

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, SEPTEMBER 3, 2014**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S BOARDROOM.

Commissioner Kit Shy called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

Roll Call was taken:

Allen Butler	Chairman	Absent
Kit Shy	Vice-Chairman	Present
Lynn Attebery	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Jackie Hobby and Virginia Trujillo.

AGENDA:

Call meeting to order  
Pledge of allegiance  
Roll Call  
Amend agenda  
Audience introduction  
Approval of minutes  
Public Comment  
Commissioner Items  
Executive Session  
Old/New Business  
Planning and Zoning Report – J. Hobby  
Resolution #14-04 Custer County On-Site Wastewater System Regulations  
Treasurer Report – V. Trujillo

Commissioner Attebery said that he has been approached by the Huerfano County Administrator, John Galusha regarding the status of the crack sealing machine previously available for ownership by three counties through the Colorado Department of Transportation Aeronautics Division. Commissioner Attebery told Mr. Galusha that Custer County was no longer following up on the project. Mr. Galusha said that Huerfano County would like to take the lead and become the responsible party on the project.

Commissioner Shy addressed the correspondence the BOCC received from Robert Henderson, Attorney at Law regarding the Upper Arkansas Augmentation Plan-Support Refiling of the Custer Augmentation Plan. He said that he would like to hear an update from our representatives Bill Donley and Bob Senderhauf. The Board asked the Administrative Assistant to place Mr. Donley and Mr. Senderhauf on a future BOCC meeting agenda.

Commissioner Attebery said that Custer County has completed the Community Building Improvement Preliminary and Engineering (CBIPE) project at the Wetmore Community Center. He said that the Department of Local Affairs (DOLA) has requested a correspondence confirming that funding for the DOLA grant has been closed and that no further funding will be expended.

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

To approve and sign the correspondence addressed to DOLA confirming that the grant funding has been closed for the CBIPE project. The motion carried.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The beginning balance on August 1, 2014 was \$4,207,606.46 and the ending balance on August 31, 2014 is \$4,091,351.31.

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

To accept the Treasurer's report for August 2014 as presented. The motion carried.

Ms. Trujillo asked if the BOCC had received any notifications or forms to complete regarding the Payment In Lieu of Taxes (PILT) funding. The Board responded that they have not. Ms. Trujillo will research the status of any PILT funding for Custer County, Colorado.

Jackie Hobby, Planning and Zoning Director met with the BOCC. She asked the Board for guidance regarding the advertising and selling of the available airport ground leases. Commissioner Shy said that it would need to be a public process. Commissioner Attebery agreed and suggested the topic be discussed with the County Attorney. Commissioner Shy said that another option would be to discuss and review the topic with Ryan Pritchett of Armstrong Consulting.

Ms. Hobby presented the Enactment Clause of the Custer County Zoning Resolution for the Boards signatures. The Enactment Clause reads that upon approval and adoption by the Board of County Commissioners of Custer County, a certified copy of this Amended Resolution shall be filed, according to law, in the office of the County Clerk and Recorder of the County of Custer.

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

To sign the Enactment Clause as presented. The motion carried.

Ms. Hobby said she was delayed in preparing Custer County Resolution #14-04. She said that the BOCC acting as the County Board of Health held a Public Hearing on May 30, 2014 regarding the revised Custer County On-Site Wastewater Treatment Systems Regulations. She said that the Regulations were approved following the Public Hearing. Ms. Hobby said that she was presenting the Resolution for the Boards signature.

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

To sign Resolution #14-04 as presented with a caveat that it is retroactive to the date of May 30, 2014 when the On Site Treatment System Regulations were approved. The motion carried.

CUSTER COUNTY RESOLUTION

#14-04

A RESOLUTION OF the Board of County Commissioners of Custer County, Colorado, acting in their capacity as the Custer County Board of Health to adopt the revised Custer County On-Site Wastewater Treatment Systems Regulations; and

WHEREAS, certain amendments to said regulations have been proposed; and

WHEREAS, the Board of County Commissioners held a public hearing on May 30, 2013, after having given notice thereof by publication as required by law; and

WHEREAS, the Board of County Commissioners finds that amendments of said regulations will be in the best

interest of the public health and welfare of the present and future residents, citizens and inhabitants of Custer County.

NOW THEREFORE, be it resolved the Board of County Commissioners as the Custer County Board of Health that the revised Custer County On-Site Wastewater Treatment Systems Regulations be and hereby are adopted.

Adopted this 30<sup>th</sup> day of May, A.D. 2014

Allen Butler, Chairman

Christopher L. (Kit) Shy, Vice Chairman

Lynn Attebery, Commissioner

Debbie Livengood, Clerk and Recorder, Attest

Ms. Hobby met with the Board and the following was discussed:

File: 101-36-352 Sub Division Waiver approved.

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

To approve the Sub Division Waiver request, File 101-36-351 George Angus and Dorothy Thomson, Rambler Lode S#278 SEC 7-22-72. The motion carried

File: 101-31-704 Sub Division Waiver request tabled at this time.

File: 102-36-365 Relief from the Penalty Building Violation Fee agreed upon.

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

To reduce the Building Penalty Violation fee by 50%, File: 102-36-365, Paul and Cheryl Mista, Lot 173 Centennial Ranch. The motion carried.

File: 100-33-589 OWTS Violation – resolved

File: 100-87-402 Septic Violation notification issued.

File: 100-90-654 Zoning Violation notification issued.

File: 101-90-652 Septic Violation notification issued.

File 100-41-358 Building Violation notification issued.

Commissioner Shy suggested that Ms. Hobby contact the Colorado Department of Transportation (CDOT) regarding the placement of notification signage on four sides of the county “zoning regulations enforced”.

Commissioner Shy asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 7:25 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Christopher L. (Kit) Shy,  
Vice-Chairman