

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JUNE 12, 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: Dallas Anderson, Kristi Geroux, 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

- IGA between Custer County and 911
- Legal Description of the land for the Park-n-Ride project
- LARCAN Contract
- FEMA mapping
- Correspondence to property owner/easement for Sangre DeCristo Electric
- Political Sign Regulations in Custer County
- Agreement between Custer County and Community Share Center

Old/New Business

Airport Authority – Dale Mullen

Office of Emergency Management – Christe Feldmann

Treasurer – Virginia Trujillo

Planning and Zoning – Jackie Hobby

Public Hearing 11:30 AM Liquor License Application/ St. Andrews Golf Course – Debbie Livengood

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To accept the posted agenda. The motion carried unanimously.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To accept the BOCC minutes of May 31, 2012 as presented. 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:

- The IGA between Custer County and 911 was reviewed. The 911 program will require additional funding to replace and maintain the 911 dispatch equipment. The 911 Board will request funding considerations from the appropriate entities during the 2013 budget hearings and determinations.
- The Park-n-Ride legal description will require proof of title or owner authorization to lease the land to the county for the project. The Board asked Commissioner Austin to provide the proof of title for the land to the County Attorney. The County Attorney will prepare a lease agreement on behalf of the county. The Board will ask the Human Resource/Finance Director to contact CTSI to ensure that all the requirements under the county insurance are met for the project.
- The BOCC agreed that the proposal from LARCAN regarding the TV translator was not applicable. The County Attorney prepared a correspondence to B.W. St. Clair agreeing that B.W. St. Clair prepare the application so that the county will qualify for the assistance on the low power TV and translator program administered by National Telecommunication and Information Administration.
- The County Attorney prepared a correspondence to the Colorado Water Conservation Board requesting the removal of the Custer County FEMA maps from the website.
- Sangre DeCristo Electric Association, Inc. is responsible to obtain the right-of-way utility easement permit from the property owner to complete work order 114-10 on CR 328.
- The agreement between Custer County, a political subdivision of the State of Colorado and the Recipient Agency Custer County Community Share Center was reviewed, revised and approved.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve the agreement between Custer County and the Custer County Community Share Center as revised. The motion carried unanimously.

Commissioner Butler said that the agreement was for the utilization of the Custer County Resource Center Annex located at 615 Rosita Avenue, Westcliffe, Colorado. He remarked that the services provided meet the guidelines and criteria of the Community Development Block Grant 08-001.

Commissioner Austin expressed concern that the language regarding the political campaign sign standards and requirements currently in the county zoning regulations may impede the candidates' freedom of speech. He read Section 6E Paragraph 1 and 2 of the county zoning regulations into the record. Political campaign signs must comply with the state guidelines and the following county requirements. 1. The signs are placed on private land. Signs are not permitted on public land or in public rights-of-ways. 2. The sign is setback a minimum of thirty feet from the center of the road. Commissioner Austin said that the specific language related to the thirty foot requirement from the center of the road regulation required additional review. Following a lengthy discussion the BOCC and County Attorney agreed that not all the county roads are the same width, and measuring thirty feet from the center of the road can be conflicting with the right-of-way and private property boundaries. The Board will ask the Planning and Zoning (P&Z) Department to review this specific language in the zoning regulations and suggested verbiage to prohibit political signs in the right-of-way boundaries. Commissioner Attebery stated that the county zoning regulations are currently in review and that the suggestion will be forwarded to the P&Z Director.

Commissioner Austin said that he was approached by a citizen regarding the mill levy voted in for the Road and Bridge Department. The election took place mid-year and the mil-levy was made retroactive to the taxpayers. The citizen questioned the legality of the action. County Attorney, John Naylor said that the specific ballot language would need to be reviewed, however the action would be legal following the approval of the voters.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve and sign the letter supporting the efforts of the Dundee Memorial Park Association, a non-profit 501c3 corporation of Silver Cliff, Colorado to enter the Bark For Your Park Contest. The park would provide pet owners the opportunity to have a safe place for dogs and their owners to exercise and enjoy. The motion carried unanimously.

J.D. Henrich, Assessor addressed the BOCC and requested approval that the 2012 Board of Equalization (BOE) Hearings be scheduled on August 7, 2012 starting at 10:00 AM.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To schedule the BOE Hearings at the BOCC meeting of August 7, 2012 with the County Attorney present. The motion carried unanimously.

Mr. Henrich provided an explanation and summary regarding the property taxes the county receives for the hangers building and land at the Silver West Airport. He stated that since the land was owned by the count, the land itself was tax exempt. Property taxes are collected on the hanger buildings on the lots and the lots themselves are individually leased from the county.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. She said the beginning balance on May 1, 2012 was \$3,899,290.30 and the ending balance on May 31, 2012 was \$3,289,504.52.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To accept the Treasurer Report for May 2012 as presented. The motion carried unanimously.

Sheriff Fred Jobe joined the meeting.

Commissioner Austin expressed concern regarding the current wild land fire burning in Larimer County, Colorado. He asked Sheriff Jobe/Fire Warden of the County to consider issuing a fire ban in Custer County. Sheriff Jobe stated that following a discussion with the Fire Chief, it was agreed that a Stage 1 Fire Ban will be instituted effective on June 13, 2012 at 10:00 AM for the unincorporated portions of the county.

MOTION BY Commissioner Attebery, seconded by Commissioner Butler:

To accept the recommendation of the Custer County Fire Warden and Fire Chief to enforce a Stage 1 Fire Ban effective June 13, 2012. The BOCC will ratify the sheriff's imposition of a fire ban by resolution at the June 20, 2012 BOCC meeting. The motion carried unanimously.

Sheriff Jobe presented the Cooperative Law Enforcement Annual Operating and Financial Plan between the Custer County Sheriff Office and the USDA Forest Service. He said that the 2012 total operating funds that the Sheriff's Office would receive from the Forest Service was \$9,880.00.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve the Cooperative Law Enforcement Annual Operation and Financial Plan for 2012 as presented. The motion carried unanimously.

Dale Mullen, Chairman of the Airport Authority Board introduced board members Bob Giacomelli and Monty Lee. Annette Cross and Dave Cross were present as interested parties to the Silver West Airport. Mr. Mullen presented the 2012 Aviation Fuel System Fuel Sales Analysis and the 2012 Operation Analysis Budget vs. Actual reports. Mr. Mullen gave a summary of the SilverWest/Custer County Airport fly-In, Open House, Pancake Breakfast held on May 12, 2012.

Christe Feldmann, Office of Emergency Management, Director met with the BOCC and presented the June 2012, Emergency Support Function (ESF), Custer County Communications Plan for approval.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the ESF Custer County Communication Plan as presented. The motion carried unanimously.

Ms. Feldman said that she was in the final stages of completing the draft of the County Evacuation and Re-Entry Plan. She will present the plan for the Boards approval at a later date. She reviewed several proposals to assist the citizens in the removal of the slash resulting from the November 2011 windstorm. She outlined a slash program for the drop-off, storing and eventual burning of the slash. The program would include cooperation and participation from the Town of Silver Cliff, the Wet Mountain Fire Protection District, the County Road and Bridge department and the Bureau of Land Management. Ms. Feldman said she spoke with a representative of the Federal Emergency Management Agency (FEMA) regarding the Custer County FEMA maps. The representative advised her that although the Custer County FEMA maps issued in 1977 were rescinded they were reissued in 1978 and would remain on the website. County Attorney, John Naylor asked Ms. Feldman to contact FEMA for proof that the county authorized the maps to be reissued in January 1978. Ms. Feldman said she would be working with the Airport Authority Board to finalize an Emergency Plan for the Silver West Airport.

Commissioner Attebery closed the regular meeting at 11:30 AM and opened the Public Hearing.

PUBLIC HEARING
LIQUOR LICENSE APPLICATION
ST. ANDREWS AT WESTCLIFFE GOLF COURSE
11:30 AM

Debbie Livengood, Clerk and Recorder said that the purpose of the Public Hearing is to allow public input and to consider the liquor license application submitted by St. Andrews Golf Course. Ms. Livengood stated that St. Andrews Golf Course currently has a tavern liquor license and has applied for a Hotel and Restaurant License with optional premises. The optional premise locations are the pavilion and the golf course itself. She said that all the paperwork was complete and in order. The public notice was published; the property was properly posted and a signed petition of support was submitted. Ms. Livengood said that the application was sent to the state for a concurrent review and that she has not been notified of any discrepancies or concerns. Ed Sullivan and Jay Premo representing St. Andrews Golf were present to answer any questions. County Attorney, John Naylor asked for clarification on how the alcohol on the golf course would be regulated. Mr. Premo said the alcohol would be distributed by the employees with a hospitality cart. He said that all the employees will complete Training for Intervention Procedures (TIPS) training and certification. Mr. Sullivan said that the distribution of alcohol at the premise would be closely monitored and surveyed. Sheriff Jobe stated that he was comfortable with the guidelines presented by Mr. Premo and Mr. Sullivan. He reported that no incidents have been reported to the Sheriff's Office and that he did not have any objections with the application. Mr. Naylor agreed.

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

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve the liquor license application as presented on the advice of the Sheriff and County Attorney. The motion carried unanimously.

Commission Attebery closed the public hearing at 11:45 AM and returned to Regular Session.

Debbie Livengood, Clerk and Recorder requested approval from the BOCC to transfer \$13,500.00 from the Conservation Trust Fund to the County General Fund.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the transfer of \$13,500.00 from the Conservation Trust Fund to the County General Fund as requested. The motion carried unanimously.

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

- File: 100-23-300 Privy Violation (property owner resolution pending)
- File: 102-36-735 Privy Violation (property owner notified)
- File: 102-36-830 Permit Violation (property owner notified)
- File: 100-64-200/250 Special Use Permit Violation (property owner notified)
- File: 102-36-724 Permit Violation (property owner notified)
- File: 101-34-250 Permit Violation (property owner notified)
- File: 101-12-136 Permit Violation (not applicable)

Ms. Hobby reported that the Planning and Zoning Office will be completing a phone log on all calls that come into the office for future reference and confirmation. She presented a correspondence confirming the appointment of Ken Lankford to the Board of Zoning Adjustment for the Boards signature. She submitted a promissory note to the County Attorney for review.

Ruth Mitchell, Custer County Community Share Center joined the meeting. The BOCC reviewed the revised and approved agreement between Custer County, a political subdivision of the State of Colorado and the Recipient Agency Custer County Community Share Center. Ms. Mitchell agreed with the revisions of the agreement.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 12:55 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman