement: November 15, 1996, as amended June 15, 2010.

At a duly called meeting of the governing body of Lessee (as defined in the Agreement) held on the 16<sup>th</sup> day of June, 2010, the following resolution was introduced and adopted.

RESOLVED, whereas the governing body of the Lessee has determined that a true and very real need exists for the execution of the First Amendment to Municipal Lease and Option Agreement dated June 15, 2010 presented to this meeting; and

WHEREAS, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition.

BE IT RESOLVED, by the governing body of Lessee that the terms of said First Amendment to Municipal Lease and Option Agreement are in the best interests of Lessee, and the governing body of Lessee designates and confirms the following persons to execute and delivery, and to witness (or attest), respectively, the First Amendment to Municipal Lease and Option Agreement and any related documents necessary to the consummation of the transactions contemplated by the Municipal Lease and Option Agreement.

FURTHERMORE BE IT RESOLVED, that the governing body of Lessee hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the Lessee does not exceed \$10,000,000 for the calendar year within which this Municipal Lease and Option is to be “qualified tax-exempt obligation” pursuant to Section 265(b) (3) of the Internal Revenue Code.

Lynn Attebery, Chairman

Jim Austin, Vice Chair

Carole Custer Ph.D., Commissioner

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Municipal Lease and Option Agreement is the same as presented at said meeting of the governing body of Lessee.

Debbie Livengood, Clerk and Recorder

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 4:08 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman