

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, APRIL 5, 2011**

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

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

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Allen Butler	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Charles Bogle, Larry Weber and Nora Drenner, reporter for the Wet Mountain Tribune.

**AGENDA:**

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- Audience introduction
- Public Comment
- County Attorney:
  - Cliff Rider Historic Mining Tour
- Airport Authority Board Report – Dale Mullen
- Staff Reports:
  - Planning and Zoning
  - Resolution #11-03 vacation CR 190
  - Human Services

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

**To accept the posted agenda. The motion carried unanimously.**

Commissioner Attebery asked if there were any public comments. Charles Bogle, Chairman of the Custer County Veterans Cemetery Committee addressed the BOCC and said that Mr. Frank Salvias Sr. U.S. Department of Veterans Affairs, Director will be in Custer County on Friday, April 29, 2011. Mr. Bogle said that the purpose of the trip was to visit the community and tour the veteran's cemetery site. He commented that he would like to involve representation that would support and promote the goal of establishing a State Veterans Cemetery in Custer County. He requested that the BOCC support the effort. The Board agreed.

Larry Weber, Town of Silver Cliff Mayor met with the BOCC and the County Attorney to request approval for the Cliff Riders organization to sponsor an ATV historic mining tour ride on May 21, 2011. The ride would involve minimal usage of some county roads. Mayor Weber said that the Custer County Sheriff's Department has agreed to provide traffic and safety control during the event. John Naylor, County Attorney advised the BOCC that the usage of the county roads would be appropriate. Mayor Weber added that if the event proved to be successful, the Cliff Riders organization would schedule a second event during the first week of August 2011.

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

To support the Cliff Riders Historic and Mining Tour events. The first being scheduled on May 21, 2011 and the second tentatively scheduled the first week of August, 2011 with the approval of the Custer County Sheriff. The motion carried unanimously.

Mayor Weber reported that the Board of Trustees for the Town of Silver Cliff are continuing with discussions regarding the municipal lease/purchase agreement between Custer County and the Town of Silver Cliff for the lease purchase of the 2003 Peterbilt Water Truck.

County Attorney, John Naylor proposed that Custer County purchase a stamp to be applied to county documents (agreements, leases, contracts, grant applications, MOU's, IGA's, etc.). He presented a sample draft outline as follows: Custer County is a public entity. Nothing in this document waives the Colorado Governmental Immunity Act. All funding obligations beyond the current fiscal year are subject to the funds being budgeted and appropriated. The Board agreed.

The BOCC addressed the requests from Pam Koons, Frontier Pathways Scenic and Historic Byways, Executive Director at the April 4, 2011 BOCC meeting. The Frontier Pathways Scenic and Historic Byways are requesting that Custer County be the sponsoring governmental agency for the grant requests. The first grant application entitled Bus Tours on the Byway is requesting \$29,875 to develop and market narrated tours. The grant application requests a \$538 match from the county. The second grant application entitled Byway Enhancement Interpretive Signage Initiative for \$77,770 focuses on interpretive and way-finding signage. The grant application requests a \$1000 match from the county. The Board stated that the matching funds would only be requested if the 2012-2013 county budget allowed for those amounts. Dawna Hobby, Human Resource/Finance Manager expressed concern regarding the requested financial match from the county. The Board agreed to postpone the topic until later in the date allowing the County Attorney ample time to review the grant applications.

The BOCC addressed the concerns from the Custer County Weed Advisory Board, Chair regarding the reclamation for the soil disturbances on CR 241. Mr. Naylor said that the excavation would require a permit and that the reclamation is a requirement of the permit. He suggested that the Board research the Custer County Weed Management Plan approved in 2008 and obtain additional information and guidelines followed by the Road and Bridge Department. The BOCC agreed the topic would be added to the agenda for the April 29, 2011 BOCC meeting.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:20 AM.

The Custer County Airport Authority Board met with the BOCC and gave a report. Those present included Dale Mullen, Wes Taylor and Bill Giacomelli. Mr. Giacomelli presented the 2011 Aviation Fuel System Analysis. Mr. Mullen presented the 2011 Operations Analysis. He said payments would be received quicker if the county would accept electronic transactions. Mr. Mullen said he will continue to express his concern and irritant regarding the county's requirement of paper check payments. Commission Austin agreed.

Mr. Mullen reported that the recent cited violation on the fuel tank has been resolved. He reported on the Dedication/Ribbon Cutting Ceremony for the new Operation Maintenance and Storage (OMS) Building scheduled on May 14, 2011. Mr. Taylor reported on the Fly-in Pancake Breakfast also scheduled on May 14, 2011. Commissioner Attebery thanked the Airport Board Members for attending the BOCC meeting. He said one of the purposes of a monthly report was to improve the public perception of the facility by focusing on the value of the airport to the county.

The BOCC recessed at 11:00 AM.

The BOCC reconvened at 11:10 AM.

Jackie Hobby, Planning and Zoning (P&Z) Director met with the BOCC and County Attorney and the following issues were discussed:

- File: 100-67-301 vacation of CR 190 approved.

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

To adopt Resolution 11-03. The motion carried unanimously.

CUSTER COUNTY RESOLUTION  
RESOLUTION NO. 11-03

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO CONFIRMING THE VACATION OF COUNTY ROAD 190 IN CUSTER COUNTY, COLORADO.

WHEREAS, Custer County is a political sub-division of the State of Colorado; and,

WHEREAS, Colorado Revised Statutes (CRS) grant certain powers to Colorado Counties; and,

WHEREAS, CRS 43-2-303 specifically grants Boards of County Commissioners the authority to vacate all rights, titles, or interests, of a county to any roadway in any unincorporated portion of the county; and

WHEREAS, no public or private property will be land-locked by the contemplated action;

WHEREAS, the recorded easement will not be affected by this action reference Clerk and Recording Department Book 180, page 332 and 333; NOW,

THEREFORE BE IT RESOLVED, that in Accordance with the provisions of CRS 43-2-303; Custer County hereby vacates all rights, title, or interest of the said road,

BE IT FURTHER RESOLVED, that in Accordance with the Provisions of CRS 43-1-202.7 this Resolution before us will be recorded with the Custer County Clerk and Recorder.

RESOLVED, ADOPTED AND SIGNED ON THIS 5<sup>TH</sup> DAY OF APRIL 2011, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery, Chairman

Jim Austin, Vice-Chairman

Allen Butler, Commissioner

Debbie Livengood, Clerk and Recorder

Attest

- File: 101-11-904 Subdivision Waiver approved.

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

To approve the Subdivision Waiver for File: 101-11-904. The motion carried unanimously.

- File: 100-51-400 Special Use Permit in progress.
- File: 100-17-600 Septic System violation.
- File: 101-24-750 Structure violation.
- File: 102-25-650 Non-Permitted Sign violation.
- File: 102-36-594 Un-Permitted Structure violation resolved.
- File: 100-41-418 Building Permit violation resolved.

Ms. Hobby stated that effective January 1, 2011 all property or road vacations require a recorded resolution. She expressed concern that previous vacations were granted through a motion during a BOCC meeting. She said that an un-recorded vacation would not be reflected in the property legal description. Mr. Naylor responded that any motions granting vacations will need to be recorded.

Ms. Hobby presented a current list of Individual Sewage Disposable Systems (ISDS) with residential status for the Boards review. She also presented a copy of the C.R.S. 37-92-602-11-(A) references the return flow requirements.

Laura Lockhart, Human Services Director met with the BOCC and gave a report. She said that the Temporary Assistance for Needy Families (TANF) and the Energy Outreach funds are currently exhausted. She reported the department is continually receiving requests for assistance. Ms. Lockhart reported that a commodities distribution is scheduled for April 20, 2011.

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

To recess the BOCC meeting and reconvene in the Joint Session with the Planning Commission. The motion carried unanimously.

The meeting was recessed at 12:15 PM.

The BOCC reconvened in the Joint Session with the Planning Commission at 1:25 PM.

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

To approve the recommendation of the Planning Commission to grant a Subdivision Waiver requested by Nathaniel Brown, Twyla Perensen, Timothy Brown and Benjamin Brown. File: 100-18-400. The motion carried unanimously.

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

To follow the recommendation of the Planning Commission to table the Subdivision Waiver requested by Allan and Donna Milberger for ninety days. File: 102-11-356. The motion carried unanimously.

The BOCC/Joint Session with the Planning Commissioner was adjourned at 3:10 PM.

The BOCC reconvened back into regular session at 3:15 PM.

The BOCC readdressed the request from Pam Koons, Frontier Pathways Scenic and Historic Byways, Executive Director. The Frontier Pathways Scenic and Historic Byways is requesting that Custer County be the sponsoring governmental agency for the grant requests. Mr. Naylor said after review of the applications he proposed that the BOCC approve the county sponsorship of the grants without any financial recourse.

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

To approve that Custer County become the sponsoring governmental agency for the grant requests as submitted with the caveat that the Executive Director will be financially accountable to the Custer County Human Resource/Finance Manager. Commissioner Attebery stated that since he was on the Board of Directors for the Frontier Pathways Scenic and Historic Byways, he would recuse himself from the vote. The motion carried.

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 3:30 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman