

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JULY 12, 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 Dave Trujillo and Nora Drenner, Wet Mountain Tribune Reporter.

AGENDA:

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Approval of minutes:

Audience introduction

Public Comment

County Attorney

Model Traffic Code Resolution

SECRETAC Contract signature

Road Vacate Process discussion

Drought Disaster NRCS request

Correspondence to CSU confirming Custer County opt-out of energy coordination

Old/New Business

St. Andrews at Westcliffe, Colorado Liquor License Renewal – Debbie Livengood

Staff Reports

Recycling

Airport Board

Treasurer

Planning and Zoning

Auditors Report – Sam DeNardo

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To accept the posted agenda with the amendment. The motion carried unanimously.

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

The BOCC met with the County Attorney and the following topics were discussed:

- Ordinance No. 2011-1. The public hearing to adopt the traffic code is scheduled on September 13, 2011.

- The Southern Colorado Regional EMS Trauma Advisory Council contract for funds disbursement - Fiscal Year 2011-2012 was approved by the County Attorney. Commissioner Attebery signed the contract as chairman of the BOCC.
- County Road #370, #377, #378 review and discussion will be scheduled at the BOCC meeting in San Isabel on August 24, 2011.
- Governor John Hickenlooper has requested a disaster designation for the counties of: Bent, Chaffee, Custer, Fremont, Huerfano, Kiowa, Las Animas, Prowers and Pueblo.
- The BOCC agreed to sign correspondence to Colorado State University (CSU) denouncing Custer County participation in the CSU Energy Outreach Program.

Tim Thrun, Recycling Coordinator met with the BOCC and gave a report. He said that the deliverables and deadline of the Wet Mountain Valley Waste Minimization Grant have been met. He reported that the grant funding was now exhausted and the completion of the project would utilize the county match recycling tip fees.

Dale Mullen, Chris Riggs and Bill Giacomelli representing the Custer County Airport Authority Board met with the BOCC and gave a report. Mr. Mullen presented the budget vs actual operational expenditure analysis. Mr. Giacomelli presented the aviation fuel system sales analysis. Mr. Riggs gave a summary of Senator Udall's visit to the Silver West Airport on July 9, 2011. Mr. Mullen requested approval for the asset disposal of two small buildings and a gate currently on the airport property. He commented that the ground under the assets will need to be returned to the proper state by the party or parties removing the assets. John Naylor, County Attorney advised the assets can be transferred to another county departmental agency or sold to the public through a bid or auction process. Following a brief discussion the Board agreed the first option would be to have Mr. Mullen forward the asset information to the Administrative Assistant for distribution to the county department agencies.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on June 1, 2011 was \$3,165,473.83 and the ending balance on June 30, 2011 was \$3,584,246.22.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To accept the treasurer' report for June 2011 as presented. The motion carried unanimously.

The BOCC recessed at 10:30 AM.

The BOCC reconvened at 10:50 AM.

Commissioner Austin addressed the County Attorney concerning the Water Assessment Committee (WAC). The committee has recommended that the BOCC investigate the advantage of adopting House Bill (HB) 1041. Mr. Naylor said that Colorado House Bill 1041 known as the Areas and Activities of State Interest Act was enacted in 1974 and allows local governments to regulate a variety of development activities with guidance from the state. The purpose of the Act is to describe and designate areas and activities which may be of state interest and encourage local governments to establish criteria for the administration of these areas and activities. The 1041 Powers can authorize local governments to review and regulate Colorado water resources. Mr. Naylor referenced C.R.S. 24-65.1-101 that allows local governments to identify, designate and regulate areas and activities of state interest. He said that the topic was a land use issue and recommended the planning and zoning department begin the review of 1041 Powers. Jackie Hobby, Planning and Zoning Director remarked that she would need adequate time to research HB 1041 and that her department was currently working on the county sub-division regulations. The Board agreed that review of HB 1041 could begin in the fall of 2011.

Commissioner Austin said that the BOCC should prepare correspondence thanking the WAC members for their efforts and the Conservation District for hosting the water forum.

Debbie Livengood, Clerk and Recorder presented the liquor license renewal for St. Andrews at Westcliffe. She stated the application was complete and in order. She reported that she received a verbal report without incident from the sheriff department. A written investigation report from the sheriff department is forthcoming.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the liquor license renewal for St. Andrews at Westcliffe as presented. The motion carried unanimously.

Ms. Livengood addressed the Board and shared a correspondence issued to local licensing authorities from the Colorado Department of Revenue. She said that Governor Hickenlooper signed Senate Bill (SB)11-066 – Issuance of Special Event Permits. She explained that SB 11-066 authorizes a local licensing authority to issue special event permits to qualifying and political candidates without sending the application to the state authority for approval. Ms. Livengood said that local licensing authorities may opt to maintain the status quo by keeping the state licensing authority involved in the approval process. The BOCC asked Ms. Livengood for her opinion and she said her preference would be that the application and all supporting documents be submitted to the Liquor Enforcement Division in the historic manner.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To maintain the current and existing special event permit requirements and procedures. The motion carried unanimously.

The BOCC discussed the topic of local business licenses and sales tax. A local business in Custer County is required to have a special use permit or a home occupation certificate issued from the planning and zoning department. The local business sales tax is collected through the clerk and recorders office. The Board asked the two departments to coordinate information for consistency. Mr. Naylor asked that discussions and options on how to implement local business sales tax are added to the August 2, 2011 BOCC agenda.

Jackie Hobby, Planning and Zoning (P&Z) Director met with the Board and the following topics were discussed:

- State Regulations required that a percolation test technician needs to be an engineer or work under the supervision of a registered professional engineer.
- Applicants with payment plans in the zoning office will be required to sign a promissory note for the payment plan.
- Custer County 2011 Septic Regulations are in the final review.
- File: 102-36-049 Payment Plan approved.
- File: 102-36-310 Septic System violation.

Commissioner Austin reported the recycling center had a full load of cardboard bales ready to sell. He said that Angel of Shavano Recycling LLC offered to purchase the materials. Commissioner Attebery said the county has contracted with the Upper Arkansas Area Council of Governments Recycling Program and he proposed the recycling coordinator contact UAACOG. Commissioner Austin agreed.

Sam DeNardo, Garren, Ross and DeNardo, Inc. met with the BOCC and presented a drafted narrative overview and analysis of the financial activities of Custer County for the fiscal year ended December 31, 2010. Mr. DeNardo reviewed the schedule of findings and questioned costs that included: postings in the public welfare and temporary assistance for needy families fund; supporting documentation for expenditures; consistency of recording expenditures; maintaining records of federal and other grants; records summarizing all airport hanger leases; and the recording of bank transactions.

The Board thanked Mr. DeNardo and Garren, Ross & DeNardo, Inc. for all their work and support.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:
To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 1:05 PM.

Debbie Livengood, Clerk and Recorder

Attest

Lynn Attebery

Chairman