

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, OCTOBER 2, 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

No citizens were present.

**AGENDA**

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes:
- Audience introduction
- Public Comment
- County Attorney
- Resolution Re: Fire Restrictions
- Old/New Business
- Preliminary County Budget 2013 – J. Piquette, Finance Officer
- Airport Authority
- Treasurer
- Planning and Zoning
- Office of Emergency Management Director Power Point Presentation

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

To accept the posted agenda. To amend the agenda and reschedule the Treasurer Report. 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 discussed the following:

- TV Tower repeaters and translators are in the process.
- Emergency Management Program Grant for 2013 was reviewed.
- Courthouse Security Grant for 2013 was reviewed.
- Engineered Septic Leach Field at 1429 CR 130 remains a dispute between the two engineers involved.

John Naylor, County Attorney said that in accordance with the Ordinance 2002-1, the BOCC was required to pass a Resolution following the implementation of a fire ban and the lifting of a fire ban. The Sheriff of Custer County is designated by statute to be the Fire Warden for the County. The Fire Warden will notify the Board of County Commissioners of any changes or decisions in the fire restrictions followed by a written notification to the BOCC office. The Deputy Clerk to the BOCC will maintain a separate file of all the written notifications received in the commissioner's office regarding fire restrictions. The commissioners will adopt a resolution ratifying the Fire Warden's decision at the next regular or special meeting of the BOCC. Mr. Naylor recommended that the current resolution format ratifying the enforcement or lifting of fire restrictions be revised and simplified. He suggested that the contents of the resolution include the date the Fire Warden imposed the change, the date the BOCC ratified the change and reference the requirements of Ordinance 2002-1.

John Piquette, County Finance Officer presented the 2013 preliminary county budget to the BOCC. He said that the individual county department budget hearings were scheduled for October 9, 10, and 11, 2012. He reported that the preliminary county budget submitted for 2013 reveals expenditures of \$5,813,000.00 with an income of \$5,566,000.00. The budget projection will need to be reduced by approximately \$247,000.00 to balance. The 2013 balanced budget is scheduled for adoption at the December 4, 2012 BOCC meeting. Mr. Piquette said that the preliminary budgets submitted by the departments did not reflect any pay increases for the county employees.

Dale Mullen and Bob Jolley, Airport Authority Board (AAB) met with the BOCC and presented the Custer County Silver West Airport 2012 Aviation Fuel System and Sales Analysis and the 2012 Operations Analysis- Budget vs. Actual Report. Mr. Mullen reviewed the agenda items from the AAB meeting of September 20, 2012. He reported that the AAB is deferring the runway/taxiway/transient parking asphalt maintenance project until next year and that it is reflected in the 2013 proposed budget. He said that fuel sales have increased at the airport and that additional fuel may need to be ordered in November instead of December 2012. Mr. Mullen said that the AAB 2013 financial plan was submitted to the finance officer and that the Board would be in attendance for the AAB budget hearing scheduled on October 10, 2012.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:25 AM.

Jackie Hobby, Planning and Zoning Director met with the BOCC and the following was discussed:

- File: 102-36-310 Engineered Septic System Violation – pending
- File: 101-95-850 Ground Water Violation – resolved
- File: 100-92-450 Permit Violation – property owner notified
- File: 100-17-901 Permit Violation – property owner notified
- File: 101-09-951 Permit Violation – property owner notified
- Blumenau HOA request P&Z require a letter for all the structures being built in the area.
- Ithaka Subdivision name change and replat – approved
- Oil and Gas Regulations will be kept separate from the Zoning Regulations – approved

Vic Barnes and Bob Tobin joined the meeting.

Ms. Hobby expressed concern regarding the Special Event Permit (SEP) for the Bike with Pike event held on September 8, 2012. She said that the SEP application was submitted to the Planning and Zoning office two days prior to the event. She further said that the application was incomplete and required proof of insurance, the SEP fee, and the BOCC approved signature. Ms. Hobby said that for all practical purposes the permit should have been denied and that technically the event was held without the approval and authorization of a special events permit.

Vic Barnes, Planning Commissioner Chairman stated that the SEP requirements are part of the County Zoning Regulations. He said that the Planning and Zoning office has specific guidelines and requirements regarding a SEP and that those regulations were not followed. SEP applications are required to be filed sixty days prior to an event to allow the P&Z office adequate time to review the application, notify the adjoining property owners, confirm the insurance coverage and process the application. He said that in this particular case the sixty day time period was waived to thirty days. He stated that an incomplete application submitted two days prior to the event was unacceptable. John Naylor, County Attorney remarked that not having an approved SEP was a violation of the Zoning Regulations and therefore the event should not have been held. He said under the circumstances the Sheriff's Office could have shut the event down. Bob Tobin representing the Bike with Pike Event presented a copy of the certificate of liability for the event. He said that the BOCC has waived the SEP fee in the past and that he assumed there would not be a fee in 2012. Commissioner Austin said he may have mistakenly led Mr. Tobin to believe that no fee was necessary. Mr. Tobin said that the event is an annual charity bicycle ride that involves review and approval of multiple entities and that caused a delay in the application submission and he was satisfied that the application was submitted prior to the event. Ms. Hobby reminded Mr. Tobin that the application submitted was incomplete. Mr. Naylor said that regardless of the situation, the event was held and is now over. He proposed enforcing the penalty fee violation of three times the permit fee. Commissioner Butler agreed and said that the BOCC has an opportunity to reduce the \$100 application fee if the request is brought before the Board for approval prior to the event. Commissioner Attebery agreed and said in this case he supported a penalty fee. Commissioner Austin did not support a penalty fee.

Mr. Tobin expressed concern that the local KWMV radio station would like to support the BOCC meetings but has not received any agendas as previously requested for several months. The administrative assistant will research the e-mail addresses on the agenda distribution list. Mr. Tobin commented that he was embarrassed and concerned that the BOCC did not attend or participate in the Rural Philanthropy Days Workshop held in Salida, CO. on September 26 through 28, 2012.

The BOCC recessed at 11:20 AM.

The BOCC reconvened at 11:35 AM.

Christe Feldmann, Office of Emergency Management (OEM) Director gave a power point presentation outlining the functions and responsibilities of the OEM Director and the Emergency Management Program in Custer County. She said that under CRS 24-32-2107 local government is responsible and required to mitigate risk and provide safety to the citizens and the community. Ms. Feldman summarized the following: SRAH, SECRETAC, SRCC, UAACOG, MAC, ESF1, CERT, VIPS, MRC, and her role as a Public Informational Official (PIO). She said that she is involved with the county preparedness training exercises and public education on wildfires and other potential disasters in the community. Ms. Feldman presented the 2013 goals of the OEM Director. John Piquette inquired on the county reimbursement for the Emergency Management Program. Ms. Feldman said the county was originally reimbursed 100% and was lowered to 75% and has been reimbursed at 50% for the past several years. He asked if the 50% reimbursement was applicable for 2013 and Ms. Feldman responded that she believed it was. Commissioner Austin asked for confirmation of her certification level. Ms. Feldmann responded she was certified as a Type 3 PIO, Liaison and Advanced Professional Emergency Management Director. She said that in the five years that she has been the OEM Director, the Emergency Management Program has brought \$1,642,591.77 into Custer County. Commissioner Austin thanked Ms. Feldmann for her support and said that equated to approximately \$300,000.00 a year for the past five years and that was a good investment for the county.

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

To recess from the regular meeting until the Joint Session with the Planning Commission at 1 PM. The motion carried unanimously.

The BOCC recessed from the Boardroom at 12:15 PM

The BOCC reconvened in the Courtroom for the Joint Session with the Planning Commission at 1:46 PM.

The Planning Commission discussed the Special Use Permit submitted by Custer 2020 dba Club America that would allow various athletic sporting events at the Club America Facility. No decisions were made.

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

To adjourn the Joint Session with the Planning Commission. The motion carried unanimously.

The meeting was adjourned at 2:45 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman