

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, MAY 3, 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 Dallas Anderson, Tim Thrum 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 Comments

County Attorney:

- Fire Ordinance #2002-1 (review)
- Custer County Weed and Implementation Program (review)
- CRS 30-10-306 County District Population Census (review)

Recycling Report – Tim Thrum

Airport Authority Board Report

Model Traffic Code – Sheriff Jobe, Deputy Halpin

Planning and Zoning Report

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

To accept the posted agenda. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Hearing none he proceeded with the meeting.

John Naylor, County Attorney discussed the Fire Ordinance #2001-1. Following a discussion the BOCC agreed not to revise or amend the fire ordinance. The sheriff of the county is designated by the state to be the fire warden for the county and has the authority to impose or lift the fire ban. The BOCC will ratify the sheriff's imposition or lifting of the fire ban by resolution at the following BOCC meeting.

Mr. Naylor said the reclamation for the soil disturbances along CR 241 had been resolved. He said that reclamation is a requirement on the county's permit application and that will include re-vegetation.

Mr. Naylor stated that CRS 30-10-306 requires that after each federal census of the United States, each district shall be established, revised, or altered to assure that such districts shall be as nearly equal in population as possible based on such census. Following a brief discussion the Board agreed that Commissioner Attebery would initiate the review of the 2010 census numbers.

Mr. Naylor said that recent communications with Duncan, Ostrander and Dingess, Inc. revealed that the Upper Arkansas Water Conservancy District has filed an opposition that water rights to be transferred are not decreed to the land and are a historical designation.

Gloria Gutierrez, Regional Representative for US Senator Mark Udall joined the meeting. She reported that the senators' office is continuing to work on the behalf of the Colorado rural counties. She said that the senator is focusing on the deficit, innovation and economic growth. Ms. Gutierrez encouraged the rural counties to apply for any available funding or grants. She also reported that the senators office was aware of the concerns regarding the recent Alltel cell phone service changing over to AT&T.

Tim Thrun, Recycling Coordinator met with the BOCC and gave a report. He said that the Wet Mountain Valley Waste Minimization Grant (WMVWMG) project was currently on schedule and budget. He stated that the grant administrator from the Colorado Department of Public Health/Environment in the Denver area is scheduled for a site visit of the recycling facility on May 16, 2011.

Dale Mullen, Custer County Airport Authority Board Chairman met with the BOCC and gave a report. He referenced the aviation fuel system fuel sales analysis and said that due to the recent winds and unfavorable flying conditions the Silver West Airport fell below their targeted fuel sales figure. Mr. Mullen continued to lobby the county for the installation of an electronic funding system to expedite payments to the airport. He stated the Silver West Airport will host an open house to celebrate the dedication/ribbon cutting for the new operations maintenance and storage building on May 14, 2011. He said that Chris Riggs has assumed the responsibility as the project manager for the installation of the access control security gates at the airport. The funding for the project was awarded under the Colorado Discretionary Aviation Grant.

The BOCC recessed at 10:01 AM.

The BOCC reconvened at 10:10 AM.

Dawna Hobby, Human Resource/Finance Manager addressed the BOCC and the County Attorney requesting clarification for the use of the Custer County disclaimer stamp. Mr. Naylor responded that the stamp would be used primarily on any county contract that would extend over a years time. He recommended that the stamp be used routinely on purchases, contracts, agreements and leases. Ms. Hobby reported that the Colorado Department of Human Services is currently reviewing Custer County's audit report of December 31, 2009. There appears to be a question under the Temporary Assistance to Needy Families (TANF) funding. The review revealed duplicated vendor invoices in the amount of \$1,823 and expenditures that had no supporting documentation in the amount of \$1,570.

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:35 AM.

Sheriff Fred Jobe and Deputy Mike Halpin addressed the BOCC regarding the Custer County Traffic Code. Sheriff Jobe stated that the county adopted an ordinance in 1996 pertaining to the control and regulation of the movement and parking of motor vehicles on public property. In 2002 the county adopted a resolution restricting the use of the roads in Custer County by oversize and overweight vehicles. Sheriff Jobe requested that the County Attorney prepare a resolution to formally adopt the Model Traffic Code. County Attorney Naylor will prepare and present a resolution for approval at the June 14, 2011 BOCC meeting.

Sheriff Jobe gave an update on the Sand Gulch Fire. He said the fire started in an isolated canyon behind the wildlife viewing area in the lower Hardscrabble Canyon on Highway 96. He remarked that the initial fire was started on public land by a lightening strike and that the high winds caused the fire to spread onto private land. Sheriff Jobe said that residents in the area were temporarily evacuated and that the county was fortunate that no structures were damaged or lost. He stated that the fire is currently contained and does not pose a threat to the residents and property owners in the area. Sheriff Jobe remarked that he was in discussions with several agencies regarding the financial responsibility for the fire suppression. Commissioner Attebery thanked Sheriff Jobe for including him in the negotiations and fire suppression meetings.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report. She presented a draft of the revised correspondence that will be issued for road and lot line vacations. The Board reviewed and approved the format. The following files were discussed:

- File 101-49-849      229 Hilltop Drive                      Permit Violation
- File 101-22-907      575 County Road 390                      Permit Violation

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

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

The BOCC meeting was recessed at 11:40 AM.

The BOCC reconvened in the Joint Session with the Planning Commission at 1:05 PM in the community room at the Cliff Lanes Family Entertainment Center.

The BOCC heard a presentation for a Special Use Permit. No action was required.

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

To adjourn the BOCC/Joint Session with the Planning Commission. The motion carried unanimously.

The meeting was adjourned at 2:05 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman