

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JUNE 29, 2012**

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
Kris Lang	Deputy Clerk to the Board	Present

Also present was: 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

Old/New Business:

Review vouchers and sign checks

CSU Extension/County Fair – R. Young

Extension Office/Grasshoppers – B. Kattnig

Ad-Hoc Committee

SECRETAC Appointment – J. Rafferty

OEM/Landfill Slash Discussion – C.Feldmann, R. Christensen

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

To accept the posted agenda. The motion carried unanimously.

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

To approve and accept the minutes of June 12, 2012 as presented. The motion carried unanimously.

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

County payroll and accounts payable were approved from the following funds:

County General	\$210,730.14
Road and Bridge	\$ 80,759.61
Emergency Services	\$ 13,824.32

Human Services	\$ 22,683.29
Capital Improvement	\$ 4,770.59
Airport Fund	\$ 1,848.56
Tourism Fund	\$ 2,034.25
Self Insurance	\$ 156.25
TOTAL	\$336,807.01

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

To approve the June 2012 payroll and accounts payable. The motion carried unanimously.

Commissioner Attebery said that the Custer County Fire Warden and Fire Chief have instituted a Stage Two Fire Ban effective June 26, 2012. He said that under the stipulations of Fire Ordinance 2002-1 the BOCC is required to ratify the fire ban by resolution.

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

To adopt Resolution 12-04 following the review and approval by the County Attorney at the July 3, 2012 BOCC meeting. The motion carried unanimously.

**CUSTER COUNTY RESOLUTION**

**No. # 12-04**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO DECLARING STAGE 11 FIRE RESTRICTIONS 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 Chiefs 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, COLORADO, that the Custer County Sheriff/Fire Warden enforced a Stage 11 Fire Restrictions on June 26, 2012.

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.
2. No building, maintaining, attending, or using a fire, campfire, charcoal grill or wood burning stove.

3. No smoking, except in an enclosed vehicle or building.
4. No use of explosives including airborne fireworks or those which explode or consist of any incendiary device.
5. No use of welding equipment without a properly installed and approved spark arrestor. No operating acetylene or other torch with an open flame.
6. No use of chainsaws or motorized equipment without a properly installed and approved spark arrestor. Operation of an approved chain saw is only allowed between the hours of 5:00 AM to 11:00 AM with a chemical pressurized fire extinguisher and shovel at the scene.

Federal authorities may also impose fire restrictions, on all public lands in Custer County.

The Fire Chiefs or and 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.

The Sheriff's department can issue citations to any person who violates Custer County Ordinance 2002-1 (CRS Section 30-15-402).

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 29<sup>th</sup> DAY OF JUNE 2012.

SIGNED:

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery  
Chairman

Jim Austin  
Vice-Chairman

Allen Butler  
Commissioner

Attest:

Debbie Livengood  
Clerk and Recorder

Bob Kattnig addressed the Board and said that the valley is experiencing a grasshopper invasion. He said that he began to notice an increase in grasshoppers on his property in late May. Mr. Kattnig remarked that the hot dry temperatures and the drought conditions are creating an infestation. He said that the infestation will reduce the meadow hay yields of the farmers and ranches in the valley. Colorado State University (CSU) Extension Agent, Robin Young said she will work closely with the farmers and ranches in the valley to address the concern. The Board suggested that the CSU Extension Agent speak with all the producers in the valley to determine the level, severity and locations of the outbreak followed by a program that would include public input and participation.

Ms. Young stated that the 65<sup>th</sup> Annual Custer County Fair was scheduled from July 15, 2012 through July 22, 2012. She said that the fair board is requesting that the county commissioners and town mayors distribute the ribbons and awards. The BOCC assured Ms. Young they will attend and participate in handing out the awards.

Dee Hoag, Dale Mullen and Kathy Seei joined the meeting.

Ms. Seei stated that she was representing the Ad-Hoc Committee. She explained that the Ad-Hoc Committee was formed from the Governors Bottom Up program. She said that the objective of the committee was to identify economical goals and strategies. Ms. Seei reviewed the names of the members and focuses:

Lynn Attebery	-	Tourism
Charles Bogel	-	Veterans Cemetery
Donna Hood	-	Chamber of Commerce
Dale Mullen	-	Broadband
Kathy Seei	-	CART
Robin Young	-	Sustainability

Ms. Seei asked the county to pivot the Ad Hoc Committee to an Economic Development Committee. Following a discussion Commissioner Attebery and Commissioner Butler felt that economic development should be 501 ( c ) ( 3 ) or a corporation separate from the county. Commissioner Austin said that he felt the county should support economic development but agreed that it should function independently. Ms. Seei said that the Ad-Hoc Committee has been committed and involved with the economic development of the county. She said that the committee has prepared and presented the BOCC with their finding and proposals regarding economic development and that they feel strongly that the representatives appointed to the State Office of Economic Development and International Trade (OEDIT) level should all be members of the Ad-Hoc Committee. Commissioner Austin agreed. Commissioner Attebery and Commissioner Butler remarked that one of the proposed representatives was on the Ad-Hoc Committee and that the other two proposed representatives would provide a broader scope. Ms. Seei disagreed and felt the BOCC should reconsider selecting members from the Ad-Hoc Committee for the three appointments. Commissioner Attebery commended the committee for their efforts. He commented that the Ad-Hoc Committee was a self-appointed volunteer group and was not officially recognized by the county. Commissioner Butler agreed and expressed concern that a volunteer group would determine the county appointments to the OEDIT. Commissioner Austin proposed that the BOCC sanction the Ad Hoc Committee. He said it was critical that the committee be appointed and recognized as official representative of the county.

MOTION by Commissioner Attebery to accept the Ad-Hoc Committee’s proposals excluding the naming of the committee members to the OEDIT. Commissioner Butler seconded the motion for discussion purposes. Following the discussion the motion died.

Ms.Young asked for clarification regarding the county’s role, support, and commitment to economic development. The BOCC proposed that Clark Becker with the Economic Development Council of Colorado be invited to review and assess our county to advise what the best economic development approach would be for a county of our size and financial limitations.

The BOCC recessed at 10:35 AM.

The BOCC reconvened at 10:50 AM.

Judy Rafferty met with the BOCC and said that the RETAC Board is recommending the appointment of Joshua Johnson. Mr. Johnson’s appointment will fill the vacancy left by Terry Nimnicht. Commissioner Austin said that Mr. Johnson was also recommended by the Office of Emergency Management Director.

**MOTION by Commissioner Austin, seconded by Commissioner Attebery:**  
To appoint Joshua Johnson to the Southern Colorado Regional EMS and Trauma Advisory Council. The motion carried unanimously.

Commissioner Attebery asked that Mr. Johnson join a BOCC meeting in the near future to introduce himself to the Board.

Rusty Christensen, Landfill Manager approached the BOCC and said that the drop off of slash at the landfill site is an on-going and continuous problem and concern. Mr. Christensen introduced Dave Littlefield to the BOCC. Mr. Littlefield explained that he was currently based in Texas where he owned and operated a specialized commercial wood chipper. He said that he recently purchased land in Custer County and anticipated relocating in a few years. Mr. Littlefield remarked that the chipper could assist the county with the back-log of slash in the area following the November 2011 wind storm. The Board thanked Mr. Littlefield for joining the BOCC meeting and agreed that the usage of the chipper would be a tremendous benefit to the county. The BOCC acknowledged that the situation regarding the disposal and accumulation of slash needs to be addressed as soon as possible. The Board will review the cost feasibility of transporting the chipper to the Custer County area on a temporary basis.

Commissioner Attebery stated that the forty-five (45) day public notice period regarding the distribution of the Custer County Title 111 funding was completed on June 25, 2012. He said the BOCC was ready to move forward with the expenditure of the funds as outlined in the public notice.

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

To approve the expenditure of the funding as presented. The motion carried unanimously.

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

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 11:45 AM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman