

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JANUARY 10, 2006**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN
REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT:

Dale Hoag	Chairman
Dick Downey	Vice-chair
Kit Shy	Commissioner
Ric Ferron	County Attorney
Debbie Livengood	Clerk to the Board

The meeting was called to order at 8:35am.

Present in the audience at the beginning of the meeting were:

Jesse Souza
Chuck Ippolito
Lynn Atteberry
Christy Kesselring
Jim Conley

Jesse Souza met with the Board to present the annual Southern Colorado RETAC contract for the chairman's signature. The disbursement amount will be received in two payments. The first payment of \$7,500.00 will be mailed upon the execution of the contract and the second check in the amount of \$7,500.00 will be provided to the county by June 30th of this year, provided the county has fulfilled their required obligations. Also presented to the Board, along with the contract, was a copy of the budget request submitted by Custer County showing how these funds would be spent. Commissioner Hoag signed the contract.

Acting Extension Director, Jim Conley of Huerfano County, met with the Board to outline items on his agenda and to see if the Board had certain days they would like for him to be in the office.

1. Jim has spoke with Mike Shields about arranging a beef meeting in the county. Main topic will be the ID issue that will become mandatory in 2008.
2. Would like to hold a meeting to see how many individuals in the county if any would be interested in harvesting bees.
3. Working on the Regional Tourism Rally that is scheduled for next week in Walsenburg.
4. Jim will meet with the Economic Development Committee at their next scheduled meeting on January 30 at the Bowling Alley.
5. Working on the Lodging Tax Study that the Board agreed to. A MOU needs to be signed with all entities involved. Jim will invoice each of the entities for their portion of the funding.
6. The Board asked that Jim have regular days and hours scheduled in the Extension Office. The choice of days and hours is up to Jim to set.

7. The Board approved Jim submitting lodging receipts for reimbursement instead of being reimbursed for mileage. Instead of driving to and from Walsenburg, Jim will stay in the county overnight to be in the office two consecutive days.

The calendar for 2006 was set, listing the days for commissioners meetings, zoning meetings, and holidays.

Commissioner Shy made a motion seconded by Commissioner Hoag to designate the lobby of the courthouse as the official posting place for agendas concerning the Board of County Commissioners and Planning and Zoning meetings. Motion carried unanimously.

Appointments for 2006 were made.

Commissioner Shy made a motion to appoint Commissioner Downey as the Chairman of the Board and that the position of Chairperson be rotated when appointments are made each year. Commissioner Hoag seconded the motion and amended the motion to appoint Commissioner Shy as the Vice-chair. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint the following:

*Debbie Livengood – Clerk to the Board
John Naylor – County Attorney
Clint Englehart – Road & Bridge Supervisor
Dave Trujillo – Assistant Supervisor
Larry Haynes – Assistant Supervisor/Wetmore
Ric Ferron – County Administrator
Custodian – Russ Conner
Social Service Director – Laura Lockhart
Publishers – Wet Mountain Tribune
Depositories – Colorado Mountain Bank
Sunflower Bank of Canon City
Fremont National Bank
Colo Trust*

Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to appoint the following:

*Deputy Planning & Zoning Director – Christy Kesselring
Zoning Administrator – Elizabeth French
UAACOG – Dale Hoag
Dick Downey
Kit Shy
RC&D – Dick Downey*

Kit Shy
Dale Hoag
SCEDD – Kit Shy
Dick Downey
Dale Hoag
Cindi Howard – County’s Representative

Motion carried unanimously

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint Craig Feldmann as the Director of Emergency Management. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to re-appoint Glyndon Scott to the Airport Board. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint the following:

911 Authority Board – Dale Hoag
Dick Downey
County Health Nurse – Kelly Johnson
County Health Officer – Kelly Johnson
SECRETAC Representatives/Custer County – Chuck Ippolito/Primary Rep.
Jesse Souza/Primary Rep.
Bob Pruiksma/Primary Rep.
Kelly Johnson/Alternate Rep.
Joe Franta/Alternate Rep.
Toloa Pearl/Alternate Rep.

Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to re-appoint Keith Hood to the Planning Commission. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to re-appoint Skip Northcross to the Board of Zoning Adjustment. Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint those individuals who submitted letters to the zoning office requesting to be considered as alternates to the Planning Commission and Board of Zoning Adjustment. Four individuals submitted letters and were appointed. They are as follows:

Christy Veltrie
Rodney Coker
Pete LoPresti
Greg Tabeteau
Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to appoint Sara Shields to the County Extension Advisory Board. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to re-appoint Beverly Goertz and appoint Greg Watkins and Anne Crewdson to the Fair Board. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to appoint the following to the Weed Board:

Dan Saul
Jean Canterbury
Harvey Geroux
Christina MacLeod

Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint the following to the Wetmore Community Center Board:

Alden Gray
Burl Stearns
Carolyn Shellenberger
Irene Stearns

Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to appoint the following to the Wetmore Community Library Board:

Judy Van Acker
LaDonna Gunn
Lisa Lawson
Carolyn Shellenberger
Dennis Tomar

Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to appoint the following to the Custer County Community Economic Development Steering Committee:

Angie Arterburn
Charles Bogel
Carolyn Cole
Peggy Quint

Extension Agent

Motion carried unanimously.

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint the following to the Custer County Economic Development Committee Representing different occupations in the county:

<i>Brian Woods</i>	<i>Construction</i>
<i>Jan Lee</i>	<i>Custer Co Chamber of Commerce</i>
<i>Alternate: Cindi Howard</i>	<i>Custer Co Chamber of Commerce</i>
<i>Craig Feldmann</i>	<i>Emergency Service</i>
<i>Jim Conley</i>	<i>Facilitator</i>
<i>Dee Hoag</i>	<i>Health Care</i>
<i>Wanda Johnson</i>	<i>Lodging</i>
<i>Alternate: Robert Weisenbach</i>	<i>Lodging</i>
<i>Tom Flower</i>	<i>Non-Profit Organizations</i>
<i>Mike Shields</i>	<i>Ranch/Agriculture</i>
<i>Gene Neiges</i>	<i>Real Estate</i>
<i>Chuck Feldmann</i>	<i>Regional Planning Commission</i>
<i>Alan Urban</i>	<i>Silver Cliff Town Government</i>
<i>Alternate: Allen Butler</i>	<i>Silver Cliff Town Government</i>
<i>Steve Marantino</i>	<i>School/Education</i>
<i>Arlie Riggs</i>	<i>Utilities</i>
<i>Alternate: Don Kaufman</i>	<i>Utilities</i>
<i>Bob Senderhauf</i>	<i>Water</i>
<i>Jess Price</i>	<i>Westcliffe Town Government</i>
<i>George Draper</i>	<i>Wetmore/San Isabel/Hillside</i>

Motion carried unanimously

Commissioner Hoag made a motion seconded by Commissioner Shy to appoint Sue Hutton as the Enterprise Zone Representative and the Upper Arkansas Area Council of Governments Revolving Loan Representative for Custer County. Motion carried unanimously.

Commissioner Shy made a motion seconded by Commissioner Hoag to approve the minutes of December 30th, 2005. Motion carried unanimously.

Bob Senderhauf representing the Upper Arkansas Water Conservancy District met with the Board to update them on the proposed expansion of Eastern Fremont County into the district. Petitions were circulated in an effort to receive enough signatures that the district could be expanded, however, the district fell nineteen signatures short of the number they needed. Objectors to the expansion of the district hired a gentleman from Salida, Mark Emmer, to do a petition analysis at the cost of \$90.00 per hour. The individuals who were objecting to the expansion were represented in court by attorney,

Bill Alderton, who was seeking to recover costs that the objectors incurred from eleven individuals who signed the petition as well as circulated them. The objectors were denied more than \$13,500.00 in costs during a district court hearing on December 16th.

Bob also informed the Board that those individuals in Fremont County who signed the petitions are going to continue in an effort to get eastern Fremont County included into the district. Lake County is also wanting to petition into the district and will be attending the next meeting.

Commissioner Shy made a motion seconded by Commissioner Hoag to adopt the following resolution:

CUSTER COUNTY RESOLUTION

RESOLUTUION NO: 06-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORDO, TO BAN OPEN BURNING IN THE UNINCORPORATED PORTIONS OF THE COUNTY.

WHEREAS, this Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as Fire Warden of the county in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chief throughout the county have advised the Board of County Commissioners of Custer County that the lack of snow or rainfall and current high-wind weather conditions have created a threat of fire in forests and grasslands of Custer County and that a current state of emergency exists with respect to fire danger; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County is high and a fire danger emergency does exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORDO, that effective January 10, 2006:

1. *No open fires in rural areas will be permitted during the fire ban. This includes the burning of trash in containers. Any violation of the fire ban shall result in any penalties provided by the Ordinance.*
 - a) *Special Circumstances Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at the time, the Sheriff in consonance with the Fire Chief, may issue a one time, period limited written permit for an open burn. The permit will specify the time of the requested burn and the permit recipient will notify the Sheriff's Department when the burn is started and when it is complete.*
2. *Gas-powered amp stoves and gas-powered barbeque grills are permitted. Any open flame must be attended at all times.*
3. *No airborne fireworks or those that explode or consist of any incendiary device or can result in secondary burns will be permitted except as otherwise provided by CRS Section 12-28-103.*
4. *Federal Authorities may also impose fire restrictions, on all public lands in Custer County. As a result, building, maintaining, attending or using a fire, campfire, charcoal, coal and wood burning stove may be prohibited on all national forest and grassland areas. Also smoking may be limited except in an enclosed vehicle or building or on developed recreation sites. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.*
5. *The Fire Chief of any Fire District or Fire Organization for purposes of all areas within the official boundaries of their jurisdiction or the Sheriff for all areas of the unincorporated area of the county not within such boundaries may recommend to the Board of County Commissioners that such fire bans be lifted in their respective areas of jurisdiction when they deem it appropriate and make recommendations to the Board for the re-imposition of the fire ban when a new fire danger emergency exists.*
6. *During periods wherein fire bans are rescinded, the Sheriff, with input from competent fire authorities, may impose temporary, limited fire bans during periods of officially declared "Red Flag" days.*

BE IT FURTHER RESOLVED that the Sheriff of Custer County is hereby directed to enforce the provisions of this Resolution until such time as it is rescinded.

RESOLVED, ADOPTED AND SIGNED THIS 10TH DAY OF JANUARY 2006, AT WESTCLIFFE, COLORADO.

SIGNED:

**CUSTER COUNTY BOARD OF
COMMISSIONERS**

**RICHARD L. DOWNEY
CHAIRMAN**

**DALE J. HOAG
COMMISSIONER**

**KIT SHY
COMMISSIONER**

ATTEST:

**DEBBIE L. LIVENGOOD
CLERK AND RECORDER**

Tim Thrun stopped by the commissioners meeting to inquire about the appeal process that he needed to follow concerning a recent motion made by the Board to rescind a motion they previously made on April 5th to approve a vacation and replat of the Thrun, Kelling Parcels. Three different suggestions were given to Mr. Thrun:

1. Re-submit an application when new ownership of the Kelling property has been established and get the okay that they are willing to do a vacation and replat. Ask that the fees for filing an application be waived, since they were already paid once and by no means of your own the approval was rescinded.
2. File an Appeal Motion with the Board of County Commissioners. However, if there is no new information to be discussed, there is no way the Board can change their decision to rescind the motion.
3. Write a letter to the zoning office, notifying them that you are in the process of obtaining new information from the new owner of the Kelling property to see if they would agree to your request, along with a time frame of when you will have this accomplished and at that time the Board will review their motion to rescind their approval of a vacation and replat of the property.

Craig Feldmann met with the Board concerning the position of Emergency Management Director. All parties involved discussed the proposed contract for the position and everyone was in agreement with the terms. Craig and the Chairman of the Board signed the contract. Other items discussed concerning the position were that Craig has moved the OEM office from the Search and Rescue Building to his home and would no longer need internet service connected to the S&R building for OEM purposes. The Board suggested that Craig call Ridge-Tel to see if they would supply internet service to his home free of charge since it will be for OEM business. They had offered at one time to supply this service to the county offices and county shop at no charge if they would be permitted to attach an antenna to the county's tower. Their request was approved.

Commissioner Hoag made a motion seconded by Commissioner Shy to adjourn the meeting at 1:55pm. Motion carried unanimously.

