

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 4, 2012**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COURTROOM

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: Cal Leslie 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

- Fire Ordinance #2002-1 review

- Resolution opposing Amendment 64

Old/New Business

Airport Authority Report

OEM Report

Planning and Zoning Report

Human Services Report

Michael Gease, FEMA and Jamie Prochno, Co. State Disaster Mitigation re: Flood Hazard Boundary Maps.

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

To accept the posted agenda. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Ms. Drenner inquired if the county had received a bill from Tom and Terre Davis for lost wages and legal representation fees. John Naylor, County Attorney referenced the Davis file: 100-52-100 and said that the county had received a bill and that it was forwarded to Josh Marks, Berg, Hill, Greenleaf & Ruscitti LLP. Attorney and Counselors at Law. Ms. Drenner requested the status of the Robert Hamilton/Las Mojadas, LLC., case. John Naylor, County Attorney said that Josh Marks, Berg, Hill, Greenleaf & Ruscitti were the legal representation for Custer County. Mr. Naylor said that due to the posturing situation, Mike and Laura Halpin will be included in the case.

BOCC 09-04-12

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

- The BOCC will adopt a one-time Resolution reinforcing the fact that the Fire Warden and Fire Chief are responsible for making decisions regarding the enforcing or lifting of the county fire bans. The Sheriff's Office will notify the BOCC of any fire ban revisions. The BOCC will maintain a separate file of these notifications to comply with Fire Ordinance 2002-1.
- The draft resolution opposing Amendment 64 was reviewed and approved by the County Attorney. The resolution is scheduled for adoption at the September 19, 2012 BOCC meeting.
- The revised 911 cost contract with Century Link was reviewed and approved by the County Attorney.

Laura Lockhart, Human Services Director met with the BOCC and gave a report. She presented the statement of budget expenditures and unexpended balances, the state allocations and expenditures; the emergency service block grant expenditures and the TEFAP county allocations. She stated that the LEAP training was scheduled for September 15, 2012.

The BOCC recessed at 9:50AM.

The BOCC reconvened at 10:00AM.

Dale Mullen, Bob Jolley and Bob Giacomelli joined the meeting.

Dale Mullen, Airport Authority Board (AAB) Chairman said that the AAB will be advertising for three new board member positions for the upcoming year. He presented the Board with the Custer County Silver West Airport, 2012 Aviation Fuel System Sales Analysis Report and the 2012 Operations Analysis. He said that the AAB will require a transfer of the \$17,500.00 remaining reserves from the County General Fund to the Airport Fund within the next 90 days. He gave an update on the Segmented Circle/Wind Direction Indicator project, the Security Gates for the Airport Access Roads and the Asphalt Maintenance Runway/Taxiway/Transient Parking area. Mr. Mullen reported that the USDA-APHIS-Wildlife Services have completed the project to fill the prairie dog holes. He said that approximately 3,000 holes were filled. Commissioner Attebery expressed concern the county purchasing policy had not been followed for the projects. Commissioner Butler reminded the AAB that the Segmented Circle/Wind Direction Indicator project and the USDA-APHIS-Wildlife Services Prairie Hole project had been removed from the 2012 airport budget. He said that the cleaning of the OMS building had also been removed from the 2012 budget and vouches for the service continue to be submitted for payment. Mr. Mullen said that the AAB voted to proceed with the projects. He remarked that the projects were necessary for safety standards at the airport. Commissioner Butler asked if the asphalt maintenance project could be deferred until next year. Mr. Mullen said that the Division of Aeronautics strongly encouraged having the project completed in 2012. He said that the equipment currently being utilized at the Highway 69 project would also be used for the asphalt maintenance project reducing the transport and loading equipment costs for the project. Commissioner Attebery reminded Mr. Mullen that these expenditures were removed from the budget and now reflect a negative balance under the budget line items. Mr. Mullen said that the AAB is working with the bottom line and that overrides the line items so it should not matter what the specific line items reflect. Commissioner Attebery said that all the other county departments operate under the specific line items of their budget and he felt the AAB should

be required to do the same. He remarked that the other departments are also not entitled to carry over unused funds from year to year and refer to them as reserves.

BOCC 09-04-12

Commissioner Austin said that one of the problems was that following the preliminary budget hearings, the BOCC reduced the AAB budget without the members of the AAB being present. He felt that the AAB should have had the opportunity to defend the expenditures before they were removed from the budget. He said that is one of the reasons the financial discussions continue to be addressed. He commented that during the upcoming budget hearings for 2013, he would like the BOCC to be more specific about what is being approved in the AAB budget and if there are further questions or concerns, that the AAB be invited into that discussion. Commissioner Austin thanked the AAB for all the hard work. He remarked that the AAB was doing a tremendous job in saving the county a lot of money.

Christe Feldmann, Office of Emergency Management Director met with the BOCC and gave a report. She presented the Board with a list of the Emergency Management Academy courses she completed. She said that she just received the 2013 Emergency Management Program Grant Application and that it was due on October 1, 2012. She remarked that it should be the same as last year with a 50% county match. John Naylor, County Attorney said he would review the application once the appropriate information and figures were complete. Ms. Feldmann gave a report on narrow-banding, mobile radios, fire mitigation, and fuel reduction. Commissioner Attebery reminded Ms. Feldmann that there was approximately a little under \$11,000.00 of Title III funding set aside for fire mitigation that would need to be disbursed by the end of the month. She responded that a slash grinding project was being scheduled at the landfill by the end of the month with an approximate cost of \$15,000.00. She asked if the additional funding was available from the Title III fund. The BOCC said that a motion was made to use landfill fee's towards the project not to exceed \$5,000.00

Jackie Hobby, Planning and Zoning Director met with the BOCC and the County Attorney and the following items were discussed.

- Special Use Permit fee waived for the Town of Silver Cliff
- File: 101-33-350 Permit Violation
- File: 102-06-650 Septic System Violation

Commissioner Attebery stated that he had a huge problem with the Airport Authority Board and felt they should be held to the same standards and requirements as the rest of the county departments. Commissioner Butler agreed and remarked that the airport was subsidized with county funds and that the commissioners are held responsible for the disbursement of all the tax payer funds including those allocated to the airport. Commissioner Attebery said that he felt the BOCC should consider dissolving the AAB and replace it with an advisory board that would function under the direction of the Board of County Commissioners. He said until that occurs he would not support subsidizing the airport with any future taxpayer dollars.

Commissioner Attebery asked the Board for suggestions and options regarding the removal of the diseased aspen tree in front of the courthouse.

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

To authorize Ricks Tree Service to inspect the tree and provide an estimate for the tree removal if necessary. The motion carried unanimously.

The BOCC recessed from the Boardroom at 11:30AM.  
The BOCC reconvened in the Courtroom at 1:00 PM.

BOCC 09-04-12

Michael Gease, FEMA and Jamie Prochno, State Disaster Mitigation met with those present and provided a presentation that included information on FEMA Mapping, the National Flood Insurance Program, Flood Coordination, Management and Mapping. Mr. Gease and Ms. Prochno said the purpose of the presentation was to provide information to protect the community and make it resilient and sustainable.

Those present: Commissioner Attebery, Commissioner Austin, Commissioner Butler, County Attorney Naylor, Deputy Clerk Lang, Dallas Anderson, Cindy Howard, John Johnston, Dale Mullen, Bret Bruzer, Coy Meyers, Christe Feldmann, Bob Powers, John Decker, Matt Miles, Kit Shy, Cal Leslie, Suzie Coleman and Nora Drenner, reporter for the Wet Mountain Tribune.

John Naylor, County Attorney said that the BOCC would take the presentation under advisement and discuss the option of scheduling a Public Hearing. Commissioner Austin said he supported the scheduling of a Public Hearing that included Mr. Gease and Ms. Prochno in the near future. Commissioner Attebery said that the BOCC does not have enough information to make a decision regarding FEMA and the NFIP. Commissioner Butler agreed.

The BOCC recessed from the Courtroom at 2:00 PM  
The BOCC reconvened in the Boardroom at 2:05 PM.

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 2:15 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman