

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, JULY 23, 2014**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

Commissioner Allen Butler called the meeting to order at 9:15 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Allen Butler	Chairman	Present
Kit Shy	Vice-Chairman	Present
Lynn Attebery	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Bill Geipel, Mike Halpin, Rose Hildebrand, Bob Kattnig, Cal Leslie, Debbie Livengood, Irene Stearns and Paul Sage, reporter for the Sangre DeCristo Sentinel.

**AGENDA:**

Call meeting to order

Pledge of allegiance

Roll Call

Amend agenda

Audience introduction

Approval of minutes: June 30, July 1, July 2, 2014

Public Comment

County Attorney

- Airport Ground Lease Agreements
- MOU World Aviation Museum
- Traffic Code Ordinance Amendment

Commissioner Items

Executive Session

Old/New Business

- Election Review – D. Livengood
- Wetmore Community Building

10:00 AM Special Events Liquor License hosted by the Chamber of Commerce at the Painted View Ranch scheduled on August 9, 2014

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

To approve the minutes of June 30, July 1 and July 2, 2014 as presented. The motion carried. Commissioner Butler said he was absent from the July 1 and 2, 2014 BOCC meetings and therefore, would abstained from voting to approve the minutes.

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

The BOCC met with the County Attorney and the following items were discussed:

- The Silver West Airport Ground Lease

- The World Aviation Museum Memorandum of Understanding (MOU)
- Ordinance for Adopting Amendment to the Traffic Code

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

To approve and accept the Ground Lease Agreement for the Silver West Airport as presented by the County Attorney. The motion carried unanimously.

Bill Geipel of the World Aviation Museum Corporation addressed the BOCC and the County Attorney and expressed concern regarding the MOU he recently received for review. He said that in previous discussions the county was going to be responsible for the fencing issue. He addressed #2 of the MOU requirements that the museum will further provide fencing to fence off their leased property from the rest of the airport property. He addressed #3 of the MOU requirements that the museum maintain an aviation curriculum approved by the Custer County schools in order to receive the discount on the leased cost. He said that the statement "maintaining an aviation curriculum" is a largely ambiguous term. Mr. Geipel requested that a statement that the museum be allowed to store jet fuel be added to the MOU. He reminded the BOCC that this had been previously agreed upon. Following a discussion the BOCC agreed to add #5 under the heading that the county agrees to grant the authority to the museum to store fuel not available at the airport for museums use only. They further agreed that #3 under the museum agrees to be revised that the museum will maintain an aviation program available to Custer County High School students and the public. The final revision of the last paragraph of the MOU will read the parties agree that this memorandum is subject to approval by the Colorado Department of Aviation "CDOT". Mr. Geipel stated for the record that he oppose #2 regarding the museum being responsible for the fencing. He said that the signature line of the MOU should read that as President he will sign for the World Aviation Museum Corporation. County Attorney Naylor asked Mr. Geipel to provide the county with a copy of the World Aviation Museum Corporation Certificate of Authority. Mr. Naylor will revise the MOU as agreed and the topic will be placed on the agenda for the July 31, 2014 BOCC meeting for final approval. Commissioner Attebery reminded Mr. Geipel that an engineered site plan for the Boards review is required. He said that the project changes the footprint of the airport property and will also require review and approval from CDOT Aviation.

County Attorney Naylor presented the Board with the draft Ordinance for adopting an amendment to the Traffic Code Ordinance 2011-1, the notice of Public Hearing and the Certification of the Model Traffic Code.

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

To accept the draft paperwork presented by the County Attorney and to establish a schedule for the first notice of hearing on August 5, 2014; the second notice of hearing on August 13, 2014 and the Public Hearing for the Ordinance on August 29, 2014 at 10:00 AM in the Boardroom. The motion carried unanimously.

Deputy Mike Halpin said that this is an Ordinance amending section 1702 of the Model Traffic Code adopted on September 13, 2011. He explained that the purpose of the amendment to the code is to provide a system for the payment of fines, surcharges and a penalty. The defendant will have the opportunity to pay the collection fee within 20 days to the office of the Custer County Treasurer thereby avoiding imposition of court costs at a later date. In the event that the penalty assessment is not paid within the required 20 day period, the Custer County Treasurer shall forward all unpaid penalty assessments to the Custer County Court for docketing on the date of the first appearance indicated on the summons and compliant/assessment notice.

In addition, if the defendant pays the fine, surcharge and collection fee for the violation on or before the date the payment is due, the points assessed for the violation may be reduced.

Debbie Livengood, Clerk and Recorder presented the Special Events Liquor License application for the National Chuck Wagon Cook Off and Show at the Painted View Ranch (PVR) on August 9, 2014 from 5 PM to 11 PM . The event is hosted by the Chamber of Commerce. She remarked that the event was to celebrate the ten year anniversary of the PVR. Ms. Livengood stated that the application was complete and in order.

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

To approve the Special Events Liquor License application for the August 9, 2014 event at the Painted View Ranch as presented. The motion carried unanimously.

Ms. Livengood said she has been in multiple discussions with the Secretary of State and the County Attorney regarding the November 2014 election ballot. She said that the question was whether the sheriff's candidate from the American Constitution Party (ACP) should be a part of the printed election ballot or a write-in candidate. She said that the American Constitution Party is a major and recognized political party and has five registered voters in Custer County. She commented that the candidate met all the qualifications available to him and had won the primary election under the ACP. County Attorney Naylor said that the Clerk and Recorder was allowed jurisdiction regarding local election decisions. Ms. Livengood stated that after serious deliberations and review with the County Attorney she has made the decision that Larry Sanders name will appear on the printed ballot for sheriff under the ACP party in the November election. She remarked that the decision was difficult and may result in some controversy but that she will stand firm on the decision.

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

To fully support the Clerk and Recorders decision in the matter. The motion carried unanimously.

Commissioner Shy said that he recognizes how difficult this decision has been for Ms. Livengood and he thanked her for commitment and fairness in the matter.

Cal Leslie, Campaign Manager for sheriff's candidate, Shannon Byerly said that Mr. Byerly supports the decision and also appreciates Ms. Livengood's dedication to the election process.

Commissioner Butler said that the BOCC would need to make a motion authorizing the transfer of monetary funds from the Capital Improvement Fund to the Airport Fund. He explained that the crack sealing project at the airport property was \$2,187.00 more than anticipated. He said the grant for the crack sealing project was combined with the funding for the segmented circle project and as a result in-kind services were maximized on the segmented circle project and not applicable for the crack sealing project. Commissioner Butler said that with the two projects tied together the grant funding was confusing. In addition a substantial amount of time passed between the two projects and that the guidelines for the grant funding was over-looked. He said that in the future grant projects and funding need to be completed quicker for continuity.

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

To approve the transfer of \$9,487.00 from the Capital Improvement Fund to the Airport Fund to finalize the expenditures on the crack sealing project. Commissioner Attebery abstained from voting. The motion carried.

Commissioner Butler announced that the Silver West Airport will be hosting an open house at the airport on July 26, 2014 and that refreshments will be served from 10 AM to 12 PM.

Commissioner Attebery said he has been in attendance at several meetings with the Wetmore citizens and residents regarding the architectural design revision for the proposed remodeled Wetmore Community Center. He said that the center has been the center of the Wetmore area for seventy five years and that the final result will be a remodeled building that is ADA compliant. He shared the architectural plans with those present. He said there would be anywhere between three to seven funding options and organizations that would be involved in the project and that the community will also host several fund raising events.

Commissioner Attebery remarked that he will be out of the state on vacation from July 24 through August 2, 2014.

Cal Leslie asked for clarification regarding the request of monies from the County Capital Improvement Fund to the Airport Fund to complete the crack sealing project. He said that if the grant requirements for the funding regarding the segmented circle and crack sealing would have been properly reviewed and budgeted, the transfer of \$9,487.00 from the County Capital Fund would not be necessary. The Board agreed.

Deputy Halpin thanked the BOCC for allowing the court to use the Resource Center Annex for the probation alcohol counseling. He said that the counseling will be provided at the facility on a regular basis.

Commissioner Butler asked if there was any more business to discuss. Hearing none he adjourned the meeting at 10:45 AM.

---

Debbie Livengood, Clerk and Recorder  
Attest

---

Allen Butler,  
Chairman