

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, NOVEMBER 13, 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: Clyde Butler, Lawrence Carter, Christe Feldmann, Sheriff Jobe, Monty Lee, Cal Leslie, Paul Snyder, Wes Taylor 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

Old/New Business

- January 2013 BOCC Schedule
- Colorado State University Extension MOU
- Proclamation November 15, 2012 as American Recycling Day
- Resolution - Stage 1, 2, and 3 Fire Ban Restrictions
- Resolution - Airport Authority Board

OEM – Christe Feldmann

CCOEM Resolution to distribute funds from the Wet Mountain Valley Community Foundation to the Wetmore Fire Victims

Airport Authority – Dale Mullen

Planning and Zoning – Jackie Hobby

Citizen Report – Connie Steck

VSO Report – Lorraine Silva

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

To accept the posted agenda. The motion carried unanimously.

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

To approve and accept the minutes from the October 31, 2012 BOCC meeting as presented. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Sheriff Jobe stated that he had questions regarding agenda item Resolution – Stage 1, 2, and 3 Fire Restrictions. County Attorney Naylor said that he proposed adopting a County Resolution that would define the restrictions of a Stage 1, 2 and 3 Fire Ban and that the Sheriff/Fire Warden would review and approve the definitions of the Fire Restrictions prior to adoption. Christe Feldmann, Office of Emergency Management (OEM) Director asked to be a part of the review process. Mr. Naylor explained that Ordinance 2002-1 requires that the BOCC adopt a Resolution ratifying the Sheriff/Fire Wardens decision each time a fire restriction has been changed and or revised. He said this process would allow the ratification resolutions to be simple to understand, record and would reference the stage of the fire ban restrictions enacted. Mr. Naylor stated that the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as the Fire Warden of the County and make those decisions. He requested that the Sheriff/Fire Warden notify the BOCC office in writing following the enforcement or changes in the fire restrictions. The BOCC Administrative Assistant will maintain a separate file for the fire restriction notices. A Resolution ratifying the Sheriff/Fire Wardens decision will be prepared for the BOCC adoption and signature at the following regular scheduled BOCC meeting.

Christe Feldmann, OEM Director met with the BOCC and requested approval to allow the funds from the Wet Mountain Valley Community Fund that have been designated for victims of the Wetmore Fire to be passed through the OEM. She said that Rocky Mountain Bank and Trust (RMB&T) will distribute 100% of the funds to the primary residents of homes lost in the Wetmore Fire according to their RMB&T criteria for fund disbursement.

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

To approve that the funds from the Wet Mountain Valley Community Fund for the Wetmore Fire victims pass through OEM with a status review at the end of 2013. The motion carried unanimously.

Ms. Feldmann said she was working to develop better protocols of communication especially when mutual aid is assisting in a disaster. She is developing a protocol for short and long term recovery following a disaster. She is continuing to work on the Emergency Support Plan and the Fire Management Assistance Grant application. She gave an update on the training she has recently completed as well as upcoming training program. She asked the BOCC for approval to submit an application to the Denver Foundation for grant funding for the Wetmore wild fire victims. She stated that the application would not require any county funding or match. The Board agreed that even though the topic was not on the agenda, it was a true emergency item and could be addressed. The Board further agreed to waive the standard grant application procedure process.

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

To approve the request to submit an application to the Denver Foundation pending the review and approval of the County Attorney. The motion carried unanimously.

Commissioner Attebery proposed that the Board set the BOCC meeting schedule for January 2013. The remainder of the meetings for 2013 will be finalized by the seated commissioners in January 2013.

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

To approve and schedule a BOCC meeting on January 8 and January 31, 2013. The motion carried unanimously.

The newly elected commissioners will be sworn into office during the January 8, 2013 meeting. The motion carried unanimously.

Dale Mullen, Airport Authority Board (AAB) met with the BOCC and presented the Custer County Silver West Airport 2012 Aviation Fuel System and Sales Analysis and the 2012 Operations Analysis – Budget vs. Actual Report. Mr. Mullen reviewed the agenda items from the October Airport Authority Board meeting and the 2013 financial plan for the airport. He said that the security gate/fence project was started in October and should be completed before the end of November. He explained that the AAB had until December 9, 2012 to complete the project to avoid a \$5,000 a day state violation fine. Mr. Mullen reminded the Board that the funding for the project was a pass-thru the airport account and would not impact or affect any budget line items. Commissioner Austin thanked the AAB for all their hard work and commented that Mr. Mullen’s monthly report was thorough as usual.

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

To approve and sign the Proclamation declaring November 15, 2012 as America Recycles Day. The motion carried unanimously.

Commissioner Austin read the Proclamation in its entirety into the record.

Commissioner Attebery stated that the last Memorandum of Understanding between the Colorado State University Extension and County of Custer, State of Colorado was dated in 1994. He said that the BOCC and the County Attorney have reviewed the submitted revised 2012 MOU. Following a discussion the Board and County Attorney agreed that there were several issues of concern that would require further review and clarification. The MOU topic will be postponed until February 2013.

John Naylor, County Attorney advised the BOCC to schedule a Public Hearing to continue the process to dissolve the Airport Authority Board (AAB). He said that a Resolution would be required to complete the process.

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

To schedule and hold a Public Hearing to consider terminating the authority of the AAB at the November 30, 2012 BOCC meeting at 1:00 PM. The hearing will be held in the county courtroom.

Commissioner Austin was opposed. The motion carried.

Lorraine Silva, Veterans Service Office Assistant met with the BOCC and gave a report. She said that \$27,500 of the \$50,000 Veterans Trust Fund Grant has been distributed and that the majority of the funding was for home heating assistance. She remarked that the claims from younger veterans have increased. She said that she is working with the Wet Mountain Clinic to establish a Home Care Service. Ms. Silva presented the Colorado Department of Military and Veterans Affairs Monthly Report and Certification of Pay from August, September and October of 2012 for the Boards review and approval. Commissioner Butler signed the reports.

Jackie Hobby, Planning and Zoning Director met with the BOCC to give a report. Connie Steck joined the meeting regarding File: 100-64-250 at Tara J1, Lot D aka Konn Road. She questioned and expressed concern regarding the location of the septic system being installed at the referenced property. She asked whether the location was designated to the public or if it was a designated road. Kit Shy, County Surveyor joined the discussion. Following a discussion it was not determined if the location violated county restrictions or regulations. The road area in question leads to US Forest Service (USFS) land and the Board suggested Ms. Steck contact the USFS in Canon City, for additional information and clarification. Leonard Carter joined the meeting regarding File: 102-36-954 requesting a road vacation. The Board agreed the P&Z Director should notify the property owners directly adjacent to property in question before proceeding.

File: 101-98-150 - oversized for sale sign on the property at 13595 Highway 1645 will be removed on December 4, 2012.

File: 100-16-602 - home occupation permit violation at 8445 Highway 95 is resolved.

File: 100-92-450 - setback variance at 25 Democrat Circle is being reviewed.

Ms. Hobby stated that the plumbing code states that the licensed plumber is responsible for the first five feet beyond the outside of the foundation. She said that an e-mail was sent out to the licensed septic contractor notifying them of the change.

**Commissioner Austin requested an Executive Session to seek legal advice from the County Attorney. Commissioner Austin made a motion, seconded by Commissioner Butler to go into Executive Session. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402(b) Conferences with an attorney for local public body for the purposes of receiving legal advice on specific legal questions. The BOCC went into Executive Session at 11:40 AM. Those present were Commissioner Attebery, Commissioner Austin, Commissioner Butler, Commissioner Elect Shy, County Attorney, John Naylor and Deputy Clerk to the Board, Kris Lang.**

**Commissioner Attebery made a motion, seconded by Commissioner Austin to go back into Regular Session. The motion carried unanimously.**

The BOCC came out of Executive Session at 12:10 PM. Commissioner Attebery attested and confirmed that the discussion remained on topic and that no matters were adopted and no actions or decisions were made.

Commissioner Austin stated that he would not be in attendance at the December 4, 2012 BOCC meeting and requested that the Board not take any unnecessary actions in his absence. Commissioner Attebery said that the request was duly noted.

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

**To adjourn the meeting. The motion carried unanimously.**

The meeting was adjourned at 12:15 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman