

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, MARCH 1, 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 Bob Allison, Carol Allison, Joe Arbuckle, Vic Barnes, Rod Coker, Dick Downey, Carol Franta, Dawna Hobby, Jackie Hobby, Hal Julsen, Jerry Lacy, Bob Lee, Debbie Livengood, Lockett Pitman, Sue Pitman, Chuck Poehlein, Alice Proctor, Charles Proctor, Sherry Rorick, Bob Senderhauf, and Nora Drenner, reporter for the Wet Mountain Tribune.

**AGENDA:**

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes
- County Attorney
- File: 100-89-263 status update
- Ordinance 2002-1 review
- Old Business/New Business
- Continued discussion UAWCD issues
- West Custer Library District Annual Report – Marty Frick
- Staff Reports:
- Landfill – Rusty Christensen
- Planning and Zoning – Jackie Hobby
- Subdivision Regulations PC Chairman – Vic Barnes
- Human Resource/Finance – Dawna Hobby
- Human Services – Laura Lockhart

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

To accept the posted agenda. The motion carried unanimously.

John Naylor, County Attorney stated that the Custer County Ordinance No. 2002-1 required that the BOCC approve a Resolution to ban or lift open fires in the unincorporated areas of Custer County. He suggested simplifying the appropriate resolutions regarding the enforcement and lifting of the fire bans.

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

To approve Resolution #11-02 to lift the Fire Ban. The motion carried unanimously

**CUSTER COUNTY RESOLUTION  
RESOLUTION NO. 11-02**

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

WHEREAS, the Sheriff and Fire Chief throughout the County have advised the Board of County Commissioners of Custer County that the weather conditions and recent rainfall have mitigated the threat of fire in forests and grasslands of Custer County; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County has sufficiently subsided and a fire danger emergency does not now exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Custer County, Colorado, that effective February 22, 2011

1. Resolution #06-10, barring open fires is hereby rescinded and replaced by this resolution now before us.
2. Open fires in rural areas will be permitted from this date until such time as future conditions may again require an open fire ban.
3. Any persons engaging in open burning shall notify the Custer County Sheriff at 783-2270 or the Wet Mountain Fire Protection District at 783-9245 prior to any open burning.

RESOLVED, ADOPTED AND SIGNED THIS 1<sup>st</sup> DAY OF MARCH, 2011, AT CUSTER COUNTY, COLORADO.

SIGNED:

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery  
Chairman

Jim Austin  
Vice-Chair

Allen Butler  
Commissioner

Debbie Livengood, Clerk and Recorder

Attest

Mr. Naylor reported that File: 100-89-263 has been resolved.

Commissioner Austin said he felt adamant that the BOCC should prepare a correspondence to the UAWCD clarifying that the reason the BOCC did not support the augmentation plan was because of a previous agreement that would have allowed the county time to review the document prior to the filing in district court and that did not happen. He said that copies of the correspondence should be forwarded to the water court and to the individuals listed in opposition of the case. He presented the correspondence for the Boards review and signature.

**MOTION by Commissioner Austin:**

To approve the correspondence addressed to the UAWCD clarifying the specific reason that the BOCC did not support the augmentation plan. The motion was seconded by Commissioner Attebery for discussion purposes.

Mr. Naylor said that if the BOCC wants the correspondence attached to the water court record it would need to be filed by the county's legal water representation. The Board agreed to have Mr. Naylor consult with Duncan, Ostrander & Dingess, P.C. Attorneys and Counselors at Law to determine the next appropriate step.

Commissioner Attebery called for a vote: Commissioner Attebery, aye; Commissioner Austin; aye and Commissioner Butler, aye. The motion carried unanimously.

Commissioner Butler requested clarification and confirmation of the motion passed. He reaffirmed that the Board has agreed and approved to send a correspondence to the UAWCD clarifying the reason the BOCC did not support the augmentation plan. Commissioner Austin said that copies should also be forwarded to the water court and the people listed in opposition of the court case. The county attorney read the drafted correspondence for those present.

Commissioner Attebery proposed establishing a committee to gather information to determine if the county needs a water augmentation plan. Following a discussion the Board agreed that Commissioner Butler would chair the NEEDS Assessment Committee. Commissioner Butler stated that he felt the committee should include representation from the Stakeholders, the Round Mountain Water and Sanitation District, the Town of Silver Cliff, the Town of Westcliffe, and the Water Users Association.

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

To appoint Commissioner Butler as Chairman for the Custer County Water NEEDS Assessment Committee. The motion carried.

Commissioner Austin proposed that the BOCC schedule a work shop with the UAWCD Board Members to review and determine the responsibilities of the local UAWCD representatives.

Commissioner Attebery remarked that the BOCC will need to prepare a correspondence responding to the letter received from the UAWCD dated January 24, 2011.

The BOCC recessed at 10:05 AM.

The BOCC reconvened at 10:25 AM

Marty Frick, Director and Mary Ann Moon, Treasurer of the West Custer County Library District met with the BOCC and gave a report. Ms. Frick presented the Library's 2010 Annual Report.

Vic Barnes, Planning Commission Chairman and Jackie Hobby, Planning and Zoning Director met with the BOCC to discuss a proposed subdivision application flow chart. Mr. Barnes said that since 2005 a series of work shops and work sessions have been held to discuss and review the 1973 subdivision regulations. He reported that those subdivision regulations have been revised and are now complete. The proposed subdivision application flow chart was discussed and reviewed in detail.

The BOCC recessed at 11:45 AM.

The BOCC reconvened at 11:55 AM.

Rusty Christensen, Landfill Supervisor met with the BOCC and presented the roadmap and budgetary level cost estimate for the lateral expansion of the Custer County Landfill from Golder Associates Inc. He remarked that the anticipated remaining life for the landfill is approximately 10 to 12 years. He said that the process for attaining approval for a lateral expansion can be lengthy and therefore proposed the county start the process. Mr. Christensen said the next step would be the field investigation at an approximate cost of \$2500.

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

To proceed with the field investigation work plan as proposed in 2011. The motion carried unanimously.

Dawna Hobby, Human Resource/Finance Manager met with the BOCC and gave a monthly report.

Laura Lockhart, Human Service Director met with the BOCC and gave a monthly report. Ms. Lockhart presented the Board with a Resolution amending the name of the Custer County Department of Social Services to the Custer County Department of Human Services.

**MOTION by Commissioner Austin, seconded by Commissioner Attebery:**  
**To approve Resolution #11-01 as presented. The motion carried unanimously.**

CUSTER COUNTY RESOLUTION  
RESOLUTION NO. 11-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO AMEND THE NAME OF THE CUSTER COUNTY DEPARTMENT OF SOCIAL SERVICES TO THE CUSTER COUNTY DEPARTMENT OF HUMAN SERVICES.

WHEREAS, the Custer County Board of Commissioners adopted by resolution No. 11-01 to change the name of the social service agency in Custer County to eliminate confusion by all entities which interact with the said agency.

WHEREAS, the Custer County Board of Commissioners will change the name of the Custer County Department of Social Services to the Custer County Department of Human Services.

WHEREAS, the Director of the Custer County Department of Social Services will be known as the Director of Human Services.

WHEREAS, a change of name from the Custer County Department of Social Services to the Custer County Department of Human Services does not change any of the existing responsibilities of the County Department or the County Board.

WHEREAS, this change in the department's name is effective upon the adoption of this resolution.

THEREFORE, BE IT RESOLVED, the Board of Custer County Commissioners do hereby adopt this resolution to change the name of Custer County Department of Social Services to the Custer County Department of Human Services.

RESOLVED, ADOPTED AND SIGNED THIS 1<sup>ST</sup> DAY OF MARCH 2011, AT CUSTER COUNTY COLORADO.

Signed: CUSTER COUNTY BOARD OF COMMISSIONERS

Signatures of the Board of Custer County Commissioners: Lynn Attebery, Chairman; Jim Austin, Vice Chair; Allen Butler, Commissioner

Debbie Livengood, Clerk and Recorder Attest

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

The meeting was adjourned at 12:35 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman